

By: Representative Karriem

To: Judiciary B

HOUSE BILL NO. 826

1 AN ACT TO AMEND SECTIONS 73-77-1, 73-77-3, 73-77-5, 73-77-7
2 AND 73-77-9, MISSISSIPPI CODE OF 1972, TO REVISE THE FRESH START
3 ACT; TO PROVIDE THAT THE FRESH START ACT SHALL SUPERSEDE ANY OTHER
4 PROVISION OF LAW TO THE CONTRARY; TO MAKE TECHNICAL,
5 NONSUBSTANTIVE CHANGES; TO AMEND SECTIONS 19-5-353, 45-4-9,
6 45-6-11, 73-1-13, 73-3-339, 73-9-61, 73-11-57, 73-14-35, 73-15-29,
7 73-19-23, 73-21-97, 73-25-29, 73-25-101, 73-27-13, 73-29-13,
8 73-29-31, 73-31-21, 73-34-109, 73-39-77, 73-42-9, 73-42-11,
9 73-53-8, 73-55-19, 73-65-13, 73-71-33, 73-73-7, 73-75-19,
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11 21-27-151, 27-109-5, 37-3-2, 41-29-303, 51-5-3, 67-3-19, 73-2-7,
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22 37-29-232, 73-3-41, 73-4-25, 73-5-25, 73-6-19, 73-7-27, 73-17-15,
23 73-23-59, 73-30-21, 73-35-21, 73-38-27, 73-53-17, 73-60-31,
24 73-67-27, 73-75-13, 75-15-9, 75-60-19, 75-76-137, 77-8-25,
25 83-1-191, 83-17-71, 83-17-421, 83-17-519, 83-21-19, 83-49-11 AND
26 97-33-315, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PROVISIONS
27 OF THIS ACT; TO BRING FORWARD SECTION 73-15-201, MISSISSIPPI CODE
28 OF 1972, FOR THE PURPOSE OF POSSIBLE AMENDMENT; AND FOR RELATED
29 PURPOSES.

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



31 **SECTION 1.** Section 73-77-1, Mississippi Code of 1972, is
32 amended as follows:

33 73-77-1. This chapter shall be known and may be cited as the
34 "Fresh Start Act * * *."

35 **SECTION 2.** Section 73-77-3, Mississippi Code of 1972, is
36 amended as follows:

37 73-77-3. **Definitions.** As used in this chapter, the
38 following words and phrases shall have the meanings as defined in
39 this section unless the context clearly indicates otherwise:

40 (a) "Criminal record" * * * means any type of felony or
41 misdemeanor conviction.

42 (b) "Licensing" * * * means any required training,
43 education * * * or fee to work in a specific profession.

44 (c) "Licensing authority" * * * means an agency,
45 examining board, credentialing board * * * or other * * * entity
46 with the authority to impose occupational fees or licensing
47 requirements on * * * a profession.

48 **SECTION 3.** Section 73-77-5, Mississippi Code of 1972, is
49 amended as follows:

50 73-77-5. * * * Notwithstanding any other provision of law to
51 the contrary, no person shall be disqualified from pursuing,
52 practicing * * * or engaging in any occupation for which a license
53 is required solely or in part because of a prior conviction of a
54 crime, unless the crime for which * * * the person was convicted



55 directly relates to the duties and responsibilities for the
56 licensed occupation. * * *

57 **SECTION 4.** Section 73-77-7, Mississippi Code of 1972, is
58 amended as follows:

59 73-77-7. (1) * * * Notwithstanding any other provision of
60 law to the contrary, licensing authorities shall not * * * use
61 vague or generic terms including, but not limited to, "moral
62 turpitude," "any felony," and "good character * * *" when
63 promulgating rules and regulations related to the qualifications
64 for licensure. * * * Notwithstanding any other provision of law
65 to the contrary, when promulgating rules and regulations related
66 to the qualifications for licensure, licensing authorities * * *
67 shall only consider criminal records that are specific and
68 directly related to the duties and responsibilities * * * of the
69 licensed occupation * * *.

70 (2) Notwithstanding any other provision of law to the
71 contrary, the licensing authority shall * * * apply the clear and
72 convincing standard of proof * * * when examining the following
73 factors to determine whether * * * a person with a * * * criminal
74 record will be disqualified from receiving a license:

75 (a) The nature and seriousness of the crime for which
76 the * * * person was convicted;

77 (b) The passage of time since the * * * crime was
78 committed;



79 (c) The relationship of the crime to the ability,
80 capacity * * * and fitness required to perform the duties and
81 discharge the responsibilities of the licensed occupation; and

82 (d) Any evidence of rehabilitation or treatment
83 undertaken by the individual that might mitigate against a direct
84 relation.

85 (3) All licensing authorities shall meet the requirements
86 listed in subsection (1) * * * one hundred twenty (120) days after
87 July 1, * * * 2023.

88 (4) * * * The requirements listed in subsections (1) and (2)
89 shall also apply to any new occupational licenses created after
90 July 1, * * * 2023.

91 * * *

92 **SECTION 5.** Section 73-77-9, Mississippi Code of 1972, is
93 amended as follows:

94 73-77-9. (1) * * * Notwithstanding any other provision of
95 law to the contrary, * * * a person with a criminal record may
96 petition a licensing authority at any time for a determination of
97 whether the * * * person's criminal record will disqualify * * *
98 that person from obtaining a license. This petition shall include
99 details on the * * * person's criminal record. The licensing
100 authority shall inform the individual of his or her standing
101 within thirty (30) days of receiving the petition from the * * *
102 person. The licensing authority may charge a fee * * * not to
103 exceed Twenty-five Dollars (\$25.00) for each petition.



104 (2) If a licensing authority * * * disqualifies a person
105 from receiving a license solely or in part because of the * * *
106 person's * * * criminal record, the licensing authority shall
107 notify the * * * person in writing of the following:

108 (a) The grounds and reasons for * * * disqualification;

109 (b) That the * * * person has the right to a hearing to
110 challenge the licensing authority's decision;

111 (c) The earliest date the person may reapply for a
112 license; and

113 (d) That evidence of rehabilitation may be considered
114 upon reapplication.

115 (3) If * * * a person's criminal * * * record * * *
116 disqualifies a person from receiving a license and the licensing
117 authority determines that the criminal record is directly related
118 to the duties and responsibilities of the licensed occupation, the
119 licensing authority must document its findings in writing
120 sufficient for a reviewing court.

121 (4) In any administrative hearing or civil litigation
122 authorized under this section, the licensing authority shall carry
123 the burden of proof on the question of whether the * * * person's
124 criminal * * * record directly relates to the * * * duties and
125 responsibilities of the licensed occupation.

126 (5) The licensing authority shall * * * promulgate the
127 necessary rules and regulations * * * to implement the provisions
128 of this section.



129 (6) The provisions of * * * the Fresh Start Act shall
130 supersede any other provision of law to the contrary.

131 **SECTION 6.** Section 19-5-353, Mississippi Code of 1972, is
132 amended as follows:

133 19-5-353. (1) The initial minimum standard of training for
134 local public safety and 911 telecommunicators shall be determined
135 by the Board of Emergency Telecommunications Standards and
136 Training. All courses approved for minimum standards shall be
137 taught by instructors certified by the course originator as
138 instructors for such courses.

139 (2) The minimum standards may be changed at any time by the
140 Board of Emergency Telecommunications Standards and Training, but
141 shall always include at least two (2) hours of training related to
142 handling complaints and/or calls of human trafficking and
143 commercial sexual exploitation of children as defined in Section
144 43-21-105, communicating with such victims and requiring the local
145 public safety and 911 telecommunicators to contact the Department
146 of Child Protection Services when human trafficking or commercial
147 sexual exploitation is suspected.

148 (3) Changes in the minimum standards may be made upon
149 request from any bona fide public safety, emergency medical or
150 fire organization operating within the State of Mississippi.
151 Requests for change shall be in writing submitted to either the
152 State Law Enforcement Training Academy; the State Fire Academy;
153 the Mississippi Chapter of the Associated Public Safety



154 Communications Officers, Incorporated; the Mississippi Chapter of
155 the National Emergency Number Association; the Mississippi State
156 Board of Health, Emergency Medical Services Division; the
157 Mississippi Justice Information Center; the Mississippi Sheriff's
158 Association; the Mississippi Fire Chief's Association; the
159 Mississippi Association of Chiefs of Police; or Mississippians for
160 Emergency Medical Services.

161 (4) The minimum standards in no way are intended to restrict
162 or limit any additional training which any department or agency
163 may wish to employ, or any state or federal required training, but
164 to serve as a basis or foundation for basic training.

165 (5) Persons in the employment of any public safety, fire,
166 911 PSAP or emergency medical agency as a telecommunicator on July
167 1, 1993, shall have three (3) years to be certified in the minimum
168 standards courses provided they have been employed by such agency
169 for a period of more than one (1) year prior to July 1, 1993.

170 (6) Persons having been employed by any public safety, fire,
171 911 PSAP or emergency medical agency as a telecommunicator for
172 less than one (1) year prior to July 1, 1993, shall be required to
173 have completed all the requirements for minimum training
174 standards, as set forth in Sections 19-5-351 through 19-5-361,
175 within one (1) year from July 1, 1993. Persons certified on or
176 before July 1, 1993, in any course or courses chosen shall be
177 given credit for these courses, provided the courses are still



178 current and such persons can provide a course completion
179 certificate.

180 (7) Any person hired to perform the duties of a
181 telecommunicator in any public safety, fire, 911 PSAP or emergency
182 medical agency after July 1, 1993, shall complete the minimum
183 training standards as set forth in Sections 19-5-351 through
184 19-5-361 within twelve (12) months of their employment or within
185 twelve (12) months from the date that the Board of Emergency
186 Telecommunications Standards and Training shall become
187 operational.

188 (8) Professional certificates remain the property of the
189 board, and the board reserves the right to either reprimand the
190 holder of a certificate, suspend a certificate upon conditions
191 imposed by the board, or cancel and recall any certificate when:

192 (a) The certificate was issued by administrative error;

193 (b) The certificate was obtained through
194 misrepresentation or fraud;

195 * * *

196 (* * *c) The holder has been convicted of a * * *
197 disqualifying crime as provided in the Fresh Start Act; or

198 (* * *d) Other due cause as determined by the board.

199 When the board believes there is a reasonable basis for
200 either the reprimand, suspension, cancellation of, or recalling
201 the certification of a telecommunicator, notice and opportunity
202 for a hearing shall be provided. Any telecommunicator aggrieved



203 by the findings and order of the board may file an appeal with the
204 chancery court of the county in which such person is employed from
205 the final order of the board. Any telecommunicator whose
206 certification has been cancelled pursuant to Sections 19-5-351
207 through 19-5-361 may reapply for certification but not sooner than
208 two (2) years after the date on which the order of the board
209 canceling such certification became final.

210 (9) Any state agency, political subdivision or "for-profit"
211 ambulance, security or fire service company that employs a person
212 as a telecommunicator who does not meet the requirements of
213 Sections 19-5-351 through 19-5-361, or that employs a person whose
214 certificate has been suspended or revoked under provisions of
215 Sections 19-5-351 through 19-5-361, is prohibited from paying the
216 salary of such person, and any person violating this subsection
217 shall be personally liable for making such payment.

218 (10) These minimum standards and time limitations shall in
219 no way conflict with other state and federal training as may be
220 required to comply with established laws or regulations.

221 **SECTION 7.** Section 45-4-9, Mississippi Code of 1972, is
222 amended as follows:

223 45-4-9. (1) (a) After January 1, 2000, no person shall be
224 appointed or employed as a jail officer or a part-time jail
225 officer unless that person has been certified as being qualified
226 under subsection (3) of this section.



227 (b) No person who is required to be certified shall be
228 appointed or employed as a jail officer by any sheriff or police
229 department for a period to exceed two (2) years without being
230 certified. The prohibition against the appointment or employment
231 of a jail officer for a period not to exceed two (2) years may not
232 be nullified by terminating the appointment or employment of such
233 a person before the expiration of the time period and then
234 rehiring the person for another period. Any person who, due to
235 illness or other events beyond his control, as may be determined
236 by the Board on Jail Officer Standards and Training, does not
237 attend the required school or training as scheduled, may serve
238 with full pay and benefits in such a capacity until he can attend
239 the required school or training.

240 (c) No person shall serve as a jail officer in any
241 full-, part-time, reserve or auxiliary capacity during a period
242 when that person's certification has been suspended, cancelled or
243 recalled pursuant to this chapter.

244 (2) Jail officers serving under permanent appointment on
245 January 1, 2000, shall not be required to meet certification
246 requirements of this section as a condition of continued
247 employment; nor shall failure of any such jail officer to fulfill
248 such requirements make that person ineligible for any promotional
249 examination for which that person is otherwise eligible. If any
250 jail officer certified under this chapter leaves his employment
251 and does not become employed as a jail officer within two (2)



252 years from the date of termination of his prior employment, he
253 shall be required to comply with board policy as to rehiring
254 standards in order to be employed as a jail officer.

255 (3) In addition to the other requirements of this section,
256 the Board on Jail Officer Standards and Training, by rules and
257 regulations consistent with other provisions of law, shall fix
258 other qualifications for the employment of jail officers,
259 including education, physical and mental standards,
260 citizenship, * * * experience and such other matters as relate to
261 the competence and reliability of persons to assume and discharge
262 the responsibilities of jail officers, and the board shall
263 prescribe the means for presenting evidence of fulfillment of
264 these requirements. Additionally, the board shall fix
265 qualifications for the appointment or employment of part-time jail
266 officers to essentially the same standards and requirements as
267 jail officers. The board shall develop and implement a part-time
268 jail officer training program that meets the same performance
269 objectives and has essentially the same or similar content as the
270 programs approved by the board for full-time jail officers.

271 (4) (a) The Board on Jail Officer Standards and Training
272 shall issue a certificate evidencing satisfaction of the
273 requirements of subsections (1) and (3) of this section to any
274 applicant who presents such evidence as may be required by its
275 rules and regulations of satisfactory completion of a program or
276 course of instruction in another jurisdiction equivalent in



277 content and quality to that required by the board for approved
278 jail officer education and training programs in this state.

279 (b) The Board on Jail Officer Standards and Training
280 shall issue a certificate to any person who successfully completes
281 the Mississippi Department of Corrections' training program for
282 correctional officers of regional jails.

283 (c) The Board on Jail Officer Standards and Training
284 shall develop and train persons seeking certification as a
285 correctional officer in the prevention of racial profiling. The
286 provisions of this paragraph shall apply to all recruits who begin
287 training on or after January 1, 2005.

288 (5) Professional certificates remain the property of the
289 board, and the board reserves the right to either reprimand the
290 holder of a certificate, suspend a certificate upon conditions
291 imposed by the board, or cancel and recall any certificate when:

292 (a) The certificate was issued by administrative error;

293 (b) The certificate was obtained through
294 misrepresentation or fraud;

295 * * *

296 (* * *c) The holder has been convicted of a * * *
297 disqualifying crime as provided in the Fresh Start Act; or

298 (* * *d) Other due cause as determined by the board.

299 (6) When the board believes there is a reasonable basis for
300 either the reprimand, suspension, cancellation of, or recalling
301 the certification of a jail officer, notice and opportunity for a



302 hearing shall be provided in accordance with law prior to such
303 reprimand, suspension or revocation.

304 (7) Any jail officer aggrieved by the final findings and
305 order of the board may file an appeal with the chancery court of
306 the county in which the person is employed. The appeal must be
307 filed within thirty (30) days of the final order.

308 (8) Any jail officer whose certification has been cancelled
309 may reapply for certification, but not sooner than two (2) years
310 after the date on which the order canceling the certification
311 becomes final.

312 **SECTION 8.** Section 45-6-11, Mississippi Code of 1972, is
313 amended as follows:

314 45-6-11. (1) Law enforcement officers already serving under
315 permanent appointment on July 1, 1981, and personnel of the
316 Division of Community Services under Section 47-7-9, Mississippi
317 Code of 1972, serving on July 1, 1994, shall not be required to
318 meet any requirement of subsections (3) and (4) of this section as
319 a condition of continued employment; nor shall failure of any such
320 law enforcement officer to fulfill such requirements make that
321 person ineligible for any promotional examination for which that
322 person is otherwise eligible. Provided, however, if any law
323 enforcement officer certified under the provisions of this chapter
324 leaves his employment as such and does not become employed as a
325 law enforcement officer within two (2) years from the date of
326 termination of his prior employment, he shall be required to



327 comply with board policy as to rehiring standards in order to be
328 employed as a law enforcement officer; except, that, if any law
329 enforcement officer certified under this chapter leaves his
330 employment as such to serve as a sheriff, he may be employed as a
331 law enforcement officer after he has completed his service as a
332 sheriff without being required to comply with board policy as to
333 rehiring standards. Part-time law enforcement officers serving on
334 or before July 1, 1998, shall have until July 1, 2001, to obtain
335 certification as a part-time officer.

336 (2) (a) Any person who has twenty (20) years of law
337 enforcement experience and who is eligible to be certified under
338 this section shall be eligible for recertification after leaving
339 law enforcement on the same basis as someone who has taken the
340 basic training course. Application to the board to qualify under
341 this paragraph shall be made no later than June 30, 1993.

342 (b) Any person who has twenty-five (25) years of law
343 enforcement experience, whether as a part-time, full-time, reserve
344 or auxiliary officer, and who has received certification as a
345 part-time officer, may be certified as a law enforcement officer
346 as defined in Section 45-6-3(c) without having to meet further
347 requirements. Application to the board to qualify under this
348 paragraph shall be made no later than June 30, 2009.

349 (3) (a) No person shall be appointed or employed as a law
350 enforcement officer or a part-time law enforcement officer unless



351 that person has been certified as being qualified under the
352 provisions of subsection (4) of this section.

353 (b) No person shall be appointed or employed as a law
354 enforcement trainee in a full-time capacity by any law enforcement
355 unit for a period to exceed one (1) year. No person shall be
356 appointed or employed as a law enforcement trainee in a part-time,
357 reserve or auxiliary capacity by any law enforcement unit for a
358 period to exceed two (2) years. The prohibition against the
359 appointment or employment of a law enforcement trainee in a
360 full-time capacity for a period not to exceed one (1) year or a
361 part-time, reserve or auxiliary capacity for a period not to
362 exceed two (2) years may not be nullified by terminating the
363 appointment or employment of such a person before the expiration
364 of the time period and then rehiring the person for another
365 period. Any person, who, due to illness or other events beyond
366 his control, could not attend the required school or training as
367 scheduled, may serve with full pay and benefits in such a capacity
368 until he can attend the required school or training.

369 (c) No person shall serve as a law enforcement officer
370 in any full-time, part-time, reserve or auxiliary capacity during
371 a period when that person's certification has been suspended,
372 cancelled or recalled pursuant to the provisions of this chapter.

373 (4) In addition to the requirements of subsections (3), (7)
374 and (8) of this section, the board, by rules and regulations
375 consistent with other provisions of law, shall fix other



376 qualifications for the employment of law enforcement officers,
377 including minimum age, education, physical and mental standards,
378 citizenship, * * * experience and such other matters as relate to
379 the competence and reliability of persons to assume and discharge
380 the responsibilities of law enforcement officers, and the board
381 shall prescribe the means for presenting evidence of fulfillment
382 of these requirements. Additionally, the board shall fix
383 qualifications for the appointment or employment of part-time law
384 enforcement officers to essentially the same standards and
385 requirements as law enforcement officers. The board shall develop
386 and implement a part-time law enforcement officer training program
387 that meets the same performance objectives and has essentially the
388 same or similar content as the programs approved by the board for
389 full-time law enforcement officers and the board shall provide
390 that such training shall be available locally and held at times
391 convenient to the persons required to receive such training.

392 (5) Any elected sheriff, constable, deputy or chief of
393 police may apply for certification. Such certification shall be
394 granted at the request of the elected official after providing
395 evidence of satisfaction of the requirements of subsections (3)
396 and (4) of this section. Certification granted to such elected
397 officials shall be granted under the same standards and conditions
398 as established by law enforcement officers and shall be subject to
399 recall as in subsection (7) of this section.



400 (6) The board shall issue a certificate evidencing
401 satisfaction of the requirements of subsections (3) and (4) of
402 this section to any applicant who presents such evidence as may be
403 required by its rules and regulations of satisfactory completion
404 of a program or course of instruction in another jurisdiction or
405 military training equivalent in content and quality to that
406 required by the board for approved law enforcement officer
407 education and training programs in this state, and has
408 satisfactorily passed any and all diagnostic testing and
409 evaluation as required by the board to ensure competency.

410 (7) Professional certificates remain the property of the
411 board, and the board reserves the right to either reprimand the
412 holder of a certificate, suspend a certificate upon conditions
413 imposed by the board, or cancel and recall any certificate when:

414 (a) The certificate was issued by administrative error;

415 (b) The certificate was obtained through
416 misrepresentation or fraud;

417 * * *

418 (* * *c) The holder has been convicted of a * * *
419 disqualifying crime as provided in the Fresh Start Act;

420 (* * *d) The holder has committed an act of
421 malfeasance or has been dismissed from his employing law
422 enforcement agency; or

423 (* * *e) Other due cause as determined by the board.



424 (8) When the board believes there is a reasonable basis for
425 either the reprimand, suspension, cancellation of, or recalling
426 the certification of a law enforcement officer or a part-time law
427 enforcement officer, notice and opportunity for a hearing shall be
428 provided in accordance with law prior to such reprimand,
429 suspension or revocation.

430 (9) Any full- or part-time law enforcement officer aggrieved
431 by the findings and order of the board may file an appeal with the
432 chancery court of the county in which such person is employed from
433 the final order of the board. Such appeals must be filed within
434 thirty (30) days of the final order of the board.

435 (10) Any full- or part-time law enforcement officer whose
436 certification has been cancelled pursuant to this chapter may
437 reapply for certification, but not sooner than two (2) years after
438 the date on which the order of the board cancelling such
439 certification becomes final.

440 **SECTION 9.** Section 73-1-13, Mississippi Code of 1972, is
441 amended as follows:

442 73-1-13. (1) The board shall adopt rules and regulations
443 for the eligibility, examination and registration of applicants
444 desiring to practice architecture in accordance with this chapter
445 and may amend, modify or repeal such rules and regulations.

446 The board shall receive applications for registration as an
447 architect only on forms prescribed and furnished by the board and



448 upon receipt of such application may approve such applicant,
449 providing such applicant meets the following requirements:

450 (a) The applicant must have a professional degree in
451 architecture from a school or college of architecture on the list
452 of accredited schools of architecture issued by the National
453 Architectural Accrediting Board;

454 (b) The applicant must have been enrolled for a minimum
455 of one (1) year in, and have completed all requirements of, a
456 practical work internship program patterned after the National
457 Council of Architectural Registration Boards intern-architect
458 development program that will be prepared, adopted and approved by
459 the board and must have received from the board a certification by
460 the board that the applicant has met or exceeded the work
461 requirements of the board. The internship work program shall
462 include, but not be limited to, the following subjects:

- 463 (i) Design and construction documents;
464 (ii) Construction administration;
465 (iii) Office management; and
466 (iv) Related special activities.

467 (c) The applicant must have passed the applicable
468 National Council of Architectural Registration Board's
469 examination;

470 (d) The applicant must have satisfied the board as to
471 the applicant's good standing in the profession * * *. Any of the



472 following acts shall preclude an applicant's eligibility as a
473 candidate for registration:

474 (i) Conviction by any court for commission of
475 any * * * disqualifying crime as provided in the Fresh Start Act;

476 (ii) Conviction by any court of a misdemeanor
477 involving fraud, deceit or misrepresentation;

478 (iii) Misstatement or misrepresentation of fact by
479 the applicant in connection with the applicant's application for
480 registration in this state or another jurisdiction;

481 (iv) Violation of any of the rules of conduct
482 required of applicants or architects as adopted by board;

483 (v) Practicing architecture, or holding himself
484 out as capable of practicing architecture, in this state in
485 violation of the chapter.

486 The board may admit an applicant otherwise precluded from
487 consideration because of the prohibitions imposed in this
488 paragraph (d) if the board determines that the applicant has shown
489 clear and convincing evidence of rehabilitation and reform. Such
490 decision is in the sole discretion of the board and upon such
491 terms, conditions and evidence as the board may require.

492 Additionally, notwithstanding the provisions of paragraph (b)
493 of this subsection, if the applicant can provide sufficient and
494 satisfactory evidence that he is unable to obtain the
495 intern-architect development program certification, the board may
496 accept in lieu thereof certification by the applicant that he has



497 completed not less than three (3) continuous years of actual
498 engagement in architectural work in the office or offices of a
499 licensed architect or architects. Such certification shall be on
500 such terms, conditions and requirements as the board may
501 establish.

502 (2) The board may require that the applicant appear before
503 the board for a personal interview.

504 **SECTION 10.** Section 73-3-339, Mississippi Code of 1972, is
505 amended as follows:

506 73-3-339. Whenever any attorney subject to the disciplinary
507 jurisdiction of the court shall be convicted in any state court or
508 in any federal court, or enter a plea of guilty or a plea of nolo
509 contendere therein, of any * * * disqualifying crime as provided
510 in the Fresh Start Act or any violation of the United States
511 Internal Revenue Code, or of any offense involving fraud,
512 dishonesty, misrepresentation, deceit, or failure to account for
513 money or property of a client, * * * a certified copy of the
514 judgment of conviction shall be presented to the court by the
515 Board of Commissioners. Upon the presentation of such certified
516 copy of judgment, the court shall forthwith strike the name of the
517 attorney so convicted or who entered such a plea from the rolls of
518 The Mississippi Bar and order his immediate suspension from
519 practice, pending an appeal and final disposition of disciplinary
520 proceedings. Such attorney will be reinstated immediately upon
521 the reversal of his conviction for the offense that has resulted



522 in his automatic suspension, but such reinstatement shall not
523 terminate any disciplinary proceeding then pending against the
524 attorney.

525 A certified copy of the final judgment of conviction of an
526 attorney for any offense hereinabove specified shall be conclusive
527 evidence of his guilt of that offense in any disciplinary
528 proceeding instituted against him and based on said conviction.

529 Upon the conviction of an attorney, or the entry by him of a
530 plea of nolo contendere, for the above offenses, excluding
531 manslaughter or any violation of the United States Internal
532 Revenue Code, the Board of Commissioners shall immediately direct
533 complaint counsel to institute a disciplinary proceeding in which
534 the sole issue to be determined will be the extent of the final
535 discipline to be imposed; provided, however, a disciplinary
536 proceeding so instituted shall not be brought to hearing until all
537 appeals from such conviction have been concluded.

538 The judge of any court within this state in which an attorney
539 has been convicted for any of the above enumerated offenses shall
540 cause to be transmitted to the court and to the Board of
541 Commissioners a certified copy of the judgment of conviction.

542 **SECTION 11.** Section 73-9-61, Mississippi Code of 1972, is
543 amended as follows:

544 73-9-61. (1) Upon satisfactory proof, and in accordance
545 with statutory provisions elsewhere set out for such hearings and
546 protecting the rights of the accused as well as the public, the



547 State Board of Dental Examiners may deny the issuance or renewal
548 of a license or may revoke or suspend the license of any licensed
549 dentist or dental hygienist practicing in the State of
550 Mississippi, or take any other action in relation to the license
551 as the board may deem proper under the circumstances, for any of
552 the following reasons:

553 (a) Misrepresentation in obtaining a license, or
554 attempting to obtain, obtaining, attempting to renew or renewing a
555 license or professional credential by making any material
556 misrepresentation, including the signing in his or her
557 professional capacity any certificate that is known to be false at
558 the time he or she makes or signs the certificate.

559 (b) Willful violation of any of the rules or
560 regulations duly promulgated by the board, or of any of the rules
561 or regulations duly promulgated by the appropriate dental
562 licensure agency of another state or jurisdiction.

563 (c) Being impaired in the ability to practice dentistry
564 or dental hygiene with reasonable skill and safety to patients by
565 reason of illness or use of alcohol, drugs, narcotics, chemicals,
566 or any other type of material or as a result of any mental or
567 physical condition.

568 (d) Administering, dispensing or prescribing any
569 prescriptive medication or drug outside the course of legitimate
570 professional dental practice.



571 (e) Being convicted or found guilty of or entering a
572 plea of nolo contendere to, regardless of adjudication, a
573 violation of any federal or state law regulating the possession,
574 distribution or use of any narcotic drug or any drug considered a
575 controlled substance under state or federal law, a certified copy
576 of the conviction order or judgment rendered by the trial court
577 being prima facie evidence thereof, notwithstanding the pendency
578 of any appeal.

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

581 (g) Being convicted or found guilty of or entering a
582 plea of nolo contendere to, regardless of adjudication, a crime in
583 any jurisdiction that relates to the practice of dentistry or
584 dental hygiene, a certified copy of the conviction order or
585 judgment rendered by the trial court being prima facie evidence
586 thereof, notwithstanding the pendency of any appeal.

587 (h) Being convicted or found guilty of or entering a
588 plea of nolo contendere to * * * a disqualifying crime as provided
589 in the Fresh Start Act in any jurisdiction, a certified copy of
590 the conviction order or judgment rendered by the trial court being
591 prima facie evidence thereof, notwithstanding the pendency of any
592 appeal.

593 (i) Delegating professional responsibilities to a
594 person who is not qualified by training, experience or licensure
595 to perform them.



596 (j) The refusal of a licensing authority of another
597 state or jurisdiction to issue or renew a license, permit or
598 certificate to practice dentistry or dental hygiene in that
599 jurisdiction or the revocation, suspension or other restriction
600 imposed on a license, permit or certificate issued by the
601 licensing authority that prevents or restricts practice in that
602 jurisdiction, a certified copy of the disciplinary order or action
603 taken by the other state or jurisdiction being prima facie
604 evidence thereof, notwithstanding the pendency of any appeal.

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

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

612 * * *

613 (* * *i) Practicing deceit or other fraud upon
614 the public.

615 (* * *ii) Practicing dentistry or dental hygiene
616 under a false or assumed name.

617 (* * *iii) Advertising that is false, deceptive
618 or misleading.

619 (* * *iv) Announcing a specialized practice shall
620 be considered advertising that tends to deceive or mislead the



621 public unless the dentist announcing as a specialist conforms to
622 other statutory provisions and the duly promulgated rules or
623 regulations of the board pertaining to practice of dentistry in
624 the State of Mississippi.

625 (m) Failure to provide and maintain reasonable sanitary
626 facilities and conditions or failure to follow board rules
627 regarding infection control.

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

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

633 (ii) Conduct of a licensee that is intended to
634 intimidate, coerce, influence or trick any person employed by or
635 for the licensee in a dental practice or educational setting for
636 the purpose of engaging in sexual activity or activity intended
637 for the sexual gratification of the licensee.

638 (o) Violation of a lawful order of the board previously
639 entered in a disciplinary or licensure hearing; failure to
640 cooperate with any lawful request or investigation by the board;
641 or failure to comply with a lawfully issued subpoena of the board.

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



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

647 (r) Violation(s) of the provisions of Sections 41-121-1
648 through 41-121-9 relating to deceptive advertisement by health
649 care practitioners. This paragraph shall stand repealed on July
650 1, 2025.

651 (2) In lieu of revocation of a license as provided for
652 above, the board may suspend the license of the offending dentist
653 or dental hygienist, suspend the sedation permit of the offending
654 dentist, or take any other action in relation to his or her
655 license as the board may deem proper under the circumstances.

656 (3) When a license to practice dentistry or dental hygiene
657 is revoked or suspended by the board, the board may, in its
658 discretion, stay the revocation or suspension and simultaneously
659 place the licensee on probation upon the condition that the
660 licensee shall not violate the laws of the State of Mississippi
661 pertaining to the practice of dentistry or dental hygiene and
662 shall not violate the rules and regulations of the board and shall
663 not violate any terms in relation to his or her license as may be
664 set by the board.

665 (4) In a proceeding conducted under this section by the
666 board for the denial, revocation or suspension of a license to
667 practice dentistry or dental hygiene, the board shall have the
668 power and authority for the grounds stated for that denial,
669 revocation or suspension, and in addition thereto or in lieu of



670 that denial, revocation or suspension may assess and levy upon any
671 person licensed to practice dentistry or dental hygiene in the
672 State of Mississippi, a monetary penalty, as follows:

673 (a) For the first violation of any of * * * paragraph
674 (a), (b), (c), (d), (f), (i), (l), (m), (n), (o) or (q) of
675 subsection (1) of this section, a monetary penalty of not less
676 than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars
677 (\$500.00).

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

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

688 (d) For any violation of any of * * * paragraphs (a)
689 through (q) of subsection (1) of this section, those reasonable
690 costs that are expended by the board in the investigation and
691 conduct of a proceeding for licensure revocation or suspension,
692 including, but not limited to, the cost of process service, court
693 reporters, expert witnesses and investigators.



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

699 (6) A licensee shall have the right of appeal from the
700 assessment and levy of a monetary penalty as provided in this
701 section under the same conditions as a right of appeal is provided
702 elsewhere for appeals from an adverse ruling, order or decision of
703 the board.

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

708 (8) A monetary penalty assessed and levied under this
709 section shall be paid to the board by the licensee upon the
710 expiration of the period allowed for appeal of those penalties
711 under this section or may be paid sooner if the licensee elects.
712 With the exception of subsection (4)(d) of this section, monetary
713 penalties collected by the board under this section shall be
714 deposited to the credit of the General Fund of the State Treasury.
715 Any monies collected by the board under subsection (4)(d) of this
716 section shall be deposited into the special fund operating account
717 of the board.



718 (9) When payment of a monetary penalty assessed and levied
719 by the board against a licensee in accordance with this section is
720 not paid by the licensee when due under this section, the board
721 shall have power to institute and maintain proceedings in its name
722 for enforcement of payment in the chancery court of the county and
723 judicial district of residence of the licensee, and if the
724 licensee is a nonresident of the State of Mississippi, the
725 proceedings shall be in the Chancery Court of the First Judicial
726 District of Hinds County, Mississippi.

727 (10) In addition to the reasons specified in subsection (1)
728 of this section, the board shall be authorized to suspend the
729 license of any licensee for being out of compliance with an order
730 for support, as defined in Section 93-11-153. The procedure for
731 suspension of a license for being out of compliance with an order
732 for support, and the procedure for the reissuance or reinstatement
733 of a license suspended for that purpose, and the payment of any
734 fees for the reissuance or reinstatement of a license suspended
735 for that purpose, shall be governed by Section 93-11-157 or
736 93-11-163, as the case may be. If there is any conflict between
737 any provision of Section 93-11-157 or 93-11-163 and any provision
738 of this chapter, the provisions of Section 93-11-157 or 93-11-163,
739 as the case may be, shall control.

740 (11) All grounds for disciplinary action, including
741 imposition of fines and assessment of costs as enumerated above,



742 shall also apply to any other license or permit issued by the
743 board under this chapter or regulations duly adopted by the board.

744 **SECTION 12.** Section 73-11-57, Mississippi Code of 1972, is
745 amended as follows:

746 73-11-57. (1) The board, upon satisfactory proof at proper
747 hearing and in accordance with the provisions of this chapter and
748 the regulations of the board, may suspend, revoke, or refuse to
749 issue or renew any license under this chapter, reprimand or place
750 the holder of a license on a term of probation, and/or take any
751 other action in relation to a license as the board may deem proper
752 under the circumstances upon any of the following grounds:

753 (a) The employment of fraud or deception in applying
754 for a license or in passing the examination provided for in this
755 chapter;

756 (b) The erroneous issuance of a license to any person;

757 (c) The conviction of a * * * disqualifying crime as
758 provided in the Fresh Start Act by any court in this state or any
759 federal court or by the court of any other state or territory of
760 the United States; having been convicted of or pled guilty to
761 a * * * disqualifying crime as provided in the Fresh Start Act in
762 the courts of this state or any other state, territory or country
763 which would prevent a person from holding elected office.

764 Conviction, as used in this paragraph, shall include a deferred
765 conviction, deferred prosecution, deferred sentence, finding or



766 verdict of guilt, an admission of guilty, or a plea of nolo
767 contendere;

768 (d) The practice of embalming under a false name or
769 without a license for the practice of funeral service;

770 (e) The impersonation of another funeral service or
771 funeral directing licensee;

772 (f) The permitting of a person other than a funeral
773 service or funeral directing licensee to make arrangements for a
774 funeral and/or form of disposition;

775 (g) Violation of any provision of this chapter or any
776 rule or regulation of the board;

777 (h) Having had a license for the practice of funeral
778 service or funeral directing suspended or revoked in any
779 jurisdiction, having voluntarily surrendered his license in any
780 jurisdiction, having been placed on probation in any jurisdiction,
781 having been placed under disciplinary order(s) or other
782 restriction in any manner for funeral directing and/or funeral
783 service, or operating a funeral establishment (a certified copy of
784 the order of suspension, revocation, probation or disciplinary
785 action shall be prima facie evidence of such action);

786 (i) Solicitation of dead human bodies by the licensee,
787 his agents, assistants or employees, whether such solicitation
788 occurs after death or when death is imminent; if the person
789 solicited has made known a desire not to receive the
790 communication, or if the solicitation involves coercion, duress or



791 harassment, or if the solicitation takes place at the residence of
792 the client or prospective client and is uninvited by the client or
793 prospective client and has not been previously agreed to by the
794 client or prospective client; however, this shall not be deemed to
795 prohibit general advertising;

796 (j) Employment directly or indirectly of any
797 apprentice, agent, assistant, employee, or other person, on a
798 part-time or full-time basis or on commission, for the purpose of
799 calling upon individuals or institutions by whose influence dead
800 human bodies may be turned over to a particular funeral
801 establishment;

802 (k) Failure to give full cooperation to the board
803 and/or its designees, agents or other representatives in the
804 performance of official duties of the board. Such failure to
805 cooperate includes, but is not limited to:

806 (i) Not furnishing any relevant papers or
807 documents requested by or for the board;

808 (ii) Not furnishing, in writing, an adequate
809 explanation covering the matter contained in a complaint filed
810 with the board;

811 (iii) Not responding without cause to subpoenas
812 issued by the board, whether or not the licensee is the party
813 charged in any proceeding before the board;

814 (iv) Not reasonably providing access, as directed
815 by the board for its authorized agents or representatives seeking



816 to perform reviews or inspections at facilities or places utilized
817 by the license holder in the practice of funeral service or
818 funeral directing and/or in performing any other activity
819 regulated by the board under this chapter;

820 (v) Failure to provide information within the
821 specified time allotted and as required by the board and/or its
822 representatives or designees;

823 (vi) Failure to cooperate with the board or its
824 designees or representatives in the investigation of any alleged
825 misconduct or interfering with a board investigation by willful
826 misrepresentation of facts;

827 (vii) Deceiving or attempting to deceive the board
828 regarding any matter under investigation, including altering or
829 destroying any records; and

830 (viii) Failure, without good cause, to cooperate
831 with any request by the board to appear before it;

832 (l) Knowingly performing any act that in any way
833 assists an unlicensed person to practice funeral service or
834 funeral directing;

835 (m) Knowingly making a false statement on death
836 certificates;

837 * * *

838 (* * *n) Violating any statute, ordinance, rule or
839 regulation of the state or any of its boards, agencies or



840 political subdivisions affecting the registration of deaths or the
841 handling, custody, care or transportation of dead human bodies; or
842 (* * * o) Unprofessional conduct in the practice of
843 funeral service or funeral directing which includes, but is not
844 limited to:

- 845 (i) Retaining a dead human body for the payment of
846 a fee for the performance of services that are not authorized;
- 847 (ii) Knowingly performing any act which in any way
848 assists an unlicensed person to practice funeral service or
849 funeral directing;
- 850 (iii) Being guilty of any dishonorable conduct
851 likely to deceive, defraud or harm the public;
- 852 (iv) Any act or omission in the practice of
853 funeral service or directing which constitutes dishonesty, fraud
854 or misrepresentation with the intent to benefit the licensee,
855 another person or funeral establishment, or with the intent to
856 substantially injure another person, licensee or funeral
857 establishment; or
- 858 (v) Any act or conduct, whether the same or of a
859 different character than specified above, which constitutes or
860 demonstrates bad faith, incompetency or untrustworthiness; or
861 dishonest, fraudulent or improper dealing; or any other violation
862 of the provisions of this chapter, the rules and regulations
863 established by the board or any rule or regulation promulgated by



864 the Federal Trade Commission relative to the practice of funeral
865 service or funeral directing.

866 (2) Any person, including a member of the board, may
867 initiate a complaint against a licensee of the board by filing
868 with the board a written complaint on a form prescribed by the
869 board.

870 (a) Upon receipt of a properly verified complaint, the
871 board shall send a copy of the complaint to the affected licensee
872 by certified mail to the address of such licensee appearing of
873 record with the board. The licensee shall answer the complaint in
874 writing within twenty (20) days after receipt of the complaint.
875 The licensee shall mail a copy of his, her or its response to the
876 board and the complainant. Upon receipt of the licensee's
877 response or lapse of twenty (20) days, the board is authorized to
878 investigate a complaint that appears to show the existence of any
879 of the causes or grounds for disciplinary action as provided in
880 Section 73-11-57. Upon finding reasonable cause to believe that
881 the charges are not frivolous, unfounded or filed in bad faith,
882 the board may, in its discretion, cause a hearing to be held, at a
883 time and place fixed by the board, regarding the charges that a
884 violation of this chapter has occurred. The board shall order a
885 hearing for the licensee to appear and show cause why he/she
886 should not be disciplined for a violation of this chapter.



887 (b) The board shall give the complainant and the
888 affected licensee twenty (20) days' notice of any hearing upon a
889 complaint. Such notice shall be by United States certified mail.

890 (c) Any party appearing before the board may be
891 accompanied by counsel.

892 (d) Before commencing a hearing, the chairman or
893 designee of the board shall determine if all parties are present
894 and ready to proceed. If the complainant fails to attend a
895 hearing without good cause shown, the complaint shall be dismissed
896 summarily and all fees and expenses of convening the hearing shall
897 be assessed to, and paid by, the complainant. If any affected
898 licensee fails to appear for a hearing without good cause shown,
899 such licensee shall be presumed to have waived his right to appear
900 before the board and be heard.

901 (e) Upon the chair's determination that all parties are
902 ready to proceed, the chair or designee shall call the hearing to
903 order and the complainant and the licensee may give opening
904 statements. The board may order the sequestration of nonparty
905 witnesses.

906 (f) The complainant shall then present his, her or its
907 complaint. The licensee, any counsel and any member or designee
908 of the board may ask questions of witnesses.

909 (g) The licensee shall then present his, her or its
910 case in rebuttal. The complainant, any counsel and any member or
911 designee of the board may ask questions of witnesses.



912 (h) At the completion of the evidence, all parties may
913 give closing statements.

914 (i) At the conclusion of the hearing, the board may
915 either decide the issue at that time or take the case under
916 advisement for further deliberation. The board shall render its
917 decision not more than ninety (90) days after the close of the
918 hearing and shall forward the decision to the last-known business
919 or residence address of the parties.

920 (3) The board, on its own motion, may file a formal
921 complaint against a licensee.

922 (4) The board may temporarily suspend a license under this
923 chapter without any hearing, simultaneously with the institution
924 of proceedings under this section, if it finds that the evidence
925 in support of the board's determination is clear, competent and
926 unequivocal and that the licensee's continuation in practice would
927 constitute an imminent danger to public health and safety.

928 (5) The board may, upon satisfactory proof that the
929 applicant or licensee has been guilty of any of the offenses above
930 enumerated, take the action authorized by this section against an
931 applicant or licensee of the board upon a majority vote of the
932 board members, after a hearing thereon. The board is vested with
933 full power and authority to hold and conduct such hearings, compel
934 the attendance of witnesses and the production of books, records
935 and documents, issue subpoenas therefor, administer oaths, examine
936 witnesses, and do all things necessary to properly conduct such



937 hearings. The board may waive the necessity of a hearing if the
938 person accused of a violation admits that he has been guilty of
939 such offense. Any person who has been refused a license or whose
940 license has been revoked or suspended may, within thirty (30) days
941 after the decision of the board, file with the board a written
942 notice stating that he feels himself aggrieved by such decision
943 and may appeal therefrom to the circuit court of the county and
944 judicial district of residence of the person, or if the person is
945 a nonresident of the State of Mississippi, to the Circuit Court of
946 the First Judicial District of Hinds County. The circuit court
947 shall determine the action of the board was in accord or
948 consistent with law, or was arbitrary, unwarranted or an abuse of
949 discretion. The appeal shall be perfected upon filing notice of
950 the appeal with the circuit court and by the prepayment of all
951 costs, including the cost of the preparation of the record of the
952 proceedings by the board. An appeal from the circuit court
953 judgment or decree may be reviewed by the Supreme Court as is
954 provided by law for other appeals. An appeal of a decision or
955 order of the board does not act as a supersedeas.

956 (6) In addition to any other power that it has, the board
957 may, upon finding that an applicant or licensee has committed any
958 of the violations listed in Section 73-11-57(1), impose a monetary
959 penalty as follows:



960 (a) For the first violation of any of the subparagraphs
961 of subsection (1) of this section, a monetary penalty of not more
962 than Five Hundred Dollars (\$500.00).

963 (b) For the second violation of any of the
964 subparagraphs of subsection (1) of this section, a monetary
965 penalty of not more than One Thousand Dollars (\$1,000.00).

966 (c) For the third and any subsequent violation of any
967 of the subparagraphs of subsection (1) of this section, a monetary
968 penalty of not more than Five Thousand Dollars (\$5,000.00).

969 (d) For any violation of any of the subparagraphs of
970 subsection (1) of this section, those reasonable costs that are
971 expended by the board in the investigation and conduct of a
972 proceeding for licensure revocation or suspension, including, but
973 not limited to, the cost of process service, court reporters,
974 expert witnesses and investigators.

975 (7) The power and authority of the board to assess and levy
976 such monetary penalties hereunder shall not be affected or
977 diminished by any other proceeding, civil or criminal, concerning
978 the same violation or violations except as provided in this
979 section.

980 (8) A licensee shall have the right of appeal from the
981 assessment and levy of a monetary penalty as provided in this
982 section under the same conditions as a right of appeal is provided
983 elsewhere for appeals from an adverse ruling, order or decision of
984 the board.



985 (9) Any monetary penalty assessed and levied under this
986 section shall not take effect until after the time for appeal
987 shall have expired.

988 (10) A monetary penalty assessed and levied under this
989 section shall be paid to the board by the licensee upon the
990 expiration of the period allowed for appeal of such penalties
991 under this section or may be paid sooner if the licensee elects.

992 With the exception of subsection (5)(d) of this section,
993 monetary penalties collected by the board under this section shall
994 be deposited in the State Treasury to the credit of the State
995 Board of Funeral Service. Any monies collected by the board under
996 subsection (5)(d) of this section shall be deposited into the
997 special fund operating account of the board.

998 (11) When payment of a monetary penalty assessed and levied
999 by the board against a licensee in accordance with this section is
1000 not paid by the licensee when due under this section, the board
1001 shall have power to institute and maintain proceedings in its name
1002 for enforcement of payment in the chancery court of the county and
1003 judicial district of residence of the licensee, or if the licensee
1004 is a nonresident of the State of Mississippi, in the Chancery
1005 Court of the First Judicial District of Hinds County, Mississippi.

1006 (12) In any administrative or judicial proceeding in which
1007 the board prevails, the board shall have the right to recover
1008 reasonable attorney fees.



1009 (13) In addition to the reasons specified in subsection (1)
1010 of this section, the board shall be authorized to suspend the
1011 license of any licensee for being out of compliance with an order
1012 for support, as defined in Section 93-11-153. The procedure for
1013 suspension of a license for being out of compliance with an order
1014 for support, and the procedure for the reissuance or reinstatement
1015 of a license suspended for that purpose, and the payment of any
1016 fees for the reissuance or reinstatement of a license suspended
1017 for that purpose, shall be governed by Section 93-11-157 or
1018 93-11-163, as the case may be. Actions taken by the board in
1019 suspending a license when required by Section 93-11-157 or
1020 93-11-163 are not actions from which an appeal may be taken under
1021 this section. Any appeal of a license suspension that is required
1022 by Section 93-11-157 or 93-11-163 shall be taken in accordance
1023 with the appeal procedure specified in Section 93-11-157 or
1024 93-11-163, as the case may be, rather than the procedure specified
1025 in this section. If there is any conflict between any provision
1026 of Section 93-11-157 or 93-11-163 and any provision of this
1027 chapter, the provisions of Section 93-11-157 or 93-11-163, as the
1028 case may be, shall control.

1029 **SECTION 13.** Section 73-14-35, Mississippi Code of 1972, is
1030 amended as follows:

1031 73-14-35. (1) Any person registered under this chapter may
1032 have his license or certificate revoked or suspended for a fixed



1033 period to be determined by the board for any of the following
1034 causes:

1035 (a) Being convicted of * * * a disqualifying crime as
1036 provided in the Fresh Start Act. The record of such conviction,
1037 or certified copy thereof from the clerk of the court where such
1038 conviction occurred or by the judge of that court, shall be
1039 sufficient evidence to warrant revocation or suspension.

1040 (b) By securing a license or certificate under this
1041 chapter through fraud or deceit.

1042 (c) For unethical conduct or for gross ignorance or
1043 inefficiency in the conduct of his practice.

1044 (d) For knowingly practicing while suffering with a
1045 contagious or infectious disease.

1046 (e) For the use of a false name or alias in the
1047 practice of his profession.

1048 (f) For violating any of the provisions of this chapter
1049 or any rules or regulations promulgated pursuant to this chapter.

1050 (g) For violating the provisions of any applicable
1051 federal laws or regulations.

1052 (h) Discipline by another jurisdiction if at least one
1053 (1) of the grounds for the discipline is the same or substantially
1054 equivalent to those set forth in this chapter or rules and
1055 regulations promulgated pursuant to this chapter.

1056 (2) In addition to the causes specified in subsection (1) of
1057 this section, the board shall be authorized to suspend the license



1058 of any licensee for being out of compliance with an order for
1059 support, as defined in Section 93-11-153. The procedure for
1060 suspension of a license for being out of compliance with an order
1061 for support, and the procedure for the reissuance or reinstatement
1062 of a license suspended for that purpose, and the payment of any
1063 fees for the reissuance or reinstatement of a license suspended
1064 for that purpose, shall be governed by Section 93-11-157 or
1065 93-11-163, as the case may be. If there is any conflict between
1066 any provision of Section 93-11-157 or 93-11-163 and any provision
1067 of this chapter, the provisions of Section 93-11-157 or 93-11-163,
1068 as the case may be, shall control.

1069 **SECTION 14.** Section 73-15-29, Mississippi Code of 1972, is
1070 amended as follows:

1071 73-15-29. (1) The board shall have power to revoke, suspend
1072 or refuse to renew any license issued by the board, or to revoke
1073 or suspend any privilege to practice, or to deny an application
1074 for a license, or to fine, place on probation and/or discipline a
1075 licensee, in any manner specified in this article, upon proof that
1076 such person:

1077 (a) Has committed fraud or deceit in securing or
1078 attempting to secure such license;

1079 (b) Has been convicted of a * * * disqualifying crime
1080 as provided in the Fresh Start Act, has had accepted by a court a
1081 plea of nolo contendere to a * * * disqualifying crime as provided
1082 in the Fresh Start Act (a certified copy of the judgment of the



1083 court of competent jurisdiction of such conviction or pleas shall
1084 be prima facie evidence of such conviction);

1085 (c) Has negligently or willfully acted in a manner
1086 inconsistent with the health or safety of the persons under the
1087 licensee's care;

1088 (d) Has had a license or privilege to practice as a
1089 registered nurse or a licensed practical nurse suspended or
1090 revoked in any jurisdiction, has voluntarily surrendered such
1091 license or privilege to practice in any jurisdiction, has been
1092 placed on probation as a registered nurse or licensed practical
1093 nurse in any jurisdiction or has been placed under a disciplinary
1094 order(s) in any manner as a registered nurse or licensed practical
1095 nurse in any jurisdiction, (a certified copy of the order of
1096 suspension, revocation, probation or disciplinary action shall be
1097 prima facie evidence of such action);

1098 (e) Has negligently or willfully practiced nursing in a
1099 manner that fails to meet generally accepted standards of such
1100 nursing practice;

1101 (f) Has negligently or willfully violated any order,
1102 rule or regulation of the board pertaining to nursing practice or
1103 licensure;

1104 (g) Has falsified or in a repeatedly negligent manner
1105 made incorrect entries or failed to make essential entries on
1106 records;



1107 (h) Is addicted to or dependent on alcohol or other
1108 habit-forming drugs or is a habitual user of narcotics,
1109 barbiturates, amphetamines, hallucinogens, or other drugs having
1110 similar effect, or has misappropriated any medication;

1111 (i) Has a physical, mental or emotional condition that
1112 renders the licensee unable to perform nursing services or duties
1113 with reasonable skill and safety;

1114 (j) Has engaged in any other conduct, whether of the
1115 same or of a different character from that specified in this
1116 article, that would constitute a * * * disqualifying crime as
1117 provided in the Fresh Start Act;

1118 (k) Engages in conduct likely to deceive, defraud or
1119 harm the public;

1120 (l) Engages in any unprofessional conduct as identified
1121 by the board in its rules;

1122 (m) Has violated any provision of this article; or

1123 (n) Violation(s) of the provisions of Sections 41-121-1
1124 through 41-121-9 relating to deceptive advertisement by health
1125 care practitioners. This paragraph shall stand repealed on July
1126 1, 2025.

1127 (2) When the board finds any person unqualified because of
1128 any of the grounds set forth in subsection (1) of this section, it
1129 may enter an order imposing one or more of the following
1130 penalties:



1131 (a) Denying application for a license or other
1132 authorization to practice nursing or practical nursing;
1133 (b) Administering a reprimand;
1134 (c) Suspending or restricting the license or other
1135 authorization to practice as a registered nurse or licensed
1136 practical nurse for up to two (2) years without review;
1137 (d) Revoking the license or other authorization to
1138 practice nursing or practical nursing;
1139 (e) Requiring the discipline to submit to care,
1140 counseling or treatment by persons and/or agencies approved or
1141 designated by the board as a condition for initial, continued or
1142 renewed licensure or other authorization to practice nursing or
1143 practical nursing;
1144 (f) Requiring the discipline to participate in a
1145 program of education prescribed by the board as a condition for
1146 initial, continued or renewed licensure or other authorization to
1147 practice;
1148 (g) Requiring the discipline to practice under the
1149 supervision of a registered nurse for a specified period of time;
1150 or
1151 (h) Imposing a fine not to exceed Five Hundred Dollars
1152 (\$500.00) .
1153 (3) In addition to the grounds specified in subsection (1)
1154 of this section, the board shall be authorized to suspend the
1155 license or privilege to practice of any licensee for being out of



1156 compliance with an order for support, as defined in Section
1157 93-11-153. The procedure for suspension of a license or privilege
1158 to practice for being out of compliance with an order for support,
1159 and the procedure for the reissuance or reinstatement of a license
1160 or privilege to practice suspended for that purpose, and the
1161 payment of any fees for the reissuance or reinstatement of a
1162 license or privilege to practice suspended for that purpose, shall
1163 be governed by Section 93-11-157 or 93-11-163, as the case may be.
1164 If there is any conflict between any provision of Section
1165 93-11-157 or 93-11-163 and any provision of this article, the
1166 provisions of Section 93-11-157 or 93-11-163, as the case may be,
1167 shall control.

1168 (4) If the public health, safety or welfare imperatively
1169 requires emergency action and the board incorporates a finding to
1170 that effect in an order, the board may order summary suspension of
1171 a license pending proceedings for revocation or other action.
1172 These proceedings shall be promptly instituted and determined by
1173 the board.

1174 (5) The board may establish by rule an alternative to
1175 discipline program for licensees who have an impairment as a
1176 result of substance abuse or a mental health condition, which
1177 program shall include at least the following components:

1178 (a) Participation in the program is voluntary with the
1179 licensee, and the licensee must enter the program before the board
1180 holds a disciplinary action hearing regarding the licensee;



1181 (b) The full cost of participation in the program,
1182 including the cost of any care, counseling, treatment and/or
1183 education received by the licensee, shall be borne by the
1184 licensee;

1185 (c) All of the procedures and records regarding the
1186 licensee's participation in the program shall be confidential,
1187 shall not be disclosed and shall be exempt from the provisions of
1188 the Mississippi Public Records Act of 1983; and

1189 (d) A licensee may not participate in the program more
1190 often than one (1) time during any period of five (5) years or
1191 such longer period as set by the board.

1192 (6) A nurse practitioner who provides a written
1193 certification as authorized under the Mississippi Medical Cannabis
1194 Act and in compliance with rules and regulations adopted
1195 thereunder shall not be subject to any disciplinary action under
1196 this section solely due to providing the written certification.

1197 **SECTION 15.** Section 73-19-23, Mississippi Code of 1972, is
1198 amended as follows:

1199 73-19-23. (1) (a) The board shall refuse to grant a
1200 certificate of licensure to any applicant and may cancel, revoke
1201 or suspend the operation of any certificate by it granted for any
1202 or all of the following reasons: unprofessional and unethical
1203 conduct * * *, habitual intemperance in the use of ardent spirits,
1204 or stimulants, narcotics, or any other substance that impairs the
1205 intellect and judgment to such an extent as to incapacitate one



1206 for the performance of the duties of an optometrist. The
1207 certificate of licensure of any person can be revoked for
1208 violating any section of this chapter.

1209 (b) The board shall conduct a criminal history records
1210 check on licensure applicants and on licensees whose licenses are
1211 subject to investigation.

1212 (i) The applicant or licensee shall undergo a
1213 fingerprint-based criminal history records check of the
1214 Mississippi central criminal database and the Federal Bureau of
1215 Investigation criminal history database. Each applicant or
1216 licensee shall submit a full set of the applicant's fingerprints
1217 in a form or manner prescribed by the board, which shall be
1218 forwarded to the Bureau of Investigation Identification Division
1219 for this purpose.

1220 (ii) Any and all state or national criminal
1221 history records information obtained by the board that is not
1222 already a matter of public record shall be deemed nonpublic and
1223 confidential information restricted to the exclusive use of the
1224 board, its members, officers, investigators, agents and attorneys
1225 in evaluating the applicant's eligibility or disqualification for
1226 licensure, and shall be exempt from the Mississippi Public Records
1227 Act of 1983. Except when introduced into evidence in a hearing
1228 before the board to determine licensure, no such information or
1229 records related thereto shall, except with the written consent of
1230 the applicant or licensee or by order of a court of competent



1231 jurisdiction, be released or otherwise disclosed by the board to
1232 any other person or agency.

1233 (iii) The board shall provide to the department
1234 the fingerprints of the applicant or licensee, any additional
1235 information that may be required by the department, and a form
1236 signed by the applicant consenting to the check of the criminal
1237 records and to the use of the fingerprints and other identifying
1238 information required by the state or national repositories.

1239 (iv) The board shall charge and collect from the
1240 applicant or licensee, in addition to all other applicable fees
1241 and costs, such amount as may be incurred by the board in
1242 requesting and obtaining state and national criminal history
1243 records information on the applicant or licensee.

1244 (2) The board shall further be authorized to take
1245 disciplinary action against a licensee for any unlawful acts,
1246 which shall include violations of regulations promulgated by the
1247 board, as well as the following acts:

1248 (a) Fraud or misrepresentation in applying for or
1249 procuring an optometric license or in connection with applying for
1250 or procuring periodic renewal of an optometric license.

1251 (b) Cheating on or attempting to subvert the optometric
1252 licensing examination(s).

1253 (c) The conviction of a * * * disqualifying crime as
1254 provided in the Fresh Start Act in this state or any other



1255 jurisdiction, or the entry of a guilty or nolo contendere plea to
1256 a * * * disqualifying crime.

1257 (d) The conviction of a * * * disqualifying crime as
1258 provided in the Fresh Start Act as defined by federal law, or the
1259 entry of a guilty or nolo contendere plea to a * * * disqualifying
1260 crime as provided in the Fresh Start Act.

1261 (e) Conduct likely to deceive, defraud or harm the
1262 public.

1263 (f) Making a false or misleading statement regarding
1264 his or her skill or the efficacy or value of the medicine, device,
1265 treatment or remedy prescribed by him or her or used at his or her
1266 direction in the treatment of any disease or other condition.

1267 (g) Willfully or negligently violating the
1268 confidentiality between doctor and patient, except as required by
1269 law.

1270 (h) Negligence or gross incompetence in the practice of
1271 optometry as determined by the board.

1272 (i) Being found to be a person with mental illness or
1273 with an intellectual disability by any court of competent
1274 jurisdiction.

1275 (j) The use of any false, fraudulent, deceptive or
1276 misleading statement in any document connected with the practice
1277 of optometry.

1278 (k) Aiding or abetting the practice of optometry by an
1279 unlicensed, incompetent or impaired person.



1280 (1) Commission of any act of sexual abuse, misconduct
1281 or exploitation related to the licensee's practice of optometry.

1282 (m) Being addicted or habituated to a drug or
1283 intoxicant.

1284 (n) Violating any state or federal law or regulation
1285 relating to a drug legally classified as a controlled substance.

1286 (o) Obtaining any fee by fraud, deceit or
1287 misrepresentation.

1288 (p) Disciplinary action of another state or
1289 jurisdiction against a licensee or other authorization to practice
1290 optometry based upon acts or conduct by the licensee similar to
1291 acts or conduct that would constitute grounds for action as
1292 defined in this chapter, a certified copy of the record of the
1293 action taken by the other state or jurisdiction being conclusive
1294 evidence thereof.

1295 (q) Failure to report to the board the relocation of
1296 his or her office in or out of the jurisdiction, or to furnish
1297 floor plans as required by regulation.

1298 (r) Violation of any provision(s) of the Optometry
1299 Practice Act or the rules and regulations of the board or of an
1300 action, stipulation or agreement of the board.

1301 (s) To advertise in a manner that tends to deceive,
1302 mislead or defraud the public.

1303 (t) The designation of any person licensed under this
1304 chapter, other than by the terms "optometrist," "Doctor of



1305 Optometry" or "O.D.," which through June 30, 2025, shall include
1306 any violation(s) of the provisions of Sections 41-121-1 through
1307 41-121-9 relating to deceptive advertisement by health care
1308 practitioners.

1309 (u) To knowingly submit or cause to be submitted any
1310 misleading, deceptive or fraudulent representation on a claim
1311 form, bill or statement.

1312 (v) To practice or attempt to practice optometry while
1313 his or her license is suspended.

1314 (3) Any person who is a holder of a certificate of licensure
1315 or who is an applicant for examination for a certificate of
1316 licensure, against whom is preferred any charges, shall be
1317 furnished by the board with a copy of the complaint and shall have
1318 a hearing in Jackson, Mississippi, before the board, at which
1319 hearing he may be represented by counsel. At the hearing,
1320 witnesses may be examined for and against the accused respecting
1321 those charges, and the hearing orders or appeals will be conducted
1322 according to the procedure now provided in Section 73-25-27. The
1323 suspension of a certificate of licensure by reason of the use of
1324 stimulants or narcotics may be removed when the holder of the
1325 certificate has been adjudged by the board to be cured and capable
1326 of practicing optometry.

1327 (4) In addition to the reasons specified in subsections (1)
1328 and (2) of this section, the board shall be authorized to suspend
1329 the license of any licensee for being out of compliance with an



1330 order for support, as defined in Section 93-11-153. The procedure
1331 for suspension of a license for being out of compliance with an
1332 order for support, and the procedure for the reissuance or
1333 reinstatement of a license suspended for that purpose, and the
1334 payment of any fees for the reissuance or reinstatement of a
1335 license suspended for that purpose, shall be governed by Section
1336 93-11-157 or 93-11-163, as the case may be. If there is any
1337 conflict between any provision of Section 93-11-157 or 93-11-163
1338 and any provision of this chapter, the provisions of Section
1339 93-11-157 or 93-11-163, as the case may be, shall control.

1340 (5) A licensee who provides a written certification as
1341 authorized under the Mississippi Medical Cannabis Act and in
1342 compliance with rules and regulations adopted thereunder shall not
1343 be subject to any disciplinary action under this section solely
1344 due to providing the written certification.

1345 **SECTION 16.** Section 73-21-97, Mississippi Code of 1972, is
1346 amended as follows:

1347 73-21-97. (1) The board may refuse to issue or renew, or
1348 may suspend, reprimand, revoke or restrict the license,
1349 registration or permit of any person upon one or more of the
1350 following grounds:

1351 (a) Unprofessional conduct as defined by the rules and
1352 regulations of the board;



1353 (b) Incapacity of a nature that prevents a pharmacist
1354 from engaging in the practice of pharmacy with reasonable skill,
1355 confidence and safety to the public;

1356 (c) Being found guilty by a court of competent
1357 jurisdiction of one or more of the following:

1358 (i) A * * * disqualifying crime as provided in the
1359 Fresh Start Act;

1360 (ii) Any act involving * * * gross immorality; or

1361 (iii) Violation of pharmacy or drug laws of this
1362 state or rules or regulations pertaining thereto, or of statutes,
1363 rules or regulations of any other state or the federal government;

1364 (d) Fraud or intentional misrepresentation by a
1365 licensee or permit holder in securing the issuance or renewal of a
1366 license or permit;

1367 (e) Engaging or aiding and abetting an individual to
1368 engage in the practice of pharmacy without a license;

1369 (f) Violation of any of the provisions of this chapter
1370 or rules or regulations adopted pursuant to this chapter;

1371 (g) Failure to comply with lawful orders of the board;

1372 (h) Negligently or willfully acting in a manner
1373 inconsistent with the health or safety of the public;

1374 (i) Addiction to or dependence on alcohol or controlled
1375 substances or the unauthorized use or possession of controlled
1376 substances;

1377 (j) Misappropriation of any prescription drug;



1378 (k) Being found guilty by the licensing agency in
1379 another state of violating the statutes, rules or regulations of
1380 that jurisdiction;

1381 (l) The unlawful or unauthorized possession of a
1382 controlled substance;

1383 (m) Willful failure to submit drug monitoring
1384 information or willful submission of incorrect dispensing
1385 information as required by the Prescription Monitoring Program
1386 under Section 73-21-127;

1387 (n) Failure to obtain the license, registration or
1388 permit required by this chapter; or

1389 (o) Violation(s) of the provisions of Sections 41-121-1
1390 through 41-121-9 relating to deceptive advertisement by health
1391 care practitioners. This paragraph shall stand repealed on July
1392 1, 2025.

1393 (2) In lieu of suspension, revocation or restriction of a
1394 license as provided for above, the board may warn or reprimand the
1395 offending pharmacist.

1396 (3) In addition to the grounds specified in subsection (1)
1397 of this section, the board shall be authorized to suspend the
1398 license, registration or permit of any person for being out of
1399 compliance with an order for support, as defined in Section
1400 93-11-153. The procedure for suspension of a license,
1401 registration or permit for being out of compliance with an order
1402 for support, and the procedure for the reissuance or reinstatement



1403 of a license, registration or permit suspended for that purpose,
1404 and the payment of any fees for the reissuance or reinstatement of
1405 a license, registration or permit suspended for that purpose,
1406 shall be governed by Section 93-11-157 or 93-11-163, as the case
1407 may be. If there is any conflict between any provision of Section
1408 93-11-157 or 93-11-163 and any provision of this chapter, the
1409 provisions of Section 93-11-157 or 93-11-163, as the case may be,
1410 shall control.

1411 **SECTION 17.** Section 73-25-29, Mississippi Code of 1972, is
1412 amended as follows:

1413 73-25-29. The grounds for the nonissuance, suspension,
1414 revocation or restriction of a license or the denial of
1415 reinstatement or renewal of a license are:

1416 (1) Habitual personal use of narcotic drugs, or any
1417 other drug having addiction-forming or addiction-sustaining
1418 liability.

1419 (2) Habitual use of intoxicating liquors, or any
1420 beverage, to an extent which affects professional competency.

1421 (3) Administering, dispensing or prescribing any
1422 narcotic drug, or any other drug having addiction-forming or
1423 addiction-sustaining liability otherwise than in the course of
1424 legitimate professional practice.

1425 (4) Conviction of violation of any federal or state law
1426 regulating the possession, distribution or use of any narcotic
1427 drug or any drug considered a controlled substance under state or



1428 federal law, a certified copy of the conviction order or judgment
1429 rendered by the trial court being prima facie evidence thereof,
1430 notwithstanding the pendency of any appeal.

1431 (5) Procuring, or attempting to procure, or aiding in,
1432 an abortion that is not medically indicated.

1433 (6) Conviction of a * * * disqualifying crime as
1434 provided in the Fresh Start Act, a certified copy of the
1435 conviction order or judgment rendered by the trial court being
1436 prima facie evidence thereof, notwithstanding the pendency of any
1437 appeal.

1438 (7) Obtaining or attempting to obtain a license by
1439 fraud or deception.

1440 (8) Unprofessional conduct, which includes, but is not
1441 limited to:

1442 (a) Practicing medicine under a false or assumed
1443 name or impersonating another practitioner, living or dead.

1444 (b) Knowingly performing any act which in any way
1445 assists an unlicensed person to practice medicine.

1446 (c) Making or willfully causing to be made any
1447 flamboyant claims concerning the licensee's professional
1448 excellence.

1449 (d) Being guilty of any dishonorable or unethical
1450 conduct likely to deceive, defraud or harm the public.

1451 (e) Obtaining a fee as personal compensation or
1452 gain from a person on fraudulent representation of a disease or



1453 injury condition generally considered incurable by competent
1454 medical authority in the light of current scientific knowledge and
1455 practice can be cured or offering, undertaking, attempting or
1456 agreeing to cure or treat the same by a secret method, which he
1457 refuses to divulge to the board upon request.

1458 (f) Use of any false, fraudulent or forged
1459 statement or document, or the use of any fraudulent, deceitful,
1460 dishonest or immoral practice in connection with any of the
1461 licensing requirements, including the signing in his professional
1462 capacity any certificate that is known to be false at the time he
1463 makes or signs such certificate.

1464 (g) Failing to identify a physician's school of
1465 practice in all professional uses of his name by use of his earned
1466 degree or a description of his school of practice.

1467 (9) The refusal of a licensing authority of another
1468 state or jurisdiction to issue or renew a license, permit or
1469 certificate to practice medicine in that jurisdiction or the
1470 revocation, suspension or other restriction imposed on a license,
1471 permit or certificate issued by such licensing authority which
1472 prevents or restricts practice in that jurisdiction, a certified
1473 copy of the disciplinary order or action taken by the other state
1474 or jurisdiction being prima facie evidence thereof,
1475 notwithstanding the pendency of any appeal.

1476 (10) Surrender of a license or authorization to
1477 practice medicine in another state or jurisdiction or surrender of



1478 membership on any medical staff or in any medical or professional
1479 association or society while under disciplinary investigation by
1480 any of those authorities or bodies for acts or conduct similar to
1481 acts or conduct which would constitute grounds for action as
1482 defined in this section.

1483 (11) Final sanctions imposed by the United States
1484 Department of Health and Human Services, Office of Inspector
1485 General or any successor federal agency or office, based upon a
1486 finding of incompetency, gross misconduct or failure to meet
1487 professionally recognized standards of health care; a certified
1488 copy of the notice of final sanction being prima facie evidence
1489 thereof. As used in this paragraph, the term "final sanction"
1490 means the written notice to a physician from the United States
1491 Department of Health and Human Services, Officer of Inspector
1492 General or any successor federal agency or office, which
1493 implements the exclusion.

1494 (12) Failure to furnish the board, its investigators or
1495 representatives information legally requested by the board.

1496 (13) Violation of any provision(s) of the Medical
1497 Practice Act or the rules and regulations of the board or of any
1498 order, stipulation or agreement with the board.

1499 (14) Violation(s) of the provisions of Sections
1500 41-121-1 through 41-121-9 relating to deceptive advertisement by
1501 health care practitioners.



1502 (15) Performing or inducing an abortion on a woman in
1503 violation of any provision of Sections 41-41-131 through
1504 41-41-145.

1505 (16) Performing an abortion on a pregnant woman after
1506 determining that the unborn human individual that the pregnant
1507 woman is carrying has a detectable fetal heartbeat as provided in
1508 Section 41-41-34.1.

1509 In addition to the grounds specified above, the board shall
1510 be authorized to suspend the license of any licensee for being out
1511 of compliance with an order for support, as defined in Section
1512 93-11-153. The procedure for suspension of a license for being
1513 out of compliance with an order for support, and the procedure for
1514 the reissuance or reinstatement of a license suspended for that
1515 purpose, and the payment of any fees for the reissuance or
1516 reinstatement of a license suspended for that purpose, shall be
1517 governed by Section 93-11-157 or 93-11-163, as the case may be.
1518 If there is any conflict between any provision of Section
1519 93-11-157 or 93-11-163 and any provision of this chapter, the
1520 provisions of Section 93-11-157 or 93-11-163, as the case may be,
1521 shall control.

1522 A physician who provides a written certification as
1523 authorized under the Mississippi Medical Cannabis Act and in
1524 compliance with rules and regulations adopted thereunder shall not
1525 be subject to any disciplinary action under this section solely
1526 due to providing the written certification.



1527 **SECTION 18.** Section 73-25-101, Mississippi Code of 1972, is
1528 amended as follows:

1529 73-25-101. The Interstate Medical Licensure Compact is
1530 enacted into law and entered into by this state with any and all
1531 states legally joining in the Compact in accordance with its
1532 terms, in the form substantially as follows:

1533 **INTERSTATE MEDICAL LICENSURE COMPACT**

1534 **SECTION 1**

1535 **Purpose**

1536 In order to strengthen access to health care, and in
1537 recognition of the advances in the delivery of health care, the
1538 member states of the Interstate Medical Licensure Compact have
1539 allied in common purpose to develop a comprehensive process that
1540 complements the existing licensing and regulatory authority of
1541 state medical boards, provides a streamlined process that allows
1542 physicians to become licensed in multiple states, thereby
1543 enhancing the portability of a medical license and ensuring the
1544 safety of patients. The Compact creates another pathway for
1545 licensure and does not otherwise change a state's existing Medical
1546 Practice Act. The Compact also adopts the prevailing standard for
1547 licensure and affirms that the practice of medicine occurs where
1548 the patient is located at the time of the physician-patient
1549 encounter, and therefore, requires the physician to be under the
1550 jurisdiction of the state medical board where the patient is
1551 located. State medical boards that participate in the Compact



1552 retain the jurisdiction to impose an adverse action against a
1553 license to practice medicine in that state issued to a physician
1554 through the procedures in the Compact.

1555 **SECTION 2**

1556 **Definitions**

1557 In this Compact:

1558 (a) "Bylaws" means those bylaws established by the
1559 Interstate Commission pursuant to Section 11 for its governance,
1560 or for directing and controlling its actions and conduct.

1561 (b) "Commissioner" means the voting representative
1562 appointed by each member board pursuant to Section 11.

1563 (c) "Conviction" means a finding by a court that an
1564 individual is guilty of a criminal offense through adjudication,
1565 or entry of a plea of guilt or no contest to the charge by the
1566 offender. Evidence of an entry of a conviction of a criminal
1567 offense by the court shall be considered final for purposes of
1568 disciplinary action by a member board.

1569 (d) "Expedited license" means a full and unrestricted
1570 medical license granted by a member state to an eligible physician
1571 through the process set forth in the Compact.

1572 (e) "Interstate Commission" means the interstate
1573 commission created pursuant to Section 11.

1574 (f) "License" means authorization by a state for a
1575 physician to engage in the practice of medicine, which would be
1576 unlawful without the authorization.



1577 (g) "Medical Practice Act" means laws and regulations
1578 governing the practice of allopathic and osteopathic medicine
1579 within a member state.

1580 (h) "Member board" means a state agency in a member
1581 state that acts in the sovereign interests of the state by
1582 protecting the public through licensure, regulation, and education
1583 of physicians as directed by the state government.

1584 (i) "Member state" means a state that has enacted the
1585 Compact.

1586 (j) "Practice of medicine" means the clinical
1587 prevention, diagnosis, or treatment of human disease, injury, or
1588 condition requiring a physician to obtain and maintain a license
1589 in compliance with the Medical Practice Act of a member state.

1590 (k) "Physician" means any person who:

1591 (1) Is a graduate of a medical school accredited
1592 by the Liaison Committee on Medical Education, the Commission on
1593 Osteopathic College Accreditation, or a medical school listed in
1594 the International Medical Education Directory or its equivalent;

1595 (2) Passed each component of the United States
1596 Medical Licensing Examination (USMLE) or the Comprehensive
1597 Osteopathic Medical Licensing Examination (COMLEX-USA) within
1598 three (3) attempts, or any of its predecessor examinations
1599 accepted by a state medical board as an equivalent examination for
1600 licensure purposes;



1601 (3) Successfully completed graduate medical
1602 education approved by the Accreditation Council for Graduate
1603 Medical Education or the American Osteopathic Association;

1604 (4) Holds specialty certification or a
1605 time-unlimited specialty certificate recognized by the American
1606 Board of Medical Specialties or the American Osteopathic
1607 Association's Bureau of Osteopathic Specialists;

1608 (5) Possesses a full and unrestricted license to
1609 engage in the practice of medicine issued by a member board;

1610 (6) Has never been convicted, received
1611 adjudication, deferred adjudication, community supervision, or
1612 deferred disposition for any offense by a court of appropriate
1613 jurisdiction;

1614 (7) Has never held a license authorizing the
1615 practice of medicine subjected to discipline by a licensing agency
1616 in any state, federal, or foreign jurisdiction, excluding any
1617 action related to nonpayment of fees related to a license;

1618 (8) Has never had a controlled substance license
1619 or permit suspended or revoked by a state or the United States
1620 Drug Enforcement Administration; and

1621 (9) Is not under active investigation by a
1622 licensing agency or law enforcement authority in any state,
1623 federal, or foreign jurisdiction.

1624 (1) "Offense" means a * * * disqualifying crime as
1625 provided in the Fresh Start Act.



1626 (m) "Rule" means a written statement by the Interstate
1627 Commission promulgated pursuant to Section 12 of the Compact that
1628 is of general applicability, implements, interprets, or prescribes
1629 a policy or provision of the Compact, or an organizational,
1630 procedural, or practice requirement of the Interstate Commission,
1631 and has the force and effect of statutory law in a member state,
1632 and includes the amendment, repeal, or suspension of an existing
1633 rule.

1634 (n) "State" means any state, commonwealth, district, or
1635 territory of the United States.

1636 (o) "State of principal license" means a member state
1637 where a physician holds a license to practice medicine and which
1638 has been designated as such by the physician for purposes of
1639 registration and participation in the Compact.

1640 SECTION 3

1641 Eligibility

1642 (a) A physician must meet the eligibility requirements as
1643 defined in Section 2(k) to receive an expedited license under the
1644 terms and provisions of the Compact.

1645 (b) A physician who does not meet the requirements of
1646 Section 2(k) may obtain a license to practice medicine in a member
1647 state if the individual complies with all laws and requirements,
1648 other than the Compact, relating to the issuance of a license to
1649 practice medicine in that state.

1650 SECTION 4



1651 **Designation of State of Principal License**

1652 (a) A physician shall designate a member state as the state
1653 of principal license for purposes of registration for expedited
1654 licensure through the Compact if the physician possesses a full
1655 and unrestricted license to practice medicine in that state, and
1656 the state is:

1657 (1) The state of primary residence for the physician,
1658 or

1659 (2) The state where at least twenty-five percent (25%)
1660 of the practice of medicine occurs, or

1661 (3) The location of the physician's employer, or

1662 (4) If no state qualifies under subsection (1),
1663 subsection (2), or subsection (3), the state designated as state
1664 of residence for purpose of federal income tax.

1665 (b) A physician may redesignate a member state as state of
1666 principal license at any time, as long as the state meets the
1667 requirements in subsection (a).

1668 (c) The Interstate Commission is authorized to develop rules
1669 to facilitate redesignation of another member state as the state
1670 of principal license.

1671 **SECTION 5**

1672 **Application and Issuance of Expedited Licensure**

1673 (a) A physician seeking licensure through the Compact shall
1674 file an application for an expedited license with the member board



1675 of the state selected by the physician as the state of principal
1676 license.

1677 (b) Upon receipt of an application for an expedited license,
1678 the member board within the state selected as the state of
1679 principal license shall evaluate whether the physician is eligible
1680 for expedited licensure and issue a letter of qualification,
1681 verifying or denying the physician's eligibility, to the
1682 Interstate Commission.

1683 (i) Static qualifications, which include verification
1684 of medical education, graduate medical education, results of any
1685 medical or licensing examination, and other qualifications as
1686 determined by the Interstate Commission through rule, shall not be
1687 subject to additional primary source verification where already
1688 primary source verified by the state of principal license.

1689 (ii) The member board within the state selected as the
1690 state of principal license shall, in the course of verifying
1691 eligibility, perform a criminal background check of an applicant,
1692 including the use of the results of fingerprint or other biometric
1693 data checks compliant with the requirements of the Federal Bureau
1694 of Investigation, with the exception of federal employees who have
1695 suitability determination in accordance with United States Code of
1696 Federal Regulation Section 731.202.

1697 (iii) Appeal on the determination of eligibility shall
1698 be made to the member state where the application was filed and
1699 shall be subject to the law of that state.



1700 (c) Upon verification in subsection (b), physicians eligible
1701 for an expedited license shall complete the registration process
1702 established by the Interstate Commission to receive a license in a
1703 member state selected pursuant to subsection (a), including the
1704 payment of any applicable fees.

1705 (d) After receiving verification of eligibility under
1706 subsection (b) and any fees under subsection (c), a member board
1707 shall issue an expedited license to the physician. This license
1708 shall authorize the physician to practice medicine in the issuing
1709 state consistent with the Medical Practice Act and all applicable
1710 laws and regulations of the issuing member board and member state.

1711 (e) An expedited license shall be valid for a period
1712 consistent with the licensure period in the member state and in
1713 the same manner as required for other physicians holding a full
1714 and unrestricted license within the member state.

1715 (f) An expedited license obtained through the Compact shall
1716 be terminated if a physician fails to maintain a license in the
1717 state of principal licensure for a nondisciplinary reason, without
1718 redesignation of a new state of principal licensure.

1719 (g) The Interstate Commission is authorized to develop rules
1720 regarding the application process, including payment of any
1721 applicable fees, and the issuance of an expedited license.

1722 SECTION 6

1723 Fees for Expedited Licensure



1724 (a) A member state issuing an expedited license authorizing
1725 the practice of medicine in that state may impose a fee for a
1726 license issued or renewed through the Compact.

1727 (b) The Interstate Commission is authorized to develop rules
1728 regarding fees for expedited licenses.

1729 **SECTION 7**

1730 **Renewal and Continued Participation**

1731 (a) A physician seeking to renew an expedited license
1732 granted in a member state shall complete a renewal process with
1733 the Interstate Commission if the physician:

1734 (1) Maintains a full and unrestricted license in a
1735 state of principal license;

1736 (2) Has not been convicted, received adjudication,
1737 deferred adjudication, community supervision, or deferred
1738 disposition for any offense by a court of appropriate
1739 jurisdiction;

1740 (3) Has not had a license authorizing the practice of
1741 medicine subject to discipline by a licensing agency in any state,
1742 federal, or foreign jurisdiction, excluding any action related to
1743 nonpayment of fees related to a license; and

1744 (4) Has not had a controlled substance license or
1745 permit suspended or revoked by a state or the United States Drug
1746 Enforcement Administration.



1747 (b) Physicians shall comply with all continuing professional
1748 development or continuing medical education requirements for
1749 renewal of a license issued by a member state.

1750 (c) The Interstate Commission shall collect any renewal fees
1751 charged for the renewal of a license and distribute the fees to
1752 the applicable member board.

1753 (d) Upon receipt of any renewal fees collected in subsection
1754 (c), a member board shall renew the physician's license.

1755 (e) Physician information collected by the Interstate
1756 Commission during the renewal process will be distributed to all
1757 member boards.

1758 (f) The Interstate Commission is authorized to develop rules
1759 to address renewal of licenses obtained through the Compact.

1760 **SECTION 8**

1761 **Coordinated Information System**

1762 (a) The Interstate Commission shall establish a database of
1763 all physicians licensed, or who have applied for licensure, under
1764 Section 5.

1765 (b) Notwithstanding any other provision of law, member
1766 boards shall report to the Interstate Commission any public action
1767 or complaints against a licensed physician who has applied or
1768 received an expedited license through the Compact.

1769 (c) Member boards shall report disciplinary or investigatory
1770 information determined as necessary and proper by rule of the
1771 Interstate Commission.



1772 (d) Member boards may report any nonpublic complaint,
1773 disciplinary, or investigatory information not required by
1774 subsection (c) to the Interstate Commission.

1775 (e) Member boards shall share complaint or disciplinary
1776 information about a physician upon request of another member
1777 board.

1778 (f) All information provided to the Interstate Commission or
1779 distributed by member boards shall be confidential, filed under
1780 seal, and used only for investigatory or disciplinary matters.

1781 (g) The Interstate Commission is authorized to develop rules
1782 for mandated or discretionary sharing of information by member
1783 boards.

1784 **SECTION 9**

1785 **Joint Investigations**

1786 (a) Licensure and disciplinary records of physicians are
1787 deemed investigative.

1788 (b) In addition to the authority granted to a member board
1789 by its respective Medical Practice Act or other applicable state
1790 law, a member board may participate with other member boards in
1791 joint investigations of physicians licensed by the member boards.

1792 (c) A subpoena issued by a member state shall be enforceable
1793 in other member states.

1794 (d) Member boards may share any investigative, litigation,
1795 or compliance materials in furtherance of any joint or individual
1796 investigation initiated under the Compact.



1797 (e) Any member state may investigate actual or alleged
1798 violations of the statutes authorizing the practice of medicine in
1799 any other member state in which a physician holds a license to
1800 practice medicine.

1801 **SECTION 10**

1802 **Disciplinary Actions**

1803 (a) Any disciplinary action taken by any member board
1804 against a physician licensed through the Compact shall be deemed
1805 unprofessional conduct which may be subject to discipline by other
1806 member boards, in addition to any violation of the Medical
1807 Practice Act or regulations in that state.

1808 (b) If a license granted to a physician by the member board
1809 in the state of principal license is revoked, surrendered or
1810 relinquished in lieu of discipline, or suspended, then all
1811 licenses issued to the physician by member boards shall
1812 automatically be placed, without further action necessary by any
1813 member board, on the same status. If the member board in the
1814 state of principal license subsequently reinstates the physician's
1815 license, a license issued to the physician by any other member
1816 board shall remain encumbered until that respective member board
1817 takes action to reinstate the license in a manner consistent with
1818 the Medical Practice Act of that state.

1819 (c) If disciplinary action is taken against a physician by a
1820 member board not in the state of principal license, any other



1821 member board may deem the action conclusive as to matter of law
1822 and fact decided, and:

1823 (i) Impose the same or lesser sanction(s) against the
1824 physician so long as such sanctions are consistent with the
1825 Medical Practice Act of that state; or

1826 (ii) Pursue separate disciplinary action against the
1827 physician under its respective Medical Practice Act, regardless of
1828 the action taken in other member states.

1829 (d) If a license granted to a physician by a member board is
1830 revoked, surrendered or relinquished in lieu of discipline, or
1831 suspended, then any license(s) issued to the physician by any
1832 other member board(s) shall be suspended, automatically and
1833 immediately without further action necessary by the other member
1834 board(s), for ninety (90) days upon entry of the order by the
1835 disciplining board, to permit the member board(s) to investigate
1836 the basis for the action under the Medical Practice Act of that
1837 state. A member board may terminate the automatic suspension of
1838 the license it issued prior to the completion of the ninety (90)
1839 day suspension period in a manner consistent with the Medical
1840 Practice Act of that state.

1841 **SECTION 11**

1842 **Interstate Medical Licensure Compact Commission**

1843 (a) The member states create the "Interstate Medical
1844 Licensure Compact Commission."



1845 (b) The purpose of the Interstate Commission is the
1846 administration of the Interstate Medical Licensure Compact, which
1847 is a discretionary state function.

1848 (c) The Interstate Commission shall be a body corporate and
1849 joint agency of the member states and shall have all the
1850 responsibilities, powers, and duties set forth in the Compact, and
1851 such additional powers as may be conferred upon it by a subsequent
1852 concurrent action of the respective legislatures of the member
1853 states in accordance with the terms of the Compact.

1854 (d) The Interstate Commission shall consist of two (2)
1855 voting representatives appointed by each member state who shall
1856 serve as Commissioners. In states where allopathic and
1857 osteopathic physicians are regulated by separate member boards, or
1858 if the licensing and disciplinary authority is split between
1859 multiple member boards within a member state, the member state
1860 shall appoint one (1) representative from each member board. A
1861 Commissioner shall be a(n):

1862 (1) Allopathic or osteopathic physician appointed to a
1863 member board;

1864 (2) Executive director, executive secretary, or similar
1865 executive of a member board; or

1866 (3) Member of the public appointed to a member board.

1867 (e) The Interstate Commission shall meet at least once each
1868 calendar year. A portion of this meeting shall be a business
1869 meeting to address such matters as may properly come before the



1870 Commission, including the election of officers. The chairperson
1871 may call additional meetings and shall call for a meeting upon the
1872 request of a majority of the member states.

1873 (f) The bylaws may provide for meetings of the Interstate
1874 Commission to be conducted by telecommunication or electronic
1875 communication.

1876 (g) Each Commissioner participating at a meeting of the
1877 Interstate Commission is entitled to one (1) vote. A majority of
1878 Commissioners shall constitute a quorum for the transaction of
1879 business, unless a larger quorum is required by the bylaws of the
1880 Interstate Commission. A Commissioner shall not delegate a vote
1881 to another Commissioner. In the absence of its Commissioner, a
1882 member state may delegate voting authority for a specified meeting
1883 to another person from that state who shall meet the requirements
1884 of subsection (d).

1885 (h) The Interstate Commission shall provide public notice of
1886 all meetings and all meetings shall be open to the public. The
1887 Interstate Commission may close a meeting, in full or in portion,
1888 where it determines by a two-thirds (2/3) vote of the
1889 Commissioners present that an open meeting would be likely to:

1890 (1) Relate solely to the internal personnel practices
1891 and procedures of the Interstate Commission;

1892 (2) Discuss matters specifically exempted from
1893 disclosure by federal statute;



1894 (3) Discuss trade secrets, commercial, or financial
1895 information that is privileged or confidential;

1896 (4) Involve accusing a person of a crime, or formally
1897 censuring a person;

1898 (5) Discuss information of a personal nature where
1899 disclosure would constitute a clearly unwarranted invasion of
1900 personal privacy;

1901 (6) Discuss investigative records compiled for law
1902 enforcement purposes; or

1903 (7) Specifically relate to the participation in a civil
1904 action or other legal proceeding.

1905 (i) The Interstate Commission shall keep minutes which shall
1906 fully describe all matters discussed in a meeting and shall
1907 provide a full and accurate summary of actions taken, including
1908 record of any roll call votes.

1909 (j) The Interstate Commission shall make its information and
1910 official records, to the extent not otherwise designated in the
1911 Compact or by its rules, available to the public for inspection.

1912 (k) The Interstate Commission shall establish an executive
1913 committee, which shall include officers, members, and others as
1914 determined by the bylaws. The executive committee shall have the
1915 power to act on behalf of the Interstate Commission, with the
1916 exception of rulemaking, during periods when the Interstate
1917 Commission is not in session. When acting on behalf of the
1918 Interstate Commission, the executive committee shall oversee the



1919 administration of the Compact including enforcement and compliance
1920 with the provisions of the Compact, its bylaws and rules, and
1921 other such duties as necessary.

1922 (l) The Interstate Commission may establish other committees
1923 for governance and administration of the Compact.

1924 **SECTION 12**

1925 **Powers and Duties of the Interstate Commission**

1926 The Interstate Commission shall have the duty and power to:

1927 (a) Oversee and maintain the administration of the Compact;

1928 (b) Promulgate rules which shall be binding to the extent
1929 and in the manner provided for in the Compact;

1930 (c) Issue, upon the request of a member state or member
1931 board, advisory opinions concerning the meaning or interpretation
1932 of the Compact, its bylaws, rules, and actions;

1933 (d) Enforce compliance with Compact provisions, the rules
1934 promulgated by the Interstate Commission, and the bylaws, using
1935 all necessary and proper means, including but not limited to the
1936 use of judicial process;

1937 (e) Establish and appoint committees, including but not
1938 limited to an executive committee as required by Section 11, which
1939 shall have the power to act on behalf of the Interstate Commission
1940 in carrying out its powers and duties;

1941 (f) Pay, or provide for the payment of the expenses related
1942 to the establishment, organization, and ongoing activities of the
1943 Interstate Commission;



1944 (g) Establish and maintain one or more offices;
1945 (h) Borrow, accept, hire, or contract for services of
1946 personnel;
1947 (i) Purchase and maintain insurance and bonds;
1948 (j) Employ an executive director who shall have such powers
1949 to employ, select or appoint employees, agents, or consultants,
1950 and to determine their qualifications, define their duties, and
1951 fix their compensation;
1952 (k) Establish personnel policies and programs relating to
1953 conflicts of interest, rates of compensation, and qualifications
1954 of personnel;
1955 (l) Accept donations and grants of money, equipment,
1956 supplies, materials and services, and to receive, utilize, and
1957 dispose of it in a manner consistent with the conflict of interest
1958 policies established by the Interstate Commission;
1959 (m) Lease, purchase, accept contributions or donations of,
1960 or otherwise to own, hold, improve or use, any property, real,
1961 personal, or mixed;
1962 (n) Sell, convey, mortgage, pledge, lease, exchange,
1963 abandon, or otherwise dispose of any property, real, personal, or
1964 mixed;
1965 (o) Establish a budget and make expenditures;
1966 (p) Adopt a seal and bylaws governing the management and
1967 operation of the Interstate Commission;



1968 (q) Report annually to the legislatures and governors of the
1969 member states concerning the activities of the Interstate
1970 Commission during the preceding year. Such reports shall also
1971 include reports of financial audits and any recommendations that
1972 may have been adopted by the Interstate Commission;

1973 (r) Coordinate education, training, and public awareness
1974 regarding the Compact, its implementation, and its operation;

1975 (s) Maintain records in accordance with the bylaws;

1976 (t) Seek and obtain trademarks, copyrights, and patents; and

1977 (u) Perform such functions as may be necessary or
1978 appropriate to achieve the purposes of the Compact.

1979 **SECTION 13**

1980 **Finance Powers**

1981 (a) The Interstate Commission may levy on and collect an
1982 annual assessment from each member state to cover the cost of the
1983 operations and activities of the Interstate Commission and its
1984 staff. The total assessment must be sufficient to cover the
1985 annual budget approved each year for which revenue is not provided
1986 by other sources. The aggregate annual assessment amount shall be
1987 allocated upon a formula to be determined by the Interstate
1988 Commission, which shall promulgate a rule binding upon all member
1989 states.

1990 (b) The Interstate Commission shall not incur obligations of
1991 any kind prior to securing the funds adequate to meet the same.



1992 (c) The Interstate Commission shall not pledge the credit of
1993 any of the member states, except by, and with the authority of,
1994 the member state.

1995 (d) The Interstate Commission shall be subject to a yearly
1996 financial audit conducted by a certified or licensed public
1997 accountant and the report of the audit shall be included in the
1998 annual report of the Interstate Commission.

1999 **SECTION 14**

2000 **Organization and Operation of the Interstate Commission**

2001 (a) The Interstate Commission shall, by a majority of
2002 Commissioners present and voting, adopt bylaws to govern its
2003 conduct as may be necessary or appropriate to carry out the
2004 purposes of the Compact within twelve (12) months of the first
2005 Interstate Commission meeting.

2006 (b) The Interstate Commission shall elect or appoint
2007 annually from among its Commissioners a chairperson, a vice
2008 chairperson, and a treasurer, each of whom shall have such
2009 authority and duties as may be specified in the bylaws. The
2010 chairperson, or in the chairperson's absence or disability, the
2011 vice chairperson, shall preside at all meetings of the Interstate
2012 Commission.

2013 (c) Officers selected in subsection (b) shall serve without
2014 remuneration from the Interstate Commission.

2015 (d) The officers and employees of the Interstate Commission
2016 shall be immune from suit and liability, either personally or in



2017 their official capacity, for a claim for damage to or loss of
2018 property or personal injury or other civil liability caused or
2019 arising out of, or relating to, an actual or alleged act, error,
2020 or omission that occurred, or that such person had a reasonable
2021 basis for believing occurred, within the scope of Interstate
2022 Commission employment, duties, or responsibilities; provided that
2023 such person shall not be protected from suit or liability for
2024 damage, loss, injury, or liability caused by the intentional or
2025 willful and wanton misconduct of such person.

2026 (1) The liability of the executive director and
2027 employees of the Interstate Commission or representatives of the
2028 Interstate Commission, acting within the scope of such person's
2029 employment or duties for acts, errors, or omissions occurring
2030 within such person's state, may not exceed the limits of liability
2031 set forth under the constitution and laws of that state for state
2032 officials, employees, and agents. The Interstate Commission is
2033 considered to be an instrumentality of the states for the purposes
2034 of any such action. Nothing in this subsection shall be construed
2035 to protect such person from suit or liability for damage, loss,
2036 injury, or liability caused by the intentional or willful and
2037 wanton misconduct of such person.

2038 (2) The Interstate Commission shall defend the
2039 executive director, its employees, and subject to the approval of
2040 the attorney general or other appropriate legal counsel of the
2041 member state represented by an Interstate Commission



2042 representative, shall defend such Interstate Commission
2043 representative in any civil action seeking to impose liability
2044 arising out of an actual or alleged act, error or omission that
2045 occurred within the scope of Interstate Commission employment,
2046 duties or responsibilities, or that the defendant had a reasonable
2047 basis for believing occurred within the scope of Interstate
2048 Commission employment, duties, or responsibilities, provided that
2049 the actual or alleged act, error, or omission did not result from
2050 intentional or willful and wanton misconduct on the part of such
2051 person.

2052 (3) To the extent not covered by the state involved,
2053 member state, or the Interstate Commission, the representatives or
2054 employees of the Interstate Commission shall be held harmless in
2055 the amount of a settlement or judgment, including attorney's fees
2056 and costs, obtained against such persons arising out of an actual
2057 or alleged act, error, or omission that occurred within the scope
2058 of Interstate Commission employment, duties, or responsibilities,
2059 or that such persons had a reasonable basis for believing occurred
2060 within the scope of Interstate Commission employment, duties, or
2061 responsibilities, provided that the actual or alleged act, error,
2062 or omission did not result from intentional or willful and wanton
2063 misconduct on the part of such persons.

2064 **SECTION 15**

2065 **Rulemaking Functions of the Interstate Commission**



2066 (a) The Interstate Commission shall promulgate reasonable
2067 rules in order to effectively and efficiently achieve the purposes
2068 of the Compact. Notwithstanding the foregoing, in the event the
2069 Interstate Commission exercises its rulemaking authority in a
2070 manner that is beyond the scope of the purposes of the Compact, or
2071 the powers granted hereunder, then such an action by the
2072 Interstate Commission shall be invalid and have no force or
2073 effect.

2074 (b) Rules deemed appropriate for the operations of the
2075 Interstate Commission shall be made pursuant to a rulemaking
2076 process that substantially conforms to the "Model State
2077 Administrative Procedure Act" of 2010, and subsequent amendments
2078 thereto.

2079 (c) Not later than thirty (30) days after a rule is
2080 promulgated, any person may file a petition for judicial review of
2081 the rule in the United States District Court for the District of
2082 Columbia or the federal district where the Interstate Commission
2083 has its principal offices, provided that the filing of such a
2084 petition shall not stay or otherwise prevent the rule from
2085 becoming effective unless the court finds that the petitioner has
2086 a substantial likelihood of success. The court shall give
2087 deference to the actions of the Interstate Commission consistent
2088 with applicable law and shall not find the rule to be unlawful if
2089 the rule represents a reasonable exercise of the authority granted
2090 to the Interstate Commission.



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SECTION 16

Oversight of Interstate Compact

(a) The executive, legislative, and judicial branches of state government in each member state shall enforce the Compact and shall take all actions necessary and appropriate to effectuate the Compact's purposes and intent. The provisions of the Compact and the rules promulgated hereunder shall have standing as statutory law but shall not override existing state authority to regulate the practice of medicine.

(b) All courts shall take judicial notice of the Compact and the rules in any judicial or administrative proceeding in a member state pertaining to the subject matter of the Compact which may affect the powers, responsibilities or actions of the Interstate Commission.

(c) The Interstate Commission shall be entitled to receive all service of process in any such proceeding, and shall have standing to intervene in the proceeding for all purposes. Failure to provide service of process to the Interstate Commission shall render a judgment or order void as to the Interstate Commission, the Compact, or promulgated rules.

SECTION 17

Enforcement of Interstate Compact

(a) The Interstate Commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of the Compact.



2116 (b) The Interstate Commission may, by majority vote of the
2117 Commissioners, initiate legal action in the United States District
2118 Court for the District of Columbia, or, at the discretion of the
2119 Interstate Commission, in the federal district where the
2120 Interstate Commission has its principal offices, to enforce
2121 compliance with the provisions of the Compact, and its promulgated
2122 rules and bylaws, against a member state in default. The relief
2123 sought may include both injunctive relief and damages. In the
2124 event judicial enforcement is necessary, the prevailing party
2125 shall be awarded all costs of such litigation including reasonable
2126 attorney's fees.

2127 (c) The remedies herein shall not be the exclusive remedies
2128 of the Interstate Commission. The Interstate Commission may avail
2129 itself of any other remedies available under state law or the
2130 regulation of a profession.

2131 **SECTION 18**

2132 **Default Procedures**

2133 (a) The grounds for default include, but are not limited to,
2134 failure of a member state to perform such obligations or
2135 responsibilities imposed upon it by the Compact, or the rules and
2136 bylaws of the Interstate Commission promulgated under the Compact.

2137 (b) If the Interstate Commission determines that a member
2138 state has defaulted in the performance of its obligations or
2139 responsibilities under the Compact, or the bylaws or promulgated
2140 rules, the Interstate Commission shall:



2141 (1) Provide written notice to the defaulting state and
2142 other member states, of the nature of the default, the means of
2143 curing the default, and any action taken by the Interstate
2144 Commission. The Interstate Commission shall specify the
2145 conditions by which the defaulting state must cure its default;
2146 and

2147 (2) Provide remedial training and specific technical
2148 assistance regarding the default.

2149 (c) If the defaulting state fails to cure the default, the
2150 defaulting state shall be terminated from the Compact upon an
2151 affirmative vote of a majority of the Commissioners and all
2152 rights, privileges, and benefits conferred by the Compact shall
2153 terminate on the effective date of termination. A cure of the
2154 default does not relieve the offending state of obligations or
2155 liabilities incurred during the period of the default.

2156 (d) Termination of membership in the Compact shall be
2157 imposed only after all other means of securing compliance have
2158 been exhausted. Notice of intent to terminate shall be given by
2159 the Interstate Commission to the Governor, the majority and
2160 minority leaders of the defaulting state's legislature, and each
2161 of the member states.

2162 (e) The Interstate Commission shall establish rules and
2163 procedures to address licenses and physicians that are materially
2164 impacted by the termination of a member state, or the withdrawal
2165 of a member state.



2166 (f) The member state which has been terminated is
2167 responsible for all dues, obligations, and liabilities incurred
2168 through the effective date of termination including obligations,
2169 the performance of which extends beyond the effective date of
2170 termination.

2171 (g) The Interstate Commission shall not bear any costs
2172 relating to any state that has been found to be in default or
2173 which has been terminated from the Compact, unless otherwise
2174 mutually agreed upon in writing between the Interstate Commission
2175 and the defaulting state.

2176 (h) The defaulting state may appeal the action of the
2177 Interstate Commission by petitioning the United States District
2178 Court for the District of Columbia or the federal district where
2179 the Interstate Commission has its principal offices. The
2180 prevailing party shall be awarded all costs of such litigation
2181 including reasonable attorney's fees.

2182 **SECTION 19**

2183 **Dispute Resolution**

2184 (a) The Interstate Commission shall attempt, upon the
2185 request of a member state, to resolve disputes which are subject
2186 to the Compact and which may arise among member states or member
2187 boards.

2188 (b) The Interstate Commission shall promulgate rules
2189 providing for both mediation and binding dispute resolution as
2190 appropriate.



2191 **SECTION 20**

2192 **Member States, Effective Date and Amendment**

2193 (a) Any state is eligible to become a member state of the
2194 Compact.

2195 (b) The Compact shall become effective and binding upon
2196 legislative enactment of the Compact into law by no less than
2197 seven (7) states. Thereafter, it shall become effective and
2198 binding on a state upon enactment of the Compact into law by that
2199 state.

2200 (c) The governors of nonmember states, or their designees,
2201 shall be invited to participate in the activities of the
2202 Interstate Commission on a nonvoting basis prior to adoption of
2203 the Compact by all states.

2204 (d) The Interstate Commission may propose amendments to the
2205 Compact for enactment by the member states. No amendment shall
2206 become effective and binding upon the Interstate Commission and
2207 the member states unless and until it is enacted into law by
2208 unanimous consent of the member states.

2209 **SECTION 21**

2210 **Withdrawal**

2211 (a) Once effective, the Compact shall continue in force and
2212 remain binding upon each and every member state; provided that a
2213 member state may withdraw from the Compact by specifically
2214 repealing the statute which enacted the Compact into law.



2215 (b) Withdrawal from the Compact shall be by the enactment of
2216 a statute repealing the same, but shall not take effect until one
2217 (1) year after the effective date of such statute and until
2218 written notice of the withdrawal has been given by the withdrawing
2219 state to the Governor of each other member state.

2220 (c) The withdrawing state shall immediately notify the
2221 chairperson of the Interstate Commission in writing upon the
2222 introduction of legislation repealing the Compact in the
2223 withdrawing state.

2224 (d) The Interstate Commission shall notify the other member
2225 states of the withdrawing state's intent to withdraw within sixty
2226 (60) days of its receipt of notice provided under subsection (c).

2227 (e) The withdrawing state is responsible for all dues,
2228 obligations and liabilities incurred through the effective date of
2229 withdrawal, including obligations, the performance of which extend
2230 beyond the effective date of withdrawal.

2231 (f) Reinstatement following withdrawal of a member state
2232 shall occur upon the withdrawing state reenacting the Compact or
2233 upon such later date as determined by the Interstate Commission.

2234 (g) The Interstate Commission is authorized to develop rules
2235 to address the impact of the withdrawal of a member state on
2236 licenses granted in other member states to physicians who
2237 designated the withdrawing member state as the state of principal
2238 license.

2239

SECTION 22



2240

Dissolution

2241 (a) The Compact shall dissolve effective upon the date of
2242 the withdrawal or default of the member state which reduces the
2243 membership in the Compact to one (1) member state.

2244 (b) Upon the dissolution of the Compact, the Compact becomes
2245 null and void and shall be of no further force or effect, and the
2246 business and affairs of the Interstate Commission shall be
2247 concluded and surplus funds shall be distributed in accordance
2248 with the bylaws.

2249

SECTION 23

2250

Severability and Construction

2251 (a) The provisions of the Compact shall be severable, and if
2252 any phrase, clause, sentence, or provision is deemed
2253 unenforceable, the remaining provisions of the Compact shall be
2254 enforceable.

2255 (b) The provisions of the Compact shall be liberally
2256 construed to effectuate its purposes.

2257 (c) Nothing in the Compact shall be construed to prohibit
2258 the applicability of other interstate compacts to which the states
2259 are members.

2260

SECTION 24

2261

Binding Effect of Compact and Other Laws

2262 (a) Nothing herein prevents the enforcement of any other law
2263 of a member state that is not inconsistent with the Compact.



2264 (b) All laws in a member state in conflict with the Compact
2265 are superseded to the extent of the conflict.

2266 (c) All lawful actions of the Interstate Commission,
2267 including all rules and bylaws promulgated by the Commission, are
2268 binding upon the member states.

2269 (d) All agreements between the Interstate Commission and the
2270 member states are binding in accordance with their terms.

2271 (e) In the event any provision of the Compact exceeds the
2272 constitutional limits imposed on the legislature of any member
2273 state, such provision shall be ineffective to the extent of the
2274 conflict with the constitutional provision in question in that
2275 member state.

2276 **SECTION 19.** Section 73-27-13, Mississippi Code of 1972, is
2277 amended as follows:

2278 73-27-13. (1) The State Board of Medical Licensure may
2279 refuse to issue, suspend, revoke or otherwise restrict any license
2280 provided for in this chapter, with the advice of the advisory
2281 committee, based upon the following grounds:

2282 (a) Habitual personal use of narcotic drugs, or any
2283 other drug having addiction-forming or addiction-sustaining
2284 liability.

2285 (b) Habitual use of intoxicating liquors, or any
2286 beverage, to an extent which affects professional competency.

2287 (c) Administering, dispensing or prescribing any
2288 narcotic drug, or any other drug having addiction-forming or



2289 addiction-sustaining liability otherwise than in the course of
2290 legitimate professional practice.

2291 (d) Conviction of violation of any federal or state law
2292 regulating the possession, distribution or use of any narcotic
2293 drug or any drug considered a controlled substance under state or
2294 federal law.

2295 (e) Performing any medical diagnosis or treatment
2296 outside the scope of podiatry as defined in Section 73-27-1.

2297 (f) Conviction of a * * * disqualifying crime as
2298 provided in the Fresh Start Act.

2299 (g) Obtaining or attempting to obtain a license by
2300 fraud or deception.

2301 (h) Unprofessional conduct, which includes, but is not
2302 limited to:

2303 (i) Practicing medicine under a false or assumed
2304 name or impersonating another practitioner, living or dead.

2305 (ii) Knowingly performing any act which in any way
2306 assists an unlicensed person to practice podiatry.

2307 (iii) Making or willfully causing to be made any
2308 flamboyant claims concerning the licensee's professional
2309 excellence.

2310 (iv) Being guilty of any dishonorable or unethical
2311 conduct likely to deceive, defraud or harm the public.

2312 (v) Obtaining a fee as personal compensation or
2313 gain from a person on fraudulent representation a disease or



2314 injury condition generally considered incurable by competent
2315 medical authority in the light of current scientific knowledge and
2316 practice can be cured or offering, undertaking, attempting or
2317 agreeing to cure or treat the same by a secret method, which he
2318 refuses to divulge to the board upon request.

2319 (vi) Use of any false, fraudulent or forged
2320 statement or document, or the use of any fraudulent, deceitful,
2321 dishonest or immoral practice in connection with any of the
2322 licensing requirements, including the signing in his professional
2323 capacity any certificate that is known to be false at the time he
2324 makes or signs such certificate.

2325 (vii) Failing to identify a podiatrist's school of
2326 practice in all professional uses of his name by use of his earned
2327 degree or a description of his school of practice.

2328 (i) The refusal of a licensing authority of another
2329 state to issue or renew a license, permit or certificate to
2330 practice podiatry in that state or the revocation, suspension or
2331 other restriction imposed on a license, permit or certificate
2332 issued by such licensing authority which prevents or restricts
2333 practice in that state.

2334 (j) Violation(s) of the provisions of Sections 41-121-1
2335 through 41-121-9 relating to deceptive advertisement by health
2336 care practitioners. This paragraph shall stand repealed on July
2337 1, 2025.



2338 (2) Upon the nonissuance, suspension or revocation of a
2339 license to practice podiatry, the board may, in its discretion and
2340 with the advice of the advisory committee, reissue a license after
2341 a lapse of six (6) months. No advertising shall be permitted
2342 except regular professional cards.

2343 (3) In its investigation of whether the license of a
2344 podiatrist should be suspended, revoked or otherwise restricted,
2345 the board may inspect patient records in accordance with the
2346 provisions of Section 73-25-28.

2347 (4) In addition to the grounds specified in subsection (1)
2348 of this section, the board shall be authorized to suspend the
2349 license of any licensee for being out of compliance with an order
2350 for support, as defined in Section 93-11-153. The procedure for
2351 suspension of a license for being out of compliance with an order
2352 for support, and the procedure for the reissuance or reinstatement
2353 of a license suspended for that purpose, and the payment of any
2354 fees for the reissuance or reinstatement of a license suspended
2355 for that purpose, shall be governed by Section 93-11-157 or
2356 93-11-163, as the case may be. If there is any conflict between
2357 any provision of Section 93-11-157 or 93-11-163 and any provision
2358 of this chapter, the provisions of Section 93-11-157 or 93-11-163,
2359 as the case may be, shall control.

2360 **SECTION 20.** Section 73-29-13, Mississippi Code of 1972, is
2361 amended as follows:



2362 73-29-13. A person is qualified to receive a license as an
2363 examiner:

2364 (1) Who is at least twenty-one (21) years of age;

2365 (2) Who is a citizen of the United States;

2366 (3) Who establishes that he is a person of honesty,
2367 truthfulness, integrity, and moral fitness;

2368 (4) Who has not been convicted of a * * * disqualifying
2369 crime as provided in the Fresh Start Act;

2370 (5) Who holds a baccalaureate degree from a college or
2371 university accredited by the American Association of Collegiate
2372 Registrars and Admissions Officers or, in lieu thereof, has five
2373 (5) consecutive years of active investigative experience
2374 immediately preceding his application;

2375 (6) Who is a graduate of a polygraph examiners course
2376 approved by the board and has satisfactorily completed not less
2377 than six (6) months of internship training, provided that if the
2378 applicant is not a graduate of an approved polygraph examiners
2379 course, satisfactory completion of not less than twelve (12)
2380 months of internship training may satisfy this subdivision; and

2381 (7) Prior to the issuance of a license, the applicant
2382 must furnish to the board evidence of a surety bond or insurance
2383 policy. Said surety bond or insurance policy shall be in the sum
2384 of Five Thousand Dollars (\$5,000.00) and shall be conditioned that
2385 the obligor therein will pay to the extent of the face amount of
2386 such surety bond or insurance policy all judgments which may be



2387 recovered against the licensee by reason of any wrongful or
2388 illegal acts committed by him in the course of his examinations.

2389 **SECTION 21.** Section 73-29-31, Mississippi Code of 1972, is
2390 amended as follows:

2391 73-29-31. (1) The board may refuse to issue or may suspend
2392 or revoke a license on any one or more of the following grounds:

2393 (a) For failing to inform a subject to be examined as
2394 to the nature of the examination;

2395 (b) For failing to inform a subject to be examined that
2396 his participation in the examination is voluntary;

2397 (c) Material misstatement in the application for
2398 original license or in the application for any renewal license
2399 under this chapter;

2400 (d) Willful disregard or violation of this chapter or
2401 of any regulation or rule issued pursuant thereto, including, but
2402 not limited to, willfully making a false report concerning an
2403 examination for polygraph examination purposes;

2404 (e) If the holder of any license has been adjudged
2405 guilty of the commission of a * * * disqualifying crime as
2406 provided in the Fresh Start Act;

2407 (f) Making any willful misrepresentation or false
2408 promises or causing to be printed any false or misleading
2409 advertisement for the purpose of directly or indirectly obtaining
2410 business or trainees;



2411 (g) Having demonstrated unworthiness or incompetency to
2412 act as a polygraph examiner as defined by this chapter;

2413 (h) Allowing one's license under this chapter to be
2414 used by any unlicensed person in violation of the provisions of
2415 this chapter;

2416 (i) Willfully aiding or abetting another in the
2417 violation of this chapter or any regulation or rule issued
2418 pursuant thereto;

2419 (j) Where the license holder has been adjudged by a
2420 court of competent jurisdiction as habitual drunkard, mentally
2421 incompetent, or in need of a conservator;

2422 (k) Failing, within a reasonable time, to provide
2423 information requested by the secretary as the result of a formal
2424 complaint to the board which would indicate a violation of this
2425 chapter;

2426 (l) Failing to inform the subject of the results of the
2427 examination if so requested; or

2428 (m) With regard to any polygraph examiner employed for
2429 a fee and not employed by a governmental law enforcement agency or
2430 the Mississippi Department of Corrections:

2431 (i) Requiring a subject, prior to taking the
2432 examination or as a condition of receiving the results of the
2433 examination, to waive any rights or causes of action he may have
2434 or which may accrue in favor of the subject arising out of or
2435 resulting from the administration of the examination; except the



2436 examiner may require, prior to the examination or as a condition
2437 of receiving the results of the examination, a subject to waive
2438 any rights or causes of action that may accrue against the
2439 examiner as a result of any use made of the results of the
2440 examination by the person who employed the examiner;

2441 (ii) Requiring a subject to acknowledge that his
2442 examination is not done for purposes of employment when, in fact,
2443 the results of the examination are to be submitted to an employer
2444 or an agent of an employer; or

2445 (iii) Reporting the results of an examination to
2446 any person not authorized to receive the results of the
2447 examination except for the person who employed the examiner,
2448 unless authorized in writing by the subject.

2449 (2) In addition to the grounds specified in subsection (1)
2450 of this section, the board shall be authorized to suspend the
2451 license of any licensee for being out of compliance with an order
2452 for support, as defined in Section 93-11-153. The procedure for
2453 suspension of a license for being out of compliance with an order
2454 for support, and the procedure for the reissuance or reinstatement
2455 of a license suspended for that purpose, and the payment of any
2456 fees for the reissuance or reinstatement of a license suspended
2457 for that purpose, shall be governed by Section 93-11-157 or
2458 93-11-163, as the case may be. If there is any conflict between
2459 any provision of Section 93-11-157 or 93-11-163 and any provision



2460 of this chapter, the provisions of Section 93-11-157 or 93-11-163,
2461 as the case may be, shall control.

2462 **SECTION 22.** Section 73-31-21, Mississippi Code of 1972, is
2463 amended as follows:

2464 73-31-21. (1) The board, by an affirmative vote of at least
2465 four (4) of its seven (7) members, shall withhold, deny, revoke or
2466 suspend any license issued or applied for in accordance with the
2467 provisions of this chapter, or otherwise discipline a licensed
2468 psychologist, upon proof that the applicant or licensed
2469 psychologist:

2470 (a) Has violated the current code of ethics of the
2471 American Psychological Association or other codes of ethical
2472 standards adopted by the board; or

2473 (b) Has been convicted of a * * * disqualifying crime
2474 as provided in the Fresh Start Act, the record of conviction being
2475 conclusive evidence thereof; or

2476 (c) Is using any substance or any alcoholic beverage to
2477 an extent or in a manner dangerous to any other person or the
2478 public, or to an extent that the use impairs his or her ability to
2479 perform the work of a professional psychologist with safety to the
2480 public; or

2481 (d) Has impersonated another person holding a
2482 psychologist license or allowed another person to use his or her
2483 license; or



2484 (e) Has used fraud or deception in applying for a
2485 license or in taking an examination provided for in this chapter;
2486 or

2487 (f) Has accepted commissions or rebates or other forms
2488 of remuneration for referring clients to other professional
2489 persons; or

2490 (g) Has performed psychological services outside of the
2491 area of his or her training, experience or competence; or

2492 (h) Has allowed his or her name or license issued under
2493 this chapter to be used in connection with any person or persons
2494 who perform psychological services outside of the area of their
2495 training, experience or competence; or

2496 (i) Is legally adjudicated mentally incompetent, the
2497 record of that adjudication being conclusive evidence thereof; or

2498 (j) Has willfully or negligently violated any of the
2499 provisions of this chapter. The board may recover from any person
2500 disciplined under this chapter, the costs of investigation,
2501 prosecution, and adjudication of the disciplinary action.

2502 (2) Notice shall be effected by registered mail or personal
2503 service setting forth the particular reasons for the proposed
2504 action and fixing a date not less than thirty (30) days nor more
2505 than sixty (60) days from the date of the mailing or that service,
2506 at which time the applicant or licensee shall be given an
2507 opportunity for a prompt and fair hearing. For the purpose of the
2508 hearing, the board, acting by and through its executive secretary,



2509 may subpoena persons and papers on its own behalf and on behalf of
2510 the applicant or licensee, may administer oaths and may take
2511 testimony. That testimony, when properly transcribed, together
2512 with the papers and exhibits, shall be admissible in evidence for
2513 or against the applicant or licensee. At the hearing, the
2514 applicant or licensee may appear by counsel and personally in his
2515 or her own behalf. Any person sworn and examined by a witness in
2516 the hearing shall not be held to answer criminally, nor shall any
2517 papers or documents produced by the witness be competent evidence
2518 in any criminal proceedings against the witness other than for
2519 perjury in delivering his or her evidence. On the basis of any
2520 such hearing, or upon default of applicant or licensee, the board
2521 shall make a determination specifying its findings of fact and
2522 conclusions of law. A copy of that determination shall be sent by
2523 registered mail or served personally upon the applicant or
2524 licensee. The decision of the board denying, revoking or
2525 suspending the license shall become final thirty (30) days after
2526 so mailed or served, unless within that period the applicant or
2527 licensee appeals the decision to the chancery court, under the
2528 provisions hereof, and the proceedings in chancery shall be
2529 conducted as other matters coming before the court. All
2530 proceedings and evidence, together with exhibits, presented at the
2531 hearing before the board shall be admissible in evidence in court
2532 in the appeal.



2533 (3) The board may subpoena persons and papers on its own
2534 behalf and on behalf of the respondent, may administer oaths and
2535 may compel the testimony of witnesses. It may issue commissions
2536 to take testimony, and testimony so taken and sworn to shall be
2537 admissible in evidence for and against the respondent. The board
2538 shall be entitled to the assistance of the chancery court or the
2539 chancellor in vacation, which, on petition by the board, shall
2540 issue ancillary subpoenas and petitions and may punish as for
2541 contempt of court in the event of noncompliance therewith.

2542 (4) Every order and judgment of the board shall take effect
2543 immediately on its promulgation unless the board in the order or
2544 judgment fixes a probationary period for the applicant or
2545 licensee. The order and judgment shall continue in effect unless
2546 upon appeal the court by proper order or decree terminates it
2547 earlier. The board may make public its order and judgments in
2548 any manner and form as it deems proper. It shall, in event of the
2549 suspension or revocation of a license, direct the clerk of the
2550 circuit court of the county in which that license was recorded to
2551 cancel that record.

2552 (5) Nothing in this section shall be construed as limiting
2553 or revoking the authority of any court or of any licensing or
2554 registering officer or board, other than the Mississippi Board of
2555 Psychology, to suspend, revoke and reinstate licenses and to
2556 cancel registrations under the provisions of Section 41-29-311.



2557 (6) Suspension by the board of the license of a psychologist
2558 shall be for a period not exceeding one (1) year. At the end of
2559 this period the board shall reevaluate the suspension, and shall
2560 either reinstate or revoke the license. A person whose license
2561 has been revoked under the provisions of this section may reapply
2562 for a license after more than two (2) years have elapsed from the
2563 date that the denial or revocation is legally effective.

2564 (7) In addition to the reasons specified in subsection (1)
2565 of this section, the board shall be authorized to suspend the
2566 license of any licensee for being out of compliance with an order
2567 for support, as defined in Section 93-11-153. The procedure for
2568 suspension of a license for being out of compliance with an order
2569 for support, and the procedure for the reissuance or reinstatement
2570 of a license suspended for that purpose, and the payment of any
2571 fees for the reissuance or reinstatement of a license suspended
2572 for that purpose, shall be governed by Section 93-11-157. Actions
2573 taken by the board in suspending a license when required by
2574 Section 93-11-157 or 93-11-163 are not actions from which an
2575 appeal may be taken under this section. Any appeal of a license
2576 suspension that is required by Section 93-11-157 or 93-11-163
2577 shall be taken in accordance with the appeal procedure specified
2578 in Section 93-11-157 or 93-11-163, as the case may be, rather than
2579 the procedure specified in this section. If there is any conflict
2580 between any provision of Section 93-11-157 or 93-11-163 and any



2581 provision of this chapter, the provisions of Section 93-11-157 or
2582 93-11-163, as the case may be, shall control.

2583 (8) The board may issue a nondisciplinary, educational
2584 letter to licensees as provided in Section 73-31-7(2)(g). The
2585 board may also direct a psychologist to obtain a formal assessment
2586 of ability to practice safely if there is reason to believe there
2587 may be impairment due to substance abuse or mental incapacity.
2588 Licensees who may be impaired, but who are able to practice
2589 safely, may be required by the board to seek appropriate treatment
2590 and/or supervision. That action by the board in itself will not
2591 be considered disciplinary.

2592 **SECTION 23.** Section 73-34-109, Mississippi Code of 1972, is
2593 amended as follows:

2594 73-34-109. (1) An appraisal management company applying for
2595 registration in this state shall not:

2596 (a) Be owned, in whole or in part, directly or
2597 indirectly, by any person who has had an appraiser license or
2598 certificate in this state or in any other state, refused, denied,
2599 cancelled, surrendered in lieu of revocation, or revoked; or

2600 (b) Be owned by more than ten percent (10%) by a person
2601 who * * * has been convicted of a disqualifying crime as provided
2602 in the Fresh Start Act.

2603 (2) (a) For purposes of subsection (1)(b) to qualify for
2604 initial registration and every third annual renewed registration
2605 thereafter as an appraisal management company, each individual



2606 owner of more than ten percent (10%) of an appraisal management
2607 company must have successfully been cleared for registration
2608 through an investigation that shall consist of a * * *
2609 verification that the owner is not guilty of or in violation of
2610 any statutory ground for denial of registration as set forth in
2611 this chapter. If no individual owns more than ten percent (10%)
2612 of the appraisal management company, then an investigation of an
2613 owner is not required, but in such instances, the controlling
2614 person designated by the appraisal management company shall be
2615 subject to the requirements of this subsection. If following the
2616 initial registration, any individual becomes either an owner of
2617 more than ten percent (10%) of the appraisal management company or
2618 the designated controlling person of the appraisal management
2619 company, then each such person shall be subject to the
2620 requirements of this subsection at the appraisal management
2621 company's next annual renewal. To assist the board in conducting
2622 its registration investigation, each individual owner of more than
2623 ten percent (10%) of an appraisal management company shall undergo
2624 a fingerprint-based criminal history records check of the
2625 Mississippi central criminal database and the Federal Bureau of
2626 Investigation criminal history database. Each applicant shall
2627 submit a full set of the applicant's fingerprints, in a form and
2628 manner prescribed by the board, which shall be forwarded to the
2629 Mississippi Department of Public Safety (department) and the



2630 Federal Bureau of Investigation Identification Division for this
2631 purpose.

2632 (b) Any state or national criminal history records
2633 information obtained by the board that is not already a matter of
2634 public record shall be deemed nonpublic and confidential
2635 information restricted to the exclusive use of the board, its
2636 members, officers, investigators, agents and attorneys in
2637 evaluating the applicant's eligibility or disqualification for
2638 registration, and shall be exempt from the Mississippi Public
2639 Records Act, Section 25-61-1 et seq. Except upon written consent
2640 of the applicant, or by order of a court of competent
2641 jurisdiction, or when introduced into evidence in a hearing before
2642 the board to determine registration, no such information or
2643 records related thereto shall be released or otherwise disclosed
2644 by the board to any other person or agency.

2645 (c) The board shall provide to the department the
2646 fingerprints of the applicant, any additional information that may
2647 be required by the department, a form signed by the applicant
2648 consenting to the check of the criminal records and to the use of
2649 the fingerprints and other identifying information required by the
2650 state or national repositories.

2651 (d) The board shall charge and collect from the
2652 applicant, in addition to all other applicable fees and costs,
2653 such amount as may be incurred by the board in requesting and



2654 obtaining state and national criminal history records information
2655 on the applicant.

2656 **SECTION 24.** Section 73-39-77, Mississippi Code of 1972, is
2657 amended as follows:

2658 73-39-77. (1) Upon a written complaint sworn to by any
2659 person, the board, in its sole discretion, may, after a hearing,
2660 revoke, suspend or limit for a certain time a license, impose an
2661 administrative fine not to exceed One Thousand Dollars (\$1,000.00)
2662 for each separate offense, or otherwise discipline any licensed
2663 veterinarian for any of the following reasons:

2664 (a) The employment of fraud, misrepresentation or
2665 deception in obtaining a license.

2666 (b) The inability to practice veterinary medicine with
2667 reasonable skill and safety because of a physical or mental
2668 disability, including deterioration of mental capacity, loss of
2669 motor skills or abuse of drugs or alcohol of sufficient degree to
2670 diminish the person's ability to deliver competent patient care.

2671 (c) The use of advertising or solicitation that is
2672 false or misleading.

2673 (d) Conviction of the following in any federal court or
2674 in the courts of this state or any other jurisdiction, regardless
2675 of whether the sentence is deferred:

2676 (i) Any * * * disqualifying crime as provided in
2677 the Fresh Start Act;



2678 (ii) Any crime involving cruelty, abuse or neglect
2679 of animals, including bestiality;

2680 * * *

2681 (* * * iii) Any crime involving unlawful sexual
2682 contact, child abuse, the use or threatened use of a weapon, the
2683 infliction of injury, indecent exposure, perjury, false reporting,
2684 criminal impersonation, forgery and any other crime involving a
2685 lack of truthfulness, veracity or honesty, intimidation of a
2686 victim or witness, larceny, or alcohol or drugs.

2687 For the purposes of this paragraph, a plea of guilty or a
2688 plea of nolo contendere accepted by the court shall be considered
2689 as a conviction.

2690 (e) Incompetence, gross negligence or other malpractice
2691 in the practice of veterinary medicine.

2692 (f) Aiding the unlawful practice of veterinary
2693 medicine.

2694 (g) Fraud or dishonesty in the application or reporting
2695 of any test for disease in animals.

2696 (h) Failure to report, as required by law, or making
2697 false or misleading report of, any contagious or infectious
2698 disease.

2699 (i) Failure to keep accurate patient records.

2700 (j) Dishonesty or gross negligence in the performance
2701 of food safety inspections or in the issuance of any health or
2702 inspection certificates.



2703 (k) Failure to keep veterinary premises and equipment,
2704 including practice vehicles, in a clean and sanitary condition.

2705 (l) Failure to permit the board or its agents to enter
2706 and inspect veterinary premises and equipment, including practice
2707 vehicles, as set by rules promulgated by the board.

2708 (m) Revocation, suspension or limitation of a license
2709 to practice veterinary medicine by another state, territory or
2710 district of the United States.

2711 (n) Loss or suspension of accreditation by any federal
2712 or state agency.

2713 (o) Unprofessional conduct as defined in regulations
2714 adopted by the board.

2715 (p) The dispensing, distribution, prescription or
2716 administration of any veterinary prescription drug, or the
2717 extralabel use of any drug in the absence of a
2718 veterinarian-client-patient relationship.

2719 (q) Violations of state or federal drug laws.

2720 (r) Violations of any order of the board.

2721 (s) Violations of this chapter or of the rules
2722 promulgated under this chapter.

2723 (t) Violation(s) of the provisions of Sections 41-121-1
2724 through 41-121-9 relating to deceptive advertisement by health
2725 care practitioners. This paragraph shall stand repealed on July
2726 1, 2025.



2727 (2) A certified copy of any judgment of conviction or
2728 finding of guilt by a court of competent jurisdiction or by a
2729 governmental agency, or agency authorized to issue licenses or
2730 permits, including the United States Department of Agriculture,
2731 Animal and Plant Health Inspection Service, the Mississippi Board
2732 of Animal Health and the Mississippi Board of Health, of a
2733 veterinarian or veterinary technician of any matters listed in
2734 this section shall be admissible in evidence in any hearing held
2735 by the board to discipline such veterinarian or technician and
2736 shall constitute prima facie evidence of the commission of any
2737 such act.

2738 **SECTION 25.** Section 73-42-9, Mississippi Code of 1972, is
2739 amended as follows:

2740 73-42-9. (1) An applicant for registration shall submit an
2741 application for registration to the Secretary of State in a form
2742 prescribed by the Secretary of State. An application filed under
2743 this section is a public record. Except as otherwise provided in
2744 subsection (2), the application must be in the name of an
2745 individual, signed by the applicant under penalty of perjury and
2746 must state or contain:

2747 (a) The name of the applicant and the address of the
2748 applicant's principal place of business;

2749 (b) The name of the applicant's business or employer,
2750 if applicable;



2751 (c) Any business or occupation engaged in by the
2752 applicant for the five (5) years next preceding the date of
2753 submission of the application;

2754 (d) A description of the applicant's:

2755 (i) Formal training as an athlete agent;

2756 (ii) Practical experience as an athlete agent; and

2757 (iii) Educational background relating to the
2758 applicant's activities as an athlete agent;

2759 (e) The names and addresses of three (3) individuals
2760 not related to the applicant who are willing to serve as
2761 references;

2762 (f) The name, sport and last known team for each
2763 individual for whom the applicant provided services as an athlete
2764 agent during the five (5) years next preceding the date of
2765 submission of the application;

2766 (g) The names and addresses of all persons who are:

2767 (i) With respect to the athlete agent's business
2768 if it is not a corporation, the partners, officers, associates,
2769 individuals or profit-sharers; and

2770 (ii) With respect to a company or corporation
2771 employing the athlete agent, the officers, directors and any
2772 shareholder of the corporation or member with a five percent (5%)
2773 or greater interest;

2774 (h) Whether the applicant or any other person named
2775 pursuant to paragraph (g) has been convicted of a crime that, if



2776 committed in this state, would be a * * * disqualifying crime as
2777 provided in the Fresh Start Act, and identify the crime;

2778 (i) Whether there has been any administrative or
2779 judicial determination that the applicant or any other person
2780 named pursuant to paragraph (g) has made a false, misleading,
2781 deceptive or fraudulent representation;

2782 (j) Any instance in which the conduct of the applicant
2783 or any other person named pursuant to paragraph (g) resulted in
2784 the imposition of a sanction, suspension or declaration of
2785 ineligibility to participate in an interscholastic or
2786 intercollegiate athletic event on a student-athlete or educational
2787 institution;

2788 (k) Any sanction, suspension or disciplinary action
2789 taken against the applicant or any other person named pursuant to
2790 paragraph (g) arising out of occupational or professional conduct;

2791 (l) Whether there has been any denial of an application
2792 for, suspension or revocation of, or refusal to renew, the
2793 certification, registration or licensure of the applicant or any
2794 other person named pursuant to paragraph (g) as an athlete agent
2795 in any state;

2796 (m) Any pending litigation against the applicant in the
2797 applicant's capacity as an agent;

2798 (n) A list of all other states in which the applicant
2799 is currently licensed or registered as an athlete agent and a copy
2800 of each state's license or registration, as applicable; and



2801 (o) Consent to submit to a criminal background check
2802 before being issued a certificate of registration. Any fees
2803 connected with the background check shall be assessed to the
2804 applicant.

2805 (2) An individual who has submitted an application for, and
2806 received a certificate of, registration or licensure as an athlete
2807 agent in another state, may submit a copy of the application and a
2808 valid certificate of registration or licensure from the other
2809 state in lieu of submitting an application in the form prescribed
2810 pursuant to subsection (1), along with the information requested
2811 in paragraphs (l), (m), (n) and (o) of subsection (1). The
2812 Secretary of State shall accept the application and the
2813 certificate from the other state as an application for
2814 registration in this state if the application to the other state:

2815 (a) Was submitted in the other state within the six (6)
2816 months next preceding the submission of the application in this
2817 state and the applicant certifies the information contained in the
2818 application is current;

2819 (b) Contains information substantially similar to or
2820 more comprehensive than that required in an application submitted
2821 in this state; and

2822 (c) Was signed by the applicant under penalty of
2823 perjury.

2824 (3) An athlete agent must notify the Secretary of State
2825 within thirty (30) days whenever the information contained in any



2826 application for registration as an athlete agent in this state
2827 changes in a material way or is, or becomes, inaccurate or
2828 incomplete in any respect. Events requiring notice shall include,
2829 but are not limited to, the following:

2830 (a) Change in address of the athlete agent's principal
2831 place of business;

2832 (b) Conviction of a * * * disqualifying crime as
2833 provided in the Fresh Start Act by the athlete agent;

2834 (c) Denial, suspension, refusal to renew, or revocation
2835 of a registration or license of the athlete agent as an athlete
2836 agent in any state; or

2837 (d) Sanction, suspension or other disciplinary action
2838 taken against the athlete agent arising out of occupational or
2839 professional conduct.

2840 **SECTION 26.** Section 73-42-11, Mississippi Code of 1972, is
2841 amended as follows:

2842 73-42-11. (1) Except as otherwise provided in subsection
2843 (3), the Secretary of State shall issue a certificate of
2844 registration to an individual who complies with Section
2845 73-42-9(1).

2846 (2) Except as otherwise provided in subsection (3), the
2847 Secretary of State shall issue a certificate of registration to an
2848 individual whose application has been accepted under Section
2849 73-42-9(2).



2850 (3) The Secretary of State may refuse to issue a certificate
2851 of registration if he determines that the applicant has engaged in
2852 conduct that has a significant adverse effect on the applicant's
2853 fitness to serve as an athlete agent. In making the
2854 determination, the Secretary of State may consider whether the
2855 applicant has:

2856 (a) Been convicted of a crime in another state that, if
2857 committed in this state, would be a * * * disqualifying crime as
2858 provided in the Fresh Start Act;

2859 (b) Made a materially false, misleading, deceptive or
2860 fraudulent representation as an athlete agent or in the
2861 application;

2862 (c) Engaged in conduct that would disqualify the
2863 applicant from serving in a fiduciary capacity;

2864 (d) Engaged in conduct prohibited by Section 73-42-27;

2865 (e) Had a registration, licensure or certification as
2866 an athlete agent suspended, revoked, or denied or been refused
2867 renewal of registration, licensure or certification in any state;

2868 (f) Engaged in conduct or failed to engage in conduct
2869 the consequence of which was that a sanction, suspension or
2870 declaration of ineligibility to participate in an interscholastic
2871 or intercollegiate athletic event was imposed on a student-athlete
2872 or educational institution; or

2873 (g) Engaged in conduct that significantly adversely
2874 reflects on the applicant's trustworthiness or credibility.



2875 (4) In making a determination under subsection (3), the
2876 Secretary of State shall consider:

2877 (a) How recently the conduct occurred;

2878 (b) The nature of the conduct and the context in which
2879 it occurred; and

2880 (c) Any other relevant conduct of the applicant.

2881 (5) An athlete agent may apply to renew a registration by
2882 submitting an application for renewal in a form prescribed by the
2883 Secretary of State. An application filed under this section is a
2884 public record. The application for renewal must be signed by the
2885 applicant under penalty of perjury and must contain current
2886 information on all matters required in an original registration.

2887 (6) An individual who has submitted an application for
2888 renewal of registration or licensure in another state, in lieu of
2889 submitting an application for renewal in the form prescribed
2890 pursuant to subsection (5), may file a copy of the application for
2891 renewal and a valid certificate of registration from the other
2892 state. The Secretary of State shall accept the application for
2893 renewal from the other state as an application for renewal in this
2894 state if the application to the other state:

2895 (a) Was submitted in the other state within the last
2896 six (6) months and the applicant certifies the information
2897 contained in the application for renewal is current;



2898 (b) Contains information substantially similar to or
2899 more comprehensive than that required in an application for
2900 renewal submitted in this state; and

2901 (c) Was signed by the applicant under penalty of
2902 perjury.

2903 (7) Except as provided in Section 33-1-39, a certificate of
2904 registration or a renewal of a registration is valid for two (2)
2905 years.

2906 **SECTION 27.** Section 73-53-8, Mississippi Code of 1972, is
2907 amended as follows:

2908 73-53-8. (1) There is created the Board of Examiners for
2909 Social Workers and Marriage and Family Therapists to license and
2910 regulate social workers and marriage and family therapists. The
2911 board shall be composed of ten (10) members, six (6) of which
2912 shall be social workers and four (4) of which shall be marriage
2913 and family therapists.

2914 (2) Of the social worker members of the board, two (2) must
2915 be licensed social workers, and four (4) must be licensed master
2916 social workers or licensed certified social workers or a
2917 combination thereof. The marriage and family therapist members of
2918 the board must be licensed marriage and family therapists. For at
2919 least two (2) years immediately preceding his or her appointment,
2920 each marriage and family therapist appointee must have been
2921 actively engaged as a marriage and family therapist in rendering
2922 professional services in marriage and family therapy, or in the



2923 education and training of master's, doctoral or post-doctoral
2924 students of marriage and family therapy, or in marriage and family
2925 therapy research, and during the two (2) years preceding his or
2926 her appointment, must have spent the majority of the time devoted
2927 to that activity in this state. The initial marriage and family
2928 therapist appointees shall be deemed to be and shall become
2929 licensed practicing marriage and family therapists immediately
2930 upon their appointment and qualification as members of the board.
2931 All subsequent marriage and family therapist appointees to the
2932 board must be licensed marriage and family therapists before their
2933 appointment.

2934 (3) The Governor shall appoint six (6) members of the board,
2935 four (4) of which shall be social workers and two (2) of which
2936 shall be marriage and family therapists, and the Lieutenant
2937 Governor shall appoint four (4) members of the board, two (2) of
2938 which shall be social workers and two (2) of which shall be
2939 marriage and family therapists. Social worker members of the
2940 board shall be appointed from nominations submitted by the
2941 Mississippi Chapter of the National Association of Social Workers,
2942 and marriage and family therapist members of the board shall be
2943 appointed from nominations submitted by the Mississippi
2944 Association for Marriage and Family Therapy. All appointments
2945 shall be made with the advice and consent of the Senate.

2946 (4) The initial appointments to the board shall be made as
2947 follows: The Governor shall appoint one (1) social worker member



2948 for a term that expires on June 30, 1999, one (1) social worker
2949 member for a term that expires on June 30, 2001, two (2) social
2950 worker members for terms that expire on June 30, 2002, one (1)
2951 marriage and family therapist member for a term that expires on
2952 June 30, 1998, and one (1) marriage and family therapist member
2953 for a term that expires on June 30, 2000. The Lieutenant Governor
2954 shall appoint one (1) social worker member for a term that expires
2955 on June 30, 1998, one (1) social worker member for a term that
2956 expires on June 30, 2000, one (1) marriage and family therapist
2957 member for a term that expires on June 30, 1999, and one (1)
2958 marriage and family therapist member of the board for a term that
2959 expires on June 30, 2001. After the expiration of the initial
2960 terms, all subsequent appointments shall be made by the original
2961 appointing authorities for terms of four (4) years from the
2962 expiration date of the previous term. Upon the expiration of his
2963 or her term of office, a board member shall continue to serve
2964 until his or her successor has been appointed and has qualified.
2965 No person may be appointed more than once to fill an unexpired
2966 term or more than two (2) consecutive full terms.

2967 (5) Any vacancy on the board before the expiration of a term
2968 shall be filled by appointment of the original appointing
2969 authority for the remainder of the unexpired term. Appointments
2970 to fill vacancies shall be made from nominations submitted by the
2971 appropriate organization as specified in subsection (2) of this
2972 section for the position being filled.



2973 (6) The appointing authorities shall give due regard to
2974 geographic distribution, race and sex in making all appointments
2975 to the board.

2976 (7) The board shall select one (1) of its members to serve
2977 as chairman during the term of his or her appointment to the
2978 board. No person may serve as chairman for more than four (4)
2979 years. The board may remove any member of the board or the
2980 chairman from his or her position as chairman for (a) malfeasance
2981 in office, or (b) conviction of a * * * disqualifying crime as
2982 provided in the Fresh Start Act while in office, or (c) failure to
2983 attend three (3) consecutive board meetings. However, no member
2984 may be removed until after a public hearing of the charges against
2985 him or her, and at least thirty (30) days' prior written notice to
2986 the accused member of the charges against him or her and of the
2987 date fixed for such hearing. No board member shall participate in
2988 any matter before the board in which he has a pecuniary interest,
2989 personal bias or other similar conflict of interest.

2990 (8) Board members shall receive no compensation for their
2991 services, but shall be reimbursed for their actual and necessary
2992 expenses incurred in the performance of official board business as
2993 provided in Section 25-3-41.

2994 (9) Four (4) social worker members and three (3) marriage
2995 and family therapist members of the board shall constitute a
2996 quorum of the board. In making its decisions and taking actions
2997 affecting the members of one (1) of the professions regulated by



2998 the board, the board shall consider the recommendations of the
2999 board members who are members of that profession. If the board is
3000 unable to have a quorum present at a regularly scheduled meeting
3001 location, the board may allow other members to participate in the
3002 meeting by telephone or other electronic means. In the case of an
3003 administrative hearing, when recusals from the process are
3004 necessary, a quorum may consist of a simple majority of six (6)
3005 members.

3006 (10) The principal office of the board shall be in the City
3007 of Jackson, but the board may act and exercise all of its powers
3008 at any other place. The board shall adopt an official seal, which
3009 shall be judicially noticed and which shall be affixed to all
3010 licenses issued by the board.

3011 (11) The board is authorized to employ, subject to the
3012 approval of the State Personnel Board, an executive director and
3013 such attorneys, experts and other employees as it may, from time
3014 to time, find necessary for the proper performance of its duties
3015 and for which the necessary funds are available, and to set the
3016 salary of the executive director, subject to the approval of the
3017 State Personnel Board.

3018 (12) The board, by a majority vote, from time to time, may
3019 make such provisions as it deems appropriate to authorize the
3020 performance by any board member or members, employee or other
3021 agent of the board of any function given the board in this chapter
3022 or Sections 73-54-1 through 73-54-39.



3023 **SECTION 28.** Section 73-55-19, Mississippi Code of 1972, is
3024 amended as follows:

3025 73-55-19. (1) Any person licensed under this chapter may
3026 have his license revoked or suspended for a fixed period to be
3027 determined by the board for any of the following causes:

3028 (a) Being convicted of an offense involving * * * a
3029 disqualifying crime as provided in the Fresh Start Act. The
3030 record of such conviction, or certified copy thereof from the
3031 clerk of the court where such conviction occurred or by the judge
3032 of that court, shall be sufficient evidence to warrant revocation
3033 or suspension.

3034 (b) By securing a license under this chapter through
3035 fraud or deceit.

3036 (c) For unethical conduct or for gross ignorance or
3037 inefficiency in the conduct of his practice.

3038 (d) For knowingly practicing while suffering with a
3039 contagious or infectious disease.

3040 (e) For the use of a false name or alias in the
3041 practice of his profession.

3042 (f) For violating any of the provisions of this
3043 chapter.

3044 (2) Any person, whose license is sought to be revoked or
3045 suspended under the provisions of this chapter, shall be given
3046 thirty (30) days' notice, in writing, enumerating the charges and
3047 specifying a date for public hearing thereon. The hearing shall



3048 be held in the county where the person's business is conducted.
3049 The board may issue subpoenas, compel the attendance and testimony
3050 of witnesses, and place them under oath, the same as any court of
3051 competent jurisdiction where the hearing takes place.

3052 (3) At all hearings the board may designate in writing one
3053 or more persons deemed competent by the board to conduct the
3054 hearing as trial examiner or trial committee, with the decision to
3055 be rendered in accordance with the provisions of subsection (4) of
3056 this section.

3057 (4) After a hearing has been completed the trial examiner or
3058 trial committee who conducted the hearing shall proceed to
3059 consider the case and, as soon as practicable, shall render a
3060 decision. In any case, the decision must be rendered within sixty
3061 (60) days after the hearing. The decision shall contain:

3062 (a) The findings of fact made by the trial examiner or
3063 trial committee;

3064 (b) Conclusions of law reached by the trial examiner or
3065 trial committee; and

3066 (c) The order based upon these findings of fact and
3067 conclusions of law.

3068 (5) From any revocation or suspension, the person charged
3069 may, within thirty (30) days thereof, appeal to the chancery court
3070 of the county where the hearing was held.

3071 (6) Notice of appeals shall be filed in the office of the
3072 clerk of the court, who shall issue a writ of certiorari directed



3073 to the board, commanding it within ten (10) days after service
3074 thereof to certify to such court its entire record in the matter
3075 in which the appeal has been taken. The appeal shall thereupon be
3076 heard in the due course by said court without a jury, and the
3077 court shall review the record and make its determination of the
3078 cause between the parties.

3079 (7) If there is an appeal, such appeal may, in the
3080 discretion of and on motion to the chancery court, act as a
3081 supersedeas. The chancery court shall dispose of the appeal and
3082 enter its decision promptly. The hearing on the appeal may, in
3083 the discretion of the chancellor, be tried in vacation.

3084 (8) Any person taking an appeal shall post a satisfactory
3085 bond in the amount of Two Hundred Dollars (\$200.00) for payment of
3086 any costs which may be adjudged against him.

3087 (9) In addition to the reasons specified in subsection (1)
3088 of this section, the board shall be authorized to suspend the
3089 license of any licensee for being out of compliance with an order
3090 for support, as defined in Section 93-11-153. The procedure for
3091 suspension of a license for being out of compliance with an order
3092 for support, and the procedure for the reissuance or reinstatement
3093 of a license suspended for that purpose, and the payment of any
3094 fees for the reissuance or reinstatement of a license suspended
3095 for that purpose, shall be governed by Section 93-11-157 or
3096 93-11-163, as the case may be. Actions taken by the board in
3097 suspending a license when required by Section 93-11-157 or



3098 93-11-163 are not actions from which an appeal may be taken under
3099 this section. Any appeal of a license suspension that is required
3100 by Section 93-11-157 or 93-11-163 shall be taken in accordance
3101 with the appeal procedure specified in Section 93-11-157 or
3102 93-11-163, as the case may be, rather than the procedure specified
3103 in this section. If there is any conflict between any provision
3104 of Section 93-11-157 or 93-11-163 and any provision of this
3105 chapter, the provisions of Section 93-11-157 or 93-11-163, as the
3106 case may be, shall control.

3107 **SECTION 29.** Section 73-65-13, Mississippi Code of 1972, is
3108 amended as follows:

3109 73-65-13. (1) The board may deny any application, or
3110 suspend or revoke any license held or applied for under the
3111 provisions of Section 73-65-7 if the person:

3112 (a) Is found guilty of fraud, deceit, or
3113 misrepresentation in procuring or attempting to procure a license
3114 to practice art therapy;

3115 (b) Is adjudicated mentally incompetent;

3116 (c) Is found guilty of a * * * disqualifying crime as
3117 provided in the Fresh Start Act;

3118 (d) Is found guilty of unprofessional or unethical
3119 conduct in this or any other jurisdiction;

3120 (e) Has been using any controlled substance or
3121 alcoholic beverage to an extent or in a manner dangerous to the
3122 person, any other person, or the public, or to an extent that the



3123 use impairs the ability to perform as a licensed professional art
3124 therapist;

3125 (f) Has violated any provision of this chapter; or

3126 (g) Willfully or negligently divulges a professional
3127 confidence.

3128 (2) A certified copy of the record of conviction shall be
3129 conclusive evidence of the conviction.

3130 (3) Disciplinary proceedings may be initiated upon the
3131 receipt by the board of a sworn complaint by any person, including
3132 members of the board.

3133 **SECTION 30.** Section 73-71-33, Mississippi Code of 1972, is
3134 amended as follows:

3135 73-71-33. The following acts constitute grounds for which
3136 the board may initiate disciplinary actions:

3137 (a) Attempting to obtain, or renewing a license to
3138 practice acupuncture by bribery or misinterpretation;

3139 (b) Having a license to practice acupuncture revoked,
3140 suspended, or otherwise acted against, including the denial of
3141 licensure by the licensing authority of another state or territory
3142 for reasons that would preclude licensure in this state;

3143 (c) Being convicted or found guilty, regardless of
3144 adjudication, in any jurisdiction of a * * * disqualifying crime
3145 as provided in the Fresh Start Act or a crime that directly
3146 relates to acupuncture. For the purposes of this paragraph, a



3147 plea of guilty or a plea of nolo contendere accepted by the court
3148 shall be considered as a conviction;

3149 (d) Advertising, practicing, or attempting to practice
3150 under a name other than one's own;

3151 (e) The use of advertising or solicitation that is
3152 false or misleading;

3153 (f) Aiding, assisting, procuring, employing or
3154 advertising an unlicensed person to practice acupuncture contrary
3155 to this chapter or a rule of the board;

3156 (g) Failing to perform any statutory or legal
3157 obligation placed upon an acupuncture practitioner;

3158 (h) Making or filing a report that the licensee knows
3159 to be false, intentionally or negligently failing to file a report
3160 required by state or federal law, willfully impeding or
3161 obstructing that filing or inducing another person to do so.
3162 Those reports shall include only those that are signed in the
3163 capacity of an acupuncture practitioner;

3164 (i) Exercising coercion, intimidation or undue
3165 influence in entering into sexual relations with a patient, or
3166 continuing the patient-practitioner relationship with a patient
3167 with whom the licensee has sexual relations, if those sexual
3168 relations cause the licensee to perform services incompetently.
3169 This paragraph shall not apply to sexual relations between
3170 acupuncture practitioners and their spouses;



3171 (j) Making deceptive, untrue or fraudulent
3172 misrepresentations in the practice of acupuncture;

3173 (k) Soliciting patients, either personally or through
3174 an agent, through the use of fraud, intimidation or undue
3175 influence, or a form of overreaching conduct;

3176 (l) Failing to keep written medical records justifying
3177 the course of treatment of the patient;

3178 (m) Exercising undue influence on the patient to
3179 exploit the patient for financial gain of the licensee or of a
3180 third party;

3181 (n) Being unable to practice acupuncture with
3182 reasonable skill and safety to patients by reason of illness or
3183 intemperate use of alcohol, drugs, narcotics, chemicals, or any
3184 other type of material or as a result of any mental or physical
3185 condition;

3186 (o) Malpractice or the failure to practice acupuncture
3187 to that level of care, skill and treatment that is recognized by a
3188 reasonably prudent similar practitioner of acupuncture as being
3189 acceptable under similar conditions and circumstances;

3190 (p) Practicing or offering to practice beyond the scope
3191 permitted by law or accepting or performing professional
3192 responsibilities that the licensee knows or has reason to know
3193 that he or she is not qualified by training, experience or
3194 certification to perform;



3195 (q) Delegating professional responsibilities to a
3196 person when the licensee delegating those responsibilities knows,
3197 or has reason to know, that the person is not qualified by
3198 training, experience or licensure to perform them;

3199 (r) Violating any provision of this chapter, a rule of
3200 the board, or a lawful order of the board previously entered in a
3201 disciplinary hearing or failing to comply with a lawfully issued
3202 subpoena of the board;

3203 (s) Conspiring with another to commit an act, or
3204 committing an act, that coerces, intimidates or precludes another
3205 licensee from lawfully advertising or providing his or her
3206 services;

3207 (t) Fraud or deceit, or gross negligence, incompetence
3208 or misconduct in the operation of a course of study;

3209 (u) Failing to comply with state, county or municipal
3210 regulations or reporting requirements relating to public health
3211 and the control of contagious and infectious disease;

3212 (v) Failing to comply with any rule of the board
3213 relating to health and safety, including, but not limited to,
3214 sterilization of equipment and the disposal of potentially
3215 infectious materials;

3216 (w) Incompetence, gross negligence or other malpractice
3217 in the practice of acupuncture;

3218 (x) Aiding the unlawful practice of acupuncture;



3219 (y) Fraud or dishonesty in the application or reporting
3220 of any test for disease;

3221 (z) Failure to report, as required by law, or making
3222 false or misleading report of, any contagious or infectious
3223 disease;

3224 (aa) Failure to keep accurate patient records; or

3225 (bb) Failure to permit the board or its agents to enter
3226 and inspect acupuncture premises and equipment as set by rules
3227 promulgated by the board.

3228 **SECTION 31.** Section 73-73-7, Mississippi Code of 1972, is
3229 amended as follows:

3230 73-73-7. (1) Beginning on July 1, 2012, the board and
3231 Interior Design Advisory Committee shall receive applications for
3232 certification as a Mississippi Certified Interior Designer on
3233 forms prescribed and furnished by the board and IDAC.

3234 (2) Upon receipt of an application, the board, upon the
3235 recommendation of IDAC, may approve the application, provided the
3236 applicant meets one (1) of the following requirements:

3237 (a) The applicant passed the IDQE as administered by
3238 NCIDQ before January 1, 2012;

3239 (b) The applicant has a degree in interior design from
3240 a program accredited by the CIDA, a degree in architecture from a
3241 program accredited by the National Architectural Accreditation
3242 Board (NAAB), or a four-year degree in interior design from a
3243 college or university approved by the regulatory board.



3244 Additionally, the applicant must have passed the IDQE as
3245 administered by NCIDQ or its approved successor;

3246 (c) The applicant is a licensed architect in the State
3247 of Mississippi who has passed the IDQE as administered by NCIDQ or
3248 its approved successor; or

3249 (d) The applicant is a licensed engineer in the State
3250 of Mississippi who has passed the IDQE as administered by NCIDQ or
3251 its approved successor.

3252 (3) The applicant must exhibit to the regulatory board and
3253 IDAC the applicant's good standing in the profession * * *.
3254 Except as otherwise provided in this subsection, any of the
3255 following acts shall preclude an applicant's eligibility as a
3256 candidate for certification:

3257 (a) Conviction by any court for commission of any * * *
3258 disqualifying crime as provided in the Fresh Start Act.

3259 (b) Conviction by any court of a misdemeanor involving
3260 fraud, deceit or misrepresentation.

3261 (c) Misstatement or misrepresentation of fact by the
3262 applicant in connection with the applicant's application for
3263 certification in this state or another jurisdiction.

3264 (d) Violation of any of the rules of conduct required
3265 of applicants or interior designers as adopted by the board.

3266 If the board determines that the applicant has shown clear
3267 and convincing evidence of rehabilitation and reform, the board
3268 may certify an applicant otherwise precluded from consideration



3269 because of an act prohibited under this subsection. A decision to
3270 certify an applicant notwithstanding the applicant's violation of
3271 an act prohibited under this subsection is in the sole discretion
3272 of the board and upon such terms, conditions and evidence as the
3273 board may require.

3274 (4) The board and IDAC may require that the applicant appear
3275 before the board for a personal interview.

3276 (5) The board, upon the recommendation of IDAC, may adopt or
3277 develop alternate routes of eligibility and examination
3278 requirements based on standards as set forth by NCIDQ or its
3279 approved successor.

3280 (6) Any application submitted to the board and IDAC may be
3281 denied for any violation of the provisions of this chapter.

3282 **SECTION 32.** Section 73-75-19, Mississippi Code of 1972, is
3283 amended as follows:

3284 73-75-19. **License denial, suspension, or revocation.** (1)
3285 The board, by an affirmative vote of at least three (3) of its
3286 five (5) members, shall withhold, deny, revoke or suspend any
3287 license issued or applied for in accordance with the provisions of
3288 this chapter, or otherwise discipline a licensed behavior analyst
3289 or licensed assistant behavior analyst upon finding that the
3290 applicant or licensee:

3291 (a) Has violated the current Behavior Analyst
3292 Certification Board Professional Disciplinary and Ethical
3293 Standards, the Behavior Analyst Certification Board Guidelines for



3294 Responsible Conduct for Behavior Analysts, or other codes of
3295 ethical standards adopted by the board, or has lost or failed to
3296 renew certification by the Behavior Analyst Certification Board;
3297 or

3298 (b) Has been convicted of a * * * disqualifying crime
3299 as provided in the Fresh Start Act, the record of conviction being
3300 conclusive evidence thereof; or

3301 (c) Is using any narcotic or any alcoholic beverage to
3302 an extent or in a manner dangerous to any other person or the
3303 public, or to an extent that such use impairs his ability to
3304 perform the work of a licensed behavior analyst or licensed
3305 assistant behavior analyst; or

3306 (d) Has impersonated another person holding a license
3307 issued under this chapter or allowed another person to use his
3308 license; or

3309 (e) Has used fraud or deception in applying for a
3310 license provided for in this chapter; or

3311 (f) Has accepted commissions or rebates or other forms
3312 of remuneration for referring clients to other professional
3313 persons; or

3314 (g) Has allowed his name or license issued under this
3315 chapter to be used in connection with any person or persons who
3316 perform applied behavior analysis services outside the area of
3317 their training, experience or competence; or



3318 (h) Is legally adjudicated mentally incompetent, the
3319 record of such adjudication being conclusive evidence thereof; or

3320 (i) Has willfully or negligently violated any of the
3321 provisions of this chapter.

3322 (2) The board may recover from any person disciplined under
3323 this chapter the costs of investigation, prosecution, and
3324 adjudication of the disciplinary action.

3325 (3) Notice shall be effected by registered mail or personal
3326 service setting forth the particular reasons for the proposed
3327 action and fixing a date not less than thirty (30) days nor more
3328 than sixty (60) days from the date of such mailing or such
3329 service, at which time the applicant or licensee shall be given an
3330 opportunity for a prompt and fair hearing. For the purpose of
3331 such hearing the board, acting by and through its executive
3332 secretary, may exercise all authority granted to conduct
3333 investigations and hearings pursuant to Section 73-75-9(2)(a) and
3334 (b). At such hearing the applicant or licensee may appear by
3335 counsel and personally on his own behalf. On the basis of any
3336 such hearing, or upon default of applicant or licensee, the board
3337 shall make a determination specifying its findings of fact and
3338 conclusions of law. A copy of such determination shall be sent by
3339 registered mail or served personally upon the applicant or
3340 licensee. The decision of the board denying, revoking or
3341 suspending the license shall become final thirty (30) days after
3342 so mailed or served unless within that period the licensee appeals



3343 the decision to the Chancery Court of Madison or Rankin Counties,
3344 pursuant to the provisions hereof, and the proceedings in chancery
3345 shall be conducted as other matters coming before the court. All
3346 proceedings and evidence, together with exhibits, presented at
3347 such hearing before the board in the event of appeal, shall be
3348 admissible in evidence in the court.

3349 (4) Nothing in this subsection shall be interpreted to
3350 prohibit the board from immediately suspending any license prior
3351 to a hearing under subsection (3) of this section, when in its
3352 sole discretion the suspension is required for the instruction,
3353 safety or well-being of any member of the public.

3354 (5) Every order and judgment of the board shall take effect
3355 immediately upon its promulgation unless the board in such order
3356 or judgment fixes a probationary period for applicant or licensee.
3357 Such order and judgment shall continue in effect unless upon
3358 appeal the court by proper order or decree terminates it earlier.
3359 The board may make public its order and judgments in such manner
3360 and form as it deems proper.

3361 (6) Suspension by the board of a license issued under this
3362 chapter shall be for a period not to exceed one (1) year. At the
3363 end of this period the board shall reevaluate the suspension, and
3364 shall either reinstate or revoke the license. A person whose
3365 license has been revoked under the provisions of this section may
3366 reapply for license after more than two (2) years have elapsed
3367 from the date such revocation is legally effective.



3368 (7) In addition to the reasons specified in subsection (1)
3369 of this section, the board shall be authorized to suspend the
3370 license of any licensee for being out of compliance with an order
3371 for support, in compliance with the procedures set forth in
3372 Sections 93-11-151 through 93-11-163.

3373 **SECTION 33.** Section 75-76-35, Mississippi Code of 1972, is
3374 amended as follows:

3375 75-76-35. (1) The Legislature hereby declares that the
3376 exclusion or ejection of certain persons from licensed gaming
3377 establishments is necessary to effectuate the policies of this
3378 chapter and to maintain effectively the strict regulation of
3379 licensed gaming.

3380 (2) The commission may by regulation provide for the
3381 establishment of a list of persons who are to be excluded or
3382 ejected from any licensed gaming establishment. The list may
3383 include any person whose presence in the establishment is
3384 determined by the commission or the executive director to pose a
3385 threat to the interests of this state or to licensed gaming, or
3386 both.

3387 (3) In making that determination, the commission and the
3388 executive director may consider any:

3389 (a) Prior conviction of a crime which is a * * *
3390 disqualifying crime as provided in the Fresh Start Act or a
3391 violation of the gaming laws of any state;



3392 (b) Violation or conspiracy to violate the provisions
3393 of this chapter relating to:

3394 (i) The failure to disclose an interest in a
3395 gaming establishment for which the person must obtain a license;
3396 or

3397 (ii) Willful evasion of fees or taxes;

3398 (c) Notorious or unsavory reputation which would
3399 adversely affect public confidence and trust that the gaming
3400 industry is free from criminal or corruptive elements; or

3401 (d) Written order of a governmental agency which
3402 authorizes the exclusion or ejection of the person from an
3403 establishment at which gaming is conducted.

3404 (4) Race, color, creed, national origin or ancestry, or sex
3405 shall not be grounds for placing the name of a person upon the
3406 list.

3407 **SECTION 34.** Section 75-76-131, Mississippi Code of 1972, is
3408 amended as follows:

3409 75-76-131. (1) The executive director shall:

3410 (a) Ascertain and keep himself informed of the
3411 identity, prior activities and present location of all gaming
3412 employees in the State of Mississippi; and

3413 (b) Maintain confidential records of such information.

3414 (2) No person may be employed as a gaming employee unless he
3415 is the holder of a work permit issued by the commission.



3416 (3) A work permit issued to a gaming employee must have
3417 clearly imprinted thereon a statement that it is valid for gaming
3418 purposes only.

3419 (4) Application for a work permit is to be made to the
3420 executive director and may be granted or denied for any cause
3421 deemed reasonable by the commission. Whenever the executive
3422 director denies such an application, he shall include in the
3423 notice of the denial a statement of the facts upon which he relied
3424 in denying the application.

3425 (5) Any person whose application for a work permit has been
3426 denied by the executive director may, not later than sixty (60)
3427 days after receiving notice of the denial or objection, apply to
3428 the commission for a hearing before a hearing examiner. A failure
3429 of a person whose application has been denied to apply for a
3430 hearing within sixty (60) days or his failure to appear at a
3431 hearing conducted pursuant to this section shall be deemed to be
3432 an admission that the denial or objection is well founded and
3433 precludes administrative or judicial review. At the hearing, the
3434 hearing examiner appointed by the commission shall take any
3435 testimony deemed necessary. After the hearing the hearing
3436 examiner shall within thirty (30) days after the date of the
3437 hearing announce his decision sustaining or reversing the denial
3438 of the work permit or the objection to the issuance of a work
3439 permit. The executive director may refuse to issue a work permit
3440 if the applicant has:



3441 (a) Failed to disclose, misstated or otherwise
3442 attempted to mislead the commission with respect to any material
3443 fact contained in the application for the issuance or renewal of a
3444 work permit;

3445 (b) Knowingly failed to comply with the provisions of
3446 this chapter or the regulations of the commission at a place of
3447 previous employment;

3448 (c) Committed, attempted or conspired to commit any
3449 crime of * * * embezzlement or larceny or any violation of any law
3450 pertaining to gaming, or any crime which is inimical to the
3451 declared policy of this state concerning gaming;

3452 (d) Been identified in the published reports of any
3453 federal or state legislative or executive body as being a member
3454 or associate of organized crime, or as being of notorious and
3455 unsavory reputation;

3456 (e) Been placed and remains in the constructive custody
3457 of any federal, state or municipal law enforcement authority;

3458 (f) Had a work permit revoked or committed any act
3459 which is a ground for the revocation of a work permit or would
3460 have been a ground for revoking his work permit if he had then
3461 held a work permit; or

3462 (g) For any other reasonable cause.

3463 The executive director shall refuse to issue a work permit if
3464 the applicant has committed, attempted or conspired to commit a
3465 crime which is a * * * disqualifying crime as provided in the



3466 Fresh Start Act in this state or an offense in another state or
3467 jurisdiction which would be a * * * disqualifying crime as
3468 provided in the Fresh Start Act if committed in this state.

3469 (6) Any applicant aggrieved by the decision of the hearing
3470 examiner may, within fifteen (15) days after the announcement of
3471 the decision, apply in writing to the commission for review of the
3472 decision. Review is limited to the record of the proceedings
3473 before the hearing examiner. The commission may sustain or
3474 reverse the hearing examiner's decision. The commission may
3475 decline to review the hearing examiner's decision, in which case
3476 the hearing examiner's decision becomes the final decision of the
3477 commission. The decision of the commission is subject to judicial
3478 review.

3479 (7) All records acquired or compiled by the commission
3480 relating to any application made pursuant to this section and all
3481 lists of persons to whom work permits have been issued or denied
3482 and all records of the names or identity of persons engaged in the
3483 gaming industry in this state are confidential and must not be
3484 disclosed except in the proper administration of this chapter or
3485 to an authorized law enforcement agency. Any record of the
3486 commission which shows that the applicant has been convicted of a
3487 disqualifying crime in another state must show whether the crime
3488 was a misdemeanor, gross misdemeanor, felony or other class of
3489 crime as classified by the state in which the crime was committed.
3490 In a disclosure of the conviction, reference to the classification



3491 of the crime must be based on the classification in the state
3492 where it was committed.

3493 (8) A work permit expires unless renewed within ten (10)
3494 days after a change of place of employment or if the holder
3495 thereof is not employed as a gaming employee within the
3496 jurisdiction of the issuing authority for more than ninety (90)
3497 days.

3498 (9) Notice of any objection to or denial of a work permit by
3499 the executive director as provided pursuant to this section is
3500 sufficient if it is mailed to the applicant's last known address
3501 as indicated on the application for a work permit. The date of
3502 mailing may be proven by a certificate signed by the executive
3503 director or his designee that specifies the time the notice was
3504 mailed. The notice is presumed to have been received by the
3505 applicant five (5) days after it is deposited with the United
3506 States Postal Service with the postage thereon prepaid.

3507 **SECTION 35.** Section 83-7-207, Mississippi Code of 1972, is
3508 amended as follows:

3509 83-7-207. (1) The commissioner may suspend, revoke or
3510 refuse to renew the license of a viatical settlement provider,
3511 viatical settlement representative or viatical settlement broker
3512 if the commissioner finds that:

3513 (a) There was any material misrepresentation in the
3514 application for the license;



3515 (b) The licensee or any officer, partner or key
3516 management personnel has been convicted of fraudulent or dishonest
3517 practices, is subject to a final administrative action or is
3518 otherwise shown to be untrustworthy or incompetent;

3519 (c) The viatical settlement provider demonstrates a
3520 pattern of unreasonable payments to viators;

3521 (d) The licensee has been found guilty of, or has
3522 pleaded guilty or nolo contendere to, any * * * disqualifying
3523 crime as provided in the Fresh Start;

3524 (e) The viatical settlement provider has failed to
3525 honor contractual obligations set out in a viatical settlement
3526 contract;

3527 (f) The licensee no longer meets the requirements for
3528 initial licensure;

3529 (g) The viatical settlement provider has assigned,
3530 transferred or pledged a viaticated policy to a person other than
3531 a viatical settlement provider licensed in this state or a
3532 financing entity; or

3533 (h) The licensee has violated any provisions of
3534 Sections 83-7-201 through 83-7-223.

3535 (2) Before the commissioner shall deny a license application
3536 or suspend, revoke or refuse to renew the license of a viatical
3537 settlement provider, viatical settlement broker or viatical
3538 settlement representative, the commissioner shall conduct a
3539 hearing in accordance with Section 25-43-1.101 et seq.



3540 **SECTION 36.** Section 83-39-15, Mississippi Code of 1972, is
3541 amended as follows:

3542 83-39-15. (1) The department may deny, suspend, revoke or
3543 refuse to renew, as may be appropriate, a license to engage in the
3544 business of professional bail agent, soliciting bail agent, or
3545 bail enforcement agent for any of the following reasons:

3546 (a) Any cause for which the issuance of the license
3547 would have been refused had it then existed and been known to the
3548 department.

3549 (b) Failure to post a qualification bond in the
3550 required amount with the department during the period the person
3551 is engaged in the business within this state or, if the bond has
3552 been posted, the forfeiture or cancellation of the bond.

3553 (c) Material misstatement, misrepresentation or fraud
3554 in obtaining the license.

3555 (d) Willful failure to comply with, or willful
3556 violation of, any provision of this chapter or of any proper
3557 order, rule or regulation of the department or any court of this
3558 state.

3559 (e) Conviction of * * * a disqualifying crime as
3560 provided in the Fresh Start Act.

3561 (f) Default in payment to the court should any bond
3562 issued by such bail agent be forfeited by order of the court.

3563 (g) Being elected or employed as a law enforcement or
3564 judicial official.



3565 (h) Engaging in the practice of law.
3566 (i) Writing a bond in violation of Section
3567 83-39-3(2) (b) (i) and (ii).
3568 (j) Giving legal advice or a legal opinion in any form.
3569 (k) Acting as or impersonating a bail agent without a
3570 license.
3571 (l) Use of any other trade name than what is submitted
3572 on a license application to the department.
3573 (m) Issuing a bail bond that contains information
3574 intended to mislead a court about the proper delivery by personal
3575 service or certified mail of a writ of scire facias, judgment nisi
3576 or final judgment.
3577 (2) In addition to the grounds specified in subsection (1)
3578 of this section, the department shall be authorized to suspend the
3579 license, registration or permit of any person for being out of
3580 compliance with an order for support, as defined in Section
3581 93-11-153. The procedure for suspension of a license,
3582 registration or permit for being out of compliance with an order
3583 for support, and the procedure for the reissuance or reinstatement
3584 of a license, registration or permit suspended for that purpose,
3585 and the payment of any fees for the reissuance or reinstatement of
3586 a license, registration or permit suspended for that purpose,
3587 shall be governed by Section 93-11-157 or 93-11-163, as the case
3588 may be. If there is any conflict between any provision of Section
3589 93-11-157 or 93-11-163 and any provision of this chapter, the



3590 provisions of Section 93-11-157 or 93-11-163, as the case may be,
3591 shall control.

3592 (3) In addition to the sanctions provided in this section,
3593 the department may assess an administrative fine in an amount not
3594 to exceed One Thousand Dollars (\$1,000.00) per violation. Such
3595 administrative fines shall be in addition to any criminal
3596 penalties assessed under Section 99-5-1.

3597 **SECTION 37.** Section 9-13-109, Mississippi Code of 1972, is
3598 amended as follows:

3599 9-13-109. Every applicant for certification shall have
3600 reached the age of majority * * * and be a resident citizen of the
3601 State of Mississippi. Further, every applicant shall meet the
3602 criteria established by the board for certification or shall meet
3603 the requirements of Section 9-13-109.

3604 **SECTION 38.** Section 21-27-131, Mississippi Code of 1972, is
3605 amended as follows:

3606 21-27-131. No person may drive or operate motor vehicles for
3607 hire in any city or town in this state unless he shall first have
3608 been licensed so to do as follows: he shall make application to
3609 the mayor of such municipality in writing, accompanied by a
3610 statement of some reputable citizen thereof, that the applicant is
3611 over the age of eighteen (18) years, an experienced driver, * * *
3612 and physically and mentally capacitated to drive and operate such
3613 motor vehicle. The mayor shall place such application before the
3614 board of aldermen, or other governing authorities, whereupon



3615 inquiry may be made by such governing authorities into the * * *
3616 mental and physical fitness of the applicant. If the permit shall
3617 be granted the applicant shall receive a certificate of such
3618 permit, signed by the mayor, together with an identification
3619 badge, and the name of the municipality thereon, and which shall
3620 be worn so that the same will be displayed while engaged in or
3621 about such occupation. The governing authorities of the
3622 municipality may require the applicant to give a reasonable bond,
3623 of not more than Five Hundred Dollars (\$500.00), to guarantee the
3624 faithful observance of the law as well as the rules and
3625 regulations which may be prescribed by the said municipality, and
3626 they may also require a reasonable fee, for such permit and badge.
3627 In the event the governing authority of such municipality refuse
3628 to grant such permit to an applicant, an appeal may be taken to
3629 the circuit court, in the manner provided by law for appealing
3630 from other orders of the governing authorities of municipalities,
3631 and the questions to be tried upon appeal will be as to the age
3632 and experience and the moral, mental and physical fitness of the
3633 said applicant to pursue such vocation in such municipality.

3634 **SECTION 39.** Section 21-27-151, Mississippi Code of 1972, is
3635 amended as follows:

3636 21-27-151. No person may drive or operate any bus of a
3637 transportation system for the transportation of passengers within
3638 any city or town in this state, where the operation of such bus is
3639 subject to regulation by the authorities of such city or town



3640 under Section 21-27-121, unless he shall first have been licensed
3641 so to do as follows: he shall make application to the mayor of
3642 such municipality in writing, accompanied by a statement of some
3643 reputable citizen thereof, that the applicant is over the age of
3644 eighteen (18) years, an experienced driver, * * * and physically
3645 and mentally capacitated to drive and operate such motor vehicle.
3646 The mayor shall place such application before the board of
3647 aldermen, or other governing authorities, whereupon inquiry may be
3648 made by such governing authorities into the * * * and mental and
3649 physical fitness of the applicant. If the permit shall be granted
3650 the applicant shall receive a license, signed by the mayor,
3651 together with a metallic badge, which shall have a number and the
3652 name of the municipality thereon, and which shall be worn so that
3653 the same will be displayed while engaged in or about such
3654 occupation. The governing authorities of the municipality may
3655 require the applicant to give a reasonable bond, of not more than
3656 Five Hundred Dollars (\$500.00), to guarantee the faithful
3657 observance of the law as well as the rules and regulations which
3658 may be prescribed by the said municipality, and they may also
3659 require a reasonable fee, not to exceed Five Dollars (\$5.00) for
3660 such license, which said license fee shall be paid into the
3661 general fund of such municipality. In the event the governing
3662 authority of such municipality refuse to grant such license to an
3663 applicant, an appeal may be taken to the circuit court, in the
3664 manner provided by law for appealing from other orders of the



3665 governing authorities of municipalities, and the questions to be
3666 tried upon appeal will be as to the age and experience and
3667 the * * * mental and physical fitness of the said applicant to
3668 pursue such vocation in such municipality.

3669 **SECTION 40.** Section 27-109-5, Mississippi Code of 1972, is
3670 amended as follows:

3671 27-109-5. (1) Any person who the tax commission determines
3672 is qualified to receive a license or is found suitable under the
3673 provisions of this chapter, having due consideration for the
3674 proper protection of the health, safety, morals, good order and
3675 general welfare of the inhabitants of the State of Mississippi and
3676 the declared policy of this state, may be issued a state privilege
3677 license for the operation of a cruise vessel. The burden of
3678 proving his qualification to receive any license or be found
3679 suitable is on the applicant.

3680 (2) An application to receive a license shall not be granted
3681 unless the commission is satisfied that the applicant is:

3682 (a) A person of * * * honesty and integrity;

3683 (b) A person whose prior activities, criminal record,
3684 if any, reputation, habits and associations do not pose a threat
3685 to the public interest of this state or to the effective
3686 regulation and control of cruise vessels, or create or enhance the
3687 dangers of unsuitable, unfair or illegal practices, methods and
3688 activities in the operation of cruise vessels or the carrying on
3689 of the business and financial arrangements incidental thereto; and



3690 (c) In all other respects qualified to be licensed or
3691 found suitable consistently with the declared policy of the state.

3692 (3) A license to operate a cruise vessel shall not be
3693 granted unless the applicant has satisfied the commission that:

3694 (a) He has adequate business probity, competence and
3695 experience, in the operation of cruise vessels or generally; and

3696 (b) The proposed financing of the entire operation is:

3697 (i) Adequate for the nature of the proposed
3698 operation; and

3699 (ii) From a suitable source. Any lender or other
3700 source of money or credit which the commission finds does not meet
3701 the standards set forth in subsection (2) may be deemed
3702 unsuitable.

3703 **SECTION 41.** Section 37-3-2, Mississippi Code of 1972, is
3704 amended as follows:

3705 37-3-2. (1) There is established within the State
3706 Department of Education the Commission on Teacher and
3707 Administrator Education, Certification and Licensure and
3708 Development. It shall be the purpose and duty of the commission
3709 to make recommendations to the State Board of Education regarding
3710 standards for the certification and licensure and continuing
3711 professional development of those who teach or perform tasks of an
3712 educational nature in the public schools of Mississippi.

3713 (2) (a) The commission shall be composed of fifteen (15)
3714 qualified members. The membership of the commission shall be



3715 composed of the following members to be appointed, three (3) from
3716 each of the four (4) congressional districts, as such districts
3717 existed on January 1, 2011, in accordance with the population
3718 calculations determined by the 2010 federal decennial census,
3719 including: four (4) classroom teachers; three (3) school
3720 administrators; one (1) representative of schools of education of
3721 public institutions of higher learning located within the state to
3722 be recommended by the Board of Trustees of State Institutions of
3723 Higher Learning; one (1) representative from the schools of
3724 education of independent institutions of higher learning to be
3725 recommended by the Board of the Mississippi Association of
3726 Independent Colleges; one (1) representative from public community
3727 and junior colleges located within the state to be recommended by
3728 the Mississippi Community College Board; one (1) local school
3729 board member; and four (4) laypersons. Three (3) members of the
3730 commission, at the sole discretion of the State Board of
3731 Education, shall be appointed from the state at large.

3732 (b) All appointments shall be made by the State Board
3733 of Education after consultation with the State Superintendent of
3734 Public Education. The first appointments by the State Board of
3735 Education shall be made as follows: five (5) members shall be
3736 appointed for a term of one (1) year; five (5) members shall be
3737 appointed for a term of two (2) years; and five (5) members shall
3738 be appointed for a term of three (3) years. Thereafter, all
3739 members shall be appointed for a term of four (4) years.



3740 (3) The State Board of Education when making appointments
3741 shall designate a chairman. The commission shall meet at least
3742 once every two (2) months or more often if needed. Members of the
3743 commission shall be compensated at a rate of per diem as
3744 authorized by Section 25-3-69 and be reimbursed for actual and
3745 necessary expenses as authorized by Section 25-3-41.

3746 (4) (a) An appropriate staff member of the State Department
3747 of Education shall be designated and assigned by the State
3748 Superintendent of Public Education to serve as executive secretary
3749 and coordinator for the commission. No less than two (2) other
3750 appropriate staff members of the State Department of Education
3751 shall be designated and assigned by the State Superintendent of
3752 Public Education to serve on the staff of the commission.

3753 (b) An Office of Educator Misconduct Evaluations shall
3754 be established within the State Department of Education to assist
3755 the commission in responding to infractions and violations, and in
3756 conducting hearings and enforcing the provisions of subsections
3757 (11), (12), (13), (14) and (15) of this section, and violations of
3758 the Mississippi Educator Code of Ethics.

3759 (5) It shall be the duty of the commission to:

3760 (a) Set standards and criteria, subject to the approval
3761 of the State Board of Education, for all educator preparation
3762 programs in the state;

3763 (b) Recommend to the State Board of Education each year
3764 approval or disapproval of each educator preparation program in



3765 the state, subject to a process and schedule determined by the
3766 State Board of Education;

3767 (c) Establish, subject to the approval of the State
3768 Board of Education, standards for initial teacher certification
3769 and licensure in all fields;

3770 (d) Establish, subject to the approval of the State
3771 Board of Education, standards for the renewal of teacher licenses
3772 in all fields;

3773 (e) Review and evaluate objective measures of teacher
3774 performance, such as test scores, which may form part of the
3775 licensure process, and to make recommendations for their use;

3776 (f) Review all existing requirements for certification
3777 and licensure;

3778 (g) Consult with groups whose work may be affected by
3779 the commission's decisions;

3780 (h) Prepare reports from time to time on current
3781 practices and issues in the general area of teacher education and
3782 certification and licensure;

3783 (i) Hold hearings concerning standards for teachers'
3784 and administrators' education and certification and licensure with
3785 approval of the State Board of Education;

3786 (j) Hire expert consultants with approval of the State
3787 Board of Education;

3788 (k) Set up ad hoc committees to advise on specific
3789 areas;



3790 (1) Perform such other functions as may fall within
3791 their general charge and which may be delegated to them by the
3792 State Board of Education; and

3793 (m) Establish standards, subject to the approval of the
3794 State Board of Education, for supplemental endorsements, provided
3795 that the standards allow teachers as many options as possible to
3796 receive a supplemental endorsement, including, but not limited to,
3797 the option of taking additional coursework or earning at least the
3798 minimum qualifying score or higher on the required licensure
3799 subject assessment relevant to the endorsement area for which the
3800 licensure is sought. The subject assessment option shall not
3801 apply to certain subject areas, including, but not limited to,
3802 Early/Primary Education PreK-3, Elementary Education, or Special
3803 Education, except by special approval by the State Board of
3804 Education.

3805 (6) (a) **Standard License - Approved Program Route.** An
3806 educator entering the school system of Mississippi for the first
3807 time and meeting all requirements as established by the State
3808 Board of Education shall be granted a standard five-year license.
3809 Persons who possess two (2) years of classroom experience as an
3810 assistant teacher or who have taught for one (1) year in an
3811 accredited public or private school shall be allowed to fulfill
3812 student teaching requirements under the supervision of a qualified
3813 participating teacher approved by an accredited college of
3814 education. The local school district in which the assistant



3815 teacher is employed shall compensate such assistant teachers at
3816 the required salary level during the period of time such
3817 individual is completing student teaching requirements.

3818 Applicants for a standard license shall submit to the department:

3819 (i) An application on a department form;

3820 (ii) An official transcript of completion of a
3821 teacher education program approved by the department or a
3822 nationally accredited program, subject to the following:

3823 Licensure to teach in Mississippi prekindergarten through
3824 kindergarten classrooms shall require completion of a teacher
3825 education program or a Bachelor of Science degree with child
3826 development emphasis from a program accredited by the American
3827 Association of Family and Consumer Sciences (AAFCS) or by the
3828 National Association for Education of Young Children (NAEYC) or by
3829 the National Council for Accreditation of Teacher Education
3830 (NCATE). Licensure to teach in Mississippi kindergarten, for
3831 those applicants who have completed a teacher education program,
3832 and in Grade 1 through Grade 4 shall require the completion of an
3833 interdisciplinary program of studies. Licenses for Grades 4
3834 through 8 shall require the completion of an interdisciplinary
3835 program of studies with two (2) or more areas of concentration.
3836 Licensure to teach in Mississippi Grades 7 through 12 shall
3837 require a major in an academic field other than education, or a
3838 combination of disciplines other than education. Students
3839 preparing to teach a subject shall complete a major in the



3840 respective subject discipline. All applicants for standard
3841 licensure shall demonstrate that such person's college preparation
3842 in those fields was in accordance with the standards set forth by
3843 the National Council for Accreditation of Teacher Education
3844 (NCATE) or the National Association of State Directors of Teacher
3845 Education and Certification (NASDTEC) or, for those applicants who
3846 have a Bachelor of Science degree with child development emphasis,
3847 the American Association of Family and Consumer Sciences (AAFCS).
3848 Effective July 1, 2016, for initial elementary education
3849 licensure, a teacher candidate must earn a passing score on a
3850 rigorous test of scientifically research-based reading instruction
3851 and intervention and data-based decision-making principles as
3852 approved by the State Board of Education;

3853 (iii) A copy of test scores evidencing
3854 satisfactory completion of nationally administered examinations of
3855 achievement, such as the Educational Testing Service's teacher
3856 testing examinations;

3857 (iv) Any other document required by the State
3858 Board of Education; and

3859 (v) From and after July 1, 2020, no teacher
3860 candidate shall be licensed to teach in Mississippi who did not
3861 meet the following criteria for entrance into an approved teacher
3862 education program:

3863 1. An ACT Score of twenty-one (21) (or SAT
3864 equivalent); or



3865 2. Achieve a qualifying passing score on the
3866 Praxis Core Academic Skills for Educators examination as
3867 established by the State Board of Education; or

3868 3. A minimum GPA of 3.0 on coursework prior
3869 to admission to an approved teacher education program.

3870 (b) (i) **Standard License - Nontraditional Teaching**

3871 **Route.** From and after July 1, 2020, no teacher candidate shall be
3872 licensed to teach in Mississippi under the alternate route who did
3873 not meet the following criteria:

3874 1. An ACT Score of twenty-one (21) (or SAT
3875 equivalent); or

3876 2. Achieve a qualifying passing score on the
3877 Praxis Core Academic Skills for Educators examination as
3878 established by the State Board of Education; or

3879 3. A minimum GPA of 3.0 on coursework prior
3880 to admission to an approved teacher education program.

3881 (ii) Beginning July 1, 2020, an individual who has
3882 attained a passing score on the Praxis Core Academic Skills for
3883 Educators or an ACT Score of twenty-one (21) (or SAT equivalent)
3884 or a minimum GPA of 3.0 on coursework prior to admission to an
3885 approved teacher education program and a passing score on the
3886 Praxis Subject Assessment in the requested area of endorsement may
3887 apply for admission to the Teach Mississippi Institute (TMI)
3888 program to teach students in Grades 7 through 12 if the individual
3889 meets the requirements of this paragraph (b). The State Board of



3890 Education shall adopt rules requiring that teacher preparation
3891 institutions which provide the Teach Mississippi Institute (TMI)
3892 program for the preparation of nontraditional teachers shall meet
3893 the standards and comply with the provisions of this paragraph.

3894 1. The Teach Mississippi Institute (TMI)
3895 shall include an intensive eight-week, nine-semester-hour summer
3896 program or a curriculum of study in which the student matriculates
3897 in the fall or spring semester, which shall include, but not be
3898 limited to, instruction in education, effective teaching
3899 strategies, classroom management, state curriculum requirements,
3900 planning and instruction, instructional methods and pedagogy,
3901 using test results to improve instruction, and a one (1) semester
3902 three-hour supervised internship to be completed while the teacher
3903 is employed as a full-time teacher intern in a local school
3904 district. The TMI shall be implemented on a pilot program basis,
3905 with courses to be offered at up to four (4) locations in the
3906 state, with one (1) TMI site to be located in each of the three
3907 (3) Mississippi Supreme Court districts.

3908 2. The school sponsoring the teacher intern
3909 shall enter into a written agreement with the institution
3910 providing the Teach Mississippi Institute (TMI) program, under
3911 terms and conditions as agreed upon by the contracting parties,
3912 providing that the school district shall provide teacher interns
3913 seeking a nontraditional provisional teaching license with a
3914 one-year classroom teaching experience. The teacher intern shall



3915 successfully complete the one (1) semester three-hour intensive
3916 internship in the school district during the semester immediately
3917 following successful completion of the TMI and prior to the end of
3918 the one-year classroom teaching experience.

3919 3. Upon completion of the nine-semester-hour
3920 TMI or the fall or spring semester option, the individual shall
3921 submit his transcript to the commission for provisional licensure
3922 of the intern teacher, and the intern teacher shall be issued a
3923 provisional teaching license by the commission, which will allow
3924 the individual to legally serve as a teacher while the person
3925 completes a nontraditional teacher preparation internship program.

3926 4. During the semester of internship in the
3927 school district, the teacher preparation institution shall monitor
3928 the performance of the intern teacher. The school district that
3929 employs the provisional teacher shall supervise the provisional
3930 teacher during the teacher's intern year of employment under a
3931 nontraditional provisional license, and shall, in consultation
3932 with the teacher intern's mentor at the school district of
3933 employment, submit to the commission a comprehensive evaluation of
3934 the teacher's performance sixty (60) days prior to the expiration
3935 of the nontraditional provisional license. If the comprehensive
3936 evaluation establishes that the provisional teacher intern's
3937 performance fails to meet the standards of the approved
3938 nontraditional teacher preparation internship program, the
3939 individual shall not be approved for a standard license.



3940 5. An individual issued a provisional
3941 teaching license under this nontraditional route shall
3942 successfully complete, at a minimum, a one-year beginning teacher
3943 mentoring and induction program administered by the employing
3944 school district with the assistance of the State Department of
3945 Education.

3946 6. Upon successful completion of the TMI and
3947 the internship provisional license period, applicants for a
3948 Standard License - Nontraditional Route shall submit to the
3949 commission a transcript of successful completion of the twelve
3950 (12) semester hours required in the internship program, and the
3951 employing school district shall submit to the commission a
3952 recommendation for standard licensure of the intern. If the
3953 school district recommends licensure, the applicant shall be
3954 issued a Standard License - Nontraditional Route which shall be
3955 valid for a five-year period and be renewable.

3956 7. At the discretion of the teacher
3957 preparation institution, the individual shall be allowed to credit
3958 the twelve (12) semester hours earned in the nontraditional
3959 teacher internship program toward the graduate hours required for
3960 a Master of Arts in Teacher (MAT) Degree.

3961 8. The local school district in which the
3962 nontraditional teacher intern or provisional licensee is employed
3963 shall compensate such teacher interns at Step 1 of the required
3964 salary level during the period of time such individual is



3965 completing teacher internship requirements and shall compensate
3966 such Standard License - Nontraditional Route teachers at Step 3 of
3967 the required salary level when they complete license requirements.

3968 (iii) Implementation of the TMI program provided
3969 for under this paragraph (b) shall be contingent upon the
3970 availability of funds appropriated specifically for such purpose
3971 by the Legislature. Such implementation of the TMI program may
3972 not be deemed to prohibit the State Board of Education from
3973 developing and implementing additional alternative route teacher
3974 licensure programs, as deemed appropriate by the board. The
3975 emergency certification program in effect prior to July 1, 2002,
3976 shall remain in effect.

3977 (iv) A Standard License - Approved Program Route
3978 shall be issued for a five-year period, and may be renewed.
3979 Recognizing teaching as a profession, a hiring preference shall be
3980 granted to persons holding a Standard License - Approved Program
3981 Route or Standard License - Nontraditional Teaching Route over
3982 persons holding any other license.

3983 (c) **Special License - Expert Citizen.** In order to
3984 allow a school district to offer specialized or technical courses,
3985 the State Department of Education, in accordance with rules and
3986 regulations established by the State Board of Education, may grant
3987 a five-year expert citizen-teacher license to local business or
3988 other professional personnel to teach in a public school or
3989 nonpublic school accredited or approved by the state. Such person



3990 shall be required to have a high school diploma, an
3991 industry-recognized certification related to the subject area in
3992 which they are teaching and a minimum of five (5) years of
3993 relevant experience but shall not be required to hold an associate
3994 or bachelor's degree, provided that he or she possesses the
3995 minimum qualifications required for his or her profession, and may
3996 begin teaching upon his employment by the local school board and
3997 licensure by the Mississippi Department of Education. If a school
3998 board hires a career technical education pathway instructor who
3999 does not have an industry certification in his or her area of
4000 expertise but does have the required experience, the school board
4001 shall spread their decision on the minutes at their next meeting
4002 and provide a detailed explanation for why they hired the
4003 instructor. Such instructor shall present the minutes of the
4004 school board to the State Department of Education when he or she
4005 applies for an expert citizen license. The board shall adopt
4006 rules and regulations to administer the expert citizen-teacher
4007 license. A Special License - Expert Citizen may be renewed in
4008 accordance with the established rules and regulations of the State
4009 Department of Education.

4010 (d) **Special License - Nonrenewable.** The State Board of
4011 Education is authorized to establish rules and regulations to
4012 allow those educators not meeting requirements in paragraph (a),
4013 (b) or (c) of this subsection (6) to be licensed for a period of



4014 not more than three (3) years, except by special approval of the
4015 State Board of Education.

4016 (e) **Nonlicensed Teaching Personnel.** A nonlicensed
4017 person may teach for a maximum of three (3) periods per teaching
4018 day in a public school district or a nonpublic school
4019 accredited/approved by the state. Such person shall submit to the
4020 department a transcript or record of his education and experience
4021 which substantiates his preparation for the subject to be taught
4022 and shall meet other qualifications specified by the commission
4023 and approved by the State Board of Education. In no case shall
4024 any local school board hire nonlicensed personnel as authorized
4025 under this paragraph in excess of five percent (5%) of the total
4026 number of licensed personnel in any single school.

4027 (f) **Special License - Transitional Bilingual Education.**
4028 Beginning July 1, 2003, the commission shall grant special
4029 licenses to teachers of transitional bilingual education who
4030 possess such qualifications as are prescribed in this section.
4031 Teachers of transitional bilingual education shall be compensated
4032 by local school boards at not less than one (1) step on the
4033 regular salary schedule applicable to permanent teachers licensed
4034 under this section. The commission shall grant special licenses
4035 to teachers of transitional bilingual education who present the
4036 commission with satisfactory evidence that they (i) possess a
4037 speaking and reading ability in a language, other than English, in
4038 which bilingual education is offered and communicative skills in



4039 English; (ii) are in good health * * *; (iii) possess a bachelor's
4040 degree or an associate's degree in teacher education from an
4041 accredited institution of higher education; (iv) meet such
4042 requirements as to courses of study, semester hours therein,
4043 experience and training as may be required by the commission; and
4044 (v) are legally present in the United States and possess legal
4045 authorization for employment. A teacher of transitional bilingual
4046 education serving under a special license shall be under an
4047 exemption from standard licensure if he achieves the requisite
4048 qualifications therefor. Two (2) years of service by a teacher of
4049 transitional bilingual education under such an exemption shall be
4050 credited to the teacher in acquiring a Standard Educator License.
4051 Nothing in this paragraph shall be deemed to prohibit a local
4052 school board from employing a teacher licensed in an appropriate
4053 field as approved by the State Department of Education to teach in
4054 a program in transitional bilingual education.

4055 (g) In the event any school district meets the highest
4056 accreditation standards as defined by the State Board of Education
4057 in the accountability system, the State Board of Education, in its
4058 discretion, may exempt such school district from any restrictions
4059 in paragraph (e) relating to the employment of nonlicensed
4060 teaching personnel.

4061 (h) **Highly Qualified Teachers.** Beginning July 1, 2006,
4062 any teacher from any state meeting the federal definition of
4063 highly qualified, as described in the No Child Left Behind Act,



4064 must be granted a standard five-year license by the State
4065 Department of Education.

4066 (7) **Administrator License.** The State Board of Education is
4067 authorized to establish rules and regulations and to administer
4068 the licensure process of the school administrators in the State of
4069 Mississippi. There will be four (4) categories of administrator
4070 licensure with exceptions only through special approval of the
4071 State Board of Education.

4072 (a) **Administrator License - Nonpracticing.** Those
4073 educators holding administrative endorsement but having no
4074 administrative experience or not serving in an administrative
4075 position on January 15, 1997.

4076 (b) **Administrator License - Entry Level.** Those
4077 educators holding administrative endorsement and having met the
4078 department's qualifications to be eligible for employment in a
4079 Mississippi school district. Administrator License - Entry Level
4080 shall be issued for a five-year period and shall be nonrenewable.

4081 (c) **Standard Administrator License - Career Level.** An
4082 administrator who has met all the requirements of the department
4083 for standard administrator licensure.

4084 (d) **Administrator License - Nontraditional Route.** The
4085 board may establish a nontraditional route for licensing
4086 administrative personnel. Such nontraditional route for
4087 administrative licensure shall be available for persons holding,
4088 but not limited to, a master of business administration degree, a



4089 master of public administration degree, a master of public
4090 planning and policy degree or a doctor of jurisprudence degree
4091 from an accredited college or university, with five (5) years of
4092 administrative or supervisory experience. Successful completion
4093 of the requirements of alternate route licensure for
4094 administrators shall qualify the person for a standard
4095 administrator license.

4096 Individuals seeking school administrator licensure under
4097 paragraph (b), (c) or (d) shall successfully complete a training
4098 program and an assessment process prescribed by the State Board of
4099 Education. All applicants for school administrator licensure
4100 shall meet all requirements prescribed by the department under
4101 paragraph (b), (c) or (d), and the cost of the assessment process
4102 required shall be paid by the applicant.

4103 (8) **Reciprocity.** The department shall grant a standard
4104 five-year license to any individual who possesses a valid standard
4105 license from another state, or another country or political
4106 subdivision thereof, within a period of twenty-one (21) days from
4107 the date of a completed application. The issuance of a license by
4108 reciprocity to a military-trained applicant, military spouse or
4109 person who establishes residence in this state shall be subject to
4110 the provisions of Section 73-50-1 or 73-50-2, as applicable.

4111 (9) **Renewal and Reinstatement of Licenses.** The State Board
4112 of Education is authorized to establish rules and regulations for
4113 the renewal and reinstatement of educator and administrator



4114 licenses. Effective May 15, 1997, the valid standard license held
4115 by an educator shall be extended five (5) years beyond the
4116 expiration date of the license in order to afford the educator
4117 adequate time to fulfill new renewal requirements established
4118 pursuant to this subsection. An educator completing a master of
4119 education, educational specialist or doctor of education degree in
4120 May 1997 for the purpose of upgrading the educator's license to a
4121 higher class shall be given this extension of five (5) years plus
4122 five (5) additional years for completion of a higher degree. For
4123 all license types with a current valid expiration date of June 30,
4124 2021, the State Department of Education shall grant a one-year
4125 extension to June 30, 2022. Beginning July 1, 2022, and
4126 thereafter, applicants for licensure renewal shall meet all
4127 requirements in effect on the date that the complete application
4128 is received by the State Department of Education.

4129 (10) All controversies involving the issuance, revocation,
4130 suspension or any change whatsoever in the licensure of an
4131 educator required to hold a license shall be initially heard in a
4132 hearing de novo, by the commission or by a subcommittee
4133 established by the commission and composed of commission members,
4134 or by a hearing officer retained and appointed by the commission,
4135 for the purpose of holding hearings. Any complaint seeking the
4136 denial of issuance, revocation or suspension of a license shall be
4137 by sworn affidavit filed with the Commission on Teacher and
4138 Administrator Education, Certification and Licensure and



4139 Development. The decision thereon by the commission, its
4140 subcommittee or hearing officer, shall be final, unless the
4141 aggrieved party shall appeal to the State Board of Education,
4142 within ten (10) days, of the decision of the commission, its
4143 subcommittee or hearing officer. An appeal to the State Board of
4144 Education shall be perfected upon filing a notice of the appeal
4145 and by the prepayment of the costs of the preparation of the
4146 record of proceedings by the commission, its subcommittee or
4147 hearing officer. An appeal shall be on the record previously made
4148 before the commission, its subcommittee or hearing officer, unless
4149 otherwise provided by rules and regulations adopted by the board.
4150 The decision of the commission, its subcommittee or hearing
4151 officer shall not be disturbed on appeal if supported by
4152 substantial evidence, was not arbitrary or capricious, within the
4153 authority of the commission, and did not violate some statutory or
4154 constitutional right. The State Board of Education in its
4155 authority may reverse, or remand with instructions, the decision
4156 of the commission, its subcommittee or hearing officer. The
4157 decision of the State Board of Education shall be final.

4158 (11) (a) The State Board of Education, acting through the
4159 commission, may deny an application for any teacher or
4160 administrator license for one or more of the following:

4161 (i) Lack of qualifications which are prescribed by
4162 law or regulations adopted by the State Board of Education;



4163 (ii) The applicant has a physical, emotional or
4164 mental disability that renders the applicant unfit to perform the
4165 duties authorized by the license, as certified by a licensed
4166 psychologist or psychiatrist;

4167 (iii) The applicant is actively addicted to or
4168 actively dependent on alcohol or other habit-forming drugs or is a
4169 habitual user of narcotics, barbiturates, amphetamines,
4170 hallucinogens or other drugs having similar effect, at the time of
4171 application for a license;

4172 (iv) Fraud or deceit committed by the applicant in
4173 securing or attempting to secure such certification and license;

4174 (v) Failing or refusing to furnish reasonable
4175 evidence of identification;

4176 (vi) The applicant has been convicted, has pled
4177 guilty or entered a plea of nolo contendere to a * * *
4178 disqualifying crime as provided in the Fresh Start Act. For
4179 purposes of this subparagraph (vi) of this paragraph (a), a
4180 "guilty plea" includes a plea of guilty, entry of a plea of nolo
4181 contendere, or entry of an order granting pretrial or judicial
4182 diversion;

4183 (vii) The applicant or licensee is on probation or
4184 post-release supervision for a * * * disqualifying crime as
4185 provided in the Fresh Start Act. However, this disqualification
4186 expires upon the end of the probationary or post-release
4187 supervision period.



4188 (b) The State Board of Education, acting through the
4189 commission, shall deny an application for any teacher or
4190 administrator license, or immediately revoke the current teacher
4191 or administrator license, for one or more of the following:

4192 (i) If the applicant or licensee has been
4193 convicted, has pled guilty or entered a plea of nolo contendere to
4194 a sex offense as defined by federal or state law. For purposes of
4195 this subparagraph (i) of this paragraph (b), a "guilty plea"
4196 includes a plea of guilty, entry of a plea of nolo contendere, or
4197 entry of an order granting pretrial or judicial diversion;

4198 (ii) The applicant or licensee is on probation or
4199 post-release supervision for a sex offense conviction, as defined
4200 by federal or state law;

4201 (iii) The license holder has fondled a student as
4202 described in Section 97-5-23, or had any type of sexual
4203 involvement with a student as described in Section 97-3-95; or

4204 (iv) The license holder has failed to report
4205 sexual involvement of a school employee with a student as required
4206 by Section 97-5-24.

4207 (12) The State Board of Education, acting through the
4208 commission, may revoke, suspend or refuse to renew any teacher or
4209 administrator license for specified periods of time or may place
4210 on probation, reprimand a licensee, or take other disciplinary
4211 action with regard to any license issued under this chapter for
4212 one or more of the following:



4213 (a) Breach of contract or abandonment of employment may
4214 result in the suspension of the license for one (1) school year as
4215 provided in Section 37-9-57;

4216 (b) Obtaining a license by fraudulent means shall
4217 result in immediate suspension and continued suspension for one
4218 (1) year after correction is made;

4219 (c) Suspension or revocation of a certificate or
4220 license by another state shall result in immediate suspension or
4221 revocation and shall continue until records in the prior state
4222 have been cleared;

4223 (d) The license holder has been convicted, has pled
4224 guilty or entered a plea of nolo contendere to a * * *
4225 disqualifying crime as provided in the Fresh Start Act. For
4226 purposes of this paragraph, a "guilty plea" includes a plea of
4227 guilty, entry of a plea of nolo contendere, or entry of an order
4228 granting pretrial or judicial diversion;

4229 (e) The license holder knowingly and willfully
4230 committing any of the acts affecting validity of mandatory uniform
4231 test results as provided in Section 37-16-4(1);

4232 (f) The license holder has engaged in unethical conduct
4233 relating to an educator/student relationship as identified by the
4234 State Board of Education in its rules;

4235 (g) The license holder served as superintendent or
4236 principal in a school district during the time preceding and/or



4237 that resulted in the Governor declaring a state of emergency and
4238 the State Board of Education appointing a conservator;

4239 (h) The license holder submitted a false certification
4240 to the State Department of Education that a statewide test was
4241 administered in strict accordance with the Requirements of the
4242 Mississippi Statewide Assessment System; or

4243 (i) The license holder has failed to comply with the
4244 Procedures for Reporting Infractions as promulgated by the
4245 commission and approved by the State Board of Education pursuant
4246 to subsection (15) of this section.

4247 For purposes of this subsection, probation shall be defined
4248 as a length of time determined by the commission, its subcommittee
4249 or hearing officer, and based on the severity of the offense in
4250 which the license holder shall meet certain requirements as
4251 prescribed by the commission, its subcommittee or hearing officer.
4252 Failure to complete the requirements in the time specified shall
4253 result in immediate suspension of the license for one (1) year.

4254 (13) (a) Dismissal or suspension of a licensed employee by
4255 a local school board pursuant to Section 37-9-59 may result in the
4256 suspension or revocation of a license for a length of time which
4257 shall be determined by the commission and based upon the severity
4258 of the offense.

4259 (b) Any offense committed or attempted in any other
4260 state shall result in the same penalty as if committed or
4261 attempted in this state.



4262 (c) A person may voluntarily surrender a license. The
4263 surrender of such license may result in the commission
4264 recommending any of the above penalties without the necessity of a
4265 hearing. However, any such license which has voluntarily been
4266 surrendered by a licensed employee may only be reinstated by a
4267 majority vote of all members of the commission present at the
4268 meeting called for such purpose.

4269 (14) (a) A person whose license has been suspended or
4270 surrendered on any grounds except criminal grounds may petition
4271 for reinstatement of the license after one (1) year from the date
4272 of suspension or surrender, or after one-half (1/2) of the
4273 suspended or surrendered time has lapsed, whichever is greater. A
4274 person whose license has been suspended or revoked on any grounds
4275 or violations under subsection (12) of this section may be
4276 reinstated automatically or approved for a reinstatement hearing,
4277 upon submission of a written request to the commission. A license
4278 suspended, revoked or surrendered * * * because of a disqualifying
4279 crime as provided in the Fresh Start Act may be reinstated upon
4280 petition to the commission filed after expiration of the sentence
4281 and parole or probationary period imposed upon conviction. A
4282 revoked, suspended or surrendered license may be reinstated upon
4283 satisfactory showing of evidence of rehabilitation. The
4284 commission shall require all who petition for reinstatement to
4285 furnish evidence satisfactory to the commission of good * * *
4286 mental, emotional and physical health and such other evidence as



4287 the commission may deem necessary to establish the petitioner's
4288 rehabilitation and fitness to perform the duties authorized by the
4289 license.

4290 (b) A person whose license expires while under
4291 investigation by the Office of Educator Misconduct for an alleged
4292 violation may not be reinstated without a hearing before the
4293 commission if required based on the results of the investigation.

4294 (15) Reporting procedures and hearing procedures for dealing
4295 with infractions under this section shall be promulgated by the
4296 commission, subject to the approval of the State Board of
4297 Education. The revocation or suspension of a license shall be
4298 effected at the time indicated on the notice of suspension or
4299 revocation. The commission shall immediately notify the
4300 superintendent of the school district or school board where the
4301 teacher or administrator is employed of any disciplinary action
4302 and also notify the teacher or administrator of such revocation or
4303 suspension and shall maintain records of action taken. The State
4304 Board of Education may reverse or remand with instructions any
4305 decision of the commission, its subcommittee or hearing officer
4306 regarding a petition for reinstatement of a license, and any such
4307 decision of the State Board of Education shall be final.

4308 (16) An appeal from the action of the State Board of
4309 Education in denying an application, revoking or suspending a
4310 license or otherwise disciplining any person under the provisions
4311 of this section shall be filed in the Chancery Court of the First



4312 Judicial District of Hinds County, Mississippi, on the record
4313 made, including a verbatim transcript of the testimony at the
4314 hearing. The appeal shall be filed within thirty (30) days after
4315 notification of the action of the board is mailed or served and
4316 the proceedings in chancery court shall be conducted as other
4317 matters coming before the court. The appeal shall be perfected
4318 upon filing notice of the appeal and by the prepayment of all
4319 costs, including the cost of preparation of the record of the
4320 proceedings by the State Board of Education, and the filing of a
4321 bond in the sum of Two Hundred Dollars (\$200.00) conditioned that
4322 if the action of the board be affirmed by the chancery court, the
4323 applicant or license holder shall pay the costs of the appeal and
4324 the action of the chancery court.

4325 (17) All such programs, rules, regulations, standards and
4326 criteria recommended or authorized by the commission shall become
4327 effective upon approval by the State Board of Education as
4328 designated by appropriate orders entered upon the minutes thereof.

4329 (18) The granting of a license shall not be deemed a
4330 property right nor a guarantee of employment in any public school
4331 district. A license is a privilege indicating minimal eligibility
4332 for teaching in the public school districts of Mississippi. This
4333 section shall in no way alter or abridge the authority of local
4334 school districts to require greater qualifications or standards of
4335 performance as a prerequisite of initial or continued employment
4336 in such districts.



4337 (19) In addition to the reasons specified in subsections
4338 (12) and (13) of this section, the board shall be authorized to
4339 suspend the license of any licensee for being out of compliance
4340 with an order for support, as defined in Section 93-11-153. The
4341 procedure for suspension of a license for being out of compliance
4342 with an order for support, and the procedure for the reissuance or
4343 reinstatement of a license suspended for that purpose, and the
4344 payment of any fees for the reissuance or reinstatement of a
4345 license suspended for that purpose, shall be governed by Section
4346 93-11-157 or 93-11-163, as the case may be. Actions taken by the
4347 board in suspending a license when required by Section 93-11-157
4348 or 93-11-163 are not actions from which an appeal may be taken
4349 under this section. Any appeal of a license suspension that is
4350 required by Section 93-11-157 or 93-11-163 shall be taken in
4351 accordance with the appeal procedure specified in Section
4352 93-11-157 or 93-11-163, as the case may be, rather than the
4353 procedure specified in this section. If there is any conflict
4354 between any provision of Section 93-11-157 or 93-11-163 and any
4355 provision of this chapter, the provisions of Section 93-11-157 or
4356 93-11-163, as the case may be, shall control.

4357 (20) The Department of Education shall grant and renew all
4358 licenses and certifications of teachers and administrators within
4359 twenty-one (21) days from the date of a completed application if
4360 the applicant has otherwise met all established requirements for
4361 the license or certification.



4362 **SECTION 42.** Section 41-29-303, Mississippi Code of 1972, is
4363 amended as follows:

4364 41-29-303. No license shall be issued under Section
4365 41-29-301 * * * until the applicant therefor has furnished proof
4366 satisfactory to the State Board of Pharmacy that the applicant
4367 is * * * properly equipped as to land, buildings, and
4368 paraphernalia to carry on the business described in his
4369 application. No license shall be granted to any person who has
4370 within five (5) years been convicted of a willful violation of any
4371 law of the United States, or of any state, relating to opium, coca
4372 leaves, or other narcotic drugs, or to any person who is a
4373 narcotic drug addict. The state board of pharmacy may suspend or
4374 revoke any license for cause.

4375 **SECTION 43.** Section 51-5-3, Mississippi Code of 1972, is
4376 amended as follows:

4377 51-5-3. In order to be licensed as a water well contractor
4378 in the State of Mississippi, the applicant must be qualified as
4379 set out below:

4380 (a) Be at least twenty-one (21) years of age;

4381 * * *

4382 (* * *b) Demonstrate to the satisfaction of the
4383 commission a reasonable knowledge of this chapter and the rules
4384 and regulations adopted by the commission under the provisions of
4385 this chapter;



4386 (* * *c) Possess the necessary drilling equipment, or
4387 present to the commission sufficient evidence to show that he has
4388 access to the use of such equipment at any time he needs it; and

4389 (* * *d) Have not less than three (3) years'
4390 experience in the work for which he is applying for a license.

4391 **SECTION 44.** Section 67-3-19, Mississippi Code of 1972, is
4392 amended as follows:

4393 67-3-19. Where application is made for a permit to engage in
4394 the business of a retailer of light wine, light spirit product or
4395 beer, the applicant shall show in his application that he
4396 possesses the following qualifications:

4397 (a) Applicant must be a person at least twenty-one (21)
4398 years of age * * * and a resident of the State of Mississippi.

4399 (b) Applicant shall not have been convicted of a * * *
4400 disqualifying crime as provided in the Fresh Start Act, or of
4401 pandering or of keeping or maintaining a house of prostitution, or
4402 have been convicted within two (2) years of the date of his
4403 application of any violation of the laws of this state or the laws
4404 of the United States relating to alcoholic liquor.

4405 (c) Applicant shall not have had revoked, except for a
4406 violation of Section 67-3-52, within two (2) years next preceding
4407 his application, any license or permit issued to him pursuant to
4408 the laws of this state, or any other state, to sell alcoholic
4409 liquor of any kind.



4410 (d) Applicant shall be the owner of the premises for
4411 which the permit is sought or the holder of an existing lease
4412 thereon.

4413 (e) Applicant shall not be residentially domiciled with
4414 any person whose permit has been revoked for cause, except for a
4415 violation of Section 67-3-52, within two (2) years next preceding
4416 the date of the present application for a permit.

4417 (f) The applicant has not had any license or permit to
4418 sell beer, light spirit product or light wine at retail revoked,
4419 within five (5) years next preceding his application, due to a
4420 violation of Section 67-3-52.

4421 (g) Applicant shall not employ any person whose permit
4422 has been revoked when such person owned or operated the business
4423 on the premises for which a permit is sought or allow such person
4424 to have any financial interest in the business of the applicant,
4425 until such person is qualified to obtain a permit in his own name.

4426 (h) The applicant is not indebted to the State of
4427 Mississippi for any taxes.

4428 (i) If applicant is a partnership, all members of the
4429 partnership must be qualified to obtain a permit. Each member of
4430 the partnership must be a resident of the State of Mississippi.

4431 (j) If applicant is a corporation, all officers and
4432 directors thereof, and any stockholder owning more than five
4433 percent (5%) of the stock of such corporation, and the person or
4434 persons who shall conduct and manage the licensed premises for the



4435 corporation shall possess all the qualifications required herein
4436 for any individual permittee. However, the requirements as to
4437 residence shall not apply to officers, directors and stockholders
4438 of such corporation.

4439 Any misstatement or concealment of fact in an application
4440 shall be grounds for denial of the application or for revocation
4441 of the permit issued thereon.

4442 The commissioner may refuse to issue a permit to an applicant
4443 for a place that is frequented by known criminals, prostitutes, or
4444 other law violators or troublemakers who disturb the peace and
4445 quietude of the community and frequently require the assistance of
4446 peace officers to apprehend such law violators or to restore
4447 order. The burden of proof of establishing the foregoing shall
4448 rest upon the commissioner.

4449 **SECTION 45.** Section 73-2-7, Mississippi Code of 1972, is
4450 amended as follows:

4451 73-2-7. In order to qualify for a license as a landscape
4452 architect, an applicant must:

4453 (a) Submit evidence of his * * * integrity to the
4454 examining board.

4455 (b) Have received a degree in landscape architecture
4456 from a college or university having a minimum four-year curriculum
4457 in landscape architecture approved by the board or have completed
4458 seven (7) years of work in the practice of landscape architecture
4459 of a grade and character suitable to the board. Graduation in a



4460 curriculum other than landscape architecture from a college or
4461 university shall be equivalent to two (2) years' experience of the
4462 seven (7) specified above in this section, except that no
4463 applicant shall receive credit for more than two (2) years'
4464 experience for any scholastic training.

4465 (c) Pass such written examination as required in
4466 Section 73-2-9.

4467 Each application or filing made under this section shall
4468 include the social security number(s) of the applicant in
4469 accordance with Section 93-11-64, Mississippi Code of 1972.

4470 **SECTION 46.** Section 73-3-2, Mississippi Code of 1972, is
4471 amended as follows:

4472 73-3-2. (1) **Power to admit persons to practice.** The power
4473 to admit persons to practice as attorneys in the courts of this
4474 state is vested exclusively in the Supreme Court of Mississippi.

4475 (2) **Qualifications.** (a) Each applicant for admission to
4476 the bar, in order to be eligible for examination for admission,
4477 shall be at least twenty-one (21) years of age * * * and shall
4478 present to the Board of Bar Admissions satisfactory evidence:

4479 (i) That he has successfully completed, or is
4480 within sixty (60) days of completion of, a general course of study
4481 of law in a law school which is provisionally or fully approved by
4482 the section on legal education and admission to the bar of the
4483 American Bar Association, and that such applicant has received, or
4484 will receive within sixty (60) days, a diploma or certificate from



4485 such school evidencing the satisfactory completion of such course,
4486 but in no event shall any applicant under this paragraph be
4487 admitted to the bar until such applicant actually receives such
4488 diploma or certificate. However, an applicant who, as of November
4489 1, 1981, was previously enrolled in a law school in active
4490 existence in Mississippi for more than ten (10) years prior to the
4491 date of application shall be eligible for examination for
4492 admission; provided that such an applicant graduated prior to
4493 November 1, 1984;

4494 (ii) That he has notified the Board of Bar
4495 Admissions in writing of an intention to pursue a general course
4496 of study of law under the supervision of a Mississippi lawyer
4497 prior to July 1, 1979, and in fact began study prior to July 1,
4498 1979, and who completed the required course of study prior to
4499 November 1, 1984, in accordance with Sections 73-3-13(b) and
4500 73-3-15 as the same exist prior to November 1, 1979; or

4501 (iii) That in addition to complying with either of
4502 the above requirements, he has received a bachelor's degree from
4503 an accredited college or university or that he has received credit
4504 for the requirements of the first three (3) years of college work
4505 from a college or university offering an integrated six-year
4506 prelaw and law course, and has completed his law course at a
4507 college or university offering such an integrated six-year course.
4508 However, applicants who have already begun the general course of
4509 study of law as of November 1, 1979, either in a law school or



4510 under the supervision of a Mississippi lawyer shall submit proof
4511 they have successfully completed two (2) full years of college
4512 work.

4513 (b) The applicant shall bear the burden of establishing
4514 his or her qualifications for admission to the satisfaction of the
4515 Board of Bar Admissions. An applicant denied admission for
4516 failure to satisfy qualifications for admission shall have the
4517 right to appeal from the final order of the board to the Chancery
4518 Court of Hinds County, Mississippi, within thirty (30) days of
4519 entry of such order of denial.

4520 (3) **Creation of Board of Bar Admissions.** There is hereby
4521 created a board to be known as the "Board of Bar Admissions" which
4522 shall be appointed by the Supreme Court of Mississippi. The board
4523 shall consist of nine (9) members, who shall be members in good
4524 standing of the Mississippi State Bar and shall serve for terms of
4525 three (3) years. Three (3) members shall be appointed from each
4526 Supreme Court district, one (1) by each Supreme Court Justice from
4527 his district, with the original appointments to be as follows:
4528 Three (3) to be appointed for a term of one (1) year, three (3) to
4529 be appointed for a term of two (2) years, and three (3) to be
4530 appointed for a term of three (3) years, one (1) from each
4531 district to be appointed each year. No member of the Board of Bar
4532 Admissions may be a member of the Legislature. Vacancies during a
4533 term shall be filled by the appointing justice or his successor
4534 for the remainder of the unexpired term.



4535 The board shall promulgate the necessary rules for the
4536 administration of their duties, subject to the approval of the
4537 Chief Justice of the Supreme Court.

4538 (4) **Written examination as prerequisite to admission.** Every
4539 person desiring admission to the bar, shall be required to take
4540 and pass a written bar examination in a manner satisfactory to the
4541 Board of Bar Admissions. The Board of Bar Admissions shall
4542 conduct not less than two (2) bar examinations each year.

4543 (5) **Oath and compensation of board members.** The members of
4544 the Board of Bar Admissions shall take and subscribe an oath to be
4545 administered by one (1) of the judges of the Supreme Court to
4546 faithfully and impartially discharge the duties of the office.
4547 The members shall receive compensation as established by the
4548 Supreme Court for preparing, giving and grading the examination
4549 plus all reasonable and necessary travel expenses incurred in the
4550 performance of their duties under the provisions of this section.

4551 (6) **Procedure for applicants who have failed.** Any applicant
4552 who fails the examination shall be allowed to take the next
4553 scheduled examination. A failing applicant may request in writing
4554 from the board, within thirty (30) days after the results of the
4555 examination have been made public, copies of his answers and model
4556 answers used in grading the examination, at his expense. If a
4557 uniform, standardized examination is administered, the board shall
4558 only be required to provide the examination grade and such other
4559 information concerning the applicant's examination results which



4560 are available to the board. Any failing applicant shall have a
4561 right to a review of his failure by the board. The board shall
4562 enter an order on its minutes, prior to the administration of the
4563 next bar examination, either granting or denying the applicant's
4564 review, and shall notify the applicant of such order. The
4565 applicant shall have the right to appeal from this order to the
4566 Chancery Court of Hinds County, Mississippi, within thirty (30)
4567 days of entry of such order.

4568 (7) **Fees.** The board shall set and collect the fees for
4569 examination and for admission to the bar. The fees for
4570 examination shall be based upon the annual cost of administering
4571 the examinations. The fees for admission shall be based upon the
4572 cost of conducting an investigation of the applicant and the
4573 administrative costs of sustaining the board, which shall include,
4574 but shall not be limited to:

- 4575 (a) Expenses and travel for board members;
4576 (b) Office facilities, supplies and equipment; and
4577 (c) Clerical assistance.

4578 All fees collected by the board shall be paid to the State
4579 Treasurer, who shall issue receipts therefor and who shall deposit
4580 such funds in the State Treasury in a special fund to the credit
4581 of said board. All such funds shall be expended only in
4582 accordance with the provisions of Chapter 496, Laws of 1962, as
4583 amended, being Section 27-103-1 et seq., Mississippi Code of 1972.



4584 (8) The board, upon finding the applicant qualified for
4585 admission, shall issue to the applicant a certificate of
4586 admission. The applicant shall file the certificate and a
4587 petition for admission in the Chancery Court of Hinds County,
4588 Mississippi, or in the chancery court in the county of his
4589 residence, or, in the case of an applicant who is a nonresident of
4590 the State of Mississippi, in the chancery court of a county in
4591 which the applicant intends to practice. The chancery court
4592 shall, in termtime or in vacation, enter on the minutes of that
4593 court an order granting to the applicant license to practice in
4594 all courts in this state, upon taking by the applicant in the
4595 presence of the court, the oath prescribed by law, Section
4596 73-3-35, Mississippi Code of 1972.

4597 (9) Each application or filing made under this section shall
4598 include the social security number(s) of the applicant in
4599 accordance with Section 93-11-64, Mississippi Code of 1972.

4600 **SECTION 47.** Section 73-3-25, Mississippi Code of 1972, is
4601 amended as follows:

4602 73-3-25. Any lawyer from another state whose requirements
4603 for admission to the bar are equivalent to those of this state,
4604 who has practiced not less than five (5) years in a state where he
4605 was then admitted may be admitted to * * * practice in this state
4606 upon taking and passing such examination as to his knowledge of
4607 law as may be prescribed by rules adopted by the Board of Bar
4608 Admissions and approved by the Supreme Court and upon complying



4609 with the other requirements as set out in the laws and rules
4610 governing admission to the bar. Provided, however, the laws of
4611 the state from which the applicant comes grant similar privileges
4612 to the applicants from this state.

4613 Any lawyer from another state desiring to be admitted to
4614 practice in Mississippi must make application to the Board of Bar
4615 Admissions. Such applicant shall present to the bar evidence of
4616 his good standing in the state from which he came, including a
4617 certificate from the clerk of the highest appellate court of the
4618 state from which he came, and from two (2) members of the bar of
4619 such state, certifying to his qualifications * * * and good
4620 standing * * *, and may require the submission of additional
4621 evidence by the applicant. Upon satisfactory proof of the
4622 applicant's qualifications and upon the applicant's compliance
4623 with the requirements of this section, the board shall issue a
4624 certificate of admission to the applicant, as prescribed in
4625 Section 73-3-2(8). Each such applicant shall pay an application
4626 fee prescribed by the Board of Bar Admissions according to Section
4627 73-3-2(7).

4628 **SECTION 48.** Section 73-4-17, Mississippi Code of 1972, is
4629 amended as follows:

4630 73-4-17. There shall be two (2) classes of auctioneers'
4631 licenses, which shall be auctioneer and auction firm. All
4632 applicants for a license under this chapter shall possess the
4633 following minimum qualifications:



4634 (a) Applicants shall have attained the age of eighteen
4635 (18) years by the issuance date of the license.

4636 (b) Applicants shall have obtained at a minimum a high
4637 school diploma or G.E.D. equivalent and shall be graduates of an
4638 auctioneering school approved by the commission.

4639 (c) Each applicant for a license under this chapter
4640 shall demonstrate to the commission that he is * * * worthy of
4641 public trust through background information to be provided on his
4642 application form and two (2) letters of reference from persons not
4643 related to the applicant who have known the applicant at least
4644 three (3) years. The commission may require additional
4645 information or a personal interview with the applicant to
4646 determine if such applicant should be granted a license.

4647 (d) Each applicant for a license under this chapter
4648 shall take and successfully complete an examination as prescribed
4649 by the commission. The examination shall include questions on
4650 ethics, reading comprehension, writing, spelling, elementary
4651 arithmetic, elementary principals of land economics, general
4652 knowledge of bulk sales law, contracts of sale, agency, leases,
4653 brokerage, knowledge of various goods commonly sold at auction,
4654 ability to call bids, knowledge of sale preparation and proper
4655 sale advertising and sale summary, and knowledge of the provisions
4656 of this chapter and the commission's rules and regulations. There
4657 shall be separate examinations for auctioneer and auction firm
4658 each based upon relevant subject matter appropriate to the license



4659 classification as set forth herein. Examinations shall be
4660 administered at least once a year and may be administered
4661 quarterly at the commission's discretion provided there are at
4662 least twenty-five (25) examinees. The commission shall ensure
4663 that the various forms of the test remain secure.

4664 (e) In order to defray the cost of administration of
4665 the examinations, applicants for the examination shall pay fees as
4666 follows:

4667 (i) Auctioneer.....\$100.00.

4668 (ii) Auction firm.....\$100.00.

4669 (f) Each applicant desiring to sit for the examination
4670 for any license required under this chapter shall be required to
4671 furnish to the commission at least thirty (30) days prior to the
4672 examination evidence of a surety bond in the following minimum
4673 amounts:

4674 (i) Auctioneer.....\$10,000.00.

4675 (ii) Auction firm.....\$10,000.00.

4676 (g) In addition to the bond required herein, applicants
4677 for the auction firm license shall furnish the commission with all
4678 relevant information concerning the premises to be licensed, to
4679 include location, whether the premises are owned or leased, and an
4680 affidavit that the proposed use of the premises as an auction firm
4681 does not violate zoning or any other use restrictions. A separate
4682 license shall be required for each business location of the owner
4683 of multiple auction galleries.



4684 (h) Except as provided in Section 33-1-39, all licenses
4685 granted pursuant to this chapter shall be for a term of two (2)
4686 years and shall expire on the first day of March at the end of
4687 such two-year term. The biennial license fees shall be set from
4688 time to time by the commission with a maximum fee of Two Hundred
4689 Dollars (\$200.00). License fees shall not be prorated for any
4690 portion of a year but shall be paid for the entire biennial period
4691 regardless of the date of the application. Individuals failing to
4692 submit license renewal fees on or before March 1 of the year for
4693 renewal shall be required to successfully pass the next
4694 administration of the examination in order to renew a license.

4695 (i) Each application or filing made under this section
4696 shall include the social security number(s) of the applicant in
4697 accordance with Section 93-11-64, Mississippi Code of 1972.

4698 (j) A licensee shall keep such books, accounts and
4699 records as will enable the commission to determine whether such
4700 licensee is in compliance with the provisions of this chapter, and
4701 rules and regulations made pursuant thereto, and any other law,
4702 rule and regulation applicable to the conduct of such business.
4703 The commission and its employees or representatives shall have the
4704 right to enter and make inspections of any place where the auction
4705 business is carried on and inspect and copy any record pertaining
4706 to the auction business under this chapter. The commission may
4707 conduct or cause to be conducted an examination or audit of the
4708 books and records of any licensee at any time the commission deems



4709 proper, the cost of the examination or audit to be borne by the
4710 licensee. The refusal of access to the books and records shall be
4711 cause for the revocation of its license.

4712 **SECTION 49.** Section 73-5-1, Mississippi Code of 1972, is
4713 amended as follows:

4714 73-5-1. The State Board of Barber Examiners is continued and
4715 reconstituted as follows: The Board of Barber Examiners shall
4716 consist of five (5) members, to be appointed by the Governor, with
4717 the advice and consent of the Senate, one (1) member to be
4718 appointed from each of the congressional districts as existing on
4719 January 1, 1991. Each member shall be a practical barber and a
4720 qualified elector of this state. He shall have been engaged in
4721 the practice of barbering in the State of Mississippi for at least
4722 five (5) years immediately before the time of his
4723 appointment * * *. From and after July 1, 1983, the appointments
4724 to the board shall be made in the manner hereinafter provided, and
4725 the present members of the State Board of Barber Examiners whose
4726 terms have not expired by July 1, 1983, shall continue to serve
4727 until their successors have been appointed and qualified. The
4728 Governor shall appoint, with the advice and consent of the Senate,
4729 five (5) members from the congressional districts as follows: The
4730 member from the First Congressional District shall be appointed
4731 for a term of two (2) years to commence on July 1, 1983; the
4732 member from the Second Congressional District shall be appointed
4733 for a term of four (4) years to commence on July 1, 1984; the



4734 member from the Third Congressional District shall be appointed
4735 for a term of two (2) years to commence on July 1, 1983; the
4736 member from the Fourth Congressional District shall be appointed
4737 for a term of four (4) years to commence on July 1, 1984; and the
4738 member from the Fifth Congressional District shall be appointed
4739 for a term of one (1) year to commence on July 1, 1983. The
4740 members of the board as constituted on July 1, 2002, whose terms
4741 have not expired shall serve the balance of their terms, after
4742 which time the membership of the board shall be appointed as
4743 follows: There shall be appointed one (1) member of the board
4744 from each of the four (4) Mississippi congressional districts as
4745 they currently exist, and one (1) from the state at large, and the
4746 Governor shall make appointments from the congressional district
4747 having the smallest number of board members until the membership
4748 includes one (1) member from each district as required. From and
4749 after July 1, 2002, no member of the board who is connected in any
4750 way with any barbering school shall participate in the
4751 administration of examinations of barber applicants. From and
4752 after July 1, 2004, no member of the board shall be connected in
4753 any way with any school in which barbering is taught.

4754 All members of the board shall be appointed by the Governor,
4755 with the advice and consent of the Senate, for terms of four (4)
4756 years each from the expiration date of the previous term, until
4757 their successors have been appointed and qualified. No member of
4758 the board shall hold any elected office. Appointments made to



4759 fill a vacancy of a term shall be made by the Governor within
4760 sixty (60) days after the vacancy occurs.

4761 The Governor may remove any one or more members of the board
4762 for just cause. Members appointed to fill vacancies caused by
4763 death, resignation or removal of any member or members shall serve
4764 only for the unexpired term of their predecessors. Any member who
4765 does not attend two (2) consecutive meetings of the board for
4766 reasons other than illness of the member shall be subject to
4767 removal by the Governor. The president of the board shall notify
4768 the Governor in writing when any such member has failed to attend
4769 two (2) consecutive regular meetings.

4770 **SECTION 50.** Section 73-5-11, Mississippi Code of 1972, is
4771 amended as follows:

4772 73-5-11. (1) To be eligible for enrollment at a barbering
4773 school approved by the Board of Barber Examiners, a person shall
4774 have a high school education or its equivalent, and/or shall have
4775 satisfactorily passed the ability-to-benefit examinations approved
4776 by the U.S. Department of Education.

4777 (2) Any person is qualified to receive a certificate of
4778 registration to practice barbering:

4779 (a) Who is qualified under the provisions of this
4780 chapter;

4781 (b) Who is of * * * temperate habits;



4782 (c) Who has completed not less than fifteen hundred
4783 (1500) hours at a barbering school approved by the State Board of
4784 Barber Examiners; and

4785 (d) Who has passed a satisfactory examination conducted
4786 by the board of examiners to determine his fitness to practice
4787 barbering.

4788 (3) A temporary permit to practice barbering until the next
4789 examination is given may be issued to a student who has completed
4790 not less than fifteen hundred (1500) hours at a barbering school
4791 approved by the Board of Barber Examiners. In no event shall a
4792 person be allowed to practice barbering on a temporary permit
4793 beyond the date the next examination is given, except because of
4794 personal illness.

4795 **SECTION 51.** Section 73-5-21, Mississippi Code of 1972, is
4796 amended as follows:

4797 73-5-21. Any person possessed of the following
4798 qualifications shall, upon payment of the required fee, receive a
4799 certificate of registration as a registered barber:

4800 (a) Is at least eighteen (18) years old;

4801 (b) Is of * * * temperate habits; and

4802 (c) Either has a license or certificate of registration
4803 as a practicing barber in another state or country that has
4804 substantially the same requirements for licensing or registration
4805 of barbers as are contained in this chapter, or can prove by sworn
4806 affidavits that he has lawfully practiced as a barber in another



4807 state or country for at least five (5) years immediately before
4808 making application in this state, or can show to the satisfaction
4809 of the board that he had held a rating in a branch of the military
4810 service for two (2) or more years that required him to perform the
4811 duties of a barber. The issuance of a certificate of registration
4812 by reciprocity to a military-trained applicant, military spouse or
4813 person who establishes residence in this state shall be subject to
4814 the provisions of Section 73-50-1 or 73-50-2, as applicable.

4815 In addition to the above, the board may require the applicant
4816 to successfully demonstrate sufficient knowledge of the Barber Law
4817 of the State of Mississippi, as well as sufficient practical skill
4818 by requiring the applicant to take a practical examination
4819 approved by the board.

4820 **SECTION 52.** Section 73-6-13, Mississippi Code of 1972, is
4821 amended as follows:

4822 73-6-13. (1) Any adult * * * who has (a) graduated from a
4823 school or college of chiropractic recognized by the State Board of
4824 Chiropractic Examiners, preceded by the successful completion of
4825 at least two (2) academic years at an accredited institution of
4826 higher learning, or accredited junior college, and (b)
4827 successfully completed parts 1, 2, 3 and 4 and the physical
4828 modality section of the examination prepared by the National Board
4829 of Chiropractic Examiners, shall be entitled to take the
4830 examination for a license to practice chiropractic in Mississippi.
4831 The State Board of Chiropractic Examiners shall keep on file a



4832 list of schools or colleges of chiropractic which are so
4833 recognized. No chiropractic school shall be approved unless it is
4834 recognized and approved by the Council on Chiropractic Education,
4835 its successor or an equivalent accrediting agency, offers an
4836 accredited course of study of not less than four (4) academic
4837 years of at least nine (9) months in length, and requires its
4838 graduates to receive not less than forty (40) clock hours of
4839 instruction in the operation of x-ray machinery and not less than
4840 forty (40) clock hours of instruction in x-ray interpretation and
4841 diagnosis.

4842 (2) Except as otherwise provided in this section, the State
4843 Board of Health shall prescribe rules and regulations for the
4844 operation and use of x-ray machines.

4845 (3) The examination to practice chiropractic used by the
4846 board shall consist of testing on the statutes and the rules and
4847 regulations regarding the practice of chiropractic in the State of
4848 Mississippi.

4849 (4) Reciprocity privileges for a chiropractor from another
4850 state shall be granted at the board's option on an individual
4851 basis and by a majority vote of the State Board of Chiropractic
4852 Examiners to an adult * * * who (a) is currently an active
4853 competent practitioner for at least eight (8) years and holds an
4854 active chiropractic license in another state with no disciplinary
4855 proceeding or unresolved complaint pending anywhere at the time a
4856 license is to be issued by this state, (b) demonstrates having



4857 obtained licensure as a chiropractor in another state under the
4858 same education requirements which were equivalent to the education
4859 requirements in this state to obtain a chiropractic license at the
4860 time the applicant obtained the license in the other state, (c)
4861 satisfactorily passes the examination administered by the State
4862 Board of Chiropractic Examiners, and (d) meets the requirements of
4863 Section 73-6-1(3) pertaining to therapeutic modalities. The
4864 issuance of a license by reciprocity to a military-trained
4865 applicant, military spouse or person who establishes residence in
4866 this state shall be subject to the provisions of Section 73-50-1
4867 or 73-50-2, as applicable.

4868 **SECTION 53.** Section 73-9-23, Mississippi Code of 1972, is
4869 amended as follows:

4870 73-9-23. (1) No person who desires to practice dentistry or
4871 dental hygiene in the State of Mississippi shall be licensed until
4872 that person has passed an examination by the board. Applicants
4873 for examination shall apply in writing to the board for an
4874 examination at least thirty (30) days before the examination and
4875 shall upon application pay a nonrefundable fee as elsewhere
4876 provided in this chapter.

4877 (2) An applicant for licensure by examination as a dentist
4878 who is a graduate of a dental school accredited by the Commission
4879 on Dental Accreditation of the American Dental Association (ADA),
4880 or its successor commission, shall:



4881 (a) Be * * * possessed of a high school education, and
4882 have attained the age of twenty-one (21) years;

4883 (b) Exhibit with the application a diploma or
4884 certificate of graduation from the ADA accredited dental school;
4885 and

4886 (c) Have successfully completed Parts I and II of the
4887 National Board Examinations of the Joint Commission on National
4888 Dental Examinations, or its successor commission, unless the
4889 applicant graduated from an accredited dental school before 1960.

4890 (3) An applicant for licensure by examination as a dentist
4891 who is a graduate of a non-ADA accredited foreign country dental
4892 school shall:

4893 (a) * * * Have attained the age of twenty-one (21)
4894 years;

4895 (b) Be proficient in oral and written communications in
4896 the English language;

4897 (c) Have completed not less than six (6) academic years
4898 of postsecondary study and graduated from a foreign dental school
4899 that is recognized by the licensure authorities in that country;

4900 (d) Have been licensed as a dentist or admitted to the
4901 practice of dentistry in the foreign country in which the
4902 applicant received foreign dental school training;

4903 (e) Present documentation of having completed at least
4904 two (2) or more years of full-time postdoctoral dental education
4905 in a dental school accredited by the Commission on Dental



4906 Accreditation of the American Dental Association, or its successor
4907 commission, and has been certified by the dean of the accredited
4908 dental school as having achieved the same level of didactic and
4909 clinical competence as expected of a graduate of the school; and

4910 (f) Have successfully completed Parts I and II of the
4911 National Board Examinations of the Joint Commission on National
4912 Dental Examinations, or its successor commission, unless the
4913 applicant graduated from an approved dental school before 1960.

4914 (4) An applicant for licensure by examination as a dental
4915 hygienist who is a graduate of a dental hygiene school accredited
4916 by the Commission on Dental Accreditation of the American Dental
4917 Association (ADA), or its successor commission, shall:

4918 (a) Be * * * possessed of a high school education and
4919 have attained the age of eighteen (18) years;

4920 (b) Exhibit with the application a diploma or
4921 certificate of graduation from the ADA accredited dental hygiene
4922 school; and

4923 (c) Have successfully completed the National Board
4924 Dental Hygiene Examinations of the Joint Commission on National
4925 Dental Examinations, or its successor commission.

4926 (5) An applicant for licensure by examination as a dental
4927 hygienist who is a graduate of a non-ADA accredited foreign
4928 country dental hygiene school shall:

4929 (a) * * * Have attained the age of eighteen (18) years;



4930 (b) Be proficient in oral and written communications in
4931 the English language;

4932 (c) Have completed not less than two (2) academic years
4933 of postsecondary study and graduated from a foreign dental hygiene
4934 school that is recognized by the licensure authorities in that
4935 country;

4936 (d) Have been licensed as a dental hygienist or
4937 admitted to the practice of dental hygiene in the foreign country
4938 in which the applicant received foreign dental hygiene school
4939 training;

4940 (e) Present documentation of having completed at least
4941 one or more years of full-time postgraduate clinical education in
4942 a dental hygiene school accredited by the Commission on Dental
4943 Accreditation of the American Dental Association, or its successor
4944 commission, and has been certified by the dean of the accredited
4945 dental hygiene school as having achieved the same level of
4946 didactic and clinical competence as expected of a graduate of the
4947 school; and

4948 (f) Have successfully completed the National Board
4949 Dental Hygiene Examinations of the Joint Commission on National
4950 Dental Examinations, or its successor commission.

4951 (6) Applications shall be made in the form and content as
4952 required in this section and as shall be prescribed by the board,
4953 and each applicant shall submit upon request such proof as the
4954 board may require as to age * * * and qualifications.



4955 Applications must be signed by two (2) citizens of the state of
4956 which the applicant is a resident * * *. All applicants for
4957 licensure shall submit an endorsement from all states in which he
4958 or she is currently licensed or has ever been licensed to practice
4959 dentistry or dental hygiene. The board may disallow the licensure
4960 examination to any applicant who has been found guilty of any of
4961 the grounds for disciplinary action as enumerated in Section
4962 73-9-61.

4963 (7) Examination shall be as elsewhere provided in this
4964 chapter and the board may by its rules and regulations prescribe
4965 reasonable professional standards for oral, written, clinical and
4966 other examinations given to applicants, and, if deemed necessary
4967 by the board, include a requirement that licensure examinations of
4968 applicants be conducted utilizing live human subjects. Each
4969 applicant shall appear before the board and be examined to
4970 determine his or her learning and skill in dentistry or dental
4971 hygiene. If found by the members of the board conducting the
4972 examination to possess sufficient learning and skill
4973 therein * * *, the board shall, as early as practicable, grant to
4974 the person a license to practice dentistry or dental hygiene, as
4975 the case may be, which shall be signed by each member of the board
4976 who attended the examination and approved the issuance of a
4977 license.

4978 (8) The Board of Dental Examiners may, at its own
4979 discretion, accept certification of a licensure applicant, either



4980 dentist or dental hygienist, by the National Board Examinations of
4981 the Joint Commission on National Dental Examinations, or its
4982 successor commission, in lieu of the written examination.
4983 However, in all such instances the board shall retain the right to
4984 administer such further written and practical examinations and
4985 demonstrations as it deems necessary.

4986 (9) Each application or filing made under this section shall
4987 include the social security number(s) of the applicant in
4988 accordance with Section 93-11-64.

4989 **SECTION 54.** Section 73-11-51, Mississippi Code of 1972, is
4990 amended as follows:

4991 73-11-51. (1) No person shall engage in the business or
4992 practice of funeral service, including embalming, and/or funeral
4993 directing or hold himself out as transacting or practicing or
4994 being entitled to transact or practice funeral service, including
4995 embalming, and/or funeral directing in this state unless duly
4996 licensed under the provisions of this chapter.

4997 (2) The board is authorized and empowered to examine
4998 applicants for licenses for the practice of funeral service and
4999 funeral directing and shall issue the proper license to those
5000 persons who successfully pass the applicable examination and
5001 otherwise comply with the provisions of this chapter.

5002 (3) To be licensed for the practice of funeral directing
5003 under this chapter, a person must furnish satisfactory evidence to
5004 the board that he or she:



5005 (a) Is at least eighteen (18) years of age;
5006 (b) Has a high school diploma or the equivalent
5007 thereof;
5008 (c) Has served as a resident trainee for not less than
5009 twenty-four (24) months under the supervision of a person licensed
5010 for the practice of funeral service or funeral directing in this
5011 state; and
5012 (d) Has successfully passed a written and/or oral
5013 examination as prepared or approved by the board * * *.

5014 * * *

5015 (4) To be licensed for the practice of funeral service under
5016 this chapter, a person must furnish satisfactory evidence to the
5017 board that he or she:

5018 (a) Is at least eighteen (18) years of age;
5019 (b) Has a high school diploma or the equivalent
5020 thereof;
5021 (c) Has successfully completed twelve (12) months or
5022 more of academic and professional instruction from an institution
5023 accredited by the United States Department of Education for
5024 funeral service education and have a certificate of completion
5025 from an institution accredited by the American Board of Funeral
5026 Service Education or any other successor recognized by the United
5027 States Department of Education for funeral service education;
5028 (d) Has served as a resident trainee for not less than
5029 twelve (12) months, either before or after graduation from an



5030 accredited institution mentioned above, under the supervision of a
5031 person licensed for the practice of funeral service in this state
5032 and in an establishment licensed in this state; and

5033 (e) Has successfully passed the National Conference of
5034 Funeral Examiners examination and/or such other examination as
5035 approved by the board * * *.

5036 * * *

5037 (5) All applications for examination and license for the
5038 practice of funeral service or funeral directing shall be upon
5039 forms furnished by the board and shall be accompanied by an
5040 examination fee, a licensing fee and a nonrefundable application
5041 fee in amounts fixed by the board in accordance with Section
5042 73-11-56. The fee for an initial license, however, may be
5043 prorated in proportion to the period of time from the date of
5044 issuance to the date of biennial license renewal prescribed in
5045 subsection (8) of this section. All applications for examination
5046 shall be filed with the board office at least sixty (60) days
5047 before the date of examination. A candidate shall be deemed to
5048 have abandoned the application for examination if he does not
5049 appear on the scheduled date of examination unless such failure to
5050 appear has been approved by the board.

5051 (6) The practice of funeral service or funeral directing
5052 must be engaged in at a licensed funeral establishment, at least
5053 one (1) of which is listed as the licensee's place of business;
5054 and no person, partnership, corporation, association or other



5055 organization shall open or maintain a funeral establishment at
5056 which to engage in or conduct or hold himself or itself out as
5057 engaging in the practice of funeral service or funeral directing
5058 until such establishment has complied with the licensing
5059 requirements of this chapter. A license for the practice of
5060 funeral service or funeral directing shall be used only at
5061 licensed funeral establishments; however, this provision shall not
5062 prevent a person licensed for the practice of funeral service or
5063 funeral directing from conducting a funeral service at a church, a
5064 residence, public hall, lodge room or cemetery chapel, if such
5065 person maintains a fixed licensed funeral establishment of his own
5066 or is in the employ of or an agent of a licensed funeral
5067 establishment.

5068 (7) Any person holding a valid, unrevoked and unexpired
5069 nonreciprocal license in another state or territory having
5070 requirements greater than or equal to those of this state as
5071 determined by the board may apply for a license to practice in
5072 this state by filing with the board a certified statement from the
5073 secretary of the licensing board of the state or territory in
5074 which the applicant holds his license certifying to his
5075 qualifications and good standing with that board. He/she must
5076 also successfully pass a written and/or oral examination on the
5077 Mississippi Funeral Service licensing law and rules and
5078 regulations as prepared or approved by the board, and must pay a
5079 nonrefundable application fee set by the board. If the board



5080 finds that the applicant has fulfilled aforesaid requirements and
5081 has fulfilled substantially similar requirements of those required
5082 for a Mississippi licensee, the board shall grant such license
5083 upon receipt of a fee in an amount equal to the renewal fee set by
5084 the board for a license for the practice of funeral service or
5085 funeral directing, as the case may be, in this state. The board
5086 may issue a temporary funeral service or funeral directing work
5087 permit before a license is granted, before the next regular
5088 meeting of the board, if the applicant for a reciprocal license
5089 has complied with all requirements, rules and regulations of the
5090 board. The temporary permit will expire at the next regular
5091 meeting of the board. The issuance of a license or temporary
5092 permit by reciprocity to a military-trained applicant, military
5093 spouse or person who establishes residence in this state shall be
5094 subject to the provisions of Section 73-50-1 or 73-50-2, as
5095 applicable.

5096 (8) (a) Except as provided in Section 33-1-39, any person
5097 holding a license for the practice of funeral service or funeral
5098 directing may have the same renewed for a period of two (2) years
5099 by making and filing with the board an application on or before
5100 the due date. Payment of the renewal fee shall be in an amount
5101 set by the board in accordance with Section 73-11-56. The board
5102 shall mail the notice of renewal and the due date for the payment
5103 of the renewal fee to the last-known address of each licensee at
5104 least thirty (30) days before that date. It is the responsibility



5105 of the licensee to notify the board in writing of any change of
5106 address. An application will be considered late if the
5107 application and proper fees are not in the board's office or
5108 postmarked by the due date. Failure of a license holder to
5109 receive the notice of renewal shall not exempt or excuse a license
5110 holder from the requirement of renewing the license on or before
5111 the license expiration date.

5112 (b) If the renewal fee is not paid on or postmarked by
5113 the due date, the license of such person shall by operation of law
5114 automatically expire and become void without further action of the
5115 board. The board may reinstate such license if application for
5116 licensure is made within a period of five (5) years, upon payment
5117 of the renewal fee for the current year, all renewal fees in
5118 arrears, and a reinstatement fee. After a period of five (5)
5119 years, the licensee must make application, pay the current renewal
5120 fee, all fees in arrears, and pass a written and/or oral
5121 examination as prepared or approved by the board.

5122 (9) No license shall be assignable or valid for any person
5123 other than the original licensee.

5124 (10) The board may, in its discretion, if there is a major
5125 disaster or emergency where human death is likely to occur,
5126 temporarily authorize the practice of funeral directing and
5127 funeral service by persons licensed to practice in another state
5128 but not licensed to practice in this state. Only persons licensed
5129 in this state, however, may sign death certificates.



5130 (11) Any funeral service technology or mortuary science
5131 program accredited by the American Board of Funeral Service
5132 Education in the State of Mississippi, as well as students
5133 enrolled in such a program, shall be exempt from licensing under
5134 this chapter when embalming or otherwise preparing a deceased
5135 human body for disposition as part of a student practicum
5136 experience, when the student is directly supervised by an
5137 instructor or preceptor who holds a current funeral service
5138 license. This exemption shall apply to practicum experiences
5139 performed at an accredited institution of funeral service
5140 technology or mortuary science program or at a duly licensed
5141 funeral establishment or commercial mortuary service. Nothing in
5142 this subsection shall be construed to allow any funeral service
5143 technology or mortuary science program, or those students enrolled
5144 in such a program, to engage in practicum experiences for
5145 remuneration.

5146 (12) Each application or filing made under this section
5147 shall include the social security number(s) of the applicant in
5148 accordance with Section 93-11-64.

5149 **SECTION 55.** Section 73-13-23, Mississippi Code of 1972, is
5150 amended as follows:

5151 73-13-23. (1) (a) The following shall be considered as
5152 minimum evidence satisfactory to the board that the applicant is
5153 qualified for licensure as a professional engineer:



5154 Graduation in an engineering curriculum of four (4) years or
5155 more from a school or college approved by the board as of
5156 satisfactory standing or graduation in an engineering, engineering
5157 technology, or related science curriculum of four (4) scholastic
5158 years from a school or college other than those approved by the
5159 board plus a graduate degree in an engineering curriculum from a
5160 school or college wherein the same engineering curriculum at the
5161 undergraduate level is approved by the board as of satisfactory
5162 standing; a specific record of four (4) years of qualifying
5163 engineering experience indicating that the applicant is competent
5164 to practice engineering (in counting years of experience, the
5165 board at its discretion may give credit not in excess of three (3)
5166 years for satisfactory graduate study in engineering), and the
5167 successful passing of examinations in engineering as prescribed by
5168 the board.

5169 (b) In considering the qualifications of applicants,
5170 engineering teaching may be construed as engineering experience.

5171 (c) The mere execution, as a contractor, of work
5172 designed by a professional engineer, or the supervision of the
5173 construction of such work as a foreman or superintendent shall not
5174 be deemed to be the practice of engineering.

5175 (d) Any person having the necessary qualifications
5176 prescribed in Sections 73-13-1 through 73-13-45 to entitle him to
5177 licensure shall be eligible for such licensure although he may not



5178 be practicing his profession at the time of making his
5179 application.

5180 (e) No person shall be eligible for licensure as a
5181 professional engineer who * * * presents claims in support of his
5182 application which contain major discrepancies.

5183 (2) The following shall be considered as minimum evidence
5184 satisfactory to the board that the applicant is qualified for
5185 enrollment as an engineer intern:

5186 (a) Graduation in an engineering curriculum of four (4)
5187 scholastic years or more from a school or college approved by the
5188 board as of satisfactory standing or graduation in an engineering,
5189 engineering technology, or related science curriculum of four (4)
5190 scholastic years from a school or college other than those
5191 approved by the board plus a graduate degree in an engineering
5192 curriculum from a school or college wherein that same engineering
5193 curriculum at the undergraduate level is approved by the board as
5194 of satisfactory standing; and

5195 (b) Successfully passing a written examination in the
5196 fundamental engineering subjects.

5197 **SECTION 56.** Section 73-13-77, Mississippi Code of 1972, is
5198 amended as follows:

5199 73-13-77. (1) The following shall be considered as minimum
5200 evidence satisfactory to the board that the applicant is qualified
5201 for licensure as a professional surveyor:



5202 (a) (i) A bachelor's degree in geomatics, surveying or
5203 surveying technology approved by the board consisting of a minimum
5204 of one hundred twenty (120) semester hours, or the equivalent, in
5205 surveying curriculum subjects and a specific record of four (4)
5206 years of qualifying surveying experience; or

5207 (ii) A bachelor's degree in a related science
5208 curriculum defined by board rule, consisting of sixty-two (62)
5209 semester hours in surveying curriculum subjects as defined by
5210 board rule, and a specific record of five (5) years of qualifying
5211 surveying experience; or

5212 (iii) A bachelor's degree in a related science
5213 curriculum defined by board rule, and a specific record of six (6)
5214 years of qualifying surveying experience; or

5215 (iv) An associate degree, or its equivalent, in a
5216 curriculum approved by the board consisting of sixty-two (62)
5217 semester hours in surveying curriculum subjects as defined by
5218 board rule, and a specific record of seven (7) years or more of
5219 qualifying surveying experience; or

5220 (v) A high school diploma, or its equivalent, and
5221 a specific record of twelve (12) years or more of qualifying
5222 surveying experience; and

5223 (b) Successfully passing examinations in surveying
5224 prescribed by the board.



5225 (2) The following shall be considered as minimum evidence
5226 satisfactory to the board that the applicant is qualified for
5227 enrollment as a surveyor intern:

5228 (a) (i) A bachelor's degree in geomatics, surveying or
5229 surveying technology approved by the board consisting of a minimum
5230 of one hundred twenty (120) semester hours, or the equivalent, in
5231 surveying curriculum subjects; or

5232 (ii) A bachelor's degree in a related science
5233 curriculum defined by board rule consisting of sixty-two (62)
5234 semester hours in surveying curriculum subjects as defined by
5235 board rule; or

5236 (iii) A bachelor's degree in a related science
5237 curriculum defined by board rule; or

5238 (iv) An associate degree, or its equivalent, in a
5239 curriculum approved by the board consisting of sixty-two (62)
5240 semester hours in surveying curriculum subjects as defined by
5241 board rule; or

5242 (v) A high school diploma, or its equivalent, and
5243 a specific record of eight (8) years or more of qualifying
5244 surveying experience; and

5245 (b) Successfully passing examinations in surveying
5246 fundamentals prescribed by the board.

5247 * * *

5248 **SECTION 57.** Section 73-15-19, Mississippi Code of 1972, is
5249 amended as follows:



5250 73-15-19. (1) **Registered nurse applicant qualifications.**

5251 Any applicant for a license to practice as a registered nurse
5252 shall submit to the board:

5253 (a) An attested written application on a Board of
5254 Nursing form;

5255 (b) Written official evidence of completion of a
5256 nursing program approved by the Board of Trustees of State
5257 Institutions of Higher Learning, or one approved by a legal
5258 accrediting agency of another state, territory or possession of
5259 the United States, the District of Columbia, or a foreign country
5260 which is satisfactory to this board;

5261 (c) Evidence of competence in English related to
5262 nursing, provided the first language is not English;

5263 (d) Any other official records required by the board.

5264 In addition to the requirements specified in paragraphs (a)
5265 through (d) of this subsection, in order to qualify for a license
5266 to practice as a registered nurse, an applicant must have
5267 successfully been cleared for licensure through an investigation
5268 that shall consist of a * * * verification that the prospective
5269 licensee is not guilty of or in violation of any statutory ground
5270 for denial of licensure as set forth in Section 73-15-29 or guilty
5271 of any offense specified in Section 73-15-33. To assist the board
5272 in conducting its licensure investigation, all applicants shall
5273 undergo a fingerprint-based criminal history records check of the
5274 Mississippi central criminal database and the Federal Bureau of



5275 Investigation criminal history database. Each applicant shall
5276 submit a full set of his or her fingerprints in a form and manner
5277 prescribed by the board, which shall be forwarded to the
5278 Mississippi Department of Public Safety (department) and the
5279 Federal Bureau of Investigation Identification Division for this
5280 purpose.

5281 Any and all state or national criminal history records
5282 information obtained by the board that is not already a matter of
5283 public record shall be deemed nonpublic and confidential
5284 information restricted to the exclusive use of the board, its
5285 members, officers, investigators, agents and attorneys in
5286 evaluating the applicant's eligibility or disqualification for
5287 licensure, and shall be exempt from the Mississippi Public Records
5288 Act of 1983. Except when introduced into evidence in a hearing
5289 before the board to determine licensure, no such information or
5290 records related thereto shall, except with the written consent of
5291 the applicant or by order of a court of competent jurisdiction, be
5292 released or otherwise disclosed by the board to any other person
5293 or agency.

5294 The board shall provide to the department the fingerprints of
5295 the applicant, any additional information that may be required by
5296 the department, and a form signed by the applicant consenting to
5297 the check of the criminal records and to the use of the
5298 fingerprints and other identifying information required by the
5299 state or national repositories.



5300 The board shall charge and collect from the applicant, in
5301 addition to all other applicable fees and costs, such amount as
5302 may be incurred by the board in requesting and obtaining state and
5303 national criminal history records information on the applicant.

5304 The board may, in its discretion, refuse to accept the
5305 application of any person who has been convicted of a criminal
5306 offense under any provision of Title 97 of the Mississippi Code of
5307 1972, as now or hereafter amended, or any provision of this
5308 article.

5309 (2) **Licensure by examination.** (a) Upon the board being
5310 satisfied that an applicant for a license as a registered nurse
5311 has met the qualifications set forth in subsection (1) of this
5312 section, the board shall proceed to examine such applicant in such
5313 subjects as the board shall, in its discretion, determine. The
5314 subjects in which applicants shall be examined shall be in
5315 conformity with curricula in schools of nursing approved by the
5316 Board of Trustees of State Institutions of Higher Learning, or one
5317 approved by a legal accrediting agency of another state, territory
5318 or possession of the United States, the District of Columbia, or a
5319 foreign country which is satisfactory to the board.

5320 (b) The applicant shall be required to pass the written
5321 examination as selected by the board.

5322 (c) Upon successful completion of such examination, the
5323 board shall issue to the applicant a license to practice as a
5324 registered nurse.



5325 (d) The board may use any part or all of the state
5326 board test pool examination for registered nurse licensure, its
5327 successor examination, or any other nationally standardized
5328 examination identified by the board in its rules. The passing
5329 score shall be established by the board in its rules.

5330 (3) **Licensure by endorsement.** The board may issue a license
5331 to practice nursing as a registered nurse without examination to
5332 an applicant who has been duly licensed as a registered nurse
5333 under the laws of another state, territory or possession of the
5334 United States, the District of Columbia, or a foreign country if,
5335 in the opinion of the board, the applicant meets the
5336 qualifications required of licensed registered nurses in this
5337 state and has previously achieved the passing score or scores on
5338 the licensing examination required by this state, at the time of
5339 his or her graduation. The issuance of a license by endorsement
5340 to a military-trained applicant, military spouse or person who
5341 establishes residence in this state shall be subject to the
5342 provisions of Section 73-50-1 or 73-50-2, as applicable.

5343 (4) **Requirements for rewriting the examination.** The board
5344 shall establish in its rules the requirements for rewriting the
5345 examination for those persons failing the examination on the first
5346 writing or subsequent rewriting.

5347 (5) **Fee.** The applicant applying for a license by
5348 examination or by endorsement to practice as a registered nurse



5349 shall pay a fee not to exceed One Hundred Dollars (\$100.00) to the
5350 board.

5351 (6) **Temporary permit.** (a) The board may issue a temporary
5352 permit to practice nursing to a graduate of an approved school of
5353 nursing pending the results of the examination in Mississippi, and
5354 to a qualified applicant from another state, territory or
5355 possession of the United States, or District of Columbia, or
5356 pending licensure procedures as provided for elsewhere in this
5357 article. The fee shall not exceed Twenty-five Dollars (\$25.00).

5358 (b) The board may issue a temporary permit for a period
5359 of ninety (90) days to a registered nurse who is currently
5360 licensed in another state, territory or possession of the United
5361 States or the District of Columbia and who is an applicant for
5362 licensure by endorsement. Such permit is not renewable except by
5363 board action. The issuance of a temporary permit to a
5364 military-trained applicant, military spouse or person who
5365 establishes residence in this state shall be subject to the
5366 provisions of Section 73-50-1 or 73-50-2, as applicable.

5367 (c) The board may issue a temporary permit to a
5368 graduate of an approved school of nursing pending the results of
5369 the first licensing examination scheduled after application. Such
5370 permit is not renewable except by board action.

5371 (d) The board may issue a temporary permit for a period
5372 of thirty (30) days to any registered nurse during the time
5373 enrolled in a nursing reorientation program. This time period may



5374 be extended by board action. The fee shall not exceed Twenty-five
5375 Dollars (\$25.00).

5376 (e) The board may adopt such regulations as are
5377 necessary to limit the practice of persons to whom temporary
5378 permits are issued.

5379 (7) **Temporary license.** The board may issue a temporary
5380 license to practice nursing at a youth camp licensed by the State
5381 Board of Health to nonresident registered nurses and retired
5382 resident registered nurses under the provisions of Section
5383 75-74-8.

5384 (8) **Title and abbreviation.** Any person who holds a license
5385 or holds the privilege to practice as a registered nurse in this
5386 state shall have the right to use the title "registered nurse" and
5387 the abbreviation "R.N." No other person shall assume such title
5388 or use such abbreviation, or any words, letters, signs or devices
5389 to indicate that the person using the same is a registered nurse.

5390 (9) **Registered nurses licensed under a previous law.** Any
5391 person holding a license to practice nursing as a registered nurse
5392 issued by this board which is valid on July 1, 1981, shall
5393 thereafter be deemed to be licensed as a registered nurse under
5394 the provisions of this article upon payment of the fee provided in
5395 Section 73-15-27.

5396 (10) Each application or filing made under this section
5397 shall include the social security number(s) of the applicant in
5398 accordance with Section 93-11-64.



5399 **SECTION 58.** Section 73-15-21, Mississippi Code of 1972, is
5400 amended as follows:

5401 73-15-21. (1) **Licensed practical nurse applicant**
5402 **qualifications.** Any applicant for a license to practice practical
5403 nursing as a licensed practical nurse shall submit to the board:

5404 (a) An attested written application on a Board of
5405 Nursing form;

5406 (b) A diploma from an approved high school or the
5407 equivalent thereof, as determined by the appropriate educational
5408 agency;

5409 (c) Written official evidence of completion of a
5410 practical nursing program approved by the State Department of
5411 Education through its Division of Vocational Education, or one
5412 approved by a legal accrediting agency of another state, territory
5413 or possession of the United States, the District of Columbia, or a
5414 foreign country which is satisfactory to this board;

5415 (d) Evidence of competence in English related to
5416 nursing, provided the first language is not English;

5417 (e) Any other official records required by the board.

5418 In addition to the requirements specified in paragraphs (a)
5419 through (e) of this subsection, in order to qualify for a license
5420 to practice practical nursing as a licensed practical nurse, an
5421 applicant must have successfully been cleared for licensure
5422 through an investigation that shall consist of a * * *
5423 verification that the prospective licensee is not guilty of or in



5424 violation of any statutory ground for denial of licensure as set
5425 forth in Section 73-15-29 or guilty of any offense specified in
5426 Section 73-15-33. To assist the board in conducting its licensure
5427 investigation, all applicants shall undergo a fingerprint-based
5428 criminal history records check of the Mississippi central criminal
5429 database and the Federal Bureau of Investigation criminal history
5430 database. Each applicant shall submit a full set of his or her
5431 fingerprints in a form and manner prescribed by the board, which
5432 shall be forwarded to the Mississippi Department of Public Safety
5433 (department) and the Federal Bureau of Investigation
5434 Identification Division for this purpose.

5435 Any and all state or national criminal history records
5436 information obtained by the board that is not already a matter of
5437 public record shall be deemed nonpublic and confidential
5438 information restricted to the exclusive use of the board, its
5439 members, officers, investigators, agents and attorneys in
5440 evaluating the applicant's eligibility or disqualification for
5441 licensure, and shall be exempt from the Mississippi Public Records
5442 Act of 1983. Except when introduced into evidence in a hearing
5443 before the board to determine licensure, no such information or
5444 records related thereto shall, except with the written consent of
5445 the applicant or by order of a court of competent jurisdiction, be
5446 released or otherwise disclosed by the board to any other person
5447 or agency.



5448 The board shall provide to the department the fingerprints of
5449 the applicant, any additional information that may be required by
5450 the department, and a form signed by the applicant consenting to
5451 the check of the criminal records and to the use of the
5452 fingerprints and other identifying information required by the
5453 state or national repositories.

5454 The board shall charge and collect from the applicant, in
5455 addition to all other applicable fees and costs, such amount as
5456 may be incurred by the board in requesting and obtaining state and
5457 national criminal history records information on the applicant.

5458 The board may, in its discretion, refuse to accept the
5459 application of any person who has been convicted of a criminal
5460 offense under any provision of Title 97 of the Mississippi Code of
5461 1972, as now or hereafter amended, or any provision of this
5462 article.

5463 (2) **Licensure by examination.** (a) Upon the board being
5464 satisfied that an applicant for a license as a practical nurse has
5465 met the qualifications set forth in subsection (1) of this
5466 section, the board shall proceed to examine such applicant in such
5467 subjects as the board shall, in its discretion, determine. The
5468 subjects in which applicants shall be examined shall be in
5469 conformity with curricula in schools of practical nursing approved
5470 by the State Department of Education.

5471 (b) The applicant shall be required to pass the written
5472 examination selected by the board.



5473 (c) Upon successful completion of such examination, the
5474 board shall issue to the applicant a license to practice as a
5475 licensed practical nurse.

5476 (d) The board may use any part or all of the state
5477 board test pool examination for practical nurse licensure, its
5478 successor examination, or any other nationally standardized
5479 examination identified by the board in its rules. The passing
5480 score shall be established by the board in its rules.

5481 (3) **Licensure by endorsement.** The board may issue a license
5482 to practice practical nursing as a licensed practical nurse
5483 without examination to an applicant who has been duly licensed as
5484 a licensed practical nurse under the laws of another state,
5485 territory or possession of the United States, the District of
5486 Columbia, or a foreign country if, in the opinion of the board,
5487 the applicant meets the qualifications required of licensed
5488 practical nurses in this state and has previously achieved the
5489 passing score or scores on the licensing examination required by
5490 this state at the time of his or her graduation. The issuance of
5491 a license by endorsement to a military-trained applicant, military
5492 spouse or person who establishes residence in this state shall be
5493 subject to the provisions of Section 73-50-1 or 73-50-2, as
5494 applicable.

5495 (4) **Licensure by equivalent amount of theory and clinical**
5496 **experience.** In the discretion of the board, former students of a
5497 state-accredited school preparing students to become registered



5498 nurses may be granted permission to take the examination for
5499 licensure to practice as a licensed practical nurse, provided the
5500 applicant's record or transcript indicates the former student
5501 completed an equivalent amount of theory and clinical experiences
5502 as required of a graduate of a practical nursing program, and
5503 provided the school attended was, at the time of the student's
5504 attendance, an accredited school of nursing.

5505 (5) **Requirements for rewriting the examination.** The board
5506 shall establish in its rules the requirements for rewriting the
5507 examination for those persons failing the examination on the first
5508 writing or subsequent writing.

5509 (6) **Fee.** The applicant applying for a license by
5510 examination or by endorsement to practice as a licensed practical
5511 nurse shall pay a fee not to exceed Sixty Dollars (\$60.00) to the
5512 board.

5513 (7) **Temporary permit.** (a) The board may issue a temporary
5514 permit to practice practical nursing to a graduate of an approved
5515 school of practical nursing pending the results of the examination
5516 in Mississippi, and to a qualified applicant from another state,
5517 territory or possession of the United States, or the District of
5518 Columbia, pending licensing procedures as provided for elsewhere
5519 in this article. The fee shall not exceed Twenty-five Dollars
5520 (\$25.00).

5521 (b) The board may issue a temporary permit for a period
5522 of ninety (90) days to a licensed practical nurse who is currently



5523 licensed in another state, territory or possession of the United
5524 States or the District of Columbia and who is an applicant for
5525 licensure by endorsement. Such permit is not renewable except by
5526 board action. The issuance of a temporary permit to a
5527 military-trained applicant, military spouse or person who
5528 establishes residence in this state shall be subject to the
5529 provisions of Section 73-50-1 or 73-50-2, as applicable.

5530 (c) The board may issue a temporary permit to a
5531 graduate of an approved practical nursing education program or an
5532 equivalent program satisfactory to the board pending the results
5533 of the first licensing examination scheduled after application.
5534 Such permit is not renewable except by board action.

5535 (d) The board may issue a temporary permit for a period
5536 of thirty (30) days to any licensed practical nurse during the
5537 time enrolled in a nursing reorientation program. This time
5538 period may be extended by board action. The fee shall not exceed
5539 Twenty-five Dollars (\$25.00).

5540 (e) The board may adopt such regulations as are
5541 necessary to limit the practice of persons to whom temporary
5542 permits are issued.

5543 (8) **Title and abbreviation.** Any person who holds a license
5544 or holds the privilege to practice as a licensed practical nurse
5545 in this state shall have the right to use the title "licensed
5546 practical nurse" and the abbreviation "L.P.N." No other person
5547 shall assume such title or use such abbreviation, or any words,



5548 letters, signs or devices to indicate that a person using the same
5549 is a licensed practical nurse.

5550 (9) **Licensed practical nurses licensed under a previous law.**

5551 Any person holding a license to practice nursing as a practical
5552 nurse issued by this board which is valid on July 1, 1981, shall
5553 thereafter be deemed to be licensed as a practical nurse under the
5554 provisions of this article upon payment of the fee prescribed in
5555 Section 73-15-27.

5556 (10) Each application or filing made under this section
5557 shall include the social security number(s) of the applicant in
5558 accordance with Section 93-11-64.

5559 **SECTION 59.** Section 73-17-9, Mississippi Code of 1972, is
5560 amended as follows:

5561 73-17-9. It shall be the function and duty of the board to:

5562 (a) Develop, impose, and enforce standards which must
5563 be met by individuals in order to receive a license as a nursing
5564 home administrator, which standards shall be designed to * * *
5565 ensure that nursing home administrators will be individuals who
5566 are * * * suitable, and who, by training or experience in the
5567 field of institutional administration, are qualified to serve as
5568 nursing home administrators;

5569 (b) Develop and apply appropriate techniques, including
5570 examinations and investigations, for determining whether an
5571 individual meets such standards;



5572 (c) Issue licenses to individuals determined, after the
5573 application of such techniques, to meet such standards, and revoke
5574 or suspend licenses previously issued by the board in any case
5575 where the individual holding any such license is determined
5576 substantially to have failed to conform to the requirements of
5577 such standards;

5578 (d) Establish and carry out procedures designed
5579 to * * * ensure that individuals licensed as nursing home
5580 administrators will, during any period that they serve as such,
5581 comply with the requirements of such standards;

5582 (e) Receive, investigate, and take appropriate action
5583 with respect to any charge or complaint filed with the board to
5584 the effect that any individual licensed as a nursing home
5585 administrator has failed to comply with the requirements of such
5586 standards;

5587 (f) Conduct a continuing study and investigation of
5588 nursing homes and administrators of nursing homes within the state
5589 with a view to the improvement of the standards imposed for the
5590 licensing of such administrators and of procedures and methods for
5591 the enforcement of such standards with respect to administrators
5592 of nursing homes who have been licensed as such; and

5593 (g) To devise and implement an educational program
5594 designed to increase the professional proficiency of nursing home
5595 administrators and to assist otherwise qualified individuals to
5596 prepare for careers in nursing home administration.



5597 **SECTION 60.** Section 73-17-11, Mississippi Code of 1972, is
5598 amended as follows:

5599 73-17-11. (1) From and after July 1, 2011, in order to be
5600 eligible to be licensed as a nursing home administrator, an
5601 individual must submit evidence satisfactory to the board that he
5602 or she:

5603 (a) Is at least twenty-one (21) years of age;

5604 (b) * * * Has not been convicted of a disqualifying
5605 crime as provided in the Fresh Start Act, including evidence of a
5606 criminal background check within the last six (6) months, under
5607 Section 43-11-13 and Section G.407.3 of the Minimum Standards for
5608 Institutions for the Aged or Infirm;

5609 (c) Is in good health;

5610 (d) Has satisfied at least one (1) of the following
5611 requirements for education and experience:

5612 (i) Has sixty-four (64) hours of college work from
5613 an accredited institution and has worked in a supervisory capacity
5614 in a Mississippi-licensed nursing home for a minimum of two (2)
5615 years immediately before making application for the
5616 Administrator-in-Training Program established by board rule;

5617 (ii) Has an associate degree from an accredited
5618 institution and has worked in a supervisory capacity in a
5619 Mississippi-licensed nursing home for a minimum of two (2) years
5620 immediately before making application for the
5621 Administrator-in-Training Program established by board rule;



5622 (iii) Has a bachelor's degree in any other field
5623 of study from an accredited institution before making application
5624 for the Administrator-in-Training Program established by board
5625 rule; or

5626 (iv) Has a bachelor's degree in health care
5627 administration or a health care related field or business from an
5628 accredited institution before making application for the
5629 Administrator-in-Training Program established by board rule;

5630 (e) Has (i) completed a nursing home
5631 Administrator-in-Training Program and successfully completed the
5632 National Association of Long-Term Care Administrator Board (NAB)
5633 examination, or (ii) completed an Administrator-in-Training
5634 Program in Long-Term Care Administration from an academic
5635 institution during which time the institution held National
5636 Association of Long-Term Care Administrator Board (NAB) Program
5637 Approval through the academic approval process, to the
5638 satisfaction of the board;

5639 (f) Has successfully passed the National Association of
5640 Long-Term Care Administrator Board (NAB) examination and the
5641 Mississippi State Board of Nursing Home Administrators examination
5642 to test his or her proficiency and basic knowledge in the area of
5643 nursing home administration. The board may establish the
5644 frequency of the offering of those examinations and the contents
5645 thereof; and



5646 (g) Has met all of the requirements established by
5647 federal law.

5648 (2) The board is authorized to conduct a criminal history
5649 records check on applicants for licensure. In order to determine
5650 the applicant's suitability for licensing, the applicant shall be
5651 fingerprinted. The board shall submit the fingerprints to the
5652 Department of Public Safety for a check of the state criminal
5653 records and forward to the Federal Bureau of Investigation for a
5654 check of the national criminal records. The Department of Public
5655 Safety shall disseminate the results of the state check and the
5656 national check to the board for a suitability determination. The
5657 applicant shall not be charged any of the costs of requesting and
5658 obtaining the state and national criminal history records
5659 information on the applicant.

5660 (3) Reciprocity shall be extended to individuals holding
5661 licenses as nursing home administrators in other states, upon
5662 proper application and a finding on the part of the board that:

5663 (a) The applicant possesses the basic qualifications
5664 listed in this chapter and in the rules and regulations adopted
5665 under federal law;

5666 (b) The applicant has met all of the requirements
5667 established by federal law; and

5668 (c) The standards for licensure in the other states are
5669 at least the substantial equivalent of those in this state,
5670 including education and experience, and the applicant has passed



5671 both the National Association of Long-Term Care Administrator
5672 Board (NAB) and the state exams.

5673 The issuance of a license by reciprocity to a
5674 military-trained applicant, military spouse or person who
5675 establishes residence in this state shall be subject to the
5676 provisions of Section 73-50-1 or 73-50-2, as applicable.

5677 (4) The board may prescribe appropriate fees for the taking
5678 of those examinations and for the issuance of licenses. Those
5679 fees shall be not more than the cost of the examinations and Five
5680 Hundred Fifty Dollars (\$550.00) for the issuance of a license.
5681 However, the fee for an initial license may be prorated in
5682 proportion to the period of time from the date of issuance and the
5683 date of biennial license renewal prescribed in subsection (5).
5684 All licenses issued under this chapter shall be for a maximum
5685 period of two (2) years.

5686 (5) Except as provided in Section 33-1-39, the board may
5687 renew licenses biennially upon the payment of a fee to be
5688 established by the board, which shall be not more than Five
5689 Hundred Fifty Dollars (\$550.00), plus any administrative costs for
5690 late payment.

5691 (6) Any person who is not licensed under this chapter on
5692 July 1, 2011, who makes application with the board on or before
5693 June 30, 2012, may qualify for a license under this chapter
5694 provided that on or before January 31, 2014, he or she
5695 demonstrates to the satisfaction of the board that he or she (a)



5696 meets the eligibility requirements for a nursing home
5697 administrator's license prescribed in this section as those
5698 requirements existed on June 30, 2011; (b) has successfully
5699 completed the Administrator-in-Training Program requirements
5700 existing on June 30, 2011; and (c) has paid all required fees for
5701 licensure.

5702 (7) Current licensure by the Department of Mental Health
5703 under Section 41-4-7(r) as a mental health/intellectual disability
5704 program administrator shall exempt the licensee from the
5705 requirement of licensure as a nursing home administrator if the
5706 licensee is employed in the state mental health system as
5707 Administrator of Intermediate Care Facility or Facilities for
5708 Persons with Intellectual Disabilities (ICF/ID) no larger than
5709 sixteen (16) beds.

5710 (8) Any member of the Legislature who serves on the Public
5711 Health and/or Medicaid Committee who is a licensed nursing home
5712 administrator shall be exempt from continuing education
5713 requirements for license renewal.

5714 **SECTION 61.** Section 73-19-17, Mississippi Code of 1972, is
5715 amended as follows:

5716 73-19-17. Any person over the age of twenty-one (21)
5717 years * * * who has graduated from a reputable school or college
5718 of optometry, shall be entitled to stand for the examination for
5719 license to practice optometry in Mississippi. The examining Board
5720 of Optometry shall keep on file a list of schools or colleges of



5721 optometry which are recognized by said board. The examination to
5722 practice optometry shall consist of tests in practical,
5723 theoretical and physiological optics, in theoretical and practical
5724 optometry and in anatomy and physiology of the eye and in
5725 pathology as applied to optometry. The State Board of Optometry
5726 shall not examine or certify any optometrist in any therapeutic
5727 procedures unless the optometrist has successfully completed the
5728 proper didactic education and supervised clinical training taught
5729 by an institution accredited by a regional or professional
5730 accreditation organization that is recognized or approved by the
5731 Council on Postsecondary Accreditation of the United States
5732 Department of Education, or its successor, and approved by the
5733 State Board of Optometry with the advice and consultation of the
5734 designated members of the State Board of Medical Licensure and the
5735 State Board of Pharmacy.

5736 **SECTION 62.** Section 73-21-85, Mississippi Code of 1972, is
5737 amended as follows:

5738 73-21-85. (1) To obtain a license to engage in the practice
5739 of pharmacy by examination, or by score transfer, the applicant
5740 shall:

5741 (a) Have submitted a written application on the form
5742 prescribed by the board;

5743 * * *



5744 (* * *b) Have graduated from a school or college of
5745 pharmacy accredited by the American Council of Pharmaceutical
5746 Education and have been granted a pharmacy degree therefrom;

5747 (* * *c) Have successfully passed an examination
5748 approved by the board;

5749 (* * *d) Have paid all fees specified by the board for
5750 examination, not to exceed the cost to the board of administering
5751 the examination;

5752 (* * *e) Have paid all fees specified by the board for
5753 licensure; and

5754 (* * *f) Have submitted evidence of externship and/or
5755 internship as specified by the board.

5756 (2) To obtain a license to engage in the practice of
5757 pharmacy, a foreign pharmacy graduate applicant shall obtain the
5758 National Association of Boards of Pharmacy's Foreign Pharmacy
5759 Graduate Examination Committee's certification, which shall
5760 include, but not be limited to, successfully passing the Foreign
5761 Pharmacy Graduate Equivalency Examination and attaining a total
5762 score of at least five hundred fifty (550) on the Test of English
5763 as a Foreign Language (TOEFL), and shall:

5764 (a) Have submitted a written application on the form
5765 prescribed by the board;

5766 * * *

5767 (* * *b) Have graduated and been granted a pharmacy
5768 degree from a college or school of pharmacy recognized and



5769 approved by the National Association of Boards of Pharmacy's
5770 Foreign Pharmacy Graduate Examination Committee;

5771 (* * *c) Have paid all fees specified by the board for
5772 examination, not to exceed the cost to the board of administering
5773 the examination;

5774 (* * *d) Have successfully passed an examination
5775 approved by the board;

5776 (* * *e) Have completed the number of internship hours
5777 as set forth by regulations of the board; and

5778 (* * *f) Have paid all fees specified by the board for
5779 licensure.

5780 (3) Each application or filing made under this section shall
5781 include the social security number(s) of the applicant in
5782 accordance with Section 93-11-64.

5783 (4) * * * The board shall conduct a criminal history records
5784 check on all applicants for a license. In order to determine the
5785 applicant's suitability for licensing, the applicant shall be
5786 fingerprinted. The board shall submit the fingerprints to the
5787 Department of Public Safety for a check of the state criminal
5788 records and forward to the Federal Bureau of Investigation for a
5789 check of the national criminal records. The Department of Public
5790 Safety shall disseminate the results of the state check and the
5791 national check to the board for a suitability determination. The
5792 board shall be authorized to collect from the applicant the amount
5793 of the fee that the Department of Public Safety charges the board



5794 for the fingerprinting, whether manual or electronic, and the
5795 state and national criminal history records checks.

5796 (5) * * * The board, upon request of the Dean of the
5797 University of Mississippi School of Pharmacy, shall be authorized
5798 to conduct a criminal history records check on all applicants for
5799 enrollment into the School of Pharmacy. In order to determine the
5800 applicant's suitability for enrollment and licensing, the
5801 applicant shall be fingerprinted. The board shall submit the
5802 fingerprints to the Department of Public Safety for a check of the
5803 state criminal records and forward to the Federal Bureau of
5804 Investigation for a check of the national criminal records. The
5805 Department of Public Safety shall disseminate the results of the
5806 state check and the national check to the board for a suitability
5807 determination and the board shall forward the results to the Dean
5808 of the School of Pharmacy. The board shall be authorized to
5809 collect from the applicant the amount of the fee that the
5810 Department of Public Safety charges the board for the
5811 fingerprinting, whether manual or electronic, and the state and
5812 national criminal history records checks.

5813 **SECTION 63.** Section 73-21-87, Mississippi Code of 1972, is
5814 amended as follows:

5815 73-21-87. (1) To obtain a license to engage in the practice
5816 of pharmacy by reciprocity or license transfer, the applicant
5817 shall:



5818 (a) Have submitted a written application on the form
5819 prescribed by the board;

5820 * * *

5821 (* * *b) Have possessed at the time of initial
5822 licensure as a pharmacist such other qualifications necessary to
5823 have been eligible for licensure at that time in that state;

5824 (* * *c) Have presented to the board proof that any
5825 license or licenses granted to the applicant by any other states
5826 have not been suspended, revoked, cancelled or otherwise
5827 restricted for any reason except nonrenewal or the failure to
5828 obtain required continuing education credits; and

5829 (* * *d) Have paid all fees specified by the board for
5830 licensure.

5831 (2) No applicant shall be eligible for licensure by
5832 reciprocity or license transfer unless the state in which the
5833 applicant was initially licensed also grants a reciprocal license
5834 or transfer license to pharmacists licensed by this state under
5835 like circumstances and conditions.

5836 (3) The issuance of a license by reciprocity to a
5837 military-trained applicant, military spouse or person who
5838 establishes residence in this state shall be subject to the
5839 provisions of Section 73-50-1 or 73-50-2, as applicable.

5840 (4) Each application or filing made under this section shall
5841 include the social security number(s) of the applicant in
5842 accordance with Section 93-11-64.



5843 **SECTION 64.** Section 73-21-111, Mississippi Code of 1972, is
5844 amended as follows:

5845 73-21-111. (1) The board shall make, adopt, amend and
5846 repeal, from time to time, such rules and regulations for the
5847 regulation of supportive personnel as may be deemed necessary by
5848 the board.

5849 (2) Every person who acts or serves as a pharmacy technician
5850 in a pharmacy that is located in this state and permitted by the
5851 board shall obtain a registration from the board. To obtain a
5852 pharmacy technician registration the applicant must:

5853 (a) Have submitted a written application on a form(s)
5854 prescribed by the board; and

5855 * * *

5856 (* * *b) Have paid the initial registration fee not to
5857 exceed One Hundred Dollars (\$100.00).

5858 (3) Each pharmacy technician shall renew his or her
5859 registration annually. To renew his or her registration, a
5860 technician must:

5861 (a) Submit an application on a form prescribed by the
5862 board; and

5863 (b) Pay a renewal fee not to exceed One Hundred Dollars
5864 (\$100.00) for each annual registration period. The board may add
5865 a surcharge of not more than Five Dollars (\$5.00) to the
5866 registration renewal fee to assist in funding a program that



5867 assists impaired pharmacists, pharmacy students and pharmacy
5868 technicians.

5869 (4) * * * The board shall conduct a criminal history records
5870 check on all applicants for a license. In order to determine the
5871 applicant's suitability for licensing, the applicant shall be
5872 fingerprinted. The board shall submit the fingerprints to the
5873 Department of Public Safety for a check of the state criminal
5874 records and forward to the Federal Bureau of Investigation for a
5875 check of the national criminal records. The Department of Public
5876 Safety shall disseminate the results of the state check and the
5877 national check to the board for a suitability determination. The
5878 board shall be authorized to collect from the applicant the amount
5879 of the fee that the Department of Public Safety charges the board
5880 for the fingerprinting, whether manual or electronic, and the
5881 state and national criminal history records checks.

5882 **SECTION 65.** Section 73-23-47, Mississippi Code of 1972, is
5883 amended as follows:

5884 73-23-47. (1) Any person who desires to be licensed under
5885 this chapter must: (a) * * * have graduated from a physical
5886 therapy or physical therapist assistant program, as the case may
5887 be, accredited by an agency recognized by the United States
5888 Department of Education, Office on Postsecondary Education; and
5889 (* * *b) pay a nonrefundable examination fee as set by the board;
5890 (* * *c) pay an application fee, no part of which shall be
5891 refunded; (* * *d) be examined for licensure by the board; and



5892 meet the requirements established by the rules of the board. The
5893 licensure examination for physical therapists and for physical
5894 therapist assistants shall be selected by the board and may also
5895 include an oral examination or practical examination or both at
5896 the discretion of the board.

5897 (2) Any person who desires to exercise the privilege to
5898 practice under the Physical Therapy Licensure Compact must
5899 complete the terms and provisions of the compact as prescribed in
5900 Section 73-23-101.

5901 (3) Each application or filing made under this section shall
5902 include the social security number(s) of the applicant in
5903 accordance with Section 93-11-64.

5904 **SECTION 66.** Section 73-23-51, Mississippi Code of 1972, is
5905 amended as follows:

5906 73-23-51. (1) The board may license as a physical therapist
5907 or as a physical therapist assistant, and furnish a certificate of
5908 licensure without examination to, any applicant who presents
5909 evidence, satisfactory to the board, of having passed an
5910 examination before a similar lawfully authorized examining agency
5911 or board in physical therapy of another state or the District of
5912 Columbia, if the standards for registration in physical therapy or
5913 for licensure as a physical therapist assistant in such other
5914 state or district are determined by the board to be as high as
5915 those of this state. The issuance of a license by reciprocity to
5916 a military-trained applicant, military spouse or person who



5917 establishes residence in this state shall be subject to the
5918 provisions of Section 73-50-1 or 73-50-2, as applicable.

5919 (2) Any person who has been trained as a physical therapist
5920 in a foreign country and desires to be licensed under this chapter
5921 and who: (a) * * * holds a diploma from an educational program
5922 for physical therapists approved by the board; (* * *b) submits
5923 documentary evidence to the board that he has completed a course
5924 of professional instruction substantially equivalent to that
5925 obtained by an applicant for licensure; (* * *c) demonstrates
5926 satisfactory proof of proficiency in the English language; and
5927 (* * *d) meets other requirements established by rules of the
5928 board, may make application on a form furnished by the board for
5929 examination as a foreign-trained physical therapist. At the time
5930 of making such application, the applicant shall pay the fee
5931 prescribed by the board, no portion of which shall be returned.

5932 Any person who desires to be licensed under this subsection
5933 shall take an examination approved by the board and shall obtain a
5934 permanent license. If this requirement is not met, the license of
5935 the foreign-trained therapist may be revoked.

5936 **SECTION 67.** Section 73-24-19, Mississippi Code of 1972, is
5937 amended as follows:

5938 73-24-19. (1) An applicant applying for a license as an
5939 occupational therapist or as an occupational therapy assistant
5940 shall file a written application on forms provided by the board,



5941 showing to the satisfaction of the board that he meets the
5942 following requirements:

5943 * * *

5944 (* * *a) Has been awarded a degree from an education
5945 program in occupational therapy recognized by the board, with a
5946 concentration of instruction in basic human sciences, the human
5947 development process, occupational tasks and activities, the
5948 health-illness-health continuum, and occupational therapy theory
5949 and practice:

5950 (i) For an occupational therapist, such program
5951 shall be accredited by the Accreditation Council for Occupational
5952 Therapy Education of the American Occupational Therapy Association
5953 or the board-recognized accrediting body;

5954 (ii) For an occupational therapy assistant, such a
5955 program shall be accredited by the Accreditation Council for
5956 Occupational Therapy Education of the American Occupational
5957 Therapy Association or the board-recognized accrediting body;

5958 (* * *b) Has successfully completed a period of
5959 supervised fieldwork experience at a recognized educational
5960 institution or a training program approved by the educational
5961 institution where he or she met the academic requirements:

5962 (i) For an occupational therapist, the required
5963 supervised fieldwork experience shall meet current national
5964 standards that are published annually by the board;



5965 (ii) For an occupational therapy assistant, the
5966 required supervised fieldwork experience shall meet national
5967 standards that are published annually by the board.

5968 (2) The board shall approve an examination for occupational
5969 therapists and an examination for occupational therapy assistants
5970 that will be used as the examination for licensure.

5971 (3) Any person applying for licensure shall, in addition to
5972 demonstrating his eligibility in accordance with the requirements
5973 of this section, make application to the board for review of proof
5974 of his eligibility for certification by the National Board for
5975 Certification in Occupational Therapy, Inc. (NBCOT), or its
5976 successor organization, on a form and in such a manner as the
5977 board shall prescribe. The application shall be accompanied by
5978 the fee fixed in accordance with the provisions of Section
5979 73-24-29. The board shall establish standards for acceptable
5980 performance on the examination. A person who fails an examination
5981 may apply for reexamination upon payment of the prescribed fee.

5982 (4) Applicants for licensure shall be examined at a time and
5983 place and under such supervision as the board may require. The
5984 board shall give reasonable public notice of these examinations in
5985 accordance with its rules and regulations.

5986 (5) An applicant may be licensed as an occupational
5987 therapist if he or she: (a) has practiced as an occupational
5988 therapy assistant for four (4) years, (b) has completed the
5989 requirements of a period of six (6) months of supervised fieldwork



5990 experience at a recognized educational institution or a training
5991 program approved by a recognized accredited educational
5992 institution before January 1, 1988, and (c) has passed the
5993 examination for occupational therapists.

5994 (6) Each application or filing made under this section shall
5995 include the social security number(s) of the applicant in
5996 accordance with Section 93-11-64, Mississippi Code of 1972.

5997 **SECTION 68.** Section 73-24-21, Mississippi Code of 1972, is
5998 amended as follows:

5999 73-24-21. (1) The board shall grant a license to any person
6000 certified prior to July 1, 1988, as an Occupational Therapist
6001 Registered (OTR) or a Certified Occupational Therapy Assistant
6002 (COTA) by the American Occupational Therapy Association (AOTA).
6003 The board may waive the examination, education or experience
6004 requirements and grant a license to any person certified by AOTA
6005 after July 1, 1988, if the board determines the requirements for
6006 such certification are equivalent to the requirements for
6007 licensure in this chapter.

6008 (2) The board may waive the examination, education or
6009 experience requirements and grant a license to any applicant who
6010 shall present proof of current licensure as an occupational
6011 therapist or occupational therapy assistant in another state, the
6012 District of Columbia or territory of the United States which
6013 requires standards for licensure considered by the board to be
6014 equivalent to the requirements for licensure of this chapter. The



6015 issuance of a license by reciprocity to a military-trained
6016 applicant, military spouse or person who establishes residence in
6017 this state shall be subject to the provisions of Section 73-50-1
6018 or 73-50-2, as applicable.

6019 (3) Foreign-trained occupational therapists and occupational
6020 therapy assistants shall satisfy the examination requirements of
6021 Section 73-24-19. The board shall require foreign-trained
6022 applicants to furnish proof of * * * completion of educational and
6023 supervised fieldwork requirements substantially equal to those
6024 contained in Section 73-24-19 before taking the examination.

6025 **SECTION 69.** Section 73-25-3, Mississippi Code of 1972, is
6026 amended as follows:

6027 73-25-3. Every person who desires to obtain a license to
6028 practice medicine must apply therefor, in writing, to the State
6029 Board of Medical Licensure at least ten (10) days before the date
6030 of the examination and must be examined by the board according to
6031 the methods deemed by it to be the most practical and expeditious
6032 to test the applicants' qualifications. If the applicant is found
6033 by the board, upon examination, to possess sufficient learning in
6034 those branches * * *, the board shall issue him a license to
6035 practice medicine; however, no applicant shall be granted a
6036 license unless the applicant holds a diploma from a reputable
6037 medical college or college of osteopathic medicine that requires a
6038 four-year course of at least thirty-two (32) weeks for each
6039 session, or its equivalent.



6040 To qualify for a Mississippi medical license, an applicant
6041 must have successfully been cleared for licensure through an
6042 investigation that shall consist of a * * * verification that the
6043 prospective licensee is not guilty of or in violation of any
6044 statutory ground for denial of licensure as set forth in Sections
6045 73-25-29 and 73-25-83. To assist the board in conducting its
6046 licensure investigation, all applicants shall undergo a
6047 fingerprint-based criminal history records check of the
6048 Mississippi central criminal database and the Federal Bureau of
6049 Investigation criminal history database. Each applicant shall
6050 submit a full set of the applicant's fingerprints in a form and
6051 manner prescribed by the board, which shall be forwarded to the
6052 Mississippi Department of Public Safety (department) and the
6053 Federal Bureau of Investigation Identification Division for this
6054 purpose.

6055 Any and all state or national criminal history records
6056 information obtained by the board that is not already a matter of
6057 public record shall be deemed nonpublic and confidential
6058 information restricted to the exclusive use of the board, its
6059 members, officers, investigators, agents and attorneys in
6060 evaluating the applicant's eligibility or disqualification for
6061 licensure, and shall be exempt from the Mississippi Public Records
6062 Act of 1983. Except when introduced into evidence in a hearing
6063 before the board to determine licensure, no such information or
6064 records related thereto shall, except with the written consent of



6065 the applicant or by order of a court of competent jurisdiction, be
6066 released or otherwise disclosed by the board to any other person
6067 or agency.

6068 The board shall provide to the department the fingerprints of
6069 the applicant, any additional information that may be required by
6070 the department, and a form signed by the applicant consenting to
6071 the check of the criminal records and to the use of the
6072 fingerprints and other identifying information required by the
6073 state or national repositories.

6074 The board shall charge and collect from the applicant, in
6075 addition to all other applicable fees and costs, such amount as
6076 may be incurred by the board in requesting and obtaining state and
6077 national criminal history records information on the applicant.

6078 This section shall not apply to applicants for a special
6079 volunteer medical license authorized under Section 73-25-18.

6080 **SECTION 70.** Section 73-25-14, Mississippi Code of 1972, is
6081 amended as follows:

6082 73-25-14. (1) Except as provided in Section 33-1-39, the
6083 license of every person licensed to practice medicine or
6084 osteopathy in the State of Mississippi shall be renewed annually.

6085 On or before May 1 of each year, the State Board of Medical
6086 Licensure shall mail a notice of renewal of license to every
6087 physician or osteopath to whom a license was issued or renewed
6088 during the current licensing year. The notice shall provide
6089 instructions for obtaining and submitting applications for



6090 renewal. The State Board of Medical Licensure is authorized to
6091 make applications for renewal available via electronic means. The
6092 applicant shall obtain and complete the application and submit it
6093 to the board in the manner prescribed by the board in the notice
6094 before June 30 with the renewal fee of an amount established by
6095 the board, but not to exceed Three Hundred Dollars (\$300.00), a
6096 portion of which fee shall be used to support a program to aid
6097 impaired physicians and osteopaths. The payment of the annual
6098 license renewal fee shall be optional with all physicians over the
6099 age of seventy (70) years. Upon receipt of the application and
6100 fee, the board shall verify the accuracy of the application and
6101 issue to applicant a certificate of renewal for the ensuing year,
6102 beginning July 1 and expiring June 30 of the succeeding calendar
6103 year. That renewal shall render the holder thereof a legal
6104 practitioner as stated on the renewal form.

6105 (2) Any physician or osteopath practicing in Mississippi who
6106 allows his or her license to lapse by failing to renew the license
6107 as provided in subsection (1) may be reinstated by the board on
6108 satisfactory explanation for the failure to renew, by completion
6109 of a reinstatement form, and upon payment of the renewal fee for
6110 the current year, and shall be assessed a fine of Twenty-five
6111 Dollars (\$25.00) plus an additional fine of Five Dollars (\$5.00)
6112 for each month thereafter that the license renewal remains
6113 delinquent.



6114 (3) Any physician or osteopath not practicing in Mississippi
6115 who allows his or her license to lapse by failing to renew the
6116 license as provided in subsection (1) may be reinstated by the
6117 board on satisfactory explanation for the failure to renew, by
6118 completion of a reinstatement form and upon payment of the
6119 arrearages for the previous five (5) years and the renewal fee for
6120 the current year.

6121 (4) Any physician or osteopath who allows his or her license
6122 to lapse shall be notified by the board within thirty (30) days of
6123 that lapse.

6124 (5) Any person practicing as a licensed physician or
6125 osteopath during the time his or her license has lapsed shall be
6126 considered an illegal practitioner and shall be subject to
6127 penalties provided for violation of the Medical Practice Act, if
6128 he or she had not submitted the required reinstatement form and
6129 fee within fifteen (15) days after notification by the board of
6130 the lapse.

6131 (6) Any physician or osteopath practicing in the State of
6132 Mississippi whose license has lapsed and is deemed an illegal
6133 practitioner under subsection (5) of this section may petition the
6134 board for reinstatement of his or her license on a retroactive
6135 basis, if the physician or osteopath was unable to meet the June
6136 30 deadline due to extraordinary or other legitimate reasons, and
6137 retroactive reinstatement of licensure shall be granted or may be
6138 denied by the board only for good cause. Failure to advise the



6139 board of change of address shall not be considered a basis of
6140 reinstatement.

6141 (7) None of the fees or fines provided for in this section
6142 shall be applicable to the renewal of a special volunteer medical
6143 license authorized under Section 73-25-18.

6144 (8) Fees collected under the provisions of this section
6145 shall be used by the board to defray expenses of administering the
6146 licensure provisions of the Medical Practice Act (Title 73,
6147 Chapter 25, Mississippi Code of 1972) and to support a program to
6148 aid impaired physicians and osteopaths in an amount determined by
6149 the board.

6150 (9) In order for a physician or osteopath whose medical
6151 license has been expired for five (5) years or more to qualify for
6152 reinstatement of license, the physician or osteopath must have
6153 successfully been cleared for reinstatement through an
6154 investigation that shall consist of a * * * verification that the
6155 prospective licensee is not guilty of or in violation of any
6156 statutory ground for denial of licensure as set forth in Sections
6157 73-25-29 and 73-25-83. To assist the board in conducting its
6158 licensure investigation, all applicants shall undergo a
6159 fingerprint-based criminal history records check of the
6160 Mississippi central criminal database and the Federal Bureau of
6161 Investigation criminal history database. Each applicant shall
6162 submit a full set of the applicant's fingerprints in a form and
6163 manner prescribed by the board, which shall be forwarded to the



6164 Mississippi Department of Public Safety (department) and the
6165 Federal Bureau of Investigation Identification Division for this
6166 purpose.

6167 Any and all state or national criminal history records
6168 information obtained by the board that is not already a matter of
6169 public record shall be deemed nonpublic and confidential
6170 information restricted to the exclusive use of the board, its
6171 members, officers, investigators, agents and attorneys in
6172 evaluating the applicant's eligibility or disqualification for
6173 licensure, and shall be exempt from the Mississippi Public Records
6174 Act of 1983. Except when introduced into evidence in a hearing
6175 before the board to determine licensure, no such information or
6176 records related thereto shall, except with the written consent of
6177 the applicant or by order of a court of competent jurisdiction, be
6178 released or otherwise disclosed by the board to any other person
6179 or agency.

6180 The board shall provide to the department the fingerprints of
6181 the applicant, any additional information that may be required by
6182 the department, and a form signed by the applicant consenting to
6183 the check of the criminal records and to the use of the
6184 fingerprints and other identifying information required by the
6185 state or national repositories.

6186 The board shall charge and collect from the applicant, in
6187 addition to all other applicable fees and costs, such amount as



6188 may be incurred by the board in requesting and obtaining state and
6189 national criminal history records information on the applicant.

6190 **SECTION 71.** Section 73-25-32, Mississippi Code of 1972, is
6191 amended as follows:

6192 73-25-32. (1) A person whose license to practice medicine
6193 or osteopathy has been revoked or suspended may petition the
6194 Mississippi State Board of Medical Licensure to reinstate this
6195 license after a period of not less than one (1) year has elapsed
6196 from the date of the revocation or suspension. The procedure for
6197 the reinstatement of a license that is suspended for being out of
6198 compliance with an order for support, as defined in Section
6199 93-11-153, shall be governed by Section 93-11-157 or 93-11-163, as
6200 the case may be.

6201 (2) The petition shall be accompanied by two (2) or more
6202 verified recommendations from physicians or osteopaths licensed by
6203 the Board of Medical Licensure to which the petition is addressed
6204 and by two (2) or more recommendations from citizens each having
6205 personal knowledge of the activities of the petitioner since the
6206 disciplinary penalty was imposed and such facts as may be required
6207 by the Board of Medical Licensure.

6208 The petition may be heard at the next regular meeting of the
6209 Board of Medical Licensure but not earlier than thirty (30) days
6210 after the petition was filed. No petition shall be considered
6211 while the petitioner is under sentence for any criminal offense,
6212 including any period during which he is under probation or parole.



6213 The hearing may be continued from time to time as the Board of
6214 Medical Licensure finds necessary.

6215 (3) In determining whether the disciplinary penalty should
6216 be set aside and the terms and conditions, if any, that should be
6217 imposed if the disciplinary penalty is set aside, the Board of
6218 Medical Licensure may investigate and consider all activities of
6219 the petitioner since the disciplinary action was taken against
6220 him, the offense for which he was disciplined, his activity during
6221 the time his certificate was in good standing, his general
6222 reputation for truth * * * and professional ability * * *; and it
6223 may require the petitioner to pass an oral examination.

6224 (4) The investigation shall require the petitioner to
6225 undergo a fingerprint-based criminal history records check of the
6226 Mississippi central criminal database and the Federal Bureau of
6227 Investigation criminal history database. Each petitioner shall
6228 submit a full set of the petitioner's fingerprints in a form and
6229 manner prescribed by the board, which shall be forwarded to the
6230 Mississippi Department of Public Safety (department) and the
6231 Federal Bureau of Investigation Identification Division for this
6232 purpose.

6233 Any and all state or national criminal history records
6234 information obtained by the board that is not already a matter of
6235 public record shall be deemed nonpublic and confidential
6236 information restricted to the exclusive use of the board, its
6237 members, officers, investigators, agents and attorneys in



6238 evaluating the applicant's eligibility or disqualification for
6239 licensure, and shall be exempt from the Mississippi Public Records
6240 Act of 1983. Except when introduced into evidence in a hearing
6241 before the board to determine licensure, no such information or
6242 records related thereto shall, except with the written consent of
6243 the applicant or by order of a court of competent jurisdiction, be
6244 released or otherwise disclosed by the board to any other person
6245 or agency.

6246 The board shall provide to the department the fingerprints of
6247 the petitioner, any additional information that may be required by
6248 the department, and a form signed by the petitioner consenting to
6249 the check of the criminal records and to the use of the
6250 fingerprints and other identifying information required by the
6251 state or national repositories.

6252 The board shall charge and collect from the petitioner, in
6253 addition to all other applicable fees and costs, such amount as
6254 may be incurred by the board in requesting and obtaining state and
6255 national criminal history records information on the applicant.

6256 (5) The Secretary-Treasurer of the Board of Medical
6257 Licensure shall enter into his records of the case all actions of
6258 the board in setting aside a disciplinary penalty under this
6259 section and he shall certify notices to the proper court clerk.
6260 The clerk shall make such changes on his records as may be
6261 necessary.



6262 **SECTION 72.** Section 73-26-3, Mississippi Code of 1972, is
6263 amended as follows:

6264 73-26-3. (1) The State Board of Medical Licensure shall
6265 license and regulate the practice of physician assistants in
6266 accordance with the provisions of this chapter.

6267 (2) All physician assistants who are employed as physician
6268 assistants by a Department of Veterans Affairs health care
6269 facility, a branch of the United States military or the Federal
6270 Bureau of Prisons, and who are practicing as physician assistants
6271 in a federal facility in Mississippi on July 1, 2000, and those
6272 physician assistants who trained in a Mississippi physician
6273 assistant program and have been continuously practicing as a
6274 physician assistant in Mississippi since 1976, shall be eligible
6275 for licensure if they submit an application for licensure to the
6276 board by December 31, 2000. Physician assistants licensed under
6277 this subsection will be eligible for license renewal so long as
6278 they meet standard renewal requirements.

6279 (3) Before December 31, 2004, applicants for physician
6280 assistant licensure, except those licensed under subsection (2) of
6281 this section, must be graduates of physician assistant educational
6282 programs accredited by the Commission on Accreditation of Allied
6283 Health Educational Programs or its predecessor or successor
6284 agency, have passed the certification examination administered by
6285 the National Commission on Certification of Physician Assistants
6286 (NCCPA), have current NCCPA certification, and possess a minimum



6287 of a baccalaureate degree. Physician assistants meeting these
6288 licensure requirements will be eligible for license renewal so
6289 long as they meet standard renewal requirements.

6290 (4) On or after December 31, 2004, applicants for physician
6291 assistant licensure must meet all of the requirements in
6292 subsection (3) of this section and, in addition, must have
6293 obtained a minimum of a master's degree in a health-related or
6294 science field.

6295 (5) Applicants for licensure who meet all licensure
6296 requirements except for the master's degree may be granted a
6297 temporary license by the board so long as they can show proof of
6298 enrollment in a master's program that will, when completed, meet
6299 the master's degree requirement. The temporary license will be
6300 valid for no longer than one (1) year, and may not be renewed.

6301 (6) For new graduate physician assistants and all physician
6302 assistants receiving initial licenses in the state, except those
6303 licensed under subsection (2) of this section, supervision shall
6304 require the on-site presence of a supervising physician for one
6305 hundred twenty (120) days.

6306 (7) To qualify for a Mississippi physician assistant
6307 license, an applicant must have successfully been cleared for
6308 licensure through an investigation that shall consist of a * * *
6309 verification that the prospective licensee is not guilty of or in
6310 violation of any statutory ground for denial of licensure. To
6311 assist the board in conducting its licensure investigation, all



6312 applicants shall undergo a fingerprint-based criminal history
6313 records check of the Mississippi central criminal database and the
6314 Federal Bureau of Investigation criminal history database. Each
6315 applicant shall submit a full set of the applicant's fingerprints
6316 in a form and manner prescribed by the board, which shall be
6317 forwarded to the Mississippi Department of Public Safety
6318 (department) and the Federal Bureau of Investigation
6319 Identification Division for this purpose.

6320 Any and all state or national criminal history records
6321 information obtained by the board that is not already a matter of
6322 public record shall be deemed nonpublic and confidential
6323 information restricted to the exclusive use of the board, its
6324 members, officers, investigators, agents and attorneys in
6325 evaluating the applicant's eligibility or disqualification for
6326 licensure, and shall be exempt from the Mississippi Public Records
6327 Act of 1983. Except when introduced into evidence in a hearing
6328 before the board to determine licensure, no such information or
6329 records related thereto shall, except with the written consent of
6330 the applicant or by order of a court of competent jurisdiction, be
6331 released or otherwise disclosed by the board to any other person
6332 or agency.

6333 The board shall provide to the department the fingerprints of
6334 the applicant, any additional information that may be required by
6335 the department, and a form signed by the applicant consenting to
6336 the check of the criminal records and to the use of the



6337 fingerprints and other identifying information required by the
6338 state or national repositories.

6339 The board shall charge and collect from the applicant, in
6340 addition to all other applicable fees and costs, such amount as
6341 may be incurred by the board in requesting and obtaining state and
6342 national criminal history records information on the applicant.

6343 **SECTION 73.** Section 73-27-5, Mississippi Code of 1972, is
6344 amended as follows:

6345 73-27-5. All applicants for license shall have attained the
6346 age of twenty-one (21) years, and shall * * * have had at least
6347 four (4) years high school and be graduates of same; they shall
6348 have at least one (1) year prepodiatry college education and be
6349 graduates of some college of podiatry recognized as being in good
6350 standing by the State Board of Medical Licensure. No college of
6351 podiatry or chiropody shall be accredited by the board as a
6352 college of good standing that does not require for graduation a
6353 course of study of at least four (4) years (eight and one-half
6354 (8-1/2) months each) and be recognized by the Council on Education
6355 of the American Podiatry Association. However, all podiatrists
6356 actively engaged in the practice of podiatry in the State of
6357 Mississippi, prior to January 1, 1938, whether graduates or not,
6358 shall, upon furnishing proof thereof by displaying their state
6359 privilege tax license to the Secretary of the State Board of
6360 Medical Licensure, and upon payment of fee of Ten Dollars and
6361 Twenty-five Cents (\$10.25), be entitled to a license without an



6362 examination, and applications for the license shall be filed not
6363 later than sixty (60) days after February 17, 1938. Upon payment
6364 of a fee prescribed by the State Board of Medical Licensure, not
6365 to exceed Five Hundred Dollars (\$500.00), a license without
6366 examination may be issued to podiatrists of other states
6367 maintaining equal statutory requirements for the practice of
6368 podiatry and extending the same reciprocal privileges to this
6369 state. The State Board of Medical Licensure may affiliate with
6370 the National Board of Chiropractic or Podiatry Licensure in granting
6371 licenses to practice podiatry in Mississippi, provided the written
6372 examination covers at least two-thirds (2/3) of the subjects set
6373 forth in Section 73-27-9. The issuance of a license by
6374 reciprocity to a military-trained applicant, military spouse or
6375 person who establishes residence in this state shall be subject to
6376 the provisions of Section 73-50-1 or 73-50-2, as applicable.

6377 To qualify for a Mississippi podiatry license, an applicant
6378 must have successfully been cleared for licensure through an
6379 investigation that shall consist of a * * * verification that the
6380 prospective licensee is not guilty of or in violation of any
6381 statutory ground for denial of licensure as set forth in Section
6382 73-27-13. To assist the board in conducting its licensure
6383 investigation, all applicants shall undergo a fingerprint-based
6384 criminal history records check of the Mississippi central criminal
6385 database and the Federal Bureau of Investigation criminal history
6386 database. Each applicant shall submit a full set of the



6387 applicant's fingerprints in a form and manner prescribed by the
6388 board, which shall be forwarded to the Mississippi Department of
6389 Public Safety (department) and the Federal Bureau of Investigation
6390 Identification Division for this purpose.

6391 Any and all state or national criminal history records
6392 information obtained by the board that is not already a matter of
6393 public record shall be deemed nonpublic and confidential
6394 information restricted to the exclusive use of the board, its
6395 members, officers, investigators, agents and attorneys in
6396 evaluating the applicant's eligibility or disqualification for
6397 licensure, and shall be exempt from the Mississippi Public Records
6398 Act of 1983. Except when introduced into evidence in a hearing
6399 before the board to determine licensure, no such information or
6400 records related thereto shall, except with the written consent of
6401 the applicant or by order of a court of competent jurisdiction, be
6402 released or otherwise disclosed by the board to any other person
6403 or agency.

6404 The board shall provide to the department the fingerprints of
6405 the applicant, any additional information that may be required by
6406 the department, and a form signed by the applicant consenting to
6407 the check of the criminal records and to the use of the
6408 fingerprints and other identifying information required by the
6409 state or national repositories.

6410 The board shall charge and collect from the applicant, in
6411 addition to all other applicable fees and costs, such amount as



6412 may be incurred by the board in requesting and obtaining state and
6413 national criminal history records information on the applicant.

6414 Each application or filing made under this section shall
6415 include the social security number(s) of the applicant in
6416 accordance with Section 93-11-64.

6417 **SECTION 74.** Section 73-27-12, Mississippi Code of 1972, is
6418 amended as follows:

6419 73-27-12. (1) Except as provided in Section 33-1-39, the
6420 license of every person licensed to practice podiatry in the State
6421 of Mississippi shall be renewed annually.

6422 On or before May 1 of each year, the board shall mail a
6423 notice of renewal of license to every podiatrist to whom a license
6424 was issued or renewed during the current licensing year. The
6425 notice shall provide instructions for obtaining and submitting
6426 applications for renewal. The State Board of Medical Licensure is
6427 authorized to make applications for renewal available via
6428 electronic means. The applicant shall obtain and complete the
6429 application and submit it to the board in the manner prescribed by
6430 the board in the notice before June 30 with the renewal fee of an
6431 amount established by the board, but not to exceed Three Hundred
6432 Dollars (\$300.00), a portion of which fee shall be used to support
6433 a program to aid impaired podiatrists. Upon receipt of the
6434 application and fee, the board shall verify the accuracy of the
6435 application and issue to applicant a certificate of renewal for
6436 the ensuing year, beginning July 1 and expiring June 30 of the



6437 succeeding calendar year. That renewal shall render the holder
6438 thereof a legal practitioner as stated on the renewal form.

6439 (2) Any podiatrist practicing in Mississippi who allows his
6440 or her license to lapse by failing to renew the license as
6441 provided in subsection (1) may be reinstated by the board on
6442 satisfactory explanation for the failure to renew, by completion
6443 of a reinstatement form, and upon payment of the renewal fee for
6444 the current year, and shall be assessed a fine of Twenty-five
6445 Dollars (\$25.00) plus an additional fine of Five Dollars (\$5.00)
6446 for each month thereafter that the license renewal remains
6447 delinquent.

6448 (3) Any podiatrist not practicing in Mississippi who allows
6449 his or her license to lapse by failing to renew the license as
6450 provided in subsection (1) may be reinstated by the board on
6451 satisfactory explanation for the failure to renew, by completion
6452 of a reinstatement form and upon payment of the arrearages for the
6453 previous five (5) years and the renewal fee for the current year.

6454 (4) Any podiatrist who allows his or her license to lapse
6455 shall be notified by the board within thirty (30) days of that
6456 lapse.

6457 (5) Any person practicing as a licensed podiatrist during
6458 the time his or her license has lapsed shall be considered an
6459 illegal practitioner and shall be subject to penalties set forth
6460 in Section 73-27-17, provided that he or she has not submitted the



6461 required reinstatement form and fee within fifteen (15) days after
6462 notification by the board of the lapse.

6463 (6) Any podiatrist practicing in the State of Mississippi
6464 whose license has lapsed and is deemed an illegal practitioner
6465 under subsection (5) of this section may petition the board for
6466 reinstatement of his or her license on a retroactive basis, if the
6467 podiatrist was unable to meet the June 30 deadline due to
6468 extraordinary or other legitimate reasons, and retroactive
6469 reinstatement of licensure shall be granted or may be denied by
6470 the board only for good cause. Failure to advise the board of
6471 change of address shall not be considered a basis for
6472 reinstatement.

6473 (7) Fees collected under the provisions of this section
6474 shall be used by the board to defray expenses of administering the
6475 licensure provisions of Title 73, Chapter 27, Mississippi Code of
6476 1972, and to support a program to aid impaired podiatrists in an
6477 amount determined by the board.

6478 (8) In order for a podiatrist whose podiatric medical
6479 license has been expired for five (5) years or more to qualify for
6480 reinstatement of license, the podiatrist must have successfully
6481 been cleared for reinstatement through an investigation that shall
6482 consist of a * * * verification that the prospective licensee is
6483 not guilty of or in violation of any statutory ground for denial
6484 of licensure as set forth in Section 73-27-13. To assist the
6485 board in conducting its licensure investigation, all applicants



6486 shall undergo a fingerprint-based criminal history records check
6487 of the Mississippi central criminal database and the Federal
6488 Bureau of Investigation criminal history database. Each applicant
6489 shall submit a full set of the applicant's fingerprints in a form
6490 and manner prescribed by the board, which shall be forwarded to
6491 the Mississippi Department of Public Safety (department) and the
6492 Federal Bureau of Investigation Identification Division for this
6493 purpose.

6494 Any and all state or national criminal history records
6495 information obtained by the board that is not already a matter of
6496 public record shall be deemed nonpublic and confidential
6497 information restricted to the exclusive use of the board, its
6498 members, officers, investigators, agents and attorneys in
6499 evaluating the applicant's eligibility or disqualification for
6500 licensure, and shall be exempt from the Mississippi Public Records
6501 Act of 1983. Except when introduced into evidence in a hearing
6502 before the board to determine licensure, no such information or
6503 records related thereto shall, except with the written consent of
6504 the applicant or by order of a court of competent jurisdiction, be
6505 released or otherwise disclosed by the board to any other person
6506 or agency.

6507 The board shall provide to the department the fingerprints of
6508 the applicant, any additional information that may be required by
6509 the department, and a form signed by the applicant consenting to
6510 the check of the criminal records and to the use of the



6511 fingerprints and other identifying information required by the
6512 state or national repositories.

6513 The board shall charge and collect from the applicant, in
6514 addition to all other applicable fees and costs, such amount as
6515 may be incurred by the board in requesting and obtaining state and
6516 national criminal history records information on the applicant.

6517 **SECTION 75.** Section 73-27-16, Mississippi Code of 1972, is
6518 amended as follows:

6519 73-27-16. (1) A person whose license to practice podiatry
6520 has been revoked or suspended may petition the Mississippi State
6521 Board of Medical Licensure to reinstate this license after a
6522 period of not less than one (1) year has elapsed from the date of
6523 the revocation or suspension. The procedure for the reinstatement
6524 of a license that is suspended for being out of compliance with an
6525 order for support, as defined in Section 93-11-153, shall be
6526 governed by Section 93-11-157 or 93-11-163, as the case may be.

6527 (2) The petition shall be accompanied by two (2) or more
6528 verified recommendations from podiatrists licensed by the Board of
6529 Medical Licensure to which the petition is addressed and by two
6530 (2) or more recommendations from citizens each having personal
6531 knowledge of the activities of the petitioner since the
6532 disciplinary penalty was imposed and such facts as may be required
6533 by the board.

6534 The petition may be heard at the next regular meeting of the
6535 Board of Medical Licensure but not earlier than thirty (30) days



6536 after the petition was filed. No petition shall be considered
6537 while the petitioner is under sentence for any criminal offense,
6538 including any period during which he is under probation or parole.
6539 The hearing may be continued from time to time as the Board of
6540 Medical Licensure finds necessary. Any final action by the board
6541 on a petition under this section shall be made with the advice of
6542 the advisory committee.

6543 (3) In determining whether the disciplinary penalty should
6544 be set aside and the terms and conditions, if any, which should be
6545 imposed if the disciplinary penalty is set aside, the Board of
6546 Medical Licensure may investigate and consider all activities of
6547 the petitioner since the disciplinary action was taken against
6548 him, the offense for which he was disciplined, his activity during
6549 the time his certificate was in good standing, his general
6550 reputation for truth * * * and professional ability * * *; and it
6551 may require the petitioner to pass an oral examination.

6552 (4) The Secretary-Treasurer of the Board of Medical
6553 Licensure shall enter into his records of the case all actions of
6554 the Board of Medical Licensure in setting aside a disciplinary
6555 penalty under this section and he shall certify notices to the
6556 proper court clerk. The clerk shall make such changes on his
6557 records as may be necessary.

6558 **SECTION 76.** Section 73-29-19, Mississippi Code of 1972, is
6559 amended as follows:



6560 73-29-19. An applicant who is a polygraph examiner licensed
6561 under the laws of another state or territory of the United States
6562 may be issued a license upon payment of a fee of Fifty Dollars
6563 (\$50.00) and the production of satisfactory proof that:

6564 (1) He is at least twenty-one (21) years of age;

6565 (2) He is a citizen of the United States;

6566 * * *

6567 (* * *3) The requirements for the licensing of
6568 polygraph examiners in such particular state or territory of the
6569 United States were, at the date of the applicant's licensing
6570 therein, substantially equivalent to the requirements now in force
6571 in this state;

6572 (* * *4) The applicant had lawfully engaged in the
6573 administration of polygraph examinations under the laws of such
6574 state or territory for at least two (2) years prior to his
6575 application for license hereunder;

6576 (* * *5) Such other state or territory grants similar
6577 reciprocity to license holders of this state; and

6578 (* * *6) He has complied with Section 73-29-17.

6579 The issuance of a license by reciprocity to a
6580 military-trained applicant, military spouse or person who
6581 establishes residence in this state shall be subject to the
6582 provisions of Section 73-50-1 or 73-50-2, as applicable.

6583 **SECTION 77.** Section 73-30-9, Mississippi Code of 1972, is
6584 amended as follows:



6585 73-30-9. (1) The board shall issue a license as a
6586 provisional licensed professional counselor, without regard to
6587 race, religion, sex or national origin, to each applicant who
6588 furnishes satisfactory evidence of the following:

6589 (a) The applicant has completed an application on a
6590 form prescribed by the board accompanied by a nonrefundable
6591 application fee of Fifty Dollars (\$50.00).

6592 (b) The applicant is at least twenty-one (21) years of
6593 age.

6594 * * *

6595 (* * *c) The applicant is a citizen of the United
6596 States, or has an immigration document to verify legal alien work
6597 status in the United States. The immigration document must be
6598 current and issued by the United States Immigration Bureau.

6599 (* * *d) The applicant is not in violation of any of
6600 the provisions of this article and the rules and regulations
6601 adopted hereunder.

6602 (* * *e) The applicant shall have a minimum acceptable
6603 graduate semester hour or acceptable quarter-hour master's degree
6604 as determined by the board primarily in counseling or a related
6605 counseling field from a regionally or nationally accredited
6606 college or university program in counselor education or a related
6607 counseling program subject to board approval. All applicants
6608 shall provide official transcripts of all graduate work.



6609 (* * *f) The applicant must pass the examination
6610 approved by the board, as set forth in Section 73-30-7(5).

6611 (* * *g) A provisional license issued under this
6612 section shall require that the individual confine one's practice
6613 to a board-approved site and accrue counseling experience under
6614 the supervision of a board-qualified supervisor.

6615 (* * *h) The limited license shall be renewable for
6616 not more than four (4) years, with a nonrefundable license fee in
6617 the amount provided in Section 73-30-29. Licensees may appeal to
6618 the board for an extension of the renewal period.

6619 (* * *i) Each applicant for licensure shall apply to
6620 undergo a fingerprint-based criminal history records check of the
6621 Mississippi central criminal database and the Federal Bureau of
6622 Investigation criminal history database. Each applicant shall
6623 submit a full set of the applicant's fingerprints in a form and
6624 manner prescribed by the board, which shall be forwarded to the
6625 Mississippi Department of Public Safety and the Federal Bureau of
6626 Investigation Identification Division for this purpose.

6627 (2) The board shall issue a license or the privilege to
6628 practice as a licensed professional counselor, without regard to
6629 race, religion, sex or national origin, to each applicant who
6630 furnishes satisfactory evidence of the following:

6631 (a) The applicant has completed an application on a
6632 form prescribed by the board accompanied by a nonrefundable full
6633 application fee of Fifty Dollars (\$50.00).



6634 (b) The applicant is at least twenty-one (21) years of
6635 age.

6636 * * *

6637 (* * *c) The applicant is a citizen of the United
6638 States, or has an immigration document to verify legal alien work
6639 status in the United States. The immigration document must be
6640 current and issued by the United States Immigration Bureau.

6641 (* * *d) The applicant is not in violation of any of
6642 the provisions of this article and the rules and regulations
6643 adopted hereunder.

6644 (* * *e) The applicant shall have a minimum acceptable
6645 graduate semester hour or acceptable quarter-hour master's degree
6646 as determined by the board primarily in counseling or a related
6647 counseling field from a regionally or nationally accredited
6648 college or university program in counselor education or a related
6649 counseling program subject to board approval. All applicants
6650 shall provide official transcripts of all graduate work.

6651 (* * *f) The applicant for licensure must pass the
6652 examination approved by the board, as set forth in Section
6653 73-30-7(5).

6654 (* * *g) The applicant has had post graduate
6655 supervised experience in professional counseling acceptable to the
6656 board. Applicant shall submit verification of supervised
6657 experience.



6658 Each application or filing made under this section shall
6659 include the social security number(s) of the applicant in
6660 accordance with Section 93-11-64.

6661 (* * *h) The board shall require each first-time
6662 applicant for licensure or the initial privilege to practice and
6663 may require applicants for license renewal to undergo a
6664 fingerprint-based criminal history records check of the
6665 Mississippi central criminal database and the Federal Bureau of
6666 Investigation criminal history database. Each applicant for
6667 licensure and each renewal applicant as required by the board
6668 shall apply to undergo a fingerprint-based criminal history
6669 records check of the Mississippi central criminal database and the
6670 Federal Bureau of Investigation criminal history database. Each
6671 applicant shall submit a full set of the applicant's fingerprints
6672 in a form and manner prescribed by the board, which shall be
6673 forwarded to the Mississippi Department of Public Safety and the
6674 Federal Bureau of Investigation Identification Division for this
6675 purpose.

6676 (3) The board shall administer the privilege to practice in
6677 accordance with the Professional Counseling Compact.

6678 **SECTION 78.** Section 73-31-13, Mississippi Code of 1972, is
6679 amended as follows:

6680 73-31-13. The board shall issue a license as a psychologist
6681 to each applicant who files an application upon a form and in the
6682 manner as the board prescribes, accompanied by the fee as is



6683 required by this chapter; and who furnishes evidence satisfactory
6684 to the board that he or she:

6685 (a) Is at least twenty-one (21) years of age; and

6686 (b) * * * Has not been convicted of a disqualifying
6687 crime as provided in the Fresh Start Act. Applicants shall
6688 undergo a fingerprint-based criminal history records check of the
6689 Mississippi central criminal database and the Federal Bureau of
6690 Investigation criminal history database. Each applicant shall
6691 submit a full set of the applicant's fingerprints in a form and
6692 manner prescribed by the board, which shall be forwarded to the
6693 Mississippi Department of Public Safety (department) and the
6694 Federal Bureau of Investigation Identification Division for this
6695 purpose; and

6696 (c) Is not in violation of any of the provisions of
6697 this chapter and the rules and regulations adopted under this
6698 chapter, and is not currently under investigation by another
6699 licensure board; and

6700 (d) Holds a doctoral degree in psychology from an
6701 institution of higher education that is: regionally accredited by
6702 an accrediting body recognized by the United States Department of
6703 Education, or authorized by Provincial statute or Royal Charter to
6704 grant doctoral degrees. From a program accredited by the American
6705 Psychological Association, or the Canadian Psychological
6706 Association, and from a program that requires at least one (1)
6707 year of continuous, full-time residence at the educational



6708 institution granting the doctoral degree. For graduates from
6709 newly established programs seeking accreditation or in areas where
6710 no accreditation exists, applicants for licensure shall have
6711 completed a doctoral program in psychology that meets recognized
6712 acceptable professional standards as determined by the board. For
6713 applicants graduating from doctoral level psychology training
6714 programs outside of the United States of America or Canada,
6715 applicants for licensure shall have completed a doctoral program
6716 in psychology that meets recognized acceptable professional
6717 standards as determined by the board; and

6718 (e) Has completed a supervised internship from a
6719 program accredited by the American Psychological Association or
6720 the Canadian Psychological Association that meet the standards of
6721 training as defined by the board. The internship shall be
6722 comprised of at least one thousand eight hundred (1,800) hours of
6723 actual work, to include direct service, training and supervisory
6724 time; and

6725 (f) Demonstrates professional knowledge by passing
6726 written (as used in this paragraph, the term "written" means
6727 either paper and pencil or computer-administered or computerized
6728 testing) and oral examinations in psychology prescribed by the
6729 board; except that upon examination of credentials, the board may,
6730 by unanimous consent, consider these credentials adequate evidence
6731 of professional knowledge.



6732 Upon investigation of the application and other evidence
6733 submitted, the board shall, not less than thirty (30) days before
6734 the examination, notify each applicant that the application and
6735 evidence submitted is satisfactory and accepted or unsatisfactory
6736 and rejected; if rejected, the notice shall state the reasons for
6737 the rejection.

6738 The place of examination shall be designated in advance by
6739 the board, and the examination shall be given at such time and
6740 place and under such supervision as the board may determine. The
6741 examination used by the board shall consist of written tests and
6742 oral tests, and shall fairly test the applicant's knowledge and
6743 application thereof in those areas deemed relevant by the
6744 board. All examinations serve the purpose of verifying that a
6745 candidate for licensure has acquired a basic core of knowledge in
6746 the discipline of psychology and can apply that knowledge to the
6747 problems confronted in the practice of psychology within the
6748 applicant's area of practice.

6749 The board shall evaluate the results from both the written
6750 and oral examinations. The passing scores for the written and
6751 oral examinations shall be established by the board in its rules
6752 and regulations. If an applicant fails to receive a passing score
6753 on the entire examination, he or she may reapply and shall be
6754 allowed to take a later examination. An applicant who has failed
6755 two (2) successive examinations by the board may not reapply until
6756 after two (2) years from the date of the last examination failed.



6757 The board shall keep the written examination scores, and an
6758 accurate transcript of the questions and answers relating to the
6759 oral examinations, and the grade assigned to each answer thereof,
6760 as part of its records for at least two (2) years after the date
6761 of examination.

6762 Each application or filing made under this section shall
6763 include the social security number(s) of the applicant in
6764 accordance with Section 93-11-64.

6765 **SECTION 79.** Section 73-33-1, Mississippi Code of 1972, is
6766 amended as follows:

6767 73-33-1. (1) Any person residing or having a place for the
6768 regular transaction of business in the State of Mississippi * * *,
6769 and who shall have received from the State Board of Public
6770 Accountancy a license certifying his qualifications as a certified
6771 public accountant as hereinafter provided, shall be styled or
6772 known as a certified public accountant, and it shall be unlawful
6773 for any other person or persons to assume such title or use any
6774 letters, abbreviations or words to indicate that such person using
6775 same is a certified public accountant, unless such person
6776 qualifies for a practice privilege under Section 73-33-17, or at
6777 the discretion of the board, such person has been granted use of
6778 the title of "certified public accountant retired" by the
6779 Mississippi State Board of Public Accountancy or has received a
6780 reciprocal certified public accountant license from the State
6781 Board of Public Accountancy.



6782 (2) A certified public accountant practicing public
6783 accounting under a Mississippi license must be associated and
6784 registered with a certified public accountant firm.

6785 (3) The State Board of Public Accountancy shall grant and
6786 renew permits to practice as a CPA firm to applicants that
6787 demonstrate their qualifications in accordance with this section.

6788 (a) The following shall hold a permit issued under this
6789 section: any firm with an office in this state that practices
6790 public accountancy or that uses the title "CPA" or "CPA firm," and
6791 any firm that does not have an office in this state but performs
6792 the services described in Section 73-33-17(4) for a client having
6793 its home office in this state.

6794 (b) A firm that does not have an office in this state
6795 may perform a review of a financial statement to be performed in
6796 accordance with Statements on Standards for Accounting and Review
6797 Services, or a compilation as defined in Section 73-33-2(d), for a
6798 client having its home office in this state and may use the title
6799 "CPA" and "CPA firm" without a permit issued under this section
6800 only if such firm has the qualifications described in subsection
6801 (4), complies with the peer review requirements set forth by board
6802 rule, and performs such services through an individual with
6803 practice privileges under Section 73-33-17.

6804 (c) A firm that is not subject to the requirements of
6805 paragraph (a) or (b) of this subsection may perform other
6806 professional services within the practice of public accountancy



6807 while using the title "CPA" and "CPA firm" in this state without a
6808 permit issued under this section only if such firm performs such
6809 services through an individual with practice privileges under
6810 Section 73-33-17 and such firm can lawfully do so in the state
6811 where the individuals with practice privileges have their
6812 principal place of business.

6813 (4) In order to obtain and maintain a firm permit, a
6814 certified public accountant firm shall be required to show the
6815 following:

6816 (a) It is wholly owned by natural persons and not owned
6817 in whole or in part by business entities; and

6818 (b) A simple majority of the ownership of the firm in
6819 terms of financial interests and/or voting rights hold certified
6820 public accountant licenses in any state; however, the individuals
6821 whose principal place of business is in Mississippi and who
6822 perform professional services in this state shall hold a
6823 Mississippi certified public accountant license, and that
6824 individuals who qualify for practice privileges under Section
6825 73-33-17 who perform services for which a firm permit is required
6826 under Section 73-33-17(4) shall not be required to obtain a
6827 certificate pursuant to Section 73-33-3 or 73-33-9.

6828 (5) Any certified public accountant firm may include
6829 nonlicensee owners, provided that:

6830 (a) The firm designates a licensee of this state who is
6831 responsible for the proper registration of the firm and identifies



6832 that individual to the board; or in the case of a firm without a
6833 Mississippi office which must have a permit pursuant to subsection
6834 (3) (a), the firm designates a licensee of another state who meets
6835 the requirements provided in Section 73-33-17;

6836 (b) All nonlicensee owners are active individual
6837 participants in the certified public accountant firm or affiliated
6838 entities; and

6839 (c) The firm complies with such other requirements as
6840 the board may impose by rule.

6841 (6) Unless exempt from the firm permit requirement under
6842 Section 73-33-1(3), no person or persons shall engage in the
6843 practice of public accounting as defined herein as a partnership,
6844 joint venture or professional corporation, sole proprietor, or
6845 other business organization allowed by law, unless and until each
6846 business organization or office thereof located inside the State
6847 of Mississippi has registered with and been issued a firm permit
6848 by the State Board of Public Accountancy.

6849 **SECTION 80.** Section 73-38-9, Mississippi Code of 1972, is
6850 amended as follows:

6851 73-38-9. (1) To be eligible for licensure by the board as a
6852 speech-language pathologist or audiologist and to be eligible for
6853 registration as a speech-language pathology aide or audiology
6854 aide, a person shall:

6855 * * *



6856 (* * *a) (* * *i) For speech-language pathologists
6857 or audiologists, possess at least a master's degree or its
6858 equivalent in the area of speech-language pathology or audiology,
6859 as the case may be, from an educational institution recognized by
6860 the board;

6861 (* * *ii) For speech-language pathology aide or
6862 audiology aide, the board shall set minimum educational standards
6863 which shall be less than a bachelor's degree;

6864 (* * *b) For speech-language pathologists and
6865 audiologists, submit evidence of the completion of the
6866 educational, clinical experience and employment requirements,
6867 which requirements shall be based on appropriate national
6868 standards and prescribed by the rules and regulations adopted
6869 pursuant to this article;

6870 (* * *c) For speech-language pathologists and
6871 audiologists licensure applicants, pass an examination approved by
6872 the board. This examination may be taken either before or after
6873 the completion of the employment requirement specified pursuant to
6874 paragraph (c) of this subsection;

6875 (* * *d) For speech-language pathology aides and
6876 audiology aides, no examination shall be required.

6877 (2) To be eligible for the privilege to practice, applicants
6878 must meet the requirements set out in the Audiology and
6879 Speech-Language Pathology Interstate Compact.



6880 **SECTION 81.** Section 73-39-67, Mississippi Code of 1972, is
6881 amended as follows:

6882 73-39-67. (1) To obtain a license to practice veterinary
6883 medicine, a person shall file a written application and
6884 application fee with the board. The application shall show that
6885 the applicant is a graduate of an accredited college of veterinary
6886 medicine or has the educational equivalence as set by the board.
6887 The application shall also show * * * any other information and
6888 proof as the board may require.

6889 (2) If the board determines that the applicant possesses the
6890 proper qualifications, it shall admit the applicant to the next
6891 examination, or if the applicant is eligible for license by
6892 endorsement, the board may grant him a license. If an applicant
6893 is found not qualified to take the examination or for a license by
6894 endorsement, the board shall notify the applicant in writing
6895 within thirty (30) days of its finding and the grounds for its
6896 findings. An applicant found unqualified may request a hearing
6897 before the board.

6898 (3) The board may grant a temporary license to an applicant
6899 to practice veterinary medicine until the scheduled state board
6900 examination, if the applicant pays the application fee, provides
6901 sufficient evidence that he meets the qualifications for
6902 licensure, and provides evidence that he resides in the State of
6903 Mississippi. The board may grant a second temporary permit, but



6904 the board may not grant more than two (2) temporary permits to any
6905 one (1) person.

6906 (4) A person licensed by the board shall display the license
6907 in the facility in which the licensee practices.

6908 **SECTION 82.** Section 73-39-71, Mississippi Code of 1972, is
6909 amended as follows:

6910 73-39-71. (1) The board may issue a license by endorsement
6911 to an applicant who furnishes satisfactory proof that he is a
6912 graduate of an accredited college of veterinary medicine or the
6913 educational equivalence. The applicant must also show that
6914 he * * * is licensed to practice veterinary medicine in at least
6915 one (1) state, territory or district of the United States and has
6916 practiced veterinary medicine in one or more of those states
6917 without disciplinary action by any state or federal agency for at
6918 least the three (3) years immediately before filing the
6919 application.

6920 (2) The board may examine any person qualifying for
6921 licensing under this section.

6922 (3) The issuance of a license by endorsement to a
6923 military-trained applicant, military spouse or person who
6924 establishes residence in this state shall be subject to the
6925 provisions of Section 73-50-1 or 73-50-2, as applicable.

6926 **SECTION 83.** Section 73-53-13, Mississippi Code of 1972, is
6927 amended as follows:



6928 73-53-13. The board shall issue the appropriate license to
6929 applicants who meet the qualifications of this section.

6930 (a) A license as a "licensed social worker" shall be
6931 issued to an applicant who demonstrates to the satisfaction of the
6932 board that he or she meets the following qualifications:

6933 (i) Has a baccalaureate degree in social work from
6934 a college or university accredited by the Council on Social Work
6935 Education or Southern Association of Colleges and Schools and has
6936 satisfactorily completed the Association for Social Work Boards
6937 (ASWB) examination for this license; or

6938 (ii) Has a comparable license or registration from
6939 another state or territory of the United States of America that
6940 imposes qualifications substantially similar to those of this
6941 chapter.

6942 (b) A license as a "licensed master's social worker"
6943 shall be issued to an applicant who demonstrates to the
6944 satisfaction of the board that he or she meets the following
6945 qualifications:

6946 (i) Has a doctorate or master's degree from a
6947 school of social work accredited by the Council on Social Work
6948 Education; and

6949 (ii) Has satisfactorily completed the ASWB
6950 examination for this license; or

6951 (iii) Has a comparable license or registration
6952 from another state or territory of the United States of America



6953 that imposes qualifications substantially similar to those of this
6954 chapter.

6955 (c) A license as a "licensed certified social worker"
6956 shall be issued to an applicant who demonstrates to the
6957 satisfaction of the board that he or she meets the following
6958 qualifications:

6959 (i) Is licensed under this section as a "master's
6960 social worker"; and

6961 (ii) Has twenty-four (24) months of professional
6962 supervision and clinical or macro social work practice experience
6963 acceptable to the board, under appropriate supervision; and

6964 (iii) Has satisfactorily completed the ASWB
6965 examination for this license; or

6966 (iv) Has a comparable license or registration from
6967 another state or territory of the United States of America that
6968 imposes qualifications substantially similar to those of this
6969 chapter.

6970 (d) In addition to the above qualifications, an
6971 applicant for any of the above licenses must prove to the board's
6972 satisfaction:

6973 (i) Age of at least twenty-one (21) years, and

6974 * * *

6975 (* * * ii) United States of America citizenship or
6976 status as a legal resident alien, and



6977 (* * *iii) Absence of conviction of a * * *
6978 disqualifying crime as provided in the Fresh Start Act.

6979 Conviction, as used in this subparagraph, includes a deferred
6980 conviction, deferred prosecution, deferred sentence, finding or
6981 verdict of guilt, an admission of guilty, or a plea of nolo
6982 contendere, and

6983 (* * *iv) That the applicant has not been
6984 declared mentally incompetent by any court, and if any such decree
6985 has ever been rendered, that the decree has since been changed,
6986 and

6987 (* * *y) Freedom from dependency on alcohol or
6988 drugs, and

6989 (* * *vi) Complete criminal history records
6990 check, including a fingerprint and an acceptable sex offender
6991 check, by appropriate governmental authorities as prescribed by
6992 the board.

6993 (e) Only individuals licensed as "certified social
6994 workers" shall be permitted to call themselves "clinical social
6995 workers."

6996 The issuance of a license by reciprocity to a
6997 military-trained applicant, military spouse or person who
6998 establishes residence in this state shall be subject to the
6999 provisions of Section 73-50-1 or 73-50-2, as applicable.



7000 Each application or filing made under this section shall
7001 include the social security number(s) of the applicant in
7002 accordance with Section 93-11-64.

7003 **SECTION 84.** Section 73-54-13, Mississippi Code of 1972, is
7004 amended as follows:

7005 73-54-13. Each person desiring to obtain a license as
7006 a marriage and family therapist or marriage and family therapy
7007 associate shall make application thereof to the board in such
7008 manner as the board prescribes and with required application fees
7009 and shall furnish evidence satisfactory to the board that he or
7010 she:

7011 * * *

7012 (* * *a) Has not engaged or is not engaged in any
7013 practice or conduct which would be a ground for refusing to issue
7014 a license under Section 73-54-29 or Section 73-53-17;

7015 (* * *b) Is qualified for licensure pursuant to the
7016 requirements of this chapter; and

7017 (* * *c) Is at least twenty-one (21) years of age.

7018 **SECTION 85.** Section 73-63-27, Mississippi Code of 1972, is
7019 amended as follows:

7020 73-63-27. (1) (a) Except as provided in subsections (2)
7021 and (3) of this section, the following shall be considered as
7022 minimum evidence satisfactory to the board that the applicant is
7023 qualified for registration as a registered professional geologist:



7024 (i) Graduation from a course of study in geology
7025 satisfactory to the board from an accredited college or
7026 university, or from a program accredited by an organization
7027 recognized by the board, of four (4) or more years and which
7028 includes at least thirty (30) semester or forty-five (45) quarter
7029 hours of credit, with a major in geology or a geological
7030 specialty;

7031 (ii) Demonstration through a specific record of a
7032 minimum of four (4) years of qualifying experience, after
7033 completion of the academic requirements, in geology or a specialty
7034 indicating that the applicant is competent to practice geology or
7035 a specialty. The board may require the experience be gained under
7036 the supervision of a geologist registered in this state or any
7037 other state with at least as stringent geologic registration
7038 requirements, or under the supervision of others who, in the
7039 opinion of the board, are qualified to have responsible charge of
7040 geological work;

7041 (iii) Successful passage of at least one (1)
7042 examination in geology as determined and prescribed by the board;
7043 and

7044 (iv) Other requirements as may be established in
7045 rules and regulations by the board.

7046 (b) In addition to the qualifications named in
7047 paragraph (a) of this subsection, applicants for registration as a
7048 registered professional geologist shall include with their



7049 application at least three (3) letters of reference from
7050 geologists having personal knowledge of the applicant's geologic
7051 experience.

7052 (c) The board may give credit for a master's degree in
7053 the geological sciences or in a specialty as one (1) year of
7054 professional experience and an earned doctorate degree in the
7055 geological sciences or in a specialty as two (2) years of
7056 professional experience. The board shall not give more than two
7057 (2) years of professional experience credit for the completion of
7058 all graduate degrees.

7059 (d) The board may give credit for geological research
7060 or teaching of persons studying geology or a specialty at an
7061 accredited college or university level as qualifying experience,
7062 if the research or teaching, in the opinion of the board, is
7063 comparable to experience obtained in the practice of geology or a
7064 specialty.

7065 (e) The board may adopt qualifications which, in its
7066 judgment, are equivalent to the educational and experience
7067 requirements in subsection (1)(a) of this section.

7068 * * *

7069 (2) Before December 31, 1998, any applicant who applies for
7070 registration or enrollment shall be considered qualified, without
7071 written examination, if the applicant possesses the qualifications
7072 prescribed in subsection (1) or (3) of this section, as the case
7073 may be.



7074 (3) An applicant who applies for registration before July 1,
7075 1998, shall be qualified without written examination, if the
7076 applicant possesses the following qualifications:

7077 (a) A bachelor's degree from an accredited college or
7078 university in civil engineering with a minimum of fifteen (15)
7079 semester hours or an equivalent number of quarter hours of credit
7080 in geology or a geologically-related course, as determined by the
7081 board;

7082 (b) A certificate of registration as a professional
7083 engineer in the State of Mississippi; and

7084 (c) A minimum of ten (10) years of qualifying
7085 experience in geotechnical or geological engineering work
7086 demonstrated by a specific record.

7087 If the board determines after review of the academic and
7088 experience qualifications required by this subsection that the
7089 applicant is competent to practice geology, the board may issue a
7090 certificate of registration under this chapter.

7091 (4) Applicants for enrollment as a geologist-in-training
7092 shall meet the qualifications for a registered professional
7093 geologist, except the requirement for four (4) years of
7094 experience.

7095 (5) The board may adopt requirements for the issuance of
7096 temporary registrations. Qualifications for temporary
7097 registrations shall be consistent with those required under this
7098 chapter.



7099 (6) Upon written request of an applicant, the board may
7100 waive, on a case-by-case basis, any requirement for registration
7101 or enrollment, except payment of the applicable fees. The request
7102 shall state the reasons a waiver should be granted. The
7103 requirements waived and the basis for that waiver shall be
7104 recorded in the applicant's record and in the proceedings of the
7105 board, and any waiver may be subject to repeal or suspension as
7106 determined by the board.

7107 **SECTION 86.** Section 73-67-21, Mississippi Code of 1972, is
7108 amended as follows:

7109 73-67-21. (1) It shall be the responsibility of a massage
7110 therapy establishment to verify the current license of any and all
7111 persons practicing massage therapy at the location of or on behalf
7112 of the establishment. Failure to comply is subject to penalty
7113 assessed by the board of not less than Five Hundred Dollars
7114 (\$500.00) and not more than One Thousand Dollars (\$1,000.00) per
7115 offense.

7116 (2) No person may advertise massage or practice massage for
7117 compensation in this state unless he is licensed as a massage
7118 therapist by the board. No person may use the title of or
7119 represent himself to be a massage therapist or use any other
7120 title, abbreviations, letters, figures, signs or devices that
7121 indicate that the person is a massage therapist unless he is
7122 licensed to practice massage therapy under the provisions of this
7123 chapter. A current massage therapy license issued by the board



7124 shall at all times be prominently displayed in any place where
7125 massage therapy is being practiced.

7126 (3) The following are requirements for licensure:

7127 (a) An applicant must be eighteen (18) years of age, or
7128 older, on the date the application is submitted.

7129 (b) An application must provide proof of high school
7130 graduate equivalency.

7131 (c) An applicant must be of legal status not only to
7132 receive a license, but also to work in the State of Mississippi
7133 with that license.

7134 (d) An applicant must supply proof of current
7135 certification in cardiopulmonary resuscitation (CPR) and first aid
7136 of at least eight (8) hours of training, including practical
7137 testing, and supply documentation of familiarity with the
7138 Americans with Disabilities Act.

7139 (e) All required fees for licensure must be submitted
7140 by the applicant.

7141 (f) Any and all requirements regarding * * *
7142 competency, as provided for in this chapter and in accepted codes
7143 of ethics, shall be met.

7144 (g) An applicant must have completed an approved course
7145 on communicable diseases, including HIV/AIDS information and
7146 prevention.

7147 (h) The applicant's official and certified
7148 transcript(s) from the applicant's massage therapy school. The



7149 transcript must verify that the applicant has completed a
7150 board-approved training program of no less than the minimum
7151 requirement for massage therapy instruction and student clinic,
7152 with a minimum grade requirement of "C" or better in every course
7153 of instruction, as stated for school requirements.

7154 (4) The following pre-act practitioners are exempt from
7155 having to take any examination for licensure, but must fulfill all
7156 other requirements as stated in this chapter, except for the
7157 requirements in subsection (3) (h) of this section:

7158 (a) Those having more than three hundred (300)
7159 documented, board-accepted hours of massage therapy education
7160 before January 1, 2001.

7161 (b) Those having more than five (5) years of
7162 professional massage therapy experience and a minimum of one
7163 hundred fifty (150) hours of approved massage therapy education.

7164 (c) Those having no formal training, but who have
7165 successfully passed the National Certification Examination for
7166 Therapeutic Massage and Bodywork.

7167 (d) All grandfathering exemption allowances as stated
7168 in this subsection (4) shall end on July 1, 2002, for nonstudents,
7169 and on June 1, 2003, for students who were enrolled in a part-time
7170 massage school curriculum on July 1, 2001. Individuals may apply
7171 for a license until the grandfathering exemption ends, but may not
7172 practice massage beyond the allowed grace period as provided for
7173 in Section 73-67-37 unless a valid massage therapy license or



7174 provisional permit is obtained. Except as provided in subsection
7175 (5) of this section, all other pre-act practitioners and anyone
7176 not practicing massage therapy before January 1, 2001, must take
7177 and pass the licensure examination and follow the requirements in
7178 this chapter to practice massage therapy for compensation in
7179 Mississippi.

7180 (e) Students enrolled in a massage therapy curriculum
7181 of at least five hundred (500) hours on July 1, 2001, who complete
7182 graduation from the same curriculum.

7183 (5) Any person who has practiced massage therapy for a
7184 period of more than twenty-five (25) years before March 14, 2005,
7185 who is employed as a massage therapist by a YMCA or YWCA
7186 authorized and existing as a nonprofit corporation under the laws
7187 of this state on March 14, 2005, is exempt from having to take any
7188 examination for licensure, but must fulfill all other requirements
7189 as stated in this chapter, except for the requirements in
7190 subsection (3)(b), (d), (g) and (h) of this section. Persons
7191 exempt under this subsection may apply for a massage therapy
7192 license until January 1, 2006, but may not practice massage
7193 therapy after January 1, 2006, unless a valid license is obtained.

7194 (6) Certificates of registration issued by the board before
7195 July 1, 2008, shall remain valid as licenses until the next
7196 renewal period.

7197 (7) An applicant must have successfully been cleared for
7198 licensure through an investigation that shall consist of a * * *



7199 verification that the prospective licensee is not guilty of or in
7200 violation of any statutory ground for denial of licensure as set
7201 forth in Section 73-67-27.

7202 (a) To assist the board in conducting its licensure
7203 investigation, all applicants shall undergo a fingerprint-based
7204 criminal history records check of the Mississippi central criminal
7205 database and the Federal Bureau of Investigation criminal history
7206 database. Each applicant shall submit a full set of the
7207 applicant's fingerprints in a form and manner prescribed by the
7208 board, which shall be forwarded to the Mississippi Department of
7209 Public Safety (department) and the Federal Bureau of Investigation
7210 Identification Division for this purpose.

7211 (b) Any and all state or national criminal history
7212 records information obtained by the board that is not already a
7213 matter of public record shall be deemed nonpublic and confidential
7214 information restricted to the exclusive use of the board, its
7215 members, officers, investigators, agents and attorneys in
7216 evaluating the applicant's eligibility or disqualification for
7217 licensure, and shall be exempt from the Mississippi Public Records
7218 Act of 1983. Except when introduced into evidence in a hearing
7219 before the board to determine licensure, no such information or
7220 records related thereto shall, except with the written consent of
7221 the applicant or by order of a court of competent jurisdiction, be
7222 released or otherwise disclosed by the board to any other person
7223 or agency.



7224 (c) The board shall provide to the department the
7225 fingerprints of the applicant, any additional information that may
7226 be required by the department, and a form signed by the applicant
7227 consenting to the check of the criminal records and to the use of
7228 the fingerprints and other identifying information required by the
7229 state or national repositories.

7230 (d) The board shall charge and collect from the
7231 applicant, in addition to all other applicable fees and costs,
7232 such amount as may be incurred by the board in requesting and
7233 obtaining state and national criminal history records information
7234 on the applicant.

7235 **SECTION 87.** Section 73-71-19, Mississippi Code of 1972, is
7236 amended as follows:

7237 73-71-19. (1) No person shall be licensed to practice
7238 acupuncture unless he or she has passed an examination and/or has
7239 been found to have the necessary qualifications as prescribed in
7240 the regulations adopted by the board.

7241 (2) Before any applicant is eligible for an examination or
7242 qualification, he or she shall furnish satisfactory proof that he
7243 or she:

7244 (a) Is a citizen or permanent resident of the United
7245 States;

7246 (b) Has demonstrated proficiency in the English
7247 language;

7248 (c) Is at least twenty-one (21) years of age;



7249 * * *

7250 (* * *d) Has completed a program of acupuncture and
7251 has received a certificate or diploma from an institute approved
7252 by the board, according to the provisions of this chapter;

7253 (* * *e) Has completed a clinical internship training
7254 as approved by the board; and

7255 (* * *f) Has received training in cardiopulmonary
7256 resuscitation (CPR).

7257 (3) The board may hold an examination at least once a year,
7258 and all applicants shall be notified in writing of the date and
7259 time of all examinations. The board may use a NCCAOM examination
7260 if it deems that national examination to be sufficient to qualify
7261 a practitioner for licensure in this state. In no case shall the
7262 state's own examination be less rigorous than the nationally
7263 recognized examination.

7264 (4) In addition to the written examination, if the
7265 nationally recognized examination does not provide a suitable
7266 practical examination comparable to board standards, the board
7267 shall examine each applicant in the practical application of
7268 Oriental medical diagnostic and treatment techniques in a manner
7269 and by methods that reveal the applicant's skill and knowledge.

7270 (5) The board shall require all qualified applicants to be
7271 examined in the following subjects:

7272 (a) Anatomy and physiology;

7273 (b) Pathology;



- 7274 (c) Diagnosis;
- 7275 (d) Hygiene, sanitation and sterilization techniques;
- 7276 (e) All major acupuncture principles, practices and
- 7277 techniques; and
- 7278 (f) Clean Needle Technique Exam.

7279 (6) To assist the board in conducting its licensure

7280 investigation, all applicants shall undergo a fingerprint-based

7281 criminal history records check of the Mississippi central criminal

7282 database and the Federal Bureau of Investigation criminal history

7283 database. Each applicant shall submit a full set of the

7284 applicant's fingerprints in a form and manner prescribed by the

7285 board, which shall be forwarded to the Mississippi Department of

7286 Public Safety (department) and the Federal Bureau of Investigation

7287 Identification Division for this purpose. Any and all state or

7288 national criminal history records information obtained by the

7289 board that is not already a matter of public record shall be

7290 deemed nonpublic and confidential information restricted to the

7291 exclusive use of the board, its members, officers, investigators,

7292 agents and attorneys in evaluating the applicant's eligibility or

7293 disqualification for licensure, and shall be exempt from the

7294 Mississippi Public Records Act of 1983. Except when introduced

7295 into evidence in a hearing before the board to determine

7296 licensure, no such information or records related thereto shall,

7297 except with the written consent of the applicant or by order of a

7298 court of competent jurisdiction, be released or otherwise



7299 disclosed by the board to any other person or agency. The board
7300 shall provide to the department the fingerprints of the applicant,
7301 any additional information that may be required by the department,
7302 and a form signed by the applicant consenting to the check of the
7303 criminal records and to the use of the fingerprints and other
7304 identifying information required by the state or national
7305 repositories. The board shall charge and collect from the
7306 applicant, in addition to all other applicable fees and costs,
7307 such amount as may be incurred by the board in requesting and
7308 obtaining state and national criminal history records information
7309 on the applicant.

7310 (7) The board shall issue a license to every applicant whose
7311 application has been filed with and approved by the board and who
7312 has paid the required fees and who either:

7313 (a) Has passed the board's written examination and
7314 practical examination, with a score of not less than seventy
7315 percent (70%) on each examination; or

7316 (b) Has achieved a passing score on a board approved
7317 nationally recognized examination, which examination includes a
7318 written and practical portion, as determined by the board; or

7319 (c) Has received certification from a board approved
7320 national certification process; or

7321 (d) Has achieved a passing score on a board approved
7322 nationally recognized written examination and has passed the



7323 board's practical examination with a score of not less than
7324 seventy percent (70%).

7325 (8) The board shall keep a record of all examinations held,
7326 together with the names and addresses of all persons taking
7327 examinations, and the examination results. Within forty-five (45)
7328 days after the examination, the board shall give written notice of
7329 the results of the examination to each applicant.

7330 **SECTION 88.** Section 75-27-305, Mississippi Code of 1972, is
7331 amended as follows:

7332 75-27-305. (1) A citizen of the United States or a person
7333 who has declared his or her intention of becoming such a citizen,
7334 who is a resident of the State of Mississippi, not less than
7335 twenty-one (21) years of age, * * * who has the ability to weigh
7336 accurately and to make correct weight certificates, and who has
7337 received from the commissioner a license as a bonded weighmaster,
7338 shall be styled and authorized to act as a bonded weighmaster.

7339 (2) The commissioner may adopt rules and regulations for
7340 determining the qualifications of the applicant for license as a
7341 bonded weighmaster. The commissioner may pass upon the
7342 qualifications of the applicant upon the basis of the information
7343 supplied in the application, may examine such applicant orally or
7344 in writing, or both, for the purpose of determining his or her
7345 qualifications. The commissioner shall grant licenses to such
7346 applicants as may be found to possess the qualifications required



7347 herein. The commissioner shall keep a record of all such
7348 applications and of all licenses issued thereon.

7349 **SECTION 89.** Section 75-57-49, Mississippi Code of 1972, is
7350 amended as follows:

7351 75-57-49. (1) Before any person shall be granted a permit
7352 to, or shall engage in or continue in the business of the
7353 distributing, either wholesale or retail, installing, altering,
7354 extending, changing or repairing of any liquefied compressed gas
7355 system, appliance or container, or in the business of distributing
7356 and selling liquefied compressed gas, either at wholesale or
7357 retail, whether from trucks or other vessels, in cylinders or in
7358 any other manner, such person shall satisfy the State Liquefied
7359 Compressed Gas Board that he or she is * * * competent to transact
7360 business so as to safeguard the interest of the public, and is
7361 financially responsible; and this provision as to financial
7362 responsibility shall be met by such person by filing with the
7363 State Liquefied Compressed Gas Board evidence that he or she has
7364 in force such of the hereinafter listed insurance policies on
7365 standard contract forms and written by an insurance company, or
7366 companies, qualified to do business in the State of Mississippi,
7367 as the State Liquefied Compressed Gas Board shall require, based
7368 upon those activities listed above in which such person is
7369 engaged, to wit:

7370 **ANY PERSON THAT ENGAGES IN FILLING CYLINDERS AND MOTOR FUEL**
7371 **TANKS WITH LIQUEFIED COMPRESSED GAS ON THEIR PREMISES OR ANY**



7372 **PERSON WHO IS IN THE BUSINESS OF INSTALLING LC GAS CARBURETION OR**

7373 **APPLIANCES:**

7374		Limits of Liability	
7375		Each	
7376		Occasion	Aggregate
7377	Manufacturers and Contractors		
7378	Public Liability	\$100,000	\$300,000
7379	Products Liability	\$100,000	\$300,000
7380	Workers' Compensation and		
7381	Employers' Liability		
7382	Insurance	State Statute	

7383 **ANY PERSON THAT ENGAGES IN ANY PHASE OF THE LIQUEFIED**

7384 **COMPRESSED GAS BUSINESS OTHER THAN CYLINDER-FILLING LOCATIONS:**

7385		Limits of Liability		
7386		Bodily Injury		Property
7387		Each	Each	Damage Each
7388		Person	Accident	Accident
7389	Automobile Public Liability	\$500,000	\$1,000,000	\$1,000,000
7390		Each		
7391		Occasion	Aggregate	
7392	Manufacturers and Contractors			
7393	Public Liability	\$1,000,000	\$1,000,000	
7394	Products Liability	\$1,000,000	\$1,000,000	
7395	Workers' Compensation and			
7396	Employers' Liability			



7397 Insurance State Statute

7398 (2) The State Liquefied Compressed Gas Board shall not
7399 require insurance coverage as specified above unless the hazard of
7400 liquefied compressed gases is involved.

7401 (3) No policy issued under the provisions of this chapter
7402 may be cancelled before thirty (30) days from the date of receipt
7403 by the Commissioner of Insurance of written notice of intention to
7404 cancel the policy.

7405 (4) It is expressly provided, however, that in lieu of
7406 filing with the State Liquefied Compressed Gas Board evidence that
7407 such insurance, as outlined above, is in force, any such person
7408 may file with the State Liquefied Compressed Gas Board a good and
7409 sufficient surety bond executed by a surety company licensed to do
7410 business in this state in the amount of One Million Dollars
7411 (\$1,000,000.00), which such bond shall be payable to the State of
7412 Mississippi and shall be conditioned to guarantee the payment of
7413 all damages which proximately result from any act of negligence on
7414 the part of such person, or their agents or employees, while
7415 engaged in any of the activities herein specified. In lieu of the
7416 surety bond, any such person may execute and file a good and
7417 sufficient personal bond in the amount and conditioned as
7418 specified above, which such personal bond shall be secured by
7419 bonds or other obligations of the State of Mississippi or the
7420 United States government, of equal value.



7421 (5) Upon compliance with the provisions of this section,
7422 where such compliance is required, and upon compliance with all
7423 other provisions of this chapter, the State Liquefied Compressed
7424 Gas Board shall issue to such dealer a permit to engage in such
7425 business, but not before. All such permits shall be valid until
7426 voluntarily surrendered, or until suspended, revoked or cancelled
7427 by the State Liquefied Compressed Gas Board, the Commissioner of
7428 Insurance or the chancery or circuit court. All permits issued
7429 under the provisions of Chapter 170, Laws of 1940, as amended, or
7430 Chapter 265, Laws of 1946, shall remain in full force and effect
7431 until the expiration date thereof at which time they must be
7432 renewed under the terms and conditions of this chapter.

7433 **SECTION 90.** Section 75-60-31, Mississippi Code of 1972, is
7434 amended as follows:

7435 75-60-31. No agent permit shall be issued pursuant to
7436 Section 75-60-25 to any person found by the Commission on
7437 Proprietary School and College Registration * * * to have been
7438 convicted of a disqualifying crime as provided in the Fresh Start
7439 Act.

7440 **SECTION 91.** Section 75-60-33, Mississippi Code of 1972, is
7441 amended as follows:

7442 75-60-33. Any agent permit issued may be revoked by the
7443 Commission on Proprietary School and College Registration if the
7444 holder of the permit solicits or enrolls students through fraud,
7445 deception or misrepresentation * * *.



7446 The Commission on Proprietary School and College Registration
7447 shall hold informal conferences pursuant to Section 75-60-19 with
7448 an agent believed to be in violation of one or more of the above
7449 conditions. If these conferences fail to eliminate the agent's
7450 objectionable practices or procedures, the commission shall hold a
7451 public hearing. A record of such proceedings shall be taken and
7452 appeals to the commission shall be upon such record, except as may
7453 be provided by rules and regulations to be adopted by the
7454 commission. Nothing said or done in the informal conferences
7455 shall be disclosed by the staff of the commission nor be used as
7456 evidence in any subsequent proceedings.

7457 **SECTION 92.** Section 75-76-67, Mississippi Code of 1972, is
7458 amended as follows:

7459 75-76-67. (1) Any person who the commission determines is
7460 qualified to receive a license or be found suitable under the
7461 provisions of this chapter, having due consideration for the
7462 proper protection of the health, safety, morals, good order and
7463 general welfare of the inhabitants of the State of Mississippi and
7464 the declared policy of this state, may be issued a state gaming
7465 license or found suitable. The burden of proving his
7466 qualification to receive any license or be found suitable is on
7467 the applicant.

7468 (2) An application to receive a license or be found suitable
7469 shall not be granted unless the commission is satisfied that the
7470 applicant is:



7471 (a) A person of * * * honesty and integrity;

7472 (b) A person whose prior activities, criminal record,
7473 if any, reputation, habits and associations do not pose a threat
7474 to the public interest of this state or to the effective
7475 regulation and control of gaming, or create or enhance the dangers
7476 of unsuitable, unfair or illegal practices, methods and activities
7477 in the conduct of gaming or the carrying on of the business and
7478 financial arrangements incidental thereto; and

7479 (c) In all other respects qualified to be licensed or
7480 found suitable consistent with the declared laws of the state.

7481 (3) No person shall be granted a license or found suitable
7482 under the provisions of this chapter who has been convicted of
7483 a * * * disqualifying crime as provided in the Fresh Start Act in
7484 any court of this state, another state, or the United States; and
7485 no person shall be granted a license or found suitable hereunder
7486 who has been convicted of a * * * disqualifying crime as provided
7487 in the Fresh Start Act in any court of another state or the United
7488 States which, if committed in this state, would be a * * *
7489 disqualifying crime; and no person shall be granted a license or
7490 found suitable under the provisions of this chapter who has been
7491 convicted of a misdemeanor in any court of this state or of
7492 another state, when such conviction was for gambling, sale of
7493 alcoholic beverages to minors, prostitution, or procuring or
7494 inducing individuals to engage in prostitution.



7495 (4) A license to operate a gaming establishment shall not be
7496 granted unless the applicant has satisfied the commission that:

7497 (a) He has adequate business probity, competence and
7498 experience, in gaming or generally; and

7499 (b) The proposed financing of the entire operation is:

7500 (i) Adequate for the nature of the proposed
7501 operation; and

7502 (ii) From a suitable source. Any lender or other
7503 source of money or credit which the commission finds does not meet
7504 the standards set forth in subsection (2) may be deemed
7505 unsuitable.

7506 (5) An application to receive a license or be found suitable
7507 constitutes a request for a determination of the applicant's
7508 general * * * integrity and ability to participate or engage in,
7509 or be associated with gaming. Any written or oral statement made
7510 in the course of an official proceeding of the commission or the
7511 executive director or any witness testifying under oath which is
7512 relevant to the purpose of the proceeding is absolutely privileged
7513 and does not impose liability for defamation or constitute a
7514 ground for recovery in any civil action.

7515 (6) The commission may, in its discretion, grant a license
7516 to a corporation which has complied with the provisions of this
7517 chapter.



7518 (7) The commission may, in its discretion, grant a license
7519 to a limited partnership which has complied with the provisions of
7520 this chapter.

7521 (8) No limited partnership, except one whose sole limited
7522 partner is a publicly traded corporation which has registered with
7523 the commission, or business trust or organization or other
7524 association of a quasi-corporate character is eligible to receive
7525 or hold any license under this chapter unless all persons having
7526 any direct or indirect interest therein of any nature whatsoever,
7527 whether financial, administrative, policymaking or supervisory,
7528 are individually qualified to be licensed under the provisions of
7529 this chapter.

7530 (9) The commission may, by regulation, limit the number of
7531 persons who may be financially interested and the nature of their
7532 interest in any corporation or other organization or association
7533 licensed under this chapter, and may establish such other
7534 qualifications of licenses as the commission, in its discretion,
7535 deems to be in the public interest and consistent with the
7536 declared policy of the state.

7537 **SECTION 93.** Section 81-18-9, Mississippi Code of 1972, is
7538 amended as follows:

7539 81-18-9. (1) Applicants for a license shall apply in a form
7540 as prescribed by the commissioner. Each such form shall contain
7541 content as set forth by rule, regulation, instruction or procedure
7542 of the commissioner and may be changed or updated as necessary by



7543 the commissioner in order to carry out the purposes of this
7544 chapter.

7545 (2) The mortgage broker and mortgage lender application
7546 through the Nationwide Mortgage Licensing System and Registry
7547 shall include, but is not limited to, the following:

7548 (a) The legal name, residence and business address of
7549 the applicant and, if applicable, the legal name, residence and
7550 business address of every principal and executive officer,
7551 together with the résumé of the applicant and of every principal
7552 and executive officer of the applicant. In addition, an
7553 independent credit report obtained from a consumer-reporting
7554 agency described in Section 603(p) of the Fair Credit Reporting
7555 Act and information related to any administrative, civil or
7556 criminal findings by any governmental jurisdiction of every
7557 principal and executive officer.

7558 (b) The legal name of the mortgage broker or mortgage
7559 lender in addition to the name under which the applicant will
7560 conduct business in the state, neither of which may be already
7561 assigned to a licensed mortgage broker or mortgage lender.

7562 (c) The complete address of the applicant's principal
7563 place of business, branch office(s) and any other locations at
7564 which the applicant will engage in any business activity covered
7565 by this chapter. All locations shall be within the United States
7566 of America or a territory of the United States of America,
7567 including Puerto Rico and the U.S. Virgin Islands.



7568 (d) A copy of the certificate of incorporation, if a
7569 Mississippi corporation.

7570 (e) Documentation satisfactory to the department as to
7571 a certificate of existence of authority to transact business
7572 lawfully in Mississippi from the Mississippi Secretary of State's
7573 office, if a limited liability company, partnership, trust or any
7574 other group of persons, however organized. This paragraph does
7575 not pertain to applicants organized as an individual or as a sole
7576 proprietorship.

7577 (f) If a foreign entity, a copy of a certificate of
7578 authority to conduct business in Mississippi and the address of
7579 the principal place of business of the foreign entity.

7580 (g) Documentation of a minimum of two (2) years'
7581 experience directly related to mortgage activities by a person
7582 named as the qualifying individual of the company. The qualifying
7583 individual shall be primarily responsible for the operations of
7584 the licensed mortgage broker or mortgage lender. Only one (1)
7585 qualifying individual shall be named for Mississippi and this
7586 person shall be the qualifying individual for only one (1)
7587 licensee. Evidence of experience shall include, where applicable:

7588 (i) Copies of business licenses issued by
7589 governmental agencies.

7590 (ii) Employment history of the person filing the
7591 application for at least two (2) years before the date of the
7592 filing of an application, including, but not limited to, job



7593 descriptions, length of employment, names, addresses and phone
7594 numbers for past employers.

7595 (iii) Any other data and pertinent information as
7596 the department may require with respect to the applicant, its
7597 directors, principals, trustees, officers, members, contractors or
7598 agents. A résumé alone shall not be sufficient proof of
7599 employment history.

7600 (3) The mortgage broker and mortgage lender applications
7601 shall be filed on the Nationwide Mortgage Licensing System and
7602 Registry together with the following:

7603 (a) The license fee specified in Section 81-18-15;

7604 (b) An original or certified copy of a surety bond in
7605 favor of the State of Mississippi for the use, benefit and
7606 indemnity of any person who suffers any damage or loss as a result
7607 of the company's breach of contract or of any obligation arising
7608 therefrom or any violation of law;

7609 (c) A set of fingerprints from any local law
7610 enforcement agency from the following applicants:

7611 (i) All persons operating as a sole proprietorship
7612 that plan to conduct a mortgage-brokering or lending business in
7613 the State of Mississippi;

7614 (ii) Partners in a partnership or principal owners
7615 of a limited liability company that own at least ten percent (10%)
7616 of the voting shares of the company;



7617 (iii) Any shareholders owning ten percent (10%) or
7618 more of the outstanding shares of the corporation;

7619 (iv) All executive officers of the applicant;

7620 (v) All loan originators; and

7621 (vi) The named qualifying individual of the
7622 company as required in Section 81-18-9(2)(g). The applicant shall
7623 name only one (1) individual as the qualifying individual for the
7624 State of Mississippi; and

7625 (d) At least one (1) employee shall be licensed as a
7626 loan originator at a licensed location.

7627 (4) In connection with an application for licensing as a
7628 mortgage broker or lender under this chapter, the required
7629 stockholders, owners, directors and executive officers of the
7630 applicant shall, at a minimum, furnish to the Nationwide Mortgage
7631 Licensing System and Registry information concerning the
7632 individual's identity, including:

7633 (a) Fingerprints from any local law enforcement agency
7634 for submission to the Federal Bureau of Investigation and any
7635 governmental entity authorized to receive that information for a
7636 state, national and/or international criminal history background
7637 check; and

7638 (b) Personal history and experience in a form
7639 prescribed by the Nationwide Mortgage Licensing System and
7640 Registry, including the submission of authorization for the



7641 Nationwide Mortgage Licensing System and Registry and the
7642 commissioner to obtain:

7643 (i) An independent credit report obtained from a
7644 consumer-reporting agency described in Section 603(p) of the Fair
7645 Credit Reporting Act; and

7646 (ii) Information related to any administrative,
7647 civil or criminal findings by any governmental jurisdiction.

7648 (5) Upon receipt of an application for licensure, the
7649 department or designated third party shall conduct an
7650 investigation as it deems necessary to determine that the
7651 applicant and its officers, directors and principals are of
7652 good * * * ethical reputation; that the applicant demonstrates
7653 reasonable financial responsibility; and that the applicant has
7654 reasonable policies and procedures to receive and process customer
7655 grievances and inquiries promptly and fairly.

7656 (6) The commissioner shall not license an applicant unless
7657 he is satisfied that the applicant will operate its mortgage
7658 activities in compliance with the laws, rules and regulations of
7659 this state and the United States.

7660 (7) If an applicant satisfies the requirements of this
7661 chapter for a mortgage broker or mortgage lender license, the
7662 commissioner shall issue the license unless the commissioner finds
7663 any of the following:

7664 (a) The applicant has had a mortgage lender, mortgage
7665 broker or mortgage servicer license revoked in any governmental



7666 jurisdiction, except that a subsequent formal vacation of the
7667 revocation shall not be deemed a revocation; or

7668 (b) The applicant or its controlling persons has been
7669 convicted of, or pled guilty or nolo contendere to, (i) a * * *
7670 disqualifying crime as provided in the Fresh Start Act; or (ii) at
7671 any time preceding the date of application if such * * * crime
7672 involved an act of fraud, dishonesty, a breach of trust, or money
7673 laundering. However, any pardon or expungement of a conviction
7674 shall not be a conviction for purposes of this subsection.

7675 (8) Applicants for a mortgage loan originator license shall
7676 apply in a form as prescribed by the commissioner and shall be
7677 filed on the Nationwide Mortgage Licensing System and Registry.
7678 Each such form shall contain content as set forth by rules,
7679 regulations, instructions or procedures of the commissioner and
7680 may be changed or updated as necessary by the commissioner in
7681 order to carry out the purposes of this chapter. The initial
7682 license of a mortgage loan originator shall be accompanied by a
7683 fee of Two Hundred Dollars (\$200.00), to be paid to the Nationwide
7684 Mortgage Licensing System and Registry, and any additional fees as
7685 required by the Nationwide Mortgage Licensing System and Registry.
7686 The commissioner shall not issue a mortgage loan originator
7687 license unless the commissioner makes at a minimum the following
7688 findings:

7689 (a) The applicant has never had a mortgage loan
7690 originator license revoked in any governmental jurisdiction,



7691 except that a later formal vacation of that revocation shall not
7692 be deemed a revocation.

7693 (b) The applicant has not been convicted of, or pled
7694 guilty or nolo contendere to, (i) a * * * disqualifying crime as
7695 provided in the Fresh Start Act; or (ii) at any time preceding the
7696 date of application if such * * * crime involved an act of fraud,
7697 dishonesty, a breach of trust or money laundering. However, any
7698 pardon or expungement of a conviction shall not be a conviction
7699 for purposes of this subsection.

7700 (c) The applicant has demonstrated financial
7701 responsibility, character and general fitness such as to command
7702 the confidence of the community and to warrant a determination
7703 that the mortgage loan originator will operate honestly, fairly
7704 and efficiently within the purposes of this chapter.

7705 (d) The applicant has completed the prelicensing
7706 education requirement described in Section 81-18-14(1).

7707 (e) The applicant has passed a written test that meets
7708 the test requirement described in Section 81-18-14(7).

7709 (f) The applicant has met the surety bond requirement
7710 as provided in Section 81-18-11.

7711 (g) This individual must work for a Mississippi
7712 licensed company and work from the location licensed with the
7713 department. The licensed location that he or she is assigned to
7714 must be within one hundred twenty-five (125) miles of his or her
7715 residency. If the licensed loan originator resides and works in



7716 Mississippi, then he or she may work from any licensed location of
7717 the licensed company within the State of Mississippi. However, an
7718 owner of a minimum of ten percent (10%) of a licensed company or
7719 the named qualifying individual on file with the department, who
7720 is a licensed loan originator with the department, may work from
7721 any licensed location of the licensed company within the State of
7722 Mississippi in the capacity of a loan originator as described in
7723 this chapter.

7724 (9) In order to fulfill the purposes of this chapter, the
7725 commissioner is authorized to establish relationships or contracts
7726 with the Nationwide Mortgage Licensing System and Registry or
7727 other entities designated by the Nationwide Mortgage Licensing
7728 System and Registry to collect and maintain records and process
7729 transaction fees or other fees related to licensees or other
7730 persons subject to this chapter.

7731 (10) In connection with an application for licensing as a
7732 mortgage loan originator, the applicant shall, at a minimum,
7733 furnish to the Nationwide Mortgage Licensing System and Registry
7734 information concerning the applicant's identity, including:

7735 (a) Fingerprints for submission to the Federal Bureau
7736 of Investigation, and any governmental agency or entity authorized
7737 to receive that information for a state, national and/or
7738 international criminal history background check; and

7739 (b) Personal history and experience in a form
7740 prescribed by the Nationwide Mortgage Licensing System and



7741 Registry, including the submission of authorization for the
7742 Nationwide Mortgage Licensing System and Registry and the
7743 commissioner to obtain:

7744 (i) An independent credit report obtained from a
7745 consumer-reporting agency described in Section 603(p) of the Fair
7746 Credit Reporting Act; and

7747 (ii) Information related to any administrative,
7748 civil or criminal findings by any governmental jurisdiction.

7749 (11) For the purposes of this section and in order to reduce
7750 the points of contact which the Federal Bureau of Investigation
7751 may have to maintain for purposes of subsection (10)(a) and
7752 (b)(ii) of this section, the commissioner may use the Nationwide
7753 Mortgage Licensing System and Registry as a channeling agent for
7754 requesting information from and distributing information to the
7755 Department of Justice or any governmental agency.

7756 (12) For the purposes of this section and in order to reduce
7757 the points of contact which the commissioner may have to maintain
7758 for purposes of subsection (10)(b)(i) and (ii) of this section,
7759 the commissioner may use the Nationwide Mortgage Licensing System
7760 and Registry as a channeling agent for requesting and distributing
7761 information to and from any source so directed by the
7762 commissioner.

7763 **SECTION 94.** Section 83-17-75, Mississippi Code of 1972, is
7764 amended as follows:



7765 83-17-75. (1) An insurance producer shall not act as an
7766 agent of an insurer unless the insurance producer becomes an
7767 appointed agent of that insurer. An insurance producer who is not
7768 acting as an agent of an insurer is not required to become
7769 appointed.

7770 (2) To appoint a producer as its agent, the appointing
7771 insurer shall file, in a format approved by the commissioner, a
7772 notice of appointment within fifteen (15) days from the date the
7773 agency contract is executed or the first insurance application is
7774 submitted. An insurer may also elect to appoint a producer to all
7775 or some insurers within the insurer's holding company system or
7776 group by the filing of a single appointment request.

7777 (3) Upon receipt of the notice of appointment, the
7778 commissioner shall verify within a reasonable time not to exceed
7779 thirty (30) days that the insurance producer is eligible for
7780 appointment. If the insurance producer is determined to be
7781 ineligible for appointment, the commissioner shall notify the
7782 insurer within five (5) days of its determination.

7783 (4) An insurer shall pay an appointment fee, in the amount
7784 and method of payment set forth in Section 83-5-73 for each
7785 insurance producer appointed by the insurer.

7786 (5) An insurer shall remit, in a manner prescribed by the
7787 commissioner, a renewal appointment fee in the amount set forth in
7788 Section 83-5-73.



7789 (6) Before the issuance of a license or certificate of
7790 authority, the commissioner shall require the company requesting
7791 appointment of the applicant as producer for the first time to
7792 furnish a certificate to the commissioner, verified by an
7793 executive officer or managing general or special agent of such
7794 company, that the company has duly investigated the * * * record
7795 of such person and has satisfied itself that such person is * * *
7796 qualified, fit and trustworthy to act as its producer. The
7797 Commissioner of Insurance may at any time require any company to
7798 obtain a credit report on a producer if the commissioner deems
7799 such request advisable. Should such credit report reflect
7800 information regarding an offense or violation in relation to which
7801 the Department of Insurance has taken action, such information
7802 shall not render the applicant ineligible for a license if
7803 applicant has complied with the order of the commissioner
7804 regarding such offense.

7805 **SECTION 95.** Section 83-39-9, Mississippi Code of 1972, is
7806 amended as follows:

7807 83-39-9. The department upon receipt of the license
7808 application, the required fee * * * and, in the case of a
7809 professional bail agent, an approved qualification bond in the
7810 required amount, shall issue to the applicant a license to do
7811 business as a professional bail agent, soliciting bail agent or
7812 bail enforcement agent as the case may be.



7813 No licensed professional bail agent shall have in his employ
7814 in the bail bond business any person who could not qualify for a
7815 license under this chapter, nor shall any licensed professional
7816 bail agent have as a partner or associate in such business any
7817 person who could not so qualify.

7818 **SECTION 96.** Section 73-34-14, Mississippi Code of 1972, is
7819 amended as follows:

7820 73-34-14. (1) (a) To qualify for a Mississippi real estate
7821 appraiser license, an applicant must have successfully been
7822 cleared for licensure through an investigation that shall consist
7823 of a determination that the applicant does not possess a
7824 background which calls into question public trust, as set forth
7825 below in subsection (2), and verification that the prospective
7826 licensee is not guilty of or in violation of any statutory ground
7827 for denial of licensure as set forth in Section 73-34-35.

7828 (b) To assist the board in conducting its licensure
7829 investigation, on and after January 1, 2015, all applicants for a
7830 real estate appraiser license as a licensed real estate appraiser
7831 (license), licensed certified residential real estate appraiser
7832 (certification), or a licensed certified general real estate
7833 appraiser (certification), and all applicants for renewal of any
7834 real estate appraiser license or certification shall undergo a
7835 fingerprint-based criminal history records check of the
7836 Mississippi central criminal database and the Federal Bureau of
7837 Investigation criminal history database. Each applicant shall



7838 submit a full set of the applicant's fingerprints in a form and
7839 manner prescribed by the board, which shall be forwarded to the
7840 Mississippi Department of Public Safety (department) and the
7841 Federal Bureau of Investigation Identification Division for this
7842 purpose.

7843 (c) Any and all state or national criminal history
7844 records information obtained by the board that is not already a
7845 matter of public record shall be deemed nonpublic and confidential
7846 information restricted to the exclusive use of the board, its
7847 members, officers, investigators, agents and attorneys in
7848 evaluating the applicant's eligibility or disqualification for
7849 licensure, and shall be exempt from the Mississippi Public Records
7850 Act of 1983. Except when introduced into evidence in a hearing
7851 before the board to determine licensure, no such information or
7852 records related thereto shall, except with the written consent of
7853 the applicant or by order of a court of competent jurisdiction, be
7854 released or otherwise disclosed by the board to any other person
7855 or agency.

7856 (d) The board shall provide to the department the
7857 fingerprints of the applicant, any additional information that may
7858 be required by the department, and a form signed by the applicant
7859 consenting to the check of the criminal records and to the use of
7860 the fingerprints and other identifying information required by the
7861 state or national repositories.



7862 (e) The board shall charge and collect from the
7863 applicant, in addition to all other applicable fees and costs,
7864 such amount as may be incurred by the board in requesting and
7865 obtaining state and national criminal history records information
7866 on the applicant.

7867 (2) (a) The board must ensure that applicants for a real
7868 estate appraiser license or certification do not possess a
7869 background that could call into question public trust. An
7870 applicant found by the board to possess a background which calls
7871 into question the applicant's ability to maintain public trust
7872 shall not be issued a real estate appraiser license or
7873 certification.

7874 (b) The board shall not issue a real estate appraiser
7875 license or certification if:

7876 (i) The applicant has had an appraiser license or
7877 certification revoked in any governmental jurisdiction within the
7878 five (5) year period immediately preceding the date of the
7879 application;

7880 (ii) The applicant has been convicted of, or pled
7881 guilty or nolo contendere to, a * * * disqualifying crime as
7882 provided in the Fresh Start Act:

7883 1. During the five-year period immediately
7884 preceding the date of the application for licensing or
7885 certification; or



7886 2. At any time preceding the date of the
7887 application, if such felony involved an act of fraud, dishonesty,
7888 or a breach of trust, or money laundering.

7889 (iii) The applicant has failed to demonstrate
7890 character and general fitness such as to command the confidence of
7891 the community and to warrant a determination that the appraiser
7892 will operate honestly, fairly and efficiently within the purpose
7893 of these criteria.

7894 (c) The board shall evaluate and consider, by rules and
7895 regulations, additional background issues, including, but not
7896 limited to, those required by the Appraiser Qualifications Board
7897 of the Appraisal Foundation in compliance with federal
7898 requirements, prior to issuing (or taking disciplinary action
7899 against) a real estate appraiser.

7900 (d) The board shall adopt rules and regulations
7901 necessary to implement, administer and enforce the provisions of
7902 this section.

7903 **SECTION 97.** Section 73-35-10, Mississippi Code of 1972, is
7904 amended as follows:

7905 73-35-10. (1) (a) To qualify for a Mississippi real estate
7906 broker's license or a Mississippi resident license as a real
7907 estate salesperson, or a nonresident's license in Mississippi, an
7908 applicant must have successfully been cleared for licensure
7909 through an investigation that shall consist of a determination
7910 that the applicant does not possess a background which calls into



7911 question public trust, as set forth below in subsection (2), and
7912 verification that the prospective licensee is not guilty of or in
7913 violation of any statutory ground for denial of licensure as set
7914 forth in Section 73-35-21.

7915 (b) To assist the commission in conducting its
7916 licensure investigation, from and after July 1, 2016, all
7917 applicants for a Mississippi real estate broker's license, or a
7918 Mississippi resident license as a real estate salesperson, or a
7919 nonresident's license in Mississippi, and all applicants for
7920 renewal of any real estate license shall undergo a
7921 fingerprint-based criminal history records check of the
7922 Mississippi central criminal database and the Federal Bureau of
7923 Investigation criminal history database. Each applicant shall
7924 submit a full set of the applicant's fingerprints in a form and
7925 manner prescribed by the commission, which shall be forwarded to
7926 the Mississippi Department of Public Safety (department) and the
7927 Federal Bureau of Investigation Identification Division for this
7928 purpose.

7929 (c) Any and all state or national criminal history
7930 records information obtained by the commission that is not already
7931 a matter of public record shall be deemed nonpublic and
7932 confidential information restricted to the exclusive use of the
7933 commission, its members, officers, investigators, agents and
7934 attorneys in evaluating the applicant's eligibility or
7935 disqualification for licensure, and shall be exempt from the



7936 Mississippi Public Records Act of 1983. Except when introduced
7937 into evidence in a hearing before the commission to determine
7938 licensure, no such information or records related thereto shall,
7939 except with the written consent of the applicant or by order of a
7940 court of competent jurisdiction, be released or otherwise
7941 disclosed by the commission to any other person or agency.

7942 (d) The commission shall provide to the department the
7943 fingerprints of the applicant, any additional information that may
7944 be required by the department, and a form signed by the applicant
7945 consenting to the check of the criminal records and to the use of
7946 the fingerprints and other identifying information required by the
7947 state or national repositories.

7948 (e) The commission shall charge and collect from the
7949 applicant, in addition to all other applicable fees and costs,
7950 such amount as may be incurred by the commission in requesting and
7951 obtaining state and national criminal history records information
7952 on the applicant.

7953 (2) (a) The commission must ensure that applicants for real
7954 estate licenses do not possess a background that could call into
7955 question public trust. An applicant found by the commission to
7956 possess a background which calls into question the applicant's
7957 ability to maintain public trust shall not be issued a real estate
7958 license.

7959 (b) The commission shall not issue a real estate
7960 license if:



7961 (i) The applicant has had a real estate license
7962 revoked in any governmental jurisdiction within the five-year
7963 period immediately preceding the date of the application;

7964 (ii) The applicant has been convicted of, or pled
7965 guilty or nolo contendere to, a * * * disqualifying crime as
7966 provided in the Fresh Start Act:

7967 1. During the five-year period immediately
7968 preceding the date of the application for licensing; or

7969 2. At any time preceding the date of the
7970 application, if such felony involved an act of fraud, dishonesty
7971 or a breach of trust, or money laundering.

7972 (c) The commission shall adopt rules and regulations
7973 necessary to implement, administer and enforce the provisions of
7974 this section.

7975 (d) The requirement of a criminal background check
7976 provided in this section shall not apply to persons who have held
7977 a broker's or salesperson's license in this state for at least
7978 twenty-five (25) years and who are older than seventy (70) years
7979 of age.

7980 **SECTION 98.** Section 73-69-7, Mississippi Code of 1972, is
7981 amended as follows:

7982 73-69-7. (1) The State Fire Marshal shall administer and
7983 enforce the provisions of this chapter and shall have the
7984 authority to promulgate and adopt such rules and regulations as
7985 may be necessary for such proper administration and enforcement.



7986 The Electronic Protection Advisory Licensing Board created in
7987 Section 73-69-21 shall advise the State Fire Marshal with respect
7988 to the rules and regulations of the provisions of this chapter.
7989 The State Fire Marshal shall have the authority to approve written
7990 training programs or acceptable equivalents for meeting the
7991 training requirements of this licensing law. The State Fire
7992 Marshal may also accept, as such an equivalent, licensure of a
7993 company or person by a jurisdiction outside this state, which has
7994 standards and requirements of practice which substantially conform
7995 to the provisions of this chapter. The State Fire Marshal shall
7996 also establish continuing education requirements.

7997 (2) Application for a Class A license. In order to engage
7998 in alarm contracting, a company shall apply for and obtain a Class
7999 A license for each operating location doing business in the state.
8000 A Class A license shall authorize a company to engage in any type
8001 of alarm contracting. An applicant for a Class A license shall
8002 submit the following to the State Fire Marshal:

8003 (a) Documentation that the company is an entity duly
8004 authorized to conduct business within this state.

8005 (b) Documentation that the company holds a general
8006 liability and errors and omissions insurance policy, or a surety
8007 bond, in an amount not less than Three Hundred Thousand Dollars
8008 (\$300,000.00).



8009 (c) Documentation that the company carries a current
8010 and valid workers' compensation insurance policy as required by
8011 state law.

8012 (d) The name of the person who will serve as the
8013 designated agent of the company.

8014 (e) For a company applying for a Class A license,
8015 evidence that the company has at least one (1) employee who holds
8016 a Class B license at each of its operating locations.

8017 (f) A statement that no officer or principal has been
8018 convicted of a * * * disqualifying crime as provided in the Fresh
8019 Start Act, has received a first-time offender pardon for a * * *
8020 disqualifying crime as provided in the Fresh Start Act, or has
8021 entered a plea of guilty or nolo contendere to a * * *
8022 disqualifying crime as provided in the Fresh Start Act.

8023 (g) The application fee authorized by this chapter.

8024 (h) Documentation that the company is located within
8025 the physical boundaries of the state.

8026 (i) Beginning on July 1, 2014, in order to assist the
8027 Office of the State Fire Marshal in determining an applicant's
8028 suitability for a license under this chapter, a Class A applicant,
8029 upon request from the State Fire Marshal, shall submit a set of
8030 fingerprints for all officers and principals with the submission
8031 of an application for license or at such time as deemed necessary
8032 by the State Fire Marshal. The Office of the State Fire Marshal
8033 shall forward the fingerprints to the Department of Public Safety



8034 for the purpose of conducting a criminal history record check. If
8035 no disqualifying record is identified at the state level, the
8036 fingerprints shall be forwarded by the Department of Public Safety
8037 to the Federal Bureau of Investigation for a national criminal
8038 history record check. Fees related to the criminal history record
8039 check shall be paid by the applicant to the State Fire Marshal and
8040 the monies from such fees shall be deposited in the special fund
8041 in the State Treasury designated as the Electronic Protection
8042 Licensing Fund.

8043 (j) The name of each company providing monitoring
8044 services.

8045 (3) If the action by the State Fire Marshal is to nonrenew
8046 or to deny an application for license, the State Fire Marshal
8047 shall notify the applicant or licensee and advise, in writing, the
8048 applicant or licensee of the reason for the denial or nonrenewal
8049 of the applicant's or licensee's license. The applicant or
8050 licensee may make written demand upon the State Fire Marshal
8051 within ten (10) days for a hearing before the State Fire Marshal
8052 to determine the reasonableness of the State Fire Marshal's
8053 action. The hearing shall be held within thirty (30) days.

8054 **SECTION 99.** Section 73-69-11, Mississippi Code of 1972, is
8055 amended as follows:

8056 73-69-11. (1) Any person employed by an alarm contracting
8057 company shall hold an individual license issued by the State Fire
8058 Marshal. Such license shall authorize its holder to engage in



8059 alarm contracting, only to the extent of the terms as further
8060 provided in this chapter.

8061 (2) Such application shall be accompanied by:

8062 (a) Two (2) suitable photographs of the applicant
8063 acceptable to the State Fire Marshal. The State Fire Marshal
8064 shall keep one (1) photograph on file and shall make the other
8065 photograph a part of any license subsequently issued to the
8066 applicant.

8067 (b) Documentation that the applicant meets educational
8068 requirements applicable to the type of license for which he is
8069 applying, as follows:

8070 (i) For a Class B license: a minimum of
8071 Electronic Security Association, Level 2 A and Level 2 B Burglar
8072 Alarm training course or the Electronic Security Association, Fire
8073 Alarm Installation Methods and Advanced Intrusion Systems training
8074 courses, or equivalent training approved by the State Fire
8075 Marshal, and documentation proving residency within a radius of
8076 one hundred fifty (150) miles of the office to which he is
8077 assigned.

8078 (ii) For a Class C license: a minimum of
8079 Electronic Security Association Level 1 Certified Alarm/Security
8080 Technician training course, or equivalent training approved by the
8081 State Fire Marshal.

8082 (iii) For a Class D license: a minimum of
8083 Electronic Security Association, Understanding Electronic Security



8084 Systems training course, or equivalent training approved by the
8085 State Fire Marshal.

8086 (iv) For a Class H license: application by a
8087 Class B or Class C license holder that they will provide direct
8088 supervision of the Class H licensee.

8089 (c) (i) A statement by the applicant that he has not
8090 been convicted of a * * * disqualifying crime as provided in the
8091 Fresh Start Act, received a first-time offender pardon for a * * *
8092 disqualifying crime as provided in the Fresh Start Act, or entered
8093 a plea of guilty or nolo contendere to a * * * disqualifying crime
8094 as provided in the Fresh Start Act. * * *

8095 (ii) A conviction or a plea of guilty or nolo
8096 contendere to a * * * disqualifying crime as provided in the Fresh
8097 Start or receipt of a first-time offender pardon shall not
8098 constitute an automatic disqualification as otherwise required
8099 pursuant to subparagraph (i) if ten (10) or more years have
8100 elapsed between the date of application and the successful
8101 completion or service of any sentence, deferred adjudication or
8102 period of probation or parole.

8103 (iii) Subparagraph (ii) shall not apply to any
8104 person convicted of a felony crime of violence or a sex offense as
8105 defined within the Mississippi Criminal Code.

8106 (d) The State Fire Marshal shall have the authority to
8107 conduct criminal history verification on a local, state or
8108 national level. Beginning on July 1, 2014, in order to assist the



8109 Office of the State Fire Marshal in determining an applicant's
8110 suitability for a license under this chapter, an applicant shall
8111 submit a set of fingerprints with the submission of an application
8112 for license. The Office of the State Fire Marshal shall forward
8113 the fingerprints to the Department of Public Safety for the
8114 purpose of conducting a criminal history record check. If no
8115 disqualifying record is identified at the state level, the
8116 fingerprints shall be forwarded by the Department of Public Safety
8117 to the Federal Bureau of Investigation for a national criminal
8118 history record check. Fees related to the criminal history record
8119 check shall be paid by the applicant to the State Fire Marshal and
8120 the monies from such fees shall be deposited in the special fund
8121 in the State Treasury designated as the Electronic Protection
8122 Licensing Fund.

8123 (e) The application fee authorized by this chapter.

8124 (3) The State Fire Marshal shall have the authority to
8125 determine if information submitted by an applicant is in a form
8126 acceptable to him. The State Fire Marshal shall verify or have
8127 another entity verify information submitted by each applicant.

8128 (4) If the State Fire Marshal finds that an applicant has
8129 met the applicable requirements of the alarm licensing law, he
8130 shall issue the appropriate type of license to the applicant upon
8131 payment of the license fee authorized by this chapter.

8132 (5) Each individual license holder shall maintain his
8133 license on his person while engaging in any type of alarm



8134 contracting as applicable. Each such license holder shall present
8135 his license for inspection upon demand by an employee of the
8136 Office of the State Fire Marshal or a law enforcement officer.

8137 (6) Each individual license holder shall notify the State
8138 Fire Marshal, on a form specified and provided by the State Fire
8139 Marshal, within ten (10) days of the following:

8140 (a) Any change in business or home address.

8141 (b) Any separation from an employer or change in
8142 employer.

8143 (c) Any conviction for a * * * disqualifying crime as
8144 provided in the Fresh Start Act.

8145 (7) No individual licensed under this chapter shall contract
8146 for his services as an independent contractor or agent without
8147 applying for and being issued a Class A license per Section
8148 73-69-9. No alarm contracting company shall contract for the
8149 independent services of a holder of an individual license under
8150 this section.

8151 (8) The State Fire Marshal may enter into reciprocal
8152 agreements with other states for mutual recognition of individual
8153 license holders, if the State Fire Marshal has established the
8154 criteria for acceptance of reciprocal agreements by rule or
8155 regulation. The issuance of a license by reciprocity to a
8156 military-trained applicant, military spouse or person who
8157 establishes residence in this state shall be subject to the
8158 provisions of Section 73-50-1 or 73-50-2, as applicable.



8159 (9) If the action by the State Fire Marshal is to nonrenew
8160 or to deny an application for license, the State Fire Marshal
8161 shall notify the applicant or licensee and advise, in writing, the
8162 applicant or licensee of the reason for the denial or nonrenewal
8163 of the applicant's or licensee's license. The applicant or
8164 licensee may make written demand upon the State Fire Marshal
8165 within ten (10) days for a hearing before the State Fire Marshal
8166 to determine the reasonableness of the State Fire Marshal's
8167 action. The hearing shall be held within thirty (30) days.

8168 **SECTION 100.** Section 75-15-11, Mississippi Code of 1972, is
8169 amended as follows:

8170 75-15-11. Each application for a license shall be
8171 accompanied by:

8172 (a) Certified financial statements, reasonably
8173 satisfactory to the commissioner, showing that the applicant has a
8174 net worth of at least Twenty-five Thousand Dollars (\$25,000.00)
8175 plus Fifteen Thousand Dollars (\$15,000.00) for each location in
8176 excess of one (1) at which the applicant proposes to conduct money
8177 transmissions in this state, computed according to generally
8178 accepted accounting principles, but in no event shall the net
8179 worth be required to be in excess of Two Hundred Fifty Thousand
8180 Dollars (\$250,000.00).

8181 (b) A surety bond issued by a bonding company or
8182 insurance company authorized to do business in this state, in the
8183 principal sum of Twenty-five Thousand Dollars (\$25,000.00) or in



8184 an amount equal to outstanding money transmissions in Mississippi,
8185 whichever is greater, but in no event shall the bond be required
8186 to be in excess of Five Hundred Thousand Dollars (\$500,000.00).
8187 However, the commissioner may increase the required amount of the
8188 bond upon the basis of the impaired financial condition of a
8189 licensee as evidenced by a reduction in net worth, financial
8190 losses or other relevant criteria. The bond shall be in form
8191 satisfactory to the commissioner and shall run to the state for
8192 the use and benefit of the Department of Banking and Consumer
8193 Finance and any claimants against the applicant or his agents to
8194 secure the faithful performance of the obligations of the
8195 applicant and his agents with respect to the receipt, handling,
8196 transmission and payment of money in connection with money
8197 transmissions in Mississippi. The aggregate liability of the
8198 surety in no event shall exceed the principal sum of the bond.
8199 The surety on the bond shall have the right to cancel the bond
8200 upon giving sixty (60) days' notice in writing to the commissioner
8201 and thereafter shall be relieved of liability for any breach of
8202 condition occurring after the effective date of the cancellation.
8203 Any claimants against the applicant or his agents may themselves
8204 bring suit directly on the bond, or the Attorney General may bring
8205 suit thereon in behalf of those claimants, either in one (1)
8206 action or successive actions.

8207 (c) In lieu of the corporate surety bond, the applicant
8208 may deposit with the State Treasurer bonds or other obligations of



8209 the United States or guaranteed by the United States or bonds or
8210 other obligations of this state or of any municipal corporation,
8211 county, or other political subdivision or agency of this state, or
8212 certificates of deposit of national or state banks doing business
8213 in Mississippi, having an aggregate market value at least equal to
8214 that of the corporate surety bond otherwise required. Those bonds
8215 or obligations or certificates of deposit shall be deposited with
8216 the State Treasurer to secure the same obligations as would a
8217 corporate surety bond, but the depositor shall be entitled to
8218 receive all interest and dividends thereon and shall have the
8219 right to substitute other bonds or obligations or certificates of
8220 deposit for those deposited, with the approval of the
8221 commissioner, and shall be required so to do on order of the
8222 commissioner made for good cause shown. The State Treasurer shall
8223 provide for custody of the bonds or obligations or certificates of
8224 deposits by a qualified trust company or bank located in the State
8225 of Mississippi or by any Federal Reserve Bank. The compensation,
8226 if any, of the custodian for acting as such under this section
8227 shall be paid by the depositing licensee.

8228 (d) Proof of registration as a money service business
8229 per 31 CFR Section 103.41, if applicable.

8230 (e) A set of fingerprints from any local law
8231 enforcement agency for each owner of a sole proprietorship,
8232 partners in a partnership or principal owners of a limited
8233 liability company that own at least ten percent (10%) of the



8234 voting shares of the company, shareholders owning ten percent
8235 (10%) or more of the outstanding shares of the corporation, except
8236 publically traded corporations and their subsidiaries, and any
8237 other executive officer with significant oversight duties of the
8238 business. In order to determine the applicant's suitability for
8239 license, the commissioner shall forward the fingerprints to the
8240 Department of Public Safety for a state criminal history records
8241 check, and the fingerprints shall be forwarded by the Department
8242 of Public Safety to the FBI for a national criminal history
8243 records check. The department shall not issue a license if it
8244 finds that the applicant, or any person who is an owner, partner,
8245 director or executive officer of the applicant, has been convicted
8246 of: (i) a * * * disqualifying crime as provided in the Fresh
8247 Start Act; or (ii) a crime that, if committed within the state,
8248 would constitute a * * * disqualifying crime as provided in the
8249 Fresh Start Act; or (iii) a misdemeanor of fraud, theft, forgery,
8250 bribery, embezzlement or making a fraudulent or false statement in
8251 any jurisdiction. For the purposes of this chapter, a person
8252 shall be deemed to have been convicted of a crime if the person
8253 has pleaded guilty to a crime before a court or federal
8254 magistrate, or plea of nolo contendere, or has been found guilty
8255 of a crime by the decision or judgment of a court or federal
8256 magistrate or by the verdict of a jury, irrespective of the
8257 pronouncement of sentence or the suspension of a sentence, unless
8258 the person convicted of the crime has received a pardon from the



8259 President of the United States or the Governor or other pardoning
8260 authority in the jurisdiction where the conviction was obtained.

8261 **SECTION 101.** Section 75-67-323, Mississippi Code of 1972, is
8262 amended as follows:

8263 75-67-323. (1) To be eligible for a pawnbroker license, an
8264 applicant shall:

8265 (a) Operate lawfully and fairly within the purposes of
8266 this article;

8267 (b) Not have been convicted of a * * * disqualifying
8268 crime as provided in the Fresh Start Act or be active as a
8269 beneficial owner for someone who has been convicted of a * * *
8270 disqualifying crime as provided in the Fresh Start Act;

8271 (c) File with the commissioner a bond with good
8272 security in the penal sum of Ten Thousand Dollars (\$10,000.00),
8273 payable to the State of Mississippi for the faithful performance
8274 by the licensee of the duties and obligations pertaining to the
8275 business so licensed and the prompt payment of any judgment which
8276 may be recovered against such licensee on account of damages or
8277 other claim arising directly or collaterally from any violation of
8278 the provisions of this article; such bond shall not be valid until
8279 it is approved by the commissioner; such applicant may file, in
8280 lieu thereof, cash, a certificate of deposit, or government bonds
8281 in the amount of Ten Thousand Dollars (\$10,000.00); such deposit
8282 shall be filed with the commissioner and is subject to the same
8283 terms and conditions as are provided for in the surety bond



8284 required herein; any interest or earnings on such deposits are
8285 payable to the depositor;

8286 (d) File with the commissioner an application
8287 accompanied by the initial license fee required in this article;

8288 (e) Submit a set of fingerprints from any local law
8289 enforcement agency. In order to determine the applicant's
8290 suitability for license, the commissioner shall forward the
8291 fingerprints to the Department of Public Safety; and if no
8292 disqualifying record is identified at the state level, the
8293 fingerprints shall be forwarded by the Department of Public Safety
8294 to the FBI for a national criminal history record check.

8295 (2) Every licensee shall post his license in a conspicuous
8296 place at each place of business.

8297 (3) Every licensee shall post and display a sign which
8298 measures at least twenty (20) inches by twenty (20) inches in a
8299 conspicuous place and in easy view of all persons who enter the
8300 place of business. The sign shall display bold, blocked letters,
8301 easily readable, with the following information: "This pawnshop
8302 is licensed and regulated by the Mississippi Department of Banking
8303 and Consumer Finance. If you encounter any unresolved problem
8304 with a transaction at this location, you are entitled to
8305 assistance. Please call or write: Mississippi Department of
8306 Banking and Consumer Finance, Post Office Drawer 23729, Jackson,
8307 MS 39225-3729; Phone 1-800-844-2499."



8308 (4) From and after December 1, 2010, each application for an
8309 initial license shall include evidence of the satisfactory
8310 completion of at least six (6) hours of approved prelicensing
8311 education, and each application for renewal shall include evidence
8312 of the satisfactory completion of at least six (6) hours of
8313 approved continuing education, by the owners or designated
8314 representative in pawnbroker transactions. Two (2) of the six (6)
8315 hours shall consist of instruction on the Mississippi Pawnshop Act
8316 and shall be approved by the department once the course is
8317 approved by the Mississippi Pawnbrokers Association or the
8318 National Pawnbrokers Association.

8319 **SECTION 102.** Section 75-67-421, Mississippi Code of 1972, is
8320 amended as follows:

8321 75-67-421. (1) To be eligible for a title pledge lender
8322 license, an applicant shall:

8323 (a) Operate lawfully and fairly within the purposes of
8324 this article;

8325 (b) Not have been convicted of a * * * disqualifying
8326 crime as provided in the Fresh Start Act or be active as a
8327 beneficial owner for someone who has been convicted of a * * *
8328 disqualifying crime as provided in the Fresh Start Act;

8329 (c) File with the commissioner a bond with good
8330 security in the penal sum of Fifty Thousand Dollars (\$50,000.00)
8331 for each location at which the applicant proposes to engage in the
8332 business of title pledge lending, but in no event shall the



8333 aggregate amount of the bond for all locations per applicant
8334 exceed Two Hundred Fifty Thousand Dollars (\$250,000.00) and no
8335 more than Fifty Thousand Dollars (\$50,000.00) shall be payable or
8336 recoverable on the bond for each location; the bond shall be
8337 payable to the State of Mississippi for the faithful performance
8338 by the licensee of the duties and obligations pertaining to the
8339 business so licensed and the prompt payment of any judgment which
8340 may be recovered against the licensee on account of damages or
8341 other claim arising directly or collaterally from any violation of
8342 the provisions of this article; the bond shall not be valid until
8343 it is approved by the commissioner; the applicant may file, in
8344 lieu thereof, cash, a certificate of deposit or government bonds
8345 in the amount of Twenty-five Thousand Dollars (\$25,000.00) for
8346 each location at which the applicant proposes to engage in the
8347 business of title pledge lending, but in no event shall the
8348 aggregate amount of the cash, certificate of deposit or government
8349 bonds for all locations per applicant exceed Two Hundred Fifty
8350 Thousand Dollars (\$250,000.00) and no more than Twenty-five
8351 Thousand Dollars (\$25,000.00) shall be payable or recoverable on
8352 the cash, certificate of deposit or government bonds for each
8353 location; the deposit of the cash, certificate of deposit or
8354 government bonds shall be filed with the commissioner and is
8355 subject to the same terms and conditions as are provided for in
8356 the surety bond required herein; any interest or earnings on such
8357 deposits are payable to the depositor * * *;



8358 (d) File with the commissioner an application
8359 accompanied by a set of fingerprints from any local law
8360 enforcement agency, and the initial license fee required in this
8361 article. In order to determine the applicant's suitability for
8362 license, the commissioner shall forward the fingerprints to the
8363 Department of Public Safety; and if no disqualifying record is
8364 identified at the state level, the fingerprints shall be forwarded
8365 by the Department of Public Safety to the FBI for a national
8366 criminal history record check.

8367 (2) Upon the filing of an application in a form prescribed
8368 by the commissioner, accompanied by the fee and documents required
8369 in this article, the department shall investigate to ascertain
8370 whether the qualifications prescribed by this article have been
8371 satisfied. If the commissioner finds that the qualifications have
8372 been satisfied and, if he approves the documents so filed by the
8373 applicant, he shall issue to the applicant a license to engage in
8374 the business of title pledge lending in this state.

8375 (3) Complete and file with the commissioner an annual
8376 renewal application accompanied by the renewal fee required in
8377 this article.

8378 (4) The license shall be kept conspicuously posted in the
8379 place of business of the licensee.

8380 **SECTION 103.** Section 75-67-509, Mississippi Code of 1972, is
8381 amended as follows:



8382 75-67-509. To be eligible for a check casher license, an
8383 applicant shall:

8384 (a) Operate lawfully and fairly within the purposes of
8385 this article.

8386 (b) Not have been convicted of a * * * disqualifying
8387 crime as provided in the Fresh Start Act or be active as a
8388 beneficial owner for someone who has been convicted of a * * *
8389 disqualifying crime as provided in the Fresh Start Act.

8390 (c) File with the commissioner a bond with good
8391 security in the penal sum of Ten Thousand Dollars (\$10,000.00),
8392 payable to the State of Mississippi for the faithful performance
8393 by the licensee of the duties and obligations pertaining to the
8394 business so licensed and the prompt payment of any judgment which
8395 may be recovered against the licensee on account of charges or
8396 other claims arising directly or collectively from any violation
8397 of the provisions of this article. The bond shall not be valid
8398 until it is approved by the commissioner. The applicant may file,
8399 in lieu of the bond, cash, a certificate of deposit or government
8400 bonds in the amount of Ten Thousand Dollars (\$10,000.00). Those
8401 deposits shall be filed with the commissioner and are subject to
8402 the same terms and conditions as are provided for in the surety
8403 bond required in this paragraph. Any interest or earnings on
8404 those deposits are payable to the depositor.

8405 (d) File with the commissioner an application for a
8406 license and the initial license fee required in this article. If



8407 applicant's application is approved, a check casher license will
8408 be issued within thirty (30) days.

8409 (e) Submit a set of fingerprints from any local law
8410 enforcement agency. In order to determine the applicant's
8411 suitability for license, the commissioner shall forward the
8412 fingerprints to the Department of Public Safety; and if no
8413 disqualifying record is identified at the state level, the
8414 fingerprints shall be forwarded by the Department of Public Safety
8415 to the FBI for a national criminal history record check.

8416 (f) Complete and file with the commissioner an annual
8417 renewal application for a license accompanied by the renewal fee
8418 required in this article.

8419 **SECTION 104.** Section 75-67-609, Mississippi Code of 1972, is
8420 amended as follows:

8421 75-67-609. To be eligible for a credit availability license,
8422 an applicant shall:

8423 (a) Operate lawfully and fairly within the purposes of
8424 this article.

8425 (b) Not have been convicted in the last ten (10) years
8426 or be active as a beneficial owner for someone who has been
8427 convicted in the last ten (10) years of a disqualifying
8428 crime * * * as provided in the Fresh Start Act.

8429 (c) File with the commissioner a bond with good
8430 security in the penal sum of Ten Thousand Dollars (\$10,000.00),
8431 payable to the State of Mississippi, for the faithful performance



8432 by the licensee of the duties and obligations pertaining to the
8433 business so licensed and the prompt payment of any judgment which
8434 may be recovered against the licensee on account of charges or
8435 other claims arising directly or collectively from any violation
8436 of the provisions of this article. The bond shall not be valid
8437 until the commissioner approves it. The applicant may file, in
8438 lieu of the bond, cash, a certificate of deposit or government
8439 bonds in the amount of Ten Thousand Dollars (\$10,000.00). Those
8440 deposits shall be filed with the commissioner and are subject to
8441 the same terms and conditions as are provided for in the surety
8442 bond required in this paragraph. Any interest or earnings on
8443 those deposits are payable to the depositor. Applicants applying
8444 for multiple licenses may submit a single bond for all licenses,
8445 provided that the total value of the bond is equal to Ten Thousand
8446 Dollars (\$10,000.00) per license applied for.

8447 (d) File with the commissioner an application for a
8448 license and the initial license fee required in this article. If
8449 applicant's application is approved, a credit availability license
8450 will be issued within thirty (30) days.

8451 (e) File with the commissioner a set of fingerprints
8452 from any local law enforcement agency for each owner of a sole
8453 proprietorship, partners in a partnership or principal owners of a
8454 limited liability company that own at least ten percent (10%) of
8455 the voting shares of the company, shareholders owning ten percent
8456 (10%) or more of the outstanding shares of the corporation, except



8457 publically traded corporations and their subsidiaries, and any
8458 other executive officer with significant oversight duties of the
8459 business. In order to determine the applicant's suitability for
8460 license, the commissioner shall forward the fingerprints to the
8461 Department of Public Safety; and if no disqualifying record is
8462 identified at the state level, the Department of Public Safety
8463 shall forward the fingerprints to the FBI for a national criminal
8464 history record check.

8465 (f) Complete and file with the commissioner an annual
8466 renewal application for a license accompanied by the renewal fee
8467 required in this article.

8468 **SECTION 105.** Section 27-115-55, Mississippi Code of 1972, is
8469 amended as follows:

8470 27-115-55. (1) The Legislature hereby recognizes that to
8471 conduct a successful lottery, the corporation must develop and
8472 maintain a statewide network of lottery retailers that will serve
8473 the public convenience and promote the sale of tickets, while
8474 ensuring the integrity of the lottery operations, games and
8475 activities.

8476 (2) To govern the selection of lottery retailers, the board
8477 shall, by administrative rules and regulations, develop a list of
8478 objective criteria upon which the selection of lottery retailers
8479 shall be based. In developing these criteria, the board shall
8480 consider such factors as the applicant's financial responsibility,
8481 location and security of the applicant's place of business or



8482 activity, integrity, and reputation; however, the board shall not
8483 consider political affiliation, activities or monetary
8484 contributions to political organizations or candidates for any
8485 public office. The criteria shall include, but not be limited to,
8486 the following:

8487 (a) The applicant shall be current in payment of all
8488 taxes, interest and penalties owed to any taxing political
8489 subdivision where the lottery retailer will sell lottery tickets.

8490 (b) The applicant shall be current in filing all
8491 applicable tax returns and in payment of all taxes, interest and
8492 penalties owed to the State of Mississippi, excluding items under
8493 formal appeal pursuant to applicable statutes, before a license is
8494 issued and before each renewal.

8495 (c) No person shall be selected as a lottery retailer
8496 for the sale of lottery tickets who:

8497 (i) Has been convicted of a criminal offense
8498 related to the security or integrity of the lottery in this or any
8499 other jurisdiction.

8500 (ii) Has been convicted of any illegal gambling
8501 activity, false statements, false swearing or perjury in this or
8502 any other jurisdiction, or convicted of a * * * disqualifying
8503 crime as provided in the Fresh Start Act.

8504 (iii) Has been found to have violated the
8505 provisions of this chapter or any administrative rules and
8506 regulations adopted under this chapter, unless either ten (10)



8507 years have passed since the violation, or the president and the
8508 board find the violation both minor and unintentional in nature.

8509 (iv) Is a vendor or an employee or agent of any
8510 vendor doing business with the corporation.

8511 (v) Resides in the same household as an officer or
8512 board member of the corporation.

8513 (vi) Has made a statement of material fact to the
8514 corporation, knowing such statement to be false.

8515 **SECTION 106.** Section 37-13-89, Mississippi Code of 1972, is
8516 amended as follows:

8517 37-13-89. (1) In each school district within the state,
8518 there shall be employed the number of school attendance officers
8519 determined by the Office of Compulsory School Attendance
8520 Enforcement to be necessary to adequately enforce the provisions
8521 of the Mississippi Compulsory School Attendance Law; however, this
8522 number shall not exceed one hundred fifty-three (153) school
8523 attendance officers at any time. From and after July 1, 1998, all
8524 school attendance officers employed pursuant to this section shall
8525 be employees of the State Department of Education. The State
8526 Department of Education shall employ all persons employed as
8527 school attendance officers by district attorneys before July 1,
8528 1998, and shall assign them to school attendance responsibilities
8529 in the school district in which they were employed before July 1,
8530 1998. The first twelve (12) months of employment for each school



8531 attendance officer shall be the probationary period of state
8532 service.

8533 (2) (a) The State Department of Education shall obtain
8534 current criminal records background checks and current child abuse
8535 registry checks on all persons applying for the position of school
8536 attendance officer after July 2, 2002. The criminal records
8537 information and registry checks must be kept on file for any new
8538 hires. In order to determine an applicant's suitability for
8539 employment as a school attendance officer, the applicant must be
8540 fingerprinted. If no disqualifying record is identified at the
8541 state level, the Department of Public Safety shall forward the
8542 fingerprints to the Federal Bureau of Investigation (FBI) for a
8543 national criminal history record check. The applicant shall pay
8544 the fee, not to exceed Fifty Dollars (\$50.00), for the
8545 fingerprinting and criminal records background check; however, the
8546 State Department of Education, in its discretion, may pay the fee
8547 for the fingerprinting and criminal records background check on
8548 behalf of any applicant. Under no circumstances may a member of
8549 the State Board of Education, employee of the State Department of
8550 Education or any person other than the subject of the criminal
8551 records background check disseminate information received through
8552 any such checks except insofar as required to fulfill the purposes
8553 of this subsection.

8554 (b) If the fingerprinting or criminal records check
8555 discloses a * * * disqualifying crime as provided in the Fresh



8556 Start Act, the applicant is not eligible to be employed as a
8557 school attendance officer. Any employment of an applicant pending
8558 the results of the fingerprinting and criminal records check is
8559 voidable if the new hire receives a disqualifying criminal records
8560 check. However, the State Board of Education, in its discretion,
8561 may allow an applicant aggrieved by an employment decision under
8562 this subsection to appear before the board, or before a hearing
8563 officer designated for that purpose, to show mitigating
8564 circumstances that may exist and allow the new hire to be employed
8565 as a school attendance officer. The State Board of Education may
8566 grant waivers for mitigating circumstances, which may include, but
8567 are not necessarily limited to: (i) age at which the crime was
8568 committed; (ii) circumstances surrounding the crime; (iii) length
8569 of time since the conviction and criminal history since the
8570 conviction; (iv) work history; (v) current employment and
8571 character references; and (vi) other evidence demonstrating the
8572 ability of the person to perform the responsibilities of a school
8573 attendance officer competently and that the person does not pose a
8574 threat to the health or safety of children.

8575 (c) A member of the State Board of Education or
8576 employee of the State Department of Education may not be held
8577 liable in any employment discrimination suit in which an
8578 allegation of discrimination is made regarding an employment
8579 decision authorized under this section.



8580 (3) Each school attendance officer shall possess a college
8581 degree with a major in a behavioral science or a related field or
8582 shall have no less than three (3) years combined actual experience
8583 as a school teacher, school administrator, law enforcement officer
8584 possessing such degree, and/or social worker; however, these
8585 requirements shall not apply to persons employed as school
8586 attendance officers before January 1, 1987. School attendance
8587 officers also shall satisfy any additional requirements that may
8588 be established by the State Personnel Board for the position of
8589 school attendance officer.

8590 (4) It shall be the duty of each school attendance officer
8591 to:

8592 (a) Cooperate with any public agency to locate and
8593 identify all compulsory-school-age children who are not attending
8594 school;

8595 (b) Cooperate with all courts of competent
8596 jurisdiction;

8597 (c) Investigate all cases of nonattendance and unlawful
8598 absences by compulsory-school-age children not enrolled in a
8599 nonpublic school;

8600 (d) Provide appropriate counseling to encourage all
8601 school-age children to attend school until they have completed
8602 high school;



8603 (e) Attempt to secure the provision of social or
8604 welfare services that may be required to enable any child to
8605 attend school;

8606 (f) Contact the home or place of residence of a
8607 compulsory-school-age child and any other place in which the
8608 officer is likely to find any compulsory-school-age child when the
8609 child is absent from school during school hours without a valid
8610 written excuse from school officials, and when the child is found,
8611 the officer shall notify the parents and school officials as to
8612 where the child was physically located;

8613 (g) Contact promptly the home of each
8614 compulsory-school-age child in the school district within the
8615 officer's jurisdiction who is not enrolled in school or is not in
8616 attendance at public school and is without a valid written excuse
8617 from school officials; if no valid reason is found for the
8618 nonenrollment or absence from the school, the school attendance
8619 officer shall give written notice to the parent, guardian or
8620 custodian of the requirement for the child's enrollment or
8621 attendance;

8622 (h) Collect and maintain information concerning
8623 absenteeism, dropouts and other attendance-related problems, as
8624 may be required by law or the Office of Compulsory School
8625 Attendance Enforcement; and



8626 (i) Perform all other duties relating to compulsory
8627 school attendance established by the State Department of Education
8628 or district school attendance supervisor, or both.

8629 (5) While engaged in the performance of his duties, each
8630 school attendance officer shall carry on his person a badge
8631 identifying him as a school attendance officer under the Office of
8632 Compulsory School Attendance Enforcement of the State Department
8633 of Education and an identification card designed by the State
8634 Superintendent of Public Education and issued by the school
8635 attendance officer supervisor. Neither the badge nor the
8636 identification card shall bear the name of any elected public
8637 official.

8638 (6) The State Personnel Board shall develop a salary scale
8639 for school attendance officers as part of the variable
8640 compensation plan. The various pay ranges of the salary scale
8641 shall be based upon factors including, but not limited to,
8642 education, professional certification and licensure, and number of
8643 years of experience. School attendance officers shall be paid in
8644 accordance with this salary scale. The minimum salaries under the
8645 scale shall be no less than the following:

8646 (a) For school attendance officers holding a bachelor's
8647 degree or any other attendance officer who does not hold such a
8648 degree, the annual salary shall be based on years of experience as
8649 a school attendance officer or related field of service or
8650 employment, no less than as follows:



8651	Years of Experience	Salary
8652	0 - 4 years	\$24,528.29
8653	5 - 8 years	26,485.29
8654	9 - 12 years	28,050.89
8655	13 - 16 years	29,616.49
8656	Over 17 years	31,182.09

8657 (b) For school attendance officers holding a license as
8658 a social worker, the annual salary shall be based on years of
8659 experience as a school attendance officer or related field of
8660 service or employment, no less than as follows:

8661	Years of Experience	Salary
8662	0 - 4 years	\$25,558.29
8663	5 - 8 years	27,927.29
8664	9 - 12 years	29,822.49
8665	13 - 16 years	31,717.69
8666	17 - 20 years	33,612.89
8667	Over 21 years	35,415.39

8668 (c) For school attendance officers holding a master's
8669 degree in a behavioral science or a related field, the annual
8670 salary shall be based on years of experience as a school
8671 attendance officer or related field of service or employment, no
8672 less than as follows:

8673	Years of Experience	Salary
8674	0 - 4 years	\$26,382.29
8675	5 - 8 years	29,008.79



8676	9 - 12 years	31,109.99
8677	13 - 16 years	33,211.19
8678	17 - 20 years	35,312.39
8679	Over 21 years	37,413.59

8680 (7) (a) Each school attendance officer employed by a
8681 district attorney on June 30, 1998, who became an employee of the
8682 State Department of Education on July 1, 1998, shall be awarded
8683 credit for personal leave and major medical leave for his
8684 continuous service as a school attendance officer under the
8685 district attorney, and if applicable, the youth or family court or
8686 a state agency. The credit for personal leave shall be in an
8687 amount equal to one-third (1/3) of the maximum personal leave the
8688 school attendance officer could have accumulated had he been
8689 credited with such leave under Section 25-3-93 during his
8690 employment with the district attorney, and if applicable, the
8691 youth or family court or a state agency. The credit for major
8692 medical leave shall be in an amount equal to one-half (1/2) of the
8693 maximum major medical leave the school attendance officer could
8694 have accumulated had he been credited with such leave under
8695 Section 25-3-95 during his employment with the district attorney,
8696 and if applicable, the youth or family court or a state agency.
8697 However, if a district attorney who employed a school attendance
8698 officer on June 30, 1998, certifies, in writing, to the State
8699 Department of Education that the school attendance officer had
8700 accumulated, pursuant to a personal leave policy or major medical



8701 leave policy lawfully adopted by the district attorney, a number
8702 of days of unused personal leave or major medical leave, or both,
8703 which is greater than the number of days to which the school
8704 attendance officer is entitled under this paragraph, the State
8705 Department of Education shall authorize the school attendance
8706 officer to retain the actual unused personal leave or major
8707 medical leave, or both, certified by the district attorney,
8708 subject to the maximum amount of personal leave and major medical
8709 leave the school attendance officer could have accumulated had he
8710 been credited with such leave under Sections 25-3-93 and 25-3-95.

8711 (b) For the purpose of determining the accrual rate for
8712 personal leave under Section 25-3-93 and major medical leave under
8713 Section 25-3-95, the State Department of Education shall give
8714 consideration to all continuous service rendered by a school
8715 attendance officer before July 1, 1998, in addition to the service
8716 rendered by the school attendance officer as an employee of the
8717 department.

8718 (c) In order for a school attendance officer to be
8719 awarded credit for personal leave and major medical leave or to
8720 retain the actual unused personal leave and major medical leave
8721 accumulated by him before July 1, 1998, the district attorney who
8722 employed the school attendance officer must certify, in writing,
8723 to the State Department of Education the hire date of the school
8724 attendance officer. For each school attendance officer employed
8725 by the youth or family court or a state agency before being



8726 designated an employee of the district attorney who has not had a
8727 break in continuous service, the hire date shall be the date that
8728 the school attendance officer was hired by the youth or family
8729 court or state agency. The department shall prescribe the date by
8730 which the certification must be received by the department and
8731 shall provide written notice to all district attorneys of the
8732 certification requirement and the date by which the certification
8733 must be received.

8734 (8) (a) School attendance officers shall maintain regular
8735 office hours on a year-round basis; however, during the school
8736 term, on those days that teachers in all of the school districts
8737 served by a school attendance officer are not required to report
8738 to work, the school attendance officer also shall not be required
8739 to report to work. (For purposes of this subsection, a school
8740 district's school term is that period of time identified as the
8741 school term in contracts entered into by the district with
8742 licensed personnel.) A school attendance officer shall be
8743 required to report to work on any day recognized as an official
8744 state holiday if teachers in any school district served by that
8745 school attendance officer are required to report to work on that
8746 day, regardless of the school attendance officer's status as an
8747 employee of the State Department of Education, and compensatory
8748 leave may not be awarded to the school attendance officer for
8749 working during that day. However, a school attendance officer may



8750 be allowed by the school attendance officer's supervisor to use
8751 earned leave on such days.

8752 (b) The State Department of Education annually shall
8753 designate a period of six (6) consecutive weeks in the summer
8754 between school years during which school attendance officers shall
8755 not be required to report to work. A school attendance officer
8756 who elects to work at any time during that period may not be
8757 awarded compensatory leave for such work and may not opt to be
8758 absent from work at any time other than during the six (6) weeks
8759 designated by the department unless the school attendance officer
8760 uses personal leave or major medical leave accrued under Section
8761 25-3-93 or 25-3-95 for such absence.

8762 (9) The State Department of Education shall provide all
8763 continuing education and training courses that school attendance
8764 officers are required to complete under state law or rules and
8765 regulations of the department.

8766 **SECTION 107.** Section 37-9-17, Mississippi Code of 1972, is
8767 amended as follows:

8768 37-9-17. (1) On or before April 1 of each year, the
8769 principal of each school shall recommend to the superintendent of
8770 the local school district the licensed employees or
8771 noninstructional employees to be employed for the school involved
8772 except those licensed employees or noninstructional employees who
8773 have been previously employed and who have a contract valid for
8774 the ensuing scholastic year. If such recommendations meet with



8775 the approval of the superintendent, the superintendent shall
8776 recommend the employment of such licensed employees or
8777 noninstructional employees to the local school board, and, unless
8778 good reason to the contrary exists, the board shall elect the
8779 employees so recommended. If, for any reason, the local school
8780 board shall decline to elect any employee so recommended,
8781 additional recommendations for the places to be filled shall be
8782 made by the principal to the superintendent and then by the
8783 superintendent to the local school board as provided above. The
8784 school board of any local school district shall be authorized to
8785 designate a personnel supervisor or another principal employed by
8786 the school district to recommend to the superintendent licensed
8787 employees or noninstructional employees; however, this
8788 authorization shall be restricted to no more than two (2)
8789 positions for each employment period for each school in the local
8790 school district. Any noninstructional employee employed upon the
8791 recommendation of a personnel supervisor or another principal
8792 employed by the local school district must have been employed by
8793 the local school district at the time the superintendent was
8794 elected or appointed to office; a noninstructional employee
8795 employed under this authorization may not be paid compensation in
8796 excess of the statewide average compensation for such
8797 noninstructional position with comparable experience, as
8798 established by the State Department of Education. The school
8799 board of any local school district shall be authorized to



8800 designate a personnel supervisor or another principal employed by
8801 the school district to accept the recommendations of principals or
8802 their designees for licensed employees or noninstructional
8803 employees and to transmit approved recommendations to the local
8804 school board; however, this authorization shall be restricted to
8805 no more than two (2) positions for each employment period for each
8806 school in the local school district.

8807 When the licensed employees have been elected as provided in
8808 the preceding paragraph, the superintendent of the district shall
8809 enter into a contract with such persons in the manner provided in
8810 this chapter.

8811 If, at the commencement of the scholastic year, any licensed
8812 employee shall present to the superintendent a license of a higher
8813 grade than that specified in such individual's contract, such
8814 individual may, if funds are available from adequate education
8815 program funds of the district, or from district funds, be paid
8816 from such funds the amount to which such higher grade license
8817 would have entitled the individual, had the license been held at
8818 the time the contract was executed.

8819 (2) Superintendents/directors of schools under the purview
8820 of the State Board of Education, the superintendent of the local
8821 school district and any private firm under contract with the local
8822 public school district to provide substitute teachers to teach
8823 during the absence of a regularly employed schoolteacher shall
8824 require, through the appropriate governmental authority, that



8825 current criminal records background checks and current child abuse
8826 registry checks are obtained, and that such criminal record
8827 information and registry checks are on file for any new hires
8828 applying for employment as a licensed or nonlicensed employee at a
8829 school and not previously employed in such school under the
8830 purview of the State Board of Education or at such local school
8831 district prior to July 1, 2000. In order to determine the
8832 applicant's suitability for employment, the applicant shall be
8833 fingerprinted. If no disqualifying record is identified at the
8834 state level, the fingerprints shall be forwarded by the Department
8835 of Public Safety to the Federal Bureau of Investigation for a
8836 national criminal history record check. The fee for such
8837 fingerprinting and criminal history record check shall be paid by
8838 the applicant, not to exceed Fifty Dollars (\$50.00); however, the
8839 State Board of Education, the school board of the local school
8840 district or a private firm under contract with a local school
8841 district to provide substitute teachers to teach during the
8842 temporary absence of the regularly employed schoolteacher, in its
8843 discretion, may elect to pay the fee for the fingerprinting and
8844 criminal history record check on behalf of any applicant. Under
8845 no circumstances shall a member of the State Board of Education,
8846 superintendent/director of schools under the purview of the State
8847 Board of Education, local school district superintendent, local
8848 school board member or any individual other than the subject of
8849 the criminal history record checks disseminate information



8850 received through any such checks except insofar as required to
8851 fulfill the purposes of this section. Any nonpublic school which
8852 is accredited or approved by the State Board of Education may
8853 avail itself of the procedures provided for herein and shall be
8854 responsible for the same fee charged in the case of local public
8855 schools of this state. The determination whether the applicant
8856 has a disqualifying crime, as set forth in subsection (3) of this
8857 section, shall be made by the appropriate governmental authority,
8858 and the appropriate governmental authority shall notify the
8859 private firm whether a disqualifying crime exists.

8860 (3) If such fingerprinting or criminal record checks
8861 disclose a * * * disqualifying crime as provided in the Fresh
8862 Start Act, the new hire shall not be eligible to be employed at
8863 such school. Any employment contract for a new hire executed by
8864 the superintendent of the local school district or any employment
8865 of a new hire by a superintendent/director of a new school under
8866 the purview of the State Board of Education or by a private firm
8867 shall be voidable if the new hire receives a disqualifying
8868 criminal record check. However, the State Board of Education or
8869 the school board may, in its discretion, allow any applicant
8870 aggrieved by the employment decision under this section to appear
8871 before the respective board, or before a hearing officer
8872 designated for such purpose, to show mitigating circumstances
8873 which may exist and allow the new hire to be employed at the
8874 school. The State Board of Education or local school board may



8875 grant waivers for such mitigating circumstances, which shall
8876 include, but not be limited to: (a) age at which the crime was
8877 committed; (b) circumstances surrounding the crime; (c) length of
8878 time since the conviction and criminal history since the
8879 conviction; (d) work history; (e) current employment and character
8880 references; (f) other evidence demonstrating the ability of the
8881 person to perform the employment responsibilities competently and
8882 that the person does not pose a threat to the health or safety of
8883 the children at the school.

8884 (4) No local school district, local school district
8885 employee, member of the State Board of Education or employee of a
8886 school under the purview of the State Board of Education shall be
8887 held liable in any employment discrimination suit in which an
8888 allegation of discrimination is made regarding an employment
8889 decision authorized under this Section 37-9-17.

8890 (5) The provisions of this section shall be fully applicable
8891 to licensed employees of the Mississippi School of the Arts (MSA),
8892 established in Section 37-140-1 et seq.

8893 **SECTION 108.** Section 37-29-232, Mississippi Code of 1972, is
8894 amended as follows:

8895 37-29-232. (1) For the purposes of this section:

8896 (a) "Health care professional/vocational technical
8897 academic program" means an academic program in medicine, nursing,
8898 dentistry, occupational therapy, physical therapy, social
8899 services, nutrition services, speech therapy, or other



8900 allied-health professional whose purpose is to prepare
8901 professionals to render patient care services.

8902 (b) "Health care professional/vocational technical
8903 student" means a student enrolled in a health care
8904 professional/vocational technical academic program.

8905 (2) The dean or director of the health care
8906 professional/vocational technical academic program is authorized
8907 to ensure that criminal history record checks and fingerprinting
8908 are obtained on their students before the students begin any
8909 clinical rotation in a licensed health care entity and that the
8910 criminal history record check information and registry checks are
8911 on file at the academic institution. In order to determine the
8912 student's suitability for the clinical rotation, the student shall
8913 be fingerprinted. If no disqualifying record is identified at the
8914 state level, the fingerprints shall be forwarded by the Department
8915 of Public Safety, the Department of Health, or any other legally
8916 authorized entity to the FBI for a national criminal history
8917 record check. The fee for the fingerprinting and criminal history
8918 record check shall be paid by the applicant, not to exceed Fifty
8919 Dollars (\$50.00); however, the academic institution in which the
8920 student is enrolled, in its discretion, may elect to pay the fee
8921 for the fingerprinting and criminal history record check on behalf
8922 of any applicant. Under no circumstances shall the academic
8923 institution representative or any individual other than the
8924 subject of the criminal history record checks disseminate



8925 information received through any such checks except insofar as
8926 required to fulfill the purposes of this section.

8927 (3) If the fingerprinting or criminal history record checks
8928 disclose a * * * disqualifying crime as provided in the Fresh
8929 Start Act, the student shall not be eligible to be admitted to the
8930 health care professional/vocational technical academic program of
8931 study. Any preadmission agreement executed by the health care
8932 professional/vocational technical academic program shall be
8933 voidable if the student receives a disqualifying criminal history
8934 record check. However, the administration of the health care
8935 professional/vocational technical academic program may, in its
8936 discretion, allow any applicant aggrieved by the admissions
8937 decision under this section to appear before an appeals committee
8938 or before a hearing officer designated for that purpose, to show
8939 mitigating circumstances that may exist and allow the student to
8940 be admitted to or continue in the program of study. The health
8941 care professional/vocational technical academic program may grant
8942 waivers for those mitigating circumstances, which shall include,
8943 but not be limited to: (a) age at which the crime was committed;
8944 (b) circumstances surrounding the crime; (c) length of time since
8945 the conviction and criminal history since the conviction; (d) work
8946 history; (e) current employment and character references; (f)
8947 other evidence demonstrating the ability of the student to perform
8948 the clinical responsibilities competently and that the student
8949 does not pose a threat to the health or safety of patients in the



8950 licensed health care entities in which they will be conducting
8951 clinical experiences. The health care professional/vocational
8952 technical academic program shall provide assurance to the licensed
8953 health care entity in which the clinical rotation is planned that
8954 the results of a health care professional/vocational technical
8955 student's criminal history record check would not prohibit the
8956 student from being able to conduct his or her clinical activities
8957 in the facility, institution, or organization. The criminal
8958 history record check shall be valid for the course of academic
8959 study, provided that annual disclosure statements are provided to
8960 the health care professional/vocational technical academic program
8961 regarding any criminal activity that may have occurred during the
8962 student's tenure with the health care professional/vocational
8963 technical academic program. The criminal history record check may
8964 be repeated at the discretion of the health care
8965 professional/vocational technical academic program based on
8966 information obtained during the annual disclosure statements. In
8967 extenuating circumstances, if a criminal history record check is
8968 initiated and the results are not available at the time the
8969 clinical rotation begins, the academic institution in which the
8970 student is enrolled, at its discretion, may require a signed
8971 affidavit from the student assuring compliance with this section.
8972 The affidavit will be considered void within sixty (60) days of
8973 its signature.



8974 (4) Criminal history record checks that are done as part of
8975 the requirements for participation in the health care
8976 professional/vocational technical academic program may not be used
8977 for any other purpose than those activities associated with their
8978 program of study. Students who may be employed as health care
8979 professionals outside of their program of study may be required to
8980 obtain additional criminal history record checks as part of their
8981 employment agreement.

8982 (5) No health care professional/vocational technical
8983 academic program or academic program employee shall be held liable
8984 in any admissions discrimination suit in which an allegation of
8985 discrimination is made regarding an admissions decision authorized
8986 under this section.

8987 **SECTION 109.** Section 73-3-41, Mississippi Code of 1972, is
8988 amended as follows:

8989 73-3-41. Every person who has been or shall hereafter be
8990 convicted of * * * a disqualifying crime as provided in the Fresh
8991 Start Act in a court of this or any other state or a court of the
8992 United States, manslaughter or a violation of the Internal Revenue
8993 Code excepted, shall be incapable of obtaining a license to
8994 practice law. Any court of the State of Mississippi in which a
8995 licensed attorney shall have been convicted of a * * *
8996 disqualifying crime as provided in the Fresh Start Act, other than
8997 manslaughter or a violation of the Internal Revenue Code, shall
8998 enter an order disbaring the attorney.



8999 **SECTION 110.** Section 73-4-25, Mississippi Code of 1972, is
9000 amended as follows:

9001 73-4-25. (1) The commission may refuse to issue or renew a
9002 license, place a licensee on probation or administrative
9003 supervision, suspend or revoke any license, or may reprimand or
9004 take any other action in relation to a license, including the
9005 imposition of a fine not to exceed Five Thousand Dollars
9006 (\$5,000.00) for each violation upon a licensee, or applicant for
9007 licensure, under this chapter for any of the following reasons:

9008 (a) Knowingly filing or causing to be filed a false
9009 application.

9010 (b) Failure to enter into a written contract with a
9011 seller or consignor prior to placing or permitting advertising for
9012 an auction sale to be placed.

9013 (c) Failure by the licensee to give the seller or
9014 consignor a signed receipt for items received for sale at auction,
9015 either by item or lot number at the time the goods are received,
9016 unless the goods are to remain in the possession of the seller or
9017 consignor.

9018 (d) Failure to give the seller or consignor a statement
9019 or lot description, selling price, purchaser's identity and the
9020 net proceeds due to the seller or consignor.

9021 (e) Failure to place funds received from an auction
9022 sale in an escrow or trust account, and failure to make timely
9023 settlement on escrowed funds. Absent a written agreement to the



9024 contrary, five (5) business days shall be deemed timely for
9025 settlement on personal property.

9026 (f) Permitting an unlicensed auctioneer to call for
9027 bids in an auction sale.

9028 (g) Having been convicted of or pled guilty to a * * *
9029 disqualifying crime as provided in the Fresh Start Act in the
9030 courts of this state or any other state, territory or country.
9031 Conviction, as used in this paragraph, shall include a deferred
9032 conviction, deferred prosecution, deferred sentence, finding or
9033 verdict of guilt, an admission of guilt or a plea of nolo
9034 contendere.

9035 (h) Any course of intentional, willful or wanton
9036 conduct by a licensee or such licensee's employees which misleads
9037 or creates a false impression among the seller, buyer, bidders and
9038 the auctioneer in the advertising, conducting and closing of an
9039 auction sale.

9040 (i) A continued and flagrant course of
9041 misrepresentation or making false promises, either by the
9042 licensee, an employee of the licensee, or by someone acting on
9043 behalf of and with the licensee's consent.

9044 (j) Any failure to account for or to pay over within a
9045 reasonable time funds belonging to another which have come into
9046 the licensee's possession through an auction sale.

9047 (k) Any false, misleading or untruthful advertising.



9048 (l) Any act of conduct in connection with a sales
9049 transaction which demonstrates bad faith or dishonesty.

9050 (m) Knowingly using false bidders, cappers or pullers,
9051 or knowingly making a material false statement or representation.

9052 (n) Commingling the funds or property of a client with
9053 the licensee's own or failing to maintain and deposit in a trust
9054 or escrow account in an insured bank or savings and loan
9055 association located in Mississippi funds received for another
9056 person through sale at auction.

9057 (o) Failure to give full cooperation to the commission
9058 and/or its designees, agents or other representatives in the
9059 performance of official duties of the commission. Such failure to
9060 cooperate includes, but is not limited to:

9061 (i) Failure to properly make any disclosures or to
9062 provide documents or information required by this chapter or by
9063 the commission;

9064 (ii) Not furnishing, in writing, a full and
9065 complete explanation covering the matter contained in a complaint
9066 filed with the commission;

9067 (iii) Failure, without good cause, to cooperate
9068 with any request by the board to appear before it;

9069 (iv) Not providing access, as directed by the
9070 commission, for its authorized agents or representatives seeking
9071 to perform reviews, audits or inspections at facilities or places
9072 utilized by the license holder in the auction business;



9073 (v) Failure to provide information within the
9074 specified time allotted and as required by the board and/or its
9075 representatives or designees;

9076 (vi) Failure to cooperate with the board or its
9077 designees or representatives in the investigation of any alleged
9078 misconduct or willfully interfering with a board investigation.

9079 (p) A demonstrated lack of financial responsibility.

9080 (q) Having had a license for the practice of
9081 auctioneering or the auction business suspended or revoked in any
9082 jurisdiction, having voluntarily surrendered a license in any
9083 jurisdiction, having been placed on probation in any jurisdiction,
9084 having been placed under disciplinary order(s) or other
9085 restriction in any manner for auctioneering or the auction
9086 business (a certified copy of the order of suspension, revocation,
9087 probation or disciplinary action shall be prima facie evidence of
9088 such action).

9089 (r) Any violation of this chapter or any violation of a
9090 rule or regulation duly adopted by the commission.

9091 (2) In addition to the acts specified in subsection (1) of
9092 this section, the commission shall be authorized to suspend the
9093 license of any licensee for being out of compliance with an order
9094 for support, as defined in Section 93-11-153. The procedure for
9095 suspension of a license for being out of compliance with an order
9096 for support, and the procedure for the reissuance or reinstatement
9097 of a license suspended for that purpose, and the payment of any



9098 fees for the reissuance or reinstatement of a license suspended
9099 for that purpose, shall be governed by Section 93-11-157 or
9100 93-11-163. If there is any conflict between any provision of
9101 Section 93-11-157 or 93-11-163 and any provision of this chapter,
9102 the provisions of Section 93-11-157 or 93-11-163, as the case may
9103 be, shall control.

9104 **SECTION 111.** Section 73-5-25, Mississippi Code of 1972, is
9105 amended as follows:

9106 73-5-25. (1) The Board of Barber Examiners may refuse to
9107 issue, or may suspend definitely or indefinitely, or revoke any
9108 certificate of registration or license for any one (1) or a
9109 combination of the following causes:

9110 (a) Conviction of a * * * disqualifying crime as
9111 provided in the Fresh Start Act shown by a certified copy of the
9112 judgment of court in which such conviction is had, unless upon a
9113 full and unconditional pardon of such convict, and upon
9114 satisfactory showing that such convict will in the future conduct
9115 himself in a law-abiding way.

9116 (b) Gross malpractice or gross incompetency.

9117 (c) Continued practice by a person knowingly having an
9118 infectious or contagious disease.

9119 (d) Advertising, practicing or attempting to practice
9120 under a trade name or name other than one's own.



9121 (e) Habitual drunkenness or habitual addiction to the
9122 use of morphine, cocaine or habit-forming drug, or any other
9123 illegal controlled substances.

9124 (f) Immoral or unprofessional conduct.

9125 (g) Violation of regulations that may be prescribed as
9126 provided for in Sections 73-5-7 through 73-5-43.

9127 (2) In addition to the causes specified in subsection (1) of
9128 this section, the board shall be authorized to suspend the
9129 certificate of registration of any person for being out of
9130 compliance with an order for support, as defined in Section
9131 93-11-153. The procedure for suspension of a certificate for
9132 being out of compliance with an order for support, and the
9133 procedure for the reissuance or reinstatement of a certificate
9134 suspended for that purpose, and the payment of any fees for the
9135 reissuance or reinstatement of a certificate suspended for that
9136 purpose, shall be governed by Section 93-11-157 or 93-11-163. If
9137 there is any conflict between any provision of Section 93-11-157
9138 or 93-11-163 and any provision of this chapter, the provisions of
9139 Section 93-11-157 or 93-11-163, as the case may be, shall control.

9140 **SECTION 112.** Section 73-6-19, Mississippi Code of 1972, is
9141 amended as follows:

9142 73-6-19. (1) The board shall refuse to grant a certificate
9143 of licensure to any applicant or may cancel, revoke or suspend the
9144 certificate upon the finding of any of the following facts
9145 regarding the applicant or licensed practitioner:



- 9146 (a) Failure to comply with the rules and regulations
9147 adopted by the State Board of Chiropractic Examiners;
- 9148 (b) Violation of any of the provisions of this chapter
9149 or any of the rules and regulations of the State Board of Health
9150 pursuant to this chapter with regard to the operation and use of
9151 x-rays;
- 9152 (c) Fraud or deceit in obtaining a license;
- 9153 (d) Addiction to the use of alcohol, narcotic drugs, or
9154 anything which would seriously interfere with the competent
9155 performance of his professional duties;
- 9156 (e) Conviction by a court of competent jurisdiction of
9157 a * * * disqualifying crime as provided in the Fresh Start Act;
- 9158 (f) Unprofessional and unethical conduct;
- 9159 (g) Contraction of a contagious disease which may be
9160 carried for a prolonged period;
- 9161 (h) Failure to report to the Mississippi Department of
9162 Human Services or the county attorney any case wherein there are
9163 reasonable grounds to believe that a child or vulnerable adult has
9164 been abused by its parent or person responsible for such person's
9165 welfare;
- 9166 (i) Advising a patient to use drugs, prescribing or
9167 providing drugs for a patient, or advising a patient not to use a
9168 drug prescribed by a licensed physician or dentist;
- 9169 (j) Professional incompetency in the practice of
9170 chiropractic;



9171 (k) Having disciplinary action taken by his peers
9172 within any professional chiropractic association or society;

9173 (l) Offering to accept or accepting payment for
9174 services rendered by assignment from any third-party payor after
9175 offering to accept or accepting whatever the third-party payor
9176 covers as payment in full, if the effect of the offering or
9177 acceptance is to eliminate or give the impression of eliminating
9178 the need for payment by an insured of any required deductions
9179 applicable in the policy of the insured;

9180 (m) Associating his practice with any chiropractor who
9181 does not hold a valid chiropractic license in Mississippi, or
9182 teach chiropractic manipulation to nonqualified persons under
9183 Section 73-6-13;

9184 (n) Failure to make payment on chiropractic student
9185 loans;

9186 (o) Failure to follow record keeping requirements
9187 prescribed in Section 73-6-18;

9188 (p) If the practitioner is certified to provide animal
9189 chiropractic treatment, failure to follow guidelines approved by
9190 the Mississippi Board of Veterinary Medicine; or

9191 (q) Violation(s) of the provisions of Sections 41-121-1
9192 through 41-121-9 relating to deceptive advertisement by health
9193 care practitioners. This paragraph shall stand repealed on July
9194 1, 2025.



9195 (2) Any holder of such certificate or any applicant therefor
9196 against whom is preferred any of the designated charges shall be
9197 furnished a copy of the complaint and shall receive a formal
9198 hearing in Jackson, Mississippi, before the board, at which time
9199 he may be represented by counsel and examine witnesses. The board
9200 is authorized to administer oaths as may be necessary for the
9201 proper conduct of any such hearing. In addition, the board is
9202 authorized and empowered to issue subpoenas for the attendance of
9203 witnesses and the production of books and papers. The process
9204 issued by the board shall extend to all parts of the state. Where
9205 in any proceeding before the board any witness shall fail or
9206 refuse to attend upon subpoena issued by the board, shall refuse
9207 to testify, or shall refuse to produce any books and papers, the
9208 production of which is called for by the subpoena, the attendance
9209 of such witness and the giving of his testimony and the production
9210 of the books and papers shall be enforced by any court of
9211 competent jurisdiction of this state in the manner provided for
9212 the enforcement of attendance and testimony of witnesses in civil
9213 cases in the courts of this state.

9214 (3) In addition to any other investigators the board
9215 employs, the board shall appoint one or more licensed
9216 chiropractors to act for the board in investigating the conduct
9217 relating to the competency of a chiropractor, whenever
9218 disciplinary action is being considered for professional
9219 incompetence and unprofessional conduct.



9220 (4) Whenever the board finds any person unqualified to
9221 practice chiropractic because of any of the grounds set forth in
9222 subsection (1) of this section, after a hearing has been conducted
9223 as prescribed by this section, the board may enter an order
9224 imposing one or more of the following:

9225 (a) Deny his application for a license or other
9226 authorization to practice chiropractic;

9227 (b) Administer a public or private reprimand;

9228 (c) Suspend, limit or restrict his license or other
9229 authorization to practice chiropractic for up to five (5) years;

9230 (d) Revoke or cancel his license or other authorization
9231 to practice chiropractic;

9232 (e) Require him to submit to care, counseling or
9233 treatment by physicians or chiropractors designated by the board,
9234 as a condition for initial, continued or renewal of licensure or
9235 other authorization to practice chiropractic;

9236 (f) Require him to participate in a program of
9237 education prescribed by the board; or

9238 (g) Require him to practice under the direction of a
9239 chiropractor designated by the board for a specified period of
9240 time.

9241 (5) Any person whose application for a license or whose
9242 license to practice chiropractic has been cancelled, revoked or
9243 suspended by the board within thirty (30) days from the date of
9244 such final decision shall have the right of a de novo appeal to



9245 the circuit court of his county of residence or the Circuit Court
9246 of the First Judicial District of Hinds County, Mississippi. If
9247 there is an appeal, such appeal may, in the discretion of and on
9248 motion to the circuit court, act as a supersedeas. The circuit
9249 court shall dispose of the appeal and enter its decision promptly.
9250 The hearing on the appeal may, in the discretion of the circuit
9251 judge, be tried in vacation. Either party shall have the right of
9252 appeal to the Supreme Court as provided by law from any decision
9253 of the circuit court.

9254 (6) In a proceeding conducted under this section by the
9255 board for the revocation, suspension or cancellation of a license
9256 to practice chiropractic, after a hearing has been conducted as
9257 prescribed by this section, the board shall have the power and
9258 authority for the grounds stated in subsection (1) of this
9259 section, with the exception of paragraph (c) thereof, to assess
9260 and levy upon any person licensed to practice chiropractic in the
9261 state a monetary penalty in lieu of such revocation, suspension or
9262 cancellation, as follows:

9263 (a) For the first violation, a monetary penalty of not
9264 less than Five Hundred Dollars (\$500.00) nor more than One
9265 Thousand Dollars (\$1,000.00) for each violation.

9266 (b) For the second and each subsequent violation, a
9267 monetary penalty of not less than One Thousand Dollars (\$1,000.00)
9268 nor more than Two Thousand Five Hundred Dollars (\$2,500.00) for
9269 each violation.



9270 The power and authority of the board to assess and levy such
9271 monetary penalties under this section shall not be affected or
9272 diminished by any other proceeding, civil or criminal, concerning
9273 the same violation or violations. A licensee shall have the right
9274 of appeal from the assessment and levy of a monetary penalty as
9275 provided in this section to the circuit court under the same
9276 conditions as a right of appeal is provided for in this section
9277 for appeals from an adverse ruling, or order, or decision of the
9278 board. Any monetary penalty assessed and levied under this
9279 section shall not take effect until after the time for appeal has
9280 expired, and an appeal of the assessment and levy of such a
9281 monetary penalty shall act as a supersedeas.

9282 (7) In addition to the grounds specified in subsection (1)
9283 of this section, the board shall be authorized to suspend the
9284 license of any licensee for being out of compliance with an order
9285 for support, as defined in Section 93-11-153. The procedure for
9286 suspension of a license for being out of compliance with an order
9287 for support, and the procedure for the reissuance or reinstatement
9288 of a license suspended for that purpose, and the payment of any
9289 fees for the reissuance or reinstatement of a license suspended
9290 for that purpose, shall be governed by Section 93-11-157 or
9291 93-11-163, as the case may be. Actions taken by the board in
9292 suspending a license when required by Section 93-11-157 or
9293 93-11-163 are not actions from which an appeal may be taken under
9294 this section. Any appeal of a license suspension that is required



9295 by Section 93-11-157 or 93-11-163 shall be taken in accordance
9296 with the appeal procedure specified in Section 93-11-157 or
9297 93-11-163, as the case may be, rather than the procedure specified
9298 in this section. If there is any conflict between any provision
9299 of Section 93-11-157 or 93-11-163 and any provision of this
9300 chapter, the provisions of Section 93-11-157 or 93-11-163, as the
9301 case may be, shall control.

9302 **SECTION 113.** Section 73-7-27, Mississippi Code of 1972, is
9303 amended as follows:

9304 73-7-27. (1) Any complaint may be filed with the board by a
9305 member or agent of the board or by any person charging any
9306 licensee of the board with the commission of any of the offenses
9307 enumerated in subsection (2) of this section. Such complaint
9308 shall be in writing, signed by the accuser or accusers, and
9309 verified under oath, and such complaints shall be investigated as
9310 set forth in Section 73-7-7. If, after the investigation, the
9311 board through its administrative review agents determines that
9312 there is not substantial justification to believe that the accused
9313 licensee has committed any of the offenses enumerated, it may
9314 dismiss the complaint or may prepare a formal complaint proceeding
9315 against the licensee as hereinafter provided. When used with
9316 reference to any complaint filed against a licensee herein, the
9317 term "not substantial justification" means a complaint that is
9318 frivolous, groundless in fact or law, or vexatious, as determined
9319 by unanimous vote of the board. In the event of a dismissal, the



9320 person filing the accusation and the accused licensee shall be
9321 given written notice of the board's determination. If the board
9322 determines there is reasonable cause to believe the accused has
9323 committed any of those offenses, the secretary of the board shall
9324 give written notice of such determination to the accused licensee
9325 and set a day for a hearing as provided in subsection (3) of this
9326 section.

9327 (2) The board shall have the power to revoke, suspend or
9328 refuse to issue or renew any license or certificate provided for
9329 in this chapter, and to fine, place on probation and/or otherwise
9330 discipline a student or licensee or holder of a certificate, upon
9331 proof that such person: (a) has not complied with or has violated
9332 any of the rules and regulations promulgated by the board; (b) has
9333 not complied with or has violated any of the sections of this
9334 chapter; (c) has committed fraud or dishonest conduct in the
9335 taking of the examination herein provided for; (d) has been
9336 convicted of a * * * disqualifying crime as provided in the Fresh
9337 Start Act; (e) has committed grossly unprofessional or dishonest
9338 conduct; (f) is addicted to the excessive use of intoxicating
9339 liquors or to the use of drugs to such an extent as to render him
9340 or her unfit to practice in any of the practices or occupations
9341 set forth in this chapter; (g) has advertised by means of
9342 knowingly false or deceptive statements; or (h) has failed to
9343 display the license or certificate issued to him or her as
9344 provided for in this chapter; or (i) has been convicted of



9345 violating any of the provisions of this chapter. A conviction of
9346 violating any of the provisions of this chapter shall be grounds
9347 for automatic suspension of the license or certificate of such
9348 person.

9349 (3) The board shall not revoke, suspend or refuse to issue
9350 or renew any license or certificate, or fine, place on probation
9351 or otherwise discipline any person in a disciplinary matter except
9352 after a hearing of which the applicant or licensee or holder of
9353 the certificate affected shall be given at least twenty (20) days'
9354 notice in writing, specifying the reason or reasons for denying
9355 the applicant a license or certificate of registration, or in the
9356 case of any other disciplinary action, the offense or offenses of
9357 which the licensee or holder of a certificate of registration is
9358 charged. Such notice may be served by mailing a copy thereof by
9359 United States first-class certified mail, postage prepaid, to the
9360 last-known residence or business address of such applicant,
9361 licensee or holder of a certificate. The hearing on such charges
9362 shall be at such time and place as the board may prescribe.

9363 (4) At such hearings, all witnesses shall be sworn by a
9364 member of the board, and stenographic notes of the proceedings
9365 shall be taken. Any party to the proceedings desiring it shall be
9366 furnished with a copy of such stenographic notes upon payment to
9367 the board of such fees as it shall prescribe, not exceeding,
9368 however, the actual costs of transcription.



9369 (5) The board is hereby authorized and empowered to issue
9370 subpoenas for the attendance of witnesses and the production of
9371 books and papers. The process issued by the board shall extend to
9372 all parts of the state and such process shall be served by any
9373 person designated by the board for such service. The person
9374 serving such process shall receive such compensation as may be
9375 allowed by the board, not to exceed the fee prescribed by law for
9376 similar services. All witnesses who shall be subpoenaed, and who
9377 shall appear in any proceedings before the board, shall receive
9378 the same fees and mileage as allowed by law.

9379 (6) Where in any proceeding before the board any witness
9380 shall fail or refuse to attend upon subpoena issued by the board,
9381 shall refuse to testify, or shall refuse to produce any books and
9382 papers, the production of which is called for by the subpoena, the
9383 attendance of such witness and the giving of his testimony and the
9384 production of the books and papers shall be enforced by any court
9385 of competent jurisdiction of this state, in the same manner as are
9386 enforced for the attendance and testimony of witnesses in civil
9387 cases in the courts of this state.

9388 (7) The board shall conduct the hearing in an orderly and
9389 continuous manner, granting continuances only when the ends of
9390 justice may be served. The board shall, within sixty (60) days
9391 after conclusion of the hearing, reduce its decision to writing
9392 and forward an attested true copy thereof to the last-known
9393 residence or business address of such applicant, licensee or



9394 holder of a certificate, by way of United States first-class
9395 certified mail, postage prepaid. Such applicant, licensee, holder
9396 of a certificate, or person aggrieved shall have the right of
9397 appeal from an adverse ruling, or order, or decision of the board
9398 to the Chancery Court of the First Judicial District of Hinds
9399 County, Mississippi, upon forwarding notice of appeal to the board
9400 within thirty (30) days after the decision of the board is mailed
9401 in the manner here contemplated. An appeal will not be allowed in
9402 the event notice of appeal, together with the appeal bond
9403 hereinafter required, shall not have been forwarded to the board
9404 within the thirty-day period. Appeal shall be to the Chancery
9405 Court of the First Judicial District of Hinds County, Mississippi.
9406 The appeal shall thereupon be heard in due course by the court
9407 which shall review the record and make its determination thereon.

9408 (8) The appellant shall, together with the notice of appeal,
9409 forward to and post with the board a satisfactory bond in the
9410 amount of Five Hundred Dollars (\$500.00) for the payment of any
9411 costs which may be adjudged against him.

9412 (9) In the event of an appeal, the court shall dispose of
9413 the appeal and enter its decision promptly. The hearing on the
9414 appeal may, in the discretion of the chancellor, be tried in
9415 vacation. If there is an appeal, such appeal may, in the
9416 discretion of and on motion to the chancery court, act as a
9417 supersedeas. However, any fine imposed by the board under the
9418 provisions of this chapter shall not take effect until after the



9419 time for appeal has expired, and an appeal of the imposition of
9420 such a fine shall act as a supersedeas.

9421 (10) Any fine imposed by the board upon a licensee or holder
9422 of a certificate shall be in accordance with the following
9423 schedule:

9424 (a) For the first violation, a fine of not less than
9425 Fifty Dollars (\$50.00) nor more than One Hundred Dollars (\$100.00)
9426 for each violation.

9427 (b) For the second and each subsequent violation, a
9428 fine of not less than One Hundred Dollars (\$100.00) nor more than
9429 Four Hundred Dollars (\$400.00) for each violation.

9430 The power and authority of the board to impose such fines
9431 under this section shall not be affected or diminished by any
9432 other proceeding, civil or criminal, concerning the same violation
9433 or violations.

9434 (11) In addition to the reasons specified in subsection (2)
9435 of this section, the board shall be authorized to suspend the
9436 license of any licensee for being out of compliance with an order
9437 for support, as defined in Section 93-11-153. The procedure for
9438 suspension of a license for being out of compliance with an order
9439 for support, and the procedure for the reissuance or reinstatement
9440 of a license suspended for that purpose, and the payment of any
9441 fees for the reissuance or reinstatement of a license suspended
9442 for that purpose, shall be governed by Section 93-11-157 or
9443 93-11-163, as the case may be. Actions taken by the board in



9444 suspending a license when required by Section 93-11-157 or
9445 93-11-163 are not actions from which an appeal may be taken under
9446 this section. Any appeal of a license suspension that is required
9447 by Section 93-11-157 or 93-11-163 shall be taken in accordance
9448 with the appeal procedure specified in Section 93-11-157 or
9449 93-11-163, as the case may be, rather than the procedure specified
9450 in this section. If there is any conflict between any provision
9451 of Section 93-11-157 or 93-11-163 and any provision of this
9452 chapter, the provisions of Section 93-11-157 or 93-11-163, as the
9453 case may be, shall control.

9454 **SECTION 114.** Section 73-17-15, Mississippi Code of 1972, is
9455 amended as follows:

9456 73-17-15. (1) (a) The board is authorized to investigate,
9457 either on the basis of complaints filed with it or on its own
9458 initiative, instances of suspected violations of this chapter of
9459 any nature, including, but not limited to: performing the duties
9460 of a nursing home administrator without a license; the providing
9461 of false information to the board either incident to an
9462 application for a license, incident to a hearing, or otherwise;
9463 maladministration; unethical conduct; incompetence; the conviction
9464 of a licensee of a * * * disqualifying crime as provided in the
9465 Fresh Start Act; the misappropriation of funds; or of any other
9466 matter reflecting unfavorably upon the holder of a license under
9467 this chapter or an applicant therefor. On the basis of
9468 information developed during such an investigation, the board may



9469 (i) revoke, suspend, or refuse to renew any license issued by the
9470 board, (ii) deny an application for a license, or (iii) reprimand,
9471 place on probation, and/or take any other action in relation to a
9472 license, as the board may deem proper under the circumstances.
9473 Whenever the results of such an investigation are filed, the
9474 executive director of the board shall set a day for a hearing and
9475 shall notify the licensee that on the day fixed for hearing he or
9476 she may appear and show cause, if any, why his or her license
9477 should not be revoked, suspended, or other action taken in
9478 relation to his or her license. The notice shall be transmitted
9479 to the licensee by certified United States mail to the address of
9480 the licensee appearing of record with the board.

9481 (b) In cases where violations of this chapter have been
9482 substantiated, the board may assess a monetary penalty for those
9483 reasonable costs that are expended by the board in the
9484 investigation and conduct of a proceeding for licensure
9485 revocation, suspension or restriction, including, but not limited
9486 to, the cost of process service, court reporters, expert witnesses
9487 and investigations.

9488 (2) The board, upon finding and determining that any person
9489 represents himself or herself to be a nursing home administrator
9490 or performs any or all of the services, acts or duties of a
9491 nursing home administrator as defined in this chapter without a
9492 license, is authorized to petition the chancery court of the
9493 county in which the unauthorized acts have been, are being or may



9494 be committed, for writ or writs of injunction prohibiting the
9495 unauthorized acts. This provision is supplemental and in addition
9496 to the penal provisions set forth in Section 73-17-13.

9497 (3) Any licensee whose license has been revoked or
9498 suspended, or who has been placed on probation or reprimanded
9499 after a contested hearing, may appeal that action of the board to
9500 the chancery court of the county in which the nursing home
9501 administrator is practicing, which appeal shall not be a de novo
9502 appeal but shall be determined upon an official transcript of the
9503 record of the contested hearing. Appeals to the chancery court
9504 shall be taken within ten (10) days from the date of the board's
9505 order and shall be taken, perfected, heard and determined either
9506 in termtime or in vacation, and the appeals shall be heard and
9507 disposed of promptly by the court. Appeals from the board shall
9508 be taken and perfected by the filing of a bond in the sum of Two
9509 Hundred Fifty Dollars (\$250.00) with two (2) sureties, or with a
9510 surety company qualified to do business in Mississippi as surety,
9511 conditioned to pay the costs of the appeal. The bond shall be
9512 payable to the state and shall be approved by the clerk of the
9513 chancery court. The bond may be enforced in its name as other
9514 judicial bonds filed in the chancery court, and judgment may be
9515 entered upon those bonds and process and execution shall issue
9516 upon those judgments as provided by law in other cases. Upon
9517 approval of the bond by the clerk of the chancery court, the clerk
9518 shall give notice to the board of the appeal from the decision of



9519 the board. It thereupon shall be the duty of the board through
9520 its duly authorized representative to promptly transmit to the
9521 clerk of the chancery court in which the appeal is pending a
9522 certified copy of the order of the board and all documents filed
9523 relating to the board's action against the licensee, together with
9524 a transcript of the testimony, both oral and documentary,
9525 introduced for consideration by the board both in support of and
9526 in opposition to the action, which appeal shall be docketed by the
9527 clerk and shall be determined by the court based upon the record.
9528 If there is an appeal, the appeal may, in the discretion of and on
9529 motion to the chancery court, act as a supersedeas. The chancery
9530 court shall dispose of the appeal and enter its decision promptly.
9531 The hearing on the appeal may, in the discretion of the
9532 chancellor, be tried in vacation.

9533 (4) Appeals from the decision of the chancery court may be
9534 taken by either the board or the licensee to the Supreme Court as
9535 in the case of appeals generally from the chancery court to the
9536 Supreme Court.

9537 (5) In addition to the reasons specified in subsection (1)
9538 of this section, the board shall be authorized to suspend the
9539 license of any licensee for being out of compliance with an order
9540 for support, as defined in Section 93-11-153. The procedure for
9541 suspension of a license for being out of compliance with an order
9542 for support, and the procedure for the reissuance or reinstatement
9543 of a license suspended for that purpose, and the payment of any



9544 fees for the reissuance or reinstatement of a license suspended
9545 for that purpose, shall be governed by Section 93-11-157 or
9546 93-11-163, as the case may be. Actions taken by the board in
9547 revoking a license when required by Section 93-11-157 or 93-11-163
9548 are not actions from which an appeal may be taken under this
9549 section. Any appeal of a license suspension that is required by
9550 Section 93-11-157 or 93-11-163 shall be taken in accordance with
9551 the appeal procedure specified in Section 93-11-157 or 93-11-163,
9552 as the case may be, rather than the procedure specified in this
9553 section. If there is any conflict between any provision of
9554 Section 93-11-157 or 93-11-163 and any provision of this chapter,
9555 the provisions of Section 93-11-157 or 93-11-163, as the case may
9556 be, shall control.

9557 **SECTION 115.** Section 73-23-59, Mississippi Code of 1972, is
9558 amended as follows:

9559 73-23-59. (1) Licensees subject to this chapter shall
9560 conduct their activities, services and practice in accordance with
9561 this chapter and any rules promulgated pursuant hereto. The
9562 board, upon satisfactory proof and in accordance with the
9563 provisions of this chapter and the regulations of the board, may
9564 suspend, revoke, or refuse to issue or renew any license
9565 hereunder, or revoke or suspend any privilege to practice,
9566 censure or reprimand any licensee, restrict or limit a license,
9567 and take any other action in relation to a license or privilege to



9568 practice as the board may deem proper under the circumstances upon
9569 any of the following grounds:

9570 (a) Negligence in the practice or performance of
9571 professional services or activities;

9572 (b) Engaging in dishonorable, unethical or
9573 unprofessional conduct of a character likely to deceive, defraud
9574 or harm the public in the course of professional services or
9575 activities;

9576 (c) Perpetrating or cooperating in fraud or material
9577 deception in obtaining or renewing a license or attempting the
9578 same or obtaining a privilege to practice;

9579 (d) Being convicted of any crime which has a
9580 substantial relationship to the licensee's activities and services
9581 or an essential element of which is misstatement, fraud or
9582 dishonesty;

9583 (e) Having been convicted of or pled guilty to a * * *
9584 disqualifying crime as provided in the Fresh Start Act in the
9585 courts of this state or any other state, territory or country.
9586 Conviction, as used in this paragraph, shall include a deferred
9587 conviction, deferred prosecution, deferred sentence, finding or
9588 verdict of guilt, an admission of guilty, or a plea of nolo
9589 contendere;

9590 (f) Engaging in or permitting the performance of
9591 unacceptable services personally or by others working under the
9592 licensee's supervision due to the licensee's deliberate or



9593 negligent act or acts or failure to act, regardless of whether
9594 actual damage or damages to the public is established;

9595 (g) Continued practice although the licensee has become
9596 unfit to practice as a physical therapist or physical therapist
9597 assistant due to: (i) failure to keep abreast of current
9598 professional theory or practice; or (ii) physical or mental
9599 disability; the entry of an order or judgment by a court of
9600 competent jurisdiction that a licensee is in need of mental
9601 treatment or is incompetent shall constitute mental disability; or
9602 (iii) addiction or severe dependency upon alcohol or other drugs
9603 which may endanger the public by impairing the licensee's ability
9604 to practice;

9605 (h) Having disciplinary action taken against the
9606 licensee's license in another state;

9607 (i) Making differential, detrimental treatment against
9608 any person because of race, color, creed, sex, religion or
9609 national origin;

9610 (j) Engaging in lewd conduct in connection with
9611 professional services or activities;

9612 (k) Engaging in false or misleading advertising;

9613 (l) Contracting, assisting or permitting unlicensed
9614 persons to perform services for which a license is required under
9615 this chapter or privilege to practice is required under Section
9616 73-23-101;



9617 (m) Violation of any probation requirements placed on a
9618 license or privilege to practice by the board;

9619 (n) Revealing confidential information except as may be
9620 required by law;

9621 (o) Failing to inform clients of the fact that the
9622 client no longer needs the services or professional assistance of
9623 the licensee;

9624 (p) Charging excessive or unreasonable fees or engaging
9625 in unreasonable collection practices;

9626 (q) For treating or attempting to treat ailments or
9627 other health conditions of human beings other than by physical
9628 therapy as authorized by this chapter;

9629 (r) Except as authorized in Section 73-23-35(3), for
9630 applying or offering to apply physical therapy, exclusive of
9631 initial evaluation or screening and exclusive of education or
9632 consultation for the prevention of physical and mental disability
9633 within the scope of physical therapy, other than upon the referral
9634 of a licensed physician, dentist, osteopath, podiatrist,
9635 chiropractor, physician assistant or nurse practitioner; or for
9636 acting as a physical therapist assistant other than under the
9637 direct, on-site supervision of a licensed physical therapist;

9638 (s) Failing to adhere to the recognized standards of
9639 ethics of the physical therapy profession as established by rules
9640 of the board;



9641 (t) Failing to complete continuing competence
9642 requirements as established by board rule;

9643 (u) Failing to supervise physical therapist assistants
9644 in accordance with this chapter and/or board rules;

9645 (v) Engaging in sexual misconduct. For the purpose of
9646 this paragraph, sexual misconduct includes, but is not necessarily
9647 limited to:

9648 (i) Engaging in or soliciting sexual
9649 relationships, whether consensual or nonconsensual, while a
9650 physical therapist or physical therapist assistant/patient
9651 relationship exists.

9652 (ii) Making sexual advances, requesting sexual
9653 favors or engaging in other verbal conduct or physical contact of
9654 a sexual nature with patients or clients.

9655 (iii) Intentionally viewing a completely or
9656 partially disrobed patient in the course of treatment if the
9657 viewing is not related to patient diagnosis or treatment under
9658 current practice standards;

9659 (w) The erroneous issuance of a license or privilege to
9660 practice to any person;

9661 (x) Violations of any provisions of this chapter, board
9662 rules or regulations or a written order or directive of the board;

9663 (y) Failing to maintain adequate patient records. For
9664 the purposes of this paragraph, "adequate patient records" means
9665 legible records that contain at minimum sufficient information to



9666 identify the patient, an evaluation of objective findings, a
9667 diagnosis, a plan of care, a treatment record and a discharge
9668 plan;

9669 (z) Failing to report to the board any unprofessional,
9670 incompetent or illegal acts that appear to be in violation of this
9671 law or any rules established by the board.

9672 (2) The board may order a licensee to submit to a reasonable
9673 physical or mental examination if the licensee's physical or
9674 mental capacity to practice safely is at issue in a disciplinary
9675 proceeding.

9676 (3) Failure to comply with a board order to submit to a
9677 physical or mental examination shall render a licensee subject to
9678 the summary suspension procedures described in Section 73-23-64.

9679 (4) In addition to the reasons specified in subsection (1)
9680 of this section, the board shall be authorized to suspend the
9681 license or privilege to practice of any licensee for being out of
9682 compliance with an order for support, as defined in Section
9683 93-11-153. The procedure for suspension of a license or privilege
9684 to practice for being out of compliance with an order for support,
9685 and the procedure for the reissuance or reinstatement of a license
9686 or privilege to practice suspended for that purpose, and the
9687 payment of any fees for the reissuance or reinstatement of a
9688 license or privilege to practice suspended for that purpose, shall
9689 be governed by Section 93-11-157 or 93-11-163, as the case may be.
9690 If there is any conflict between any provision of Section



9691 93-11-157 or 93-11-163 and any provision of this chapter, the
9692 provisions of Section 93-11-157 or 93-11-163, as the case may be,
9693 shall control.

9694 **SECTION 116.** Section 73-30-21, Mississippi Code of 1972, is
9695 amended as follows:

9696 73-30-21. (1) The board may, after notice and opportunity
9697 for a hearing, suspend, revoke or refuse to issue or renew a
9698 license or the privilege to practice or may reprimand the license
9699 holder or holder of the privilege to practice, upon a
9700 determination by the board that such license holder or holder of
9701 the privilege to practice or applicant for licensure or the
9702 privilege to practice has:

9703 (a) Been adjudged by any court to be mentally
9704 incompetent or have had a guardian of person appointed;

9705 (b) Been convicted of a * * * disqualifying crime as
9706 provided in the Fresh Start Act;

9707 (c) Sworn falsely under oath or affirmation;

9708 (d) Obtained a license or certificate or the privilege
9709 to practice by fraud, deceit or other misrepresentation;

9710 (e) Engaged in the conduct of professional counseling
9711 in a grossly negligent or incompetent manner;

9712 (f) Intentionally violated any provision of this
9713 article;

9714 (g) Violated any rules or regulations of the board; or



9715 (h) Aided or assisted another in falsely obtaining a
9716 license or the privilege to practice under this article.

9717 With regard to a refusal to issue a privilege to practice,
9718 such refusal by the board shall be in accordance with the terms of
9719 the Professional Counseling Compact instead of this subsection
9720 (1).

9721 (2) Appeals from disciplinary action are to be brought in
9722 the circuit court in the county of residence of the practitioner.
9723 In the event the practitioner resides out of state the appeal
9724 should be brought in Hinds County Circuit Court.

9725 (3) The board may assess and levy upon any licensee,
9726 practitioner or applicant for licensure or the privilege to
9727 practice the costs incurred or expended by the board in the
9728 investigation and prosecution of any licensure, privilege to
9729 practice or disciplinary action, including, but not limited to,
9730 the costs of process service, court reporters, expert witnesses,
9731 investigators and attorney's fees.

9732 (4) No revoked license or privilege to practice may be
9733 reinstated within twelve (12) months after such revocation.
9734 Reinstatement thereafter shall be upon such conditions as the
9735 board may prescribe, which may include, without being limited to,
9736 successful passing of the examination required by this article.

9737 (5) A license or privilege to practice certificate issued by
9738 the board is the property of the board and must be surrendered on
9739 demand.



9740 (6) The chancery court is hereby vested with the
9741 jurisdiction and power to enjoin the unlawful practice of
9742 counseling and/or the false representation as a licensed counselor
9743 in a proceeding brought by the board or any members thereof or by
9744 any citizen of this state.

9745 (7) In addition to the reasons specified in subsection (1)
9746 of this section, the board shall be authorized to suspend the
9747 license of any licensee for being out of compliance with an order
9748 for support, as defined in Section 93-11-153. The procedure for
9749 suspension of a license for being out of compliance with an order
9750 for support, and the procedure for the reissuance or reinstatement
9751 of a license suspended for that purpose, and the payment of any
9752 fees for the reissuance or reinstatement of a license suspended
9753 for that purpose, shall be governed by Section 93-11-157 or
9754 93-11-163, as the case may be. If there is any conflict between
9755 any provision of Section 93-11-157 or 93-11-163 and any provision
9756 of this article, the provisions of Section 93-11-157 or 93-11-163,
9757 as the case may be, shall control.

9758 **SECTION 117.** Section 73-35-21, Mississippi Code of 1972, is
9759 amended as follows:

9760 73-35-21. (1) The commission may, upon its own motion and
9761 shall upon the verified complaint in writing of any person, hold a
9762 hearing pursuant to Section 73-35-23 for the refusal of license or
9763 for the suspension or revocation of a license previously issued,
9764 or for such other action as the commission deems appropriate. The



9765 commission shall have full power to refuse a license for cause or
9766 to revoke or suspend a license where it has been obtained by false
9767 or fraudulent representation, or where the licensee in performing
9768 or attempting to perform any of the acts mentioned herein, is
9769 deemed to be guilty of:

9770 (a) Making any substantial misrepresentation in
9771 connection with a real estate transaction;

9772 (b) Making any false promises of a character likely to
9773 influence, persuade or induce;

9774 (c) Pursuing a continued and flagrant course of
9775 misrepresentation or making false promises through agents or
9776 salespersons or any medium of advertising or otherwise;

9777 (d) Any misleading or untruthful advertising;

9778 (e) Acting for more than one (1) party in a transaction
9779 or receiving compensation from more than one (1) party in a
9780 transaction, or both, without the knowledge of all parties for
9781 whom he acts;

9782 (f) Failing, within a reasonable time, to account for
9783 or to remit any monies coming into his possession which belong to
9784 others, or commingling of monies belonging to others with his own
9785 funds. Every responsible broker procuring the execution of an
9786 earnest money contract or option or other contract who shall take
9787 or receive any cash or checks shall deposit, within a reasonable
9788 period of time, the sum or sums so received in a trust or escrow
9789 account in a bank or trust company pending the consummation or



9790 termination of the transaction. "Reasonable time" in this context
9791 means by the close of business of the next banking day;

9792 (g) Entering a guilty plea or conviction in a court of
9793 competent jurisdiction of this state, or any other state or the
9794 United States of any * * * disqualifying crime as provided in the
9795 Fresh Start Act;

9796 (h) Displaying a "for sale" or "for rent" sign on any
9797 property without the owner's consent;

9798 (i) Failing to furnish voluntarily, at the time of
9799 signing, copies of all listings, contracts and agreements to all
9800 parties executing the same;

9801 (j) Paying any rebate, profit or commission to any
9802 person other than a real estate broker or salesperson licensed
9803 under the provisions of this chapter;

9804 (k) Inducing any party to a contract, sale or lease to
9805 break such contract for the purpose of substituting in lieu
9806 thereof a new contract, where such substitution is motivated by
9807 the personal gain of the licensee;

9808 (l) Accepting a commission or valuable consideration as
9809 a real estate salesperson for the performance of any of the acts
9810 specified in this chapter from any person, except his employer who
9811 must be a licensed real estate broker;

9812 (m) Failing to successfully pass the commission's
9813 background investigation for licensure or renewal as provided in
9814 Section 73-35-10; or



9815 (n) Any act or conduct, whether of the same or a
9816 different character than hereinabove specified, which constitutes
9817 or demonstrates bad faith, incompetency or untrustworthiness, or
9818 dishonest, fraudulent or improper dealing. However, simple
9819 contact and/or communication with any mortgage broker or lender by
9820 a real estate licensee about any professional, including, but not
9821 limited to, an appraiser, home inspector, contractor, and/or
9822 attorney regarding a listing and/or a prospective or pending
9823 contract for the lease, sale and/or purchase of real estate shall
9824 not constitute conduct in violation of this section.

9825 (2) No real estate broker shall practice law or give legal
9826 advice directly or indirectly unless said broker be a duly
9827 licensed attorney under the laws of this state. He shall not act
9828 as a public conveyancer nor give advice or opinions as to the
9829 legal effect of instruments nor give opinions concerning the
9830 validity of title to real estate; nor shall he prevent or
9831 discourage any party to a real estate transaction from employing
9832 the services of an attorney; nor shall a broker undertake to
9833 prepare documents fixing and defining the legal rights of parties
9834 to a transaction. However, when acting as a broker, he may use an
9835 earnest money contract form. A real estate broker shall not
9836 participate in attorney's fees, unless the broker is a duly
9837 licensed attorney under the laws of this state and performs legal
9838 services in addition to brokerage services.



9839 (3) It is expressly provided that it is not the intent and
9840 purpose of the Mississippi Legislature to prevent a license from
9841 being issued to any person who is found to be of good reputation,
9842 is able to give bond, and who has lived in the State of
9843 Mississippi for the required period or is otherwise qualified
9844 under this chapter.

9845 (4) In addition to the reasons specified in subsection (1)
9846 of this section, the commission shall be authorized to suspend the
9847 license of any licensee for being out of compliance with an order
9848 for support, as defined in Section 93-11-153. The procedure for
9849 suspension of a license for being out of compliance with an order
9850 for support, and the procedure for the reissuance or reinstatement
9851 of a license suspended for that purpose, and the payment of any
9852 fees for the reissuance or reinstatement of a license suspended
9853 for that purpose, shall be governed by Section 93-11-157 or
9854 93-11-163, as the case may be. If there is any conflict between
9855 any provision of Section 93-11-157 or 93-11-163 and any provision
9856 of this chapter, the provisions of Section 93-11-157 or 93-11-163,
9857 as the case may be, shall control.

9858 (5) Nothing in this chapter shall prevent an associate
9859 broker or salesperson from owning any lawfully constituted
9860 business organization, including, but not limited to, a
9861 corporation, limited liability company or limited liability
9862 partnership, for the purpose of receiving payments contemplated in
9863 this chapter. The business organization shall not be required to



9864 be licensed under this chapter and shall not engage in any other
9865 activity requiring a real estate license.

9866 **SECTION 118.** Section 73-38-27, Mississippi Code of 1972, is
9867 amended as follows:

9868 73-38-27. (1) With regard to a refusal to issue a privilege
9869 to practice, such refusal by the board shall be in accordance with
9870 terms of the Audiology and Speech-Language Pathology Interstate
9871 Compact. The board may refuse to issue or renew a license, or may
9872 suspend or revoke a license where the licensee or applicant for a
9873 license has been guilty of unprofessional conduct which has
9874 endangered or is likely to endanger the health, welfare or safety
9875 of the public. Such unprofessional conduct may result from:

9876 (a) Negligence in the practice or performance of
9877 professional services or activities;

9878 (b) Engaging in dishonorable, unethical or
9879 unprofessional conduct of a character likely to deceive, defraud
9880 or harm the public in the course of professional services or
9881 activities;

9882 (c) Perpetrating or cooperating in fraud or material
9883 deception in obtaining or renewing a license or attempting the
9884 same;

9885 (d) Being convicted of any crime which has a
9886 substantial relationship to the licensee's activities and services
9887 or an essential element of which is misstatement, fraud or
9888 dishonesty;



9889 (e) Being convicted of any crime which is a * * *
9890 disqualifying crime as provided in the Fresh Start Act;

9891 (f) Engaging in or permitting the performance of
9892 unacceptable services personally or by others working under the
9893 licensee's supervision due to the licensee's deliberate or
9894 negligent act or acts or failure to act, regardless of whether
9895 actual damage or damages to the public is established;

9896 (g) Continued practice although the licensee has become
9897 unfit to practice as a speech-language pathologist or audiologist
9898 due to: (i) failure to keep abreast of current professional
9899 theory or practice; or (ii) physical or mental disability; the
9900 entry of an order or judgment by a court of competent jurisdiction
9901 that a licensee is in need of mental treatment or is incompetent
9902 shall constitute mental disability; or (iii) addiction or severe
9903 dependency upon alcohol or other drugs which may endanger the
9904 public by impairing the licensee's ability to practice;

9905 (h) Having disciplinary action taken against the
9906 licensee's license in another state;

9907 (i) Making differential, detrimental treatment against
9908 any person because of race, color, creed, sex, religion or
9909 national origin;

9910 (j) Engaging in lewd conduct in connection with
9911 professional services or activities;

9912 (k) Engaging in false or misleading advertising;



9913 (1) Contracting, assisting or permitting unlicensed
9914 persons to perform services for which a license is required under
9915 this article;

9916 (m) Violation of any probation requirements placed on a
9917 license by the board;

9918 (n) Revealing confidential information except as may be
9919 required by law;

9920 (o) Failing to inform clients of the fact that the
9921 client no longer needs the services or professional assistance of
9922 the licensee;

9923 (p) Charging excessive or unreasonable fees or engaging
9924 in unreasonable collection practices;

9925 (q) For treating or attempting to treat ailments or
9926 other health conditions of human beings other than by speech or
9927 audiology therapy as authorized by this article;

9928 (r) For applying or offering to apply speech or
9929 audiology therapy, exclusive of initial evaluation or screening
9930 and exclusive of education or consultation for the prevention of
9931 physical and mental disability within the scope of speech or
9932 audiology therapy, or for acting as a speech-language pathologist
9933 or audiologist, or speech-language pathologist or audiologist aide
9934 other than under the direct, on-site supervision of a licensed
9935 speech-language pathologist or audiologist;

9936 (s) Violations of the current codes of conduct for
9937 speech-language pathologists or audiologists, and speech-language



9938 pathologist or audiologist assistants adopted by the American
9939 Speech-Language-Hearing Association;

9940 (t) Violations of any rules or regulations promulgated
9941 pursuant to this article.

9942 (2) The board may order a licensee to submit to a reasonable
9943 physical or mental examination if the licensee's physical or
9944 mental capacity to practice safely is at issue in a disciplinary
9945 proceeding.

9946 (3) In addition to the reasons specified in subsection (1)
9947 of this section, the board shall be authorized to suspend the
9948 license of any licensee for being out of compliance with an order
9949 for support, as defined in Section 93-11-153. The procedure for
9950 suspension of a license for being out of compliance with an order
9951 for support, and the procedure for the reissuance or reinstatement
9952 of a license suspended for that purpose, and the payment of any
9953 fees for the reissuance or reinstatement of a license suspended
9954 for that purpose, shall be governed by Section 93-11-157 or
9955 93-11-163, as the case may be. If there is any conflict between
9956 any provision of Section 93-11-157 or 93-11-163 and any provision
9957 of this article, the provisions of Section 93-11-157 or 93-11-163,
9958 as the case may be, shall control.

9959 **SECTION 119.** Section 73-53-17, Mississippi Code of 1972, is
9960 amended as follows:

9961 73-53-17. (1) Individuals licensed by the board shall
9962 conduct their activities, services and practice in accordance with



9963 the laws governing their professional practice and any rules
9964 promulgated by the board. Licensees and applicants may be subject
9965 to the exercise of the sanctions enumerated in Section 73-53-23 if
9966 the board finds that a licensee or applicant has committed any of
9967 the following:

9968 (a) Negligence in the practice or performance of
9969 professional services or activities;

9970 (b) Engaging in dishonorable, unethical or
9971 unprofessional conduct of a character likely to deceive, defraud
9972 or harm the public in the course of professional services or
9973 activities;

9974 (c) Perpetrating or cooperating in fraud or material
9975 deception in obtaining or renewing a license or attempting the
9976 same;

9977 (d) Violating the rules and regulations established by
9978 the board;

9979 (e) Violating the National Association of Social
9980 Workers Code of Ethics or the American Association for Marriage
9981 and Family Therapy Code of Ethics;

9982 (f) Being convicted of any crime which has a
9983 substantial relationship to the licensee's activities and services
9984 or an essential element of which is misstatement, fraud or
9985 dishonesty;



9986 (g) Being convicted of any crime which is a * * *
9987 disqualifying crime as provided in the Fresh Start Act under the
9988 laws of this state or of the United States of America;

9989 (h) Engaging in or permitting the performance of
9990 unacceptable services personally due to the licensee's deliberate
9991 or grossly negligent act or acts or failure to act, regardless of
9992 whether actual damage or damages to the public is established, or
9993 assuming responsibility for another's work by signing documents
9994 without personal knowledge of the work as established by board
9995 rule;

9996 (i) Continued practice although the licensee has become
9997 unfit to practice social work due to: (i) failure to keep abreast
9998 of current professional theory or practice; or (ii) physical or
9999 mental disability; the entry of an order or judgment by a court of
10000 competent jurisdiction that a licensee is in need of mental
10001 treatment or is incompetent shall constitute mental disability; or
10002 (iii) addiction or severe dependency upon alcohol or other drugs
10003 which may endanger the public by impairing the licensee's ability
10004 to practice;

10005 (j) Continued practice although the individual failed
10006 to renew and has a lapsed license;

10007 (k) Having disciplinary action taken against the
10008 licensee's license in another state;



10009 (1) Making differential, detrimental treatment against
10010 any person because of race, color, creed, sex, religion or
10011 national origin;

10012 (m) Engaging in lewd conduct in connection with
10013 professional services or activities;

10014 (n) Engaging in false or misleading advertising;

10015 (o) Contracting, assisting or permitting unlicensed
10016 persons to perform services for which a license is required under
10017 this chapter;

10018 (p) Violation of any probation requirements placed on a
10019 licensee by the board;

10020 (q) Revealing confidential information except as may be
10021 required by law;

10022 (r) Failing to inform clients of the fact that the
10023 client no longer needs the services or professional assistance of
10024 the licensee;

10025 (s) Charging excessive or unreasonable fees or engaging
10026 in unreasonable collection practices.

10027 (2) The board may order a licensee to submit to a reasonable
10028 physical or mental examination if the licensee's physical or
10029 mental capacity to practice safely is at issue in a disciplinary
10030 proceeding.

10031 (3) Failure to comply with a board order to submit to a
10032 physical or mental examination shall render a licensee subject to
10033 the summary suspension procedures described in Section 73-53-23.



10034 (4) In addition to the reasons specified in subsection (1)
10035 of this section, the board shall be authorized to suspend the
10036 license of any licensee for being out of compliance with an order
10037 for support, as defined in Section 93-11-153. The procedure for
10038 suspension of a license for being out of compliance with an order
10039 for support, and the procedure for the reissuance or reinstatement
10040 of a license suspended for that purpose, and the payment of any
10041 fees for the reissuance or reinstatement of a license suspended
10042 for that purpose, shall be governed by Section 93-11-157 or
10043 93-11-163, as the case may be. If there is any conflict between
10044 any provision of Section 93-11-157 or 93-11-163 and any provision
10045 of this chapter, the provisions of Section 93-11-157 or 93-11-163,
10046 as the case may be, shall control.

10047 **SECTION 120.** Section 73-60-31, Mississippi Code of 1972, is
10048 amended as follows:

10049 73-60-31. The commission may refuse to issue or to renew or
10050 may revoke or suspend a license or may place on probation,
10051 censure, reprimand, or take other disciplinary action with regard
10052 to any license issued under this chapter, including the issuance
10053 of fines for each violation, for any one (1) or combination of the
10054 following causes:

10055 (a) Violations of this chapter or the commission's
10056 rules promulgated pursuant hereto;

10057 (b) Violation of terms of license probation;



10058 (c) Conviction of a * * * disqualifying crime as
10059 provided in the Fresh Start Act or making a plea of guilty or nolo
10060 contendere within five (5) years prior to the date of application;

10061 (d) Operating without adequate insurance coverage
10062 required for licensees;

10063 (e) Fraud in the procurement or performance of a
10064 contract to conduct a home inspection; and

10065 (f) Failure to submit to or pass a background
10066 investigation pursuant to Section 73-60-47.

10067 **SECTION 121.** Section 73-67-27, Mississippi Code of 1972, is
10068 amended as follows:

10069 73-67-27. (1) The board may refuse to issue or renew or may
10070 deny, suspend or revoke any license held or applied for under this
10071 chapter upon finding that the holder of a license or applicant:

10072 (a) Is guilty of fraud, deceit or misrepresentation in
10073 procuring or attempting to procure any license provided for in
10074 this chapter;

10075 (b) Attempted to use as his own the license of another;

10076 (c) Allowed the use of his license by another;

10077 (d) Has been adjudicated as mentally incompetent by
10078 regularly constituted authorities;

10079 (e) Has been convicted of a crime, or has charges or
10080 disciplinary action pending that directly relates to the practice
10081 of massage therapy or to the ability to practice massage therapy.



10082 Any plea of nolo contendere shall be considered a conviction for
10083 the purposes of this section;

10084 (f) Is guilty of unprofessional or unethical conduct as
10085 defined by the code of ethics;

10086 (g) Is guilty of false, misleading or deceptive
10087 advertising, or is guilty of aiding or assisting in the
10088 advertising or practice of any unlicensed or unpermitted person in
10089 the practice of massage therapy;

10090 (h) Is grossly negligent or incompetent in the practice
10091 of massage therapy;

10092 (i) Has had rights, credentials or one or more
10093 license(s) to practice massage therapy revoked, suspended or
10094 denied in any jurisdiction, territory or possession of the United
10095 States or another country for acts of the licensee similar to acts
10096 described in this section. A certified copy of the record of the
10097 jurisdiction making such a revocation, suspension or denial shall
10098 be conclusive evidence thereof; or

10099 (j) Has been convicted of any * * * disqualifying crime
10100 as provided in the Fresh Start Act.

10101 (2) Investigative proceedings may be implemented by a
10102 complaint by any person, including members of the board.

10103 (3) (a) Any person(s) found guilty of prostitution using as
10104 any advertisement, claim or insignia of being an actual licensed
10105 massage therapist or to be practicing massage therapy by using the
10106 word "massage" or any other description indicating the same,



10107 whether or not the person(s) have one or more license for the
10108 person(s) or establishment(s), shall be guilty of a misdemeanor,
10109 and upon conviction, shall be punished by a fine of not less than
10110 One Thousand Dollars (\$1,000.00), nor more than Five Thousand
10111 Dollars (\$5,000.00), or imprisonment of up to six (6) months, or
10112 both, per offense, per person.

10113 (b) Any person who knowingly participates in receiving
10114 illegal service(s) of any person found guilty as described in
10115 paragraph (a) of this subsection, upon conviction, shall be
10116 punished by a fine not exceeding Five Hundred Dollars (\$500.00),
10117 or imprisonment for up to one (1) month, or both. Persons
10118 officially designated to investigate complaints are exempt.

10119 (c) Any person who violates any provision of this
10120 chapter, other than violation(s) of paragraph (a) of this
10121 subsection, is guilty of a misdemeanor, and upon conviction, shall
10122 be punished by a fine not exceeding Five Hundred Dollars
10123 (\$500.00), or imprisonment for up to one (1) month in jail, or
10124 both, per offense.

10125 (d) The board, in its discretion, may assess and tax
10126 any part or all of the costs of any disciplinary proceedings
10127 conducted against either the accused, the charging party, or both,
10128 as it may elect.

10129 **SECTION 122.** Section 73-75-13, Mississippi Code of 1972, is
10130 amended as follows:



10131 73-75-13. **Eligibility for license.** To be eligible for
10132 licensure by the board as a behavior analyst or assistant behavior
10133 analyst, a person shall:

10134 (a) Submit to the board an application, upon such form
10135 and in such manner as the board shall prescribe, along with the
10136 applicable fee and personal references;

10137 (b) Certify that the applicant has not been convicted
10138 of a * * * disqualifying crime as provided in the Fresh Start Act
10139 as defined by the laws of the State of Mississippi;

10140 (c) Undergo a fingerprint-based criminal history
10141 records check of the Mississippi central criminal database and the
10142 Federal Bureau of Investigation criminal history database. Each
10143 applicant shall submit a full set of the applicant's fingerprints
10144 in a form and manner prescribed by the board, which shall be
10145 forwarded to the Mississippi Department of Public Safety and the
10146 Federal Bureau of Investigation Identification Division for this
10147 purpose; and

10148 (d) For a behavior analyst:

10149 (i) Possess at least a master's degree, or its
10150 equivalent, from an educational institution recognized by the
10151 board;

10152 (ii) Have current and active certification by the
10153 Behavior Analyst Certification Board as a Board Certified Behavior
10154 Analyst (BCBA) or Board Certified Behavior Analyst-Doctoral
10155 (BCBA-D), verified by the board; and



10156 (iii) Comply with such other requirements of the
10157 board.

10158 (e) For an assistant behavior analyst:

10159 (i) Possess a bachelor's degree, or its
10160 equivalent, from an educational institution recognized by the
10161 board;

10162 (ii) Have current and active certification by the
10163 Behavior Analyst Certification Board as a Board Certified
10164 Assistant Behavior Analyst (BCABA), verified by the board; and

10165 (iii) Provide proof of ongoing supervision by a
10166 licensed behavior analyst.

10167 (f) All licenses issued pursuant to this section shall
10168 be for a term of three (3) years, but shall not exceed the
10169 expiration of the licensee's certification by the Behavior Analyst
10170 Certification Board.

10171 **SECTION 123.** Section 75-15-9, Mississippi Code of 1972, is
10172 amended as follows:

10173 75-15-9. Each application for a license to engage in the
10174 business of money transmission shall be made in writing and under
10175 oath to the commissioner in such form as he may prescribe. The
10176 application shall state the full name and business address of:

10177 (a) The proprietor, if the applicant is an individual;

10178 (b) Every member, if the applicant is a partnership or
10179 association;



10180 (c) The corporation and each executive officer and
10181 director thereof, if the applicant is a corporation;

10182 (d) Every trustee and officer if the applicant is a
10183 trust;

10184 (e) The applicant shall have a net worth of at least
10185 Twenty-five Thousand Dollars (\$25,000.00) plus Fifteen Thousand
10186 Dollars (\$15,000.00) for each location in excess of one (1) at
10187 which the applicant proposes to conduct money transmissions in
10188 this state, computed according to generally accepted accounting
10189 principles, but in no event shall the net worth be required to be
10190 in excess of Two Hundred Fifty Thousand Dollars (\$250,000.00);

10191 (f) The financial responsibility, financial condition,
10192 business experience and character and general fitness of the
10193 applicant shall be such as reasonably to warrant the belief that
10194 applicant's business will be conducted honestly, carefully and
10195 efficiently;

10196 (g) Each application for a license shall be accompanied
10197 by an investigation fee of Fifty Dollars (\$50.00) and license fee
10198 in the amount required by Section 75-15-15. All fees collected by
10199 the commissioner under the provisions of this chapter shall be
10200 deposited into the Consumer Finance Fund of the Department of
10201 Banking and Consumer Finance;

10202 (h) An applicant shall not have been convicted of
10203 a * * * disqualifying crime as provided in the Fresh Start Act.



10204 **SECTION 124.** Section 75-60-19, Mississippi Code of 1972, is
10205 amended as follows:

10206 75-60-19. (1) The Commission on Proprietary School and
10207 College Registration may suspend, revoke or cancel a certificate
10208 of registration for any one (1) or any combination of the
10209 following causes:

10210 (a) Violation of any provision of the sections of this
10211 chapter or any regulation made by the commission;

10212 (b) The furnishing of false, misleading or incomplete
10213 information requested by the commission;

10214 (c) The signing of an application or the holding of a
10215 certificate of registration by a person who has pleaded guilty or
10216 has been found guilty of a * * * disqualifying crime as provided
10217 in the Fresh Start Act or has pleaded guilty or been found guilty
10218 of any other * * * disqualifying crime;

10219 (d) The signing of an application or the holding of a
10220 certificate of registration by a person who is addicted to the use
10221 of any narcotic drug, or who is found to be mentally incompetent;

10222 (e) Violation of any commitment made in an application
10223 for a certificate of registration;

10224 (f) Presentation to prospective students of misleading,
10225 false or fraudulent information relating to the course of
10226 instruction, employment opportunity, or opportunities for
10227 enrollment in accredited institutions of higher education after



10228 entering or completing courses offered by the holder of a
10229 certificate of registration;

10230 (g) Failure to provide or maintain premises or
10231 equipment for offering courses of instruction in a safe and
10232 sanitary condition;

10233 (h) Refusal by an agent to display his agent permit
10234 upon demand of a prospective student or other interested person;

10235 (i) Failure to maintain financial resources adequate
10236 for the satisfactory conduct of courses of study as presented in
10237 the plan of operation or to retain a sufficient number and
10238 qualified staff of instruction; however nothing in this chapter
10239 shall require an instructor to be certificated by the Commission
10240 on Proprietary School and College Registration or to hold any type
10241 of post-high school degree;

10242 (j) Offering training or courses of instruction other
10243 than those presented in the application; however, schools may
10244 offer special courses adapted to the needs of individual students
10245 where the special courses are in the subject field specified in
10246 the application;

10247 (k) Accepting the services of an agent not licensed in
10248 accordance with Sections 75-60-23 through 75-60-37, inclusive;

10249 (l) Conviction or a plea of nolo contendere on the part
10250 of any owner, operator or director of a registered school of
10251 any * * * disqualifying crime as provided in the Fresh Start Act
10252 under Mississippi law or the law of another jurisdiction;



10253 (m) Continued employment of a teacher or instructor who
10254 has been convicted of or entered a plea of nolo contendere to
10255 any * * * disqualifying crime as provided in the Fresh Start Act
10256 under Mississippi law or the law of another jurisdiction;

10257 (n) Incompetence of any owner or operator to operate a
10258 school.

10259 (2) (a) Any person who believes he has been aggrieved by a
10260 violation of this section shall have the right to file a written
10261 complaint within two (2) years of the alleged violation. The
10262 commission shall maintain a written record of each complaint that
10263 is made. The commission shall also send to the complainant a form
10264 acknowledging the complaint and requesting further information if
10265 necessary and shall advise the director of the school that a
10266 complaint has been made and, where appropriate, the nature of the
10267 complaint.

10268 (b) The commission shall within twenty (20) days of
10269 receipt of such written complaint commence an investigation of the
10270 alleged violation and shall, within ninety (90) days of the
10271 receipt of such written complaint, issue a written finding. The
10272 commission shall furnish such findings to the person who filed the
10273 complaint and to the chief operating officer of the school cited
10274 in the complaint. If the commission finds that there has been a
10275 violation of this section, the commission shall take appropriate
10276 action.



10277 (c) Schools shall disclose in writing to all
10278 prospective and current students their right to file a complaint
10279 with the commission.

10280 (d) The existence of an arbitration clause in no way
10281 negates the student's right to file a complaint with the
10282 commission.

10283 (e) The commission may initiate an investigation
10284 without a complaint.

10285 (3) **Hearing procedures.** (a) Upon a finding that there is
10286 good cause to believe that a school, or an officer, agent,
10287 employee, partner or teacher, has committed a violation of
10288 subsection (1) of this section, the commission shall initiate
10289 proceedings by serving a notice of hearing upon each and every
10290 such party subject to the administrative action. The school or
10291 such party shall be given reasonable notice of hearing, including
10292 the time, place and nature of the hearing and a statement
10293 sufficiently particular to give notice of the transactions or
10294 occurrences intended to be proved, the material elements of each
10295 cause of action and the civil penalties and/or administrative
10296 sanctions sought.

10297 (b) Opportunity shall be afforded to the party to
10298 respond and present evidence and argument on the issues involved
10299 in the hearing including the right of cross-examination. In a
10300 hearing, the school or such party shall be accorded the right to
10301 have its representative appear in person or by or with counsel or



10302 other representative. Disposition may be made in any hearing by
10303 stipulation, agreed settlement, consent order, default or other
10304 informal method.

10305 (c) The commission shall designate an impartial hearing
10306 officer to conduct the hearing, who shall be empowered to:

10307 (i) Administer oaths and affirmations; and

10308 (ii) Regulate the course of the hearings, set the
10309 time and place for continued hearings, and fix the time for filing
10310 of briefs and other documents; and

10311 (iii) Direct the school or such party to appear
10312 and confer to consider the simplification of the issues by
10313 consent; and

10314 (iv) Grant a request for an adjournment of the
10315 hearing only upon good cause shown.

10316 The strict legal rules of evidence shall not apply, but the
10317 decision shall be supported by substantial evidence in the record.

10318 (4) The commission, acting by and through its hearing
10319 officer, is hereby authorized and empowered to issue subpoenas for
10320 the attendance of witnesses and the production of books and papers
10321 at such hearing. Process issued by the commission shall extend to
10322 all parts of the state and shall be served by any person
10323 designated by the commission for such service. Where, in any
10324 proceeding before the hearing officer, any witness fails or
10325 refuses to attend upon a subpoena issued by the commission,
10326 refuses to testify, or refuses to produce any books and papers the



10327 production of which is called for by a subpoena, the attendance of
10328 such witness, the giving of his testimony or the production of the
10329 books and papers shall be enforced by any court of competent
10330 jurisdiction of this state in the manner provided for the
10331 enforcement of attendance and testimony of witnesses in civil
10332 cases in the courts of this state.

10333 (5) **Decision after hearing.** The hearing officer shall make
10334 written findings of fact and conclusions of law, and shall also
10335 recommend in writing to the commission a final decision, including
10336 penalties. The hearing officer shall mail a copy of his findings
10337 of fact, conclusions of law and recommended penalty to the party
10338 and his attorney, or representative. The commission shall make
10339 the final decision, which shall be based exclusively on evidence
10340 and other materials introduced at the hearing. If it is
10341 determined that a party has committed a violation, the commission
10342 shall issue a final order and shall impose penalties in accordance
10343 with this section. The commission shall send by certified mail,
10344 return receipt requested, a copy of the final order to the party
10345 and his attorney, or representative. The commission shall, at the
10346 request of the school or such party, furnish a copy of the
10347 transcript or any part thereof upon payment of the cost thereof.

10348 (6) **Civil penalties and administrative sanctions.** (a) A
10349 hearing officer may recommend, and the commission may impose, a
10350 civil penalty not to exceed Two Thousand Five Hundred Dollars
10351 (\$2,500.00) for any violation of this section. In the case of a



10352 second or further violation committed within the previous five (5)
10353 years, the liability shall be a civil penalty not to exceed Five
10354 Thousand Dollars (\$5,000.00) for each such violation.

10355 (b) Notwithstanding the provisions of paragraph (a) of
10356 this subsection, a hearing officer may recommend and the
10357 commission may impose a civil penalty not to exceed Twenty-five
10358 Thousand Dollars (\$25,000.00) for any of the following violations:
10359 (i) operation of a school without a registration in violation of
10360 this chapter; (ii) operation of a school knowing that the school's
10361 registration has been suspended or revoked; (iii) use of false,
10362 misleading, deceptive or fraudulent advertising; (iv) employment
10363 of recruiters on the basis of a commission, bonus or quota, except
10364 as authorized by the commission; (v) directing or authorizing
10365 recruiters to offer guarantees of jobs upon completion of a
10366 course; (vi) failure to make a tuition refund when such failure is
10367 part of a pattern of misconduct; or (vii) violation of any other
10368 provision of this chapter, or any rule or regulation promulgated
10369 pursuant thereto, when such violation constitutes part of a
10370 pattern of misconduct which significantly impairs the educational
10371 quality of the program or programs being offered by the school.
10372 For each enumerated offense, a second or further violation
10373 committed within the previous five (5) years shall be subject to a
10374 civil penalty not to exceed Fifty Thousand Dollars (\$50,000.00)
10375 for each such violation.



10376 (c) In addition to the penalties authorized in
10377 paragraphs (a) and (b) of this subsection, a hearing officer may
10378 recommend and the commission may impose any of the following
10379 administrative sanctions: (i) a cease and desist order; (ii) a
10380 mandatory direction; (iii) a suspension or revocation of a
10381 certificate of registration; (iv) a probation order; or (v) an
10382 order of restitution.

10383 (d) The commission may suspend a registration upon the
10384 failure of a school to pay any fee, fine or penalty as required by
10385 this chapter unless such failure is determined by the commission
10386 to be for good cause.

10387 (e) All civil penalties, fines and settlements received
10388 shall accrue to the credit of the Commission on Proprietary School
10389 and College Registration.

10390 (7) Any penalty or administrative sanction imposed by the
10391 commission under this section may be appealed by the school,
10392 college or other person affected to the Mississippi Community
10393 College Board as provided in Section 75-60-4(3), which appeal
10394 shall be on the record previously made before the commission's
10395 hearing officer. All appeals from the Mississippi Community
10396 College Board shall be on the record and shall be filed in the
10397 Chancery Court of the First Judicial District of Hinds County,
10398 Mississippi.

10399 **SECTION 125.** Section 75-76-137, Mississippi Code of 1972, is
10400 amended as follows:



10401 75-76-137. (1) If any gaming employee is convicted of any
10402 violation of this chapter or if in investigating an alleged
10403 violation of this chapter by any licensee the executive director
10404 or the commission finds that a gaming employee employed by the
10405 licensee has been guilty of cheating, the commission shall, after
10406 a hearing as provided in Sections 75-76-103 through 75-76-119,
10407 inclusive, revoke the employee's work permit.

10408 (2) The commission may revoke a work permit if it finds
10409 after a hearing as provided in Sections 75-76-103 through
10410 75-76-119, inclusive, that the gaming employee has failed to
10411 disclose, misstated or otherwise misled the commission with
10412 respect to any fact contained within any application for a work
10413 permit, or subsequent to being issued a work permit:

10414 (a) Committed, attempted or conspired to do any of the
10415 acts prohibited by this chapter;

10416 (b) Knowingly possessed or permitted to remain in or
10417 upon any licensed premises any cards, dice, mechanical device or
10418 any other cheating device whatever the use of which is prohibited
10419 by statute or ordinance;

10420 (c) Concealed or refused to disclose any material fact
10421 in any investigation by the executive director or the commission;

10422 (d) Committed, attempted or conspired to commit larceny
10423 or embezzlement against a gaming licensee or upon the premises of
10424 a licensed gaming establishment;



10425 (e) Been convicted in any jurisdiction other than
10426 Mississippi of any offense involving or relating to gambling;

10427 (f) Accepted employment without prior commission
10428 approval in a position for which he or she could be required to be
10429 licensed under this chapter after having been denied a license for
10430 a reason involving personal unsuitability or after failing to
10431 apply for licensing when requested to do so by the commission or
10432 the executive director;

10433 (g) Been refused the issuance of any license, permit or
10434 approval to engage in or be involved with gaming in any
10435 jurisdiction other than Mississippi, or had any such license,
10436 permit or approval revoked or suspended;

10437 (h) Been prohibited under color of governmental
10438 authority from being present upon the premises of any gaming
10439 establishment for any reason relating to improper gambling
10440 activities or any illegal act;

10441 (i) Contumaciously defied any legislative investigative
10442 committee or other officially constituted bodies acting on behalf
10443 of the United States or any state, county or municipality which
10444 seeks to investigate crimes relating to gaming, corruption of
10445 public officials, or any organized criminal activities; or

10446 (j) Been convicted of any * * * disqualifying crime as
10447 provided in the Fresh Start Act.

10448 (3) A work permit shall not be issued to a person whose work
10449 permit has previously been revoked pursuant to this section or to



10450 whom the issuance or renewal of a work permit has been denied,
10451 except with the unanimous approval of the commission members.

10452 (4) A gaming employee whose work permit has been revoked
10453 pursuant to this section is entitled to judicial review of the
10454 commission's action in the manner prescribed by Sections 75-76-121
10455 through 75-76-127, inclusive.

10456 **SECTION 126.** Section 77-8-25, Mississippi Code of 1972, is
10457 amended as follows:

10458 77-8-25. (1) Before allowing an individual to accept trip
10459 requests through a transportation network company's digital
10460 platform as a transportation network company driver:

10461 (a) The individual shall submit an application to the
10462 transportation network company, which includes information
10463 regarding his or her address, age, driver's license, motor vehicle
10464 registration, automobile liability insurance, and other
10465 information required by the transportation network company;

10466 (b) The transportation network company shall conduct,
10467 or have a third party conduct, a local and national criminal
10468 background check for each applicant that shall include:

10469 (i) Multistate/multijurisdiction criminal records
10470 locator or other similar commercial nationwide database with
10471 validation (primary source search); and

10472 (ii) United States Department of Justice National
10473 Sex Offender Public Website * * *.



10474 (2) The transportation network company shall review, or have
10475 a third party review, a driving history research report for such
10476 individual.

10477 (3) The transportation network company shall not permit an
10478 individual to act as a transportation network company driver on
10479 its digital platform who:

10480 (a) Has had more than three (3) moving violations in
10481 the prior three-year period, or one (1) of the following major
10482 violations in the prior three-year period:

10483 (i) Attempting to evade the police;

10484 (ii) Reckless driving; or

10485 (iii) Driving on a suspended or revoked license;

10486 (b) Has been convicted, within the past seven (7)
10487 years, of

10488 (i) Any * * * disqualifying crime as provided in
10489 the Fresh Start Act; or

10490 (ii) Misdemeanor driving under the influence,
10491 reckless driving, hit and run, or any other driving-related
10492 offense or any misdemeanor violent offense or sexual offense;

10493 (c) Is a match in the United States Department of
10494 Justice National Sex Offender Public Website;

10495 (d) Does not possess a valid driver's license;

10496 (e) Does not possess proof of registration for the
10497 motor vehicle used to provide prearranged rides;



10498 (f) Does not possess proof of automobile liability
10499 insurance for the motor vehicle used to provide prearranged rides;
10500 or

10501 (g) Is not at least nineteen (19) years of age.

10502 **SECTION 127.** Section 83-1-191, Mississippi Code of 1972, is
10503 amended as follows:

10504 83-1-191. (1) There is established within the Department of
10505 Insurance a Comprehensive Hurricane Damage Mitigation Program.
10506 This section does not create an entitlement for property owners or
10507 obligate the state in any way to fund the inspection or
10508 retrofitting of residential property or commercial property in
10509 this state. Implementation of this program is subject to the
10510 availability of funds that may be appropriated by the Legislature
10511 for this purpose. The program may develop and implement a
10512 comprehensive and coordinated approach for hurricane damage
10513 mitigation that may include the following:

10514 (a) **Cost-benefit study on wind hazard mitigation**
10515 **construction measures.** The performance of a cost-benefit study to
10516 establish the most appropriate wind hazard mitigation construction
10517 measures for both new construction and the retrofitting of
10518 existing construction for both residential and commercial
10519 facilities within the wind-borne debris regions of Mississippi as
10520 defined by the International Building Code. The recommended wind
10521 construction techniques shall be based on both the newly adopted
10522 Mississippi building code sections for wind load design and the



10523 wind-borne debris region. The list of construction measures to be
10524 considered for evaluation in the cost-benefit study shall be based
10525 on scientifically established and sound, but common, construction
10526 techniques that go above and beyond the basic recommendations in
10527 the adopted building codes. This allows residents to utilize
10528 multiple options that will further reduce risk and loss and still
10529 be awarded for their endeavors with appropriate wind insurance
10530 discounts. It is recommended that existing accepted scientific
10531 studies that validate the wind hazard construction techniques
10532 benefits and effects be taken into consideration when establishing
10533 the list of construction techniques that homeowners and business
10534 owners can employ. This will ensure that only established
10535 construction measures that have been studied and modeled as
10536 successful mitigation measures will be considered to reduce the
10537 chance of including risky or unsound data that will cost both the
10538 property owner and state unnecessary losses. The cost-benefit
10539 study shall be based on actual construction cost data collected
10540 for several types of residential construction and commercial
10541 construction materials, building techniques and designs that are
10542 common to the region. The study shall provide as much information
10543 as possible that will enhance the data and options provided to the
10544 public, so that homeowners and business owners can make informed
10545 and educated decisions as to their level of involvement. Based on
10546 the construction data, modeling shall be performed on a variety of
10547 residential and commercial designs, so that a broad enough



10548 representative spectrum of data can be obtained. The data from
10549 the study will be utilized in a report to establish tables
10550 reflecting actuarially appropriate levels of wind insurance
10551 discounts (in percentages) for each mitigation construction
10552 technique/combination of techniques. This report will be utilized
10553 as a guide for the Department of Insurance and the insurance
10554 industry for developing actuarially appropriate discounts, credits
10555 or other rate differentials, or appropriate reductions in
10556 deductibles, for properties on which fixtures or construction
10557 techniques demonstrated to reduce the amount of loss in a
10558 windstorm have been installed or implemented. Additional data
10559 that will enhance the program, such as studies to reflect property
10560 value increases for retrofitting or building to the established
10561 wind hazard mitigation construction techniques and cost comparison
10562 data collected to establish the value of this program against the
10563 investment required to include the mitigation measures, also may
10564 be provided.

10565 (b) **Wind certification and hurricane mitigation**
10566 **inspections.**

10567 (i) Home-retrofit inspections of site-built,
10568 residential property, including single-family, two-family,
10569 three-family or four-family residential units, and a set of
10570 representative commercial facilities may be offered to determine
10571 what mitigation measures are needed and what improvements to
10572 existing residential properties are needed to reduce the



10573 property's vulnerability to hurricane damage. A state program may
10574 be established within the Department of Insurance to provide
10575 homeowners and business owners wind certification and hurricane
10576 mitigation inspections. The inspections provided to homeowners
10577 and business owners, at a minimum, must include:

10578 1. A home inspection and report that
10579 summarizes the results and identifies corrective actions a
10580 homeowner may take to mitigate hurricane damage.

10581 2. A range of cost estimates regarding the
10582 mitigation features.

10583 3. Insurer-specific information regarding
10584 premium discounts correlated to recommended mitigation features
10585 identified by the inspection.

10586 4. A hurricane resistance rating scale
10587 specifying the home's current as well as projected wind resistance
10588 capabilities.

10589 This data may be provided by trained and certified inspectors
10590 in standardized reporting formats and forms to ensure all data
10591 collected during inspections is equivalent in style and content
10592 that allows construction data, estimates and discount information
10593 to be easily assimilated into a database. Data pertaining to the
10594 number of inspections and inspection reports may be stored in a
10595 state database for evaluation of the program's success and review
10596 of state goals in reducing wind hazard loss in the state.



10597 (ii) To qualify for selection by the department as
10598 a provider of wind certification and hurricane mitigation
10599 inspections services, the entity shall, at a minimum, and on a
10600 form and in the manner prescribed by the commissioner:

10601 1. Use wind certification and hurricane
10602 mitigation inspectors who:

10603 a. Have prior experience in residential
10604 and/or commercial construction or inspection and have received
10605 specialized training in hurricane mitigation procedures through
10606 the state certified program. In order to qualify for training in
10607 the inspection process, the individual should be either a licensed
10608 building code official, a licensed contractor or inspector in the
10609 State of Mississippi, or a civil engineer.

10610 b. Have undergone drug testing and
10611 background checks.

10612 c. Have been certified through a state
10613 mandated training program, in a manner satisfactory to the
10614 department, to conduct the inspections.

10615 d. Have not been convicted of a * * *
10616 disqualifying crime as provided in the Fresh Start Act; have not
10617 received a first-time offender pardon or nonadjudication order for
10618 a * * * disqualifying crime as provided in the Fresh Start Act; or
10619 have not entered a plea of guilty or nolo contendere to a * * *
10620 disqualifying crime as provided in the Fresh Start Act.



10621 e. Submit a statement authorizing the
10622 Commissioner of Insurance to order fingerprint analysis or any
10623 other analysis or documents deemed necessary by the commissioner
10624 for the purpose of verifying the criminal history of the
10625 individual. The commissioner shall have the authority to conduct
10626 criminal history verification on a local, state or national level,
10627 and shall have the authority to require the individual to pay for
10628 the costs of such criminal history verification.

10629 2. Provide a quality assurance program
10630 including a reinspection component.

10631 3. Have data collection equipment and
10632 computer systems, so that data can be submitted electronically to
10633 the state's database of inspection reports, insurance
10634 certificates, and other industry information related to this
10635 program. It is mandatory that all inspectors provide original
10636 copies to the property owner of any inspection reports, estimates,
10637 etc., pertaining to the inspection and keep a copy of all
10638 inspection materials on hand for state audits.

10639 (c) **Financial grants to retrofit properties.** Financial
10640 grants may be used to encourage single-family, site-built,
10641 owner-occupied, residential property owners or commercial property
10642 owners to retrofit their properties to make them less vulnerable
10643 to hurricane damage.

10644 (d) **Education and consumer awareness.** Multimedia
10645 public education, awareness and advertising efforts designed to



10646 specifically address mitigation techniques may be employed, as
10647 well as a component to support ongoing consumer resources and
10648 referral services. In addition, all insurance companies shall
10649 provide notification to their clients regarding the availability
10650 of this program, participation details, and directions to the
10651 state website promoting the program, along with appropriate
10652 contact phone numbers to the state agency administrating the
10653 program. The notification to the clients must be sent by the
10654 insurance company within thirty (30) days after filing their
10655 insurance discount schedules with the Department of Insurance.

10656 (e) **Advisory council.** There is created an advisory
10657 council to provide advice and assistance to the program
10658 administrator with regard to his or her administration of the
10659 program. The advisory council shall consist of:

10660 (i) An agent, selected by the Independent
10661 Insurance Agents of Mississippi.

10662 (ii) Two (2) representatives of residential
10663 property insurers, selected by the Department of Insurance.

10664 (iii) One (1) representative of homebuilders,
10665 selected by the Home Builders Association of Mississippi.

10666 (iv) The Chairman of the House Insurance
10667 Committee, or his designee.

10668 (v) The Chairman of the Senate Insurance
10669 Committee, or his designee.



10670 (vi) The Executive Director of the Mississippi
10671 Windstorm Underwriting Association, or his designee.

10672 (vii) The Director of the Mississippi Emergency
10673 Management Agency, or his designee.

10674 Members appointed under subparagraphs (i) and (ii) shall
10675 serve at the pleasure of the Department of Insurance. All other
10676 members shall serve as voting ex officio members. Members of the
10677 advisory council who are not legislators, state officials or state
10678 employees shall be compensated at the per diem rate authorized by
10679 Section 25-3-69, and shall be reimbursed in accordance with
10680 Section 25-3-41, for mileage and actual expenses incurred in the
10681 performance of their duties. Legislative members of the advisory
10682 council shall be paid from the contingent expense funds of their
10683 respective houses in the same manner as provided for committee
10684 meetings when the Legislature is not in session; however, no per
10685 diem or expense for attending meetings of the advisory council may
10686 be paid while the Legislature is in session. No advisory council
10687 member may incur per diem, travel or other expenses unless
10688 previously authorized by vote, at a meeting of the council, which
10689 action shall be recorded in the official minutes of the meeting.
10690 Nonlegislative members shall be paid from any funds made available
10691 to the advisory council for that purpose.

10692 (f) **Rules and regulations.** The Department of Insurance
10693 may adopt rules and regulations governing the Comprehensive
10694 Hurricane Damage Mitigation Program. The department also may



10695 adopt rules and regulations establishing priorities for grants
10696 provided under this section based on objective criteria that gives
10697 priority to reducing the state's probable maximum loss from
10698 hurricanes. However, pursuant to this overall goal, the
10699 department may further establish priorities based on the insured
10700 value of the dwelling, whether or not the dwelling is insured by
10701 the Mississippi Windstorm Underwriting Association and whether or
10702 not the area under consideration has sufficient resources and the
10703 ability to perform the retrofitting required.

10704 (2) Nothing in this section shall prohibit the Department of
10705 Insurance from entering into an agreement with any other
10706 appropriate state agency to assist with or perform any of the
10707 duties set forth hereunder.

10708 (3) This section shall stand repealed from and after July 1,
10709 2025.

10710 **SECTION 128.** Section 83-17-71, Mississippi Code of 1972, is
10711 amended as follows:

10712 83-17-71. (1) The commissioner may place on probation,
10713 suspend, revoke or refuse to issue or renew an insurance
10714 producer's license or may levy a civil penalty in an amount not to
10715 exceed One Thousand Dollars (\$1,000.00) per violation and such
10716 penalty shall be deposited into the special fund of the State
10717 Treasury designated as the "Insurance Department Fund" for any one
10718 or more of the following causes:



- 10719 (a) Providing incorrect, misleading, incomplete or
10720 materially untrue information in the license application;
- 10721 (b) Violating any insurance laws, or violating any
10722 regulation, subpoena or order of the commissioner or of another
10723 state's commissioner;
- 10724 (c) Obtaining or attempting to obtain a license through
10725 misrepresentation or fraud;
- 10726 (d) Improperly withholding, misappropriating or
10727 converting any monies or properties received in the course of
10728 doing insurance business;
- 10729 (e) Intentionally misrepresenting the terms of an
10730 actual or proposed insurance contract or application for
10731 insurance;
- 10732 (f) Having been convicted of a * * * disqualifying
10733 crime as provided in the Fresh Start Act;
- 10734 (g) Having admitted or been found to have committed any
10735 insurance unfair trade practice or fraud;
- 10736 (h) Using fraudulent, coercive or dishonest practices
10737 or demonstrating incompetence, untrustworthiness or financial
10738 irresponsibility in the conduct of business in this state or
10739 elsewhere;
- 10740 (i) Having an insurance producer license, or its
10741 equivalent, denied, suspended or revoked in any other state,
10742 province, district or territory;



10743 (j) Forging another's name to an application for
10744 insurance or to any document related to an insurance transaction;

10745 (k) Improperly using notes or any other reference
10746 material to complete an examination for an insurance license;

10747 (l) Knowingly accepting insurance business from an
10748 individual who is not licensed;

10749 (m) Failing to comply with an administrative or court
10750 order imposing a child support obligation; or

10751 (n) Failing to pay state income tax or comply with any
10752 administrative or court order directing payment of state income
10753 tax.

10754 (2) If the action by the commissioner is to nonrenew or to
10755 deny an application for a license, the commissioner shall notify
10756 the applicant or licensee and advise, in writing, the applicant or
10757 licensee of the reason for the denial or nonrenewal of the
10758 applicant's or licensee's license. The applicant or licensee may
10759 make written demand upon the commissioner within ten (10) days for
10760 a hearing before the commissioner to determine the reasonableness
10761 of the commissioner's action. The hearing shall be held within
10762 thirty (30) days.

10763 (3) The license of a business entity may be suspended,
10764 revoked or refused if the commissioner finds, after hearing, that
10765 an individual licensee's violation was known or should have been
10766 known by one or more of the partners, officers or managers acting



10767 on behalf of the partnership or corporation and the violation was
10768 neither reported to the commissioner nor corrective action taken.

10769 (4) In addition to, or in lieu of, any applicable denial,
10770 suspension or revocation of a license, a person may, after
10771 hearing, be subject to a civil fine not to exceed One Thousand
10772 Dollars (\$1,000.00) per violation and such fine shall be deposited
10773 into the special fund in the State Treasury designated as the
10774 "Insurance Department Fund."

10775 (5) The commissioner shall retain the authority to enforce
10776 the provisions of and impose any penalty or remedy authorized by
10777 this article and Title 83, Mississippi Code of 1972, against any
10778 person who is under investigation for or charged with a violation
10779 of this article or Title 83, Mississippi Code of 1972, even if the
10780 person's license or registration has been surrendered or has
10781 lapsed by operation of law.

10782 (6) No licensee whose license has been revoked hereunder
10783 shall be entitled to file another application for a license as a
10784 producer within one (1) year from the effective date of such
10785 revocation or, if judicial review of such revocation is sought,
10786 within one (1) year from the date of final court order or decree
10787 affirming such revocation. Such application, when filed, may be
10788 refused by the commissioner unless the applicant shows good cause
10789 why the revocation of his license shall not be deemed a bar to the
10790 issuance of a new license.



10791 (7) Notwithstanding any other provision of this article to
10792 the contrary, a person licensed in this state as a nonresident
10793 producer whose license is denied, suspended or revoked in his or
10794 her home state shall also have his or her nonresident license
10795 denied, suspended or revoked in this state without prior notice or
10796 hearing.

10797 (8) From and after July 1, 2016, the expenses of this agency
10798 shall be defrayed by appropriation from the State General Fund and
10799 all user charges and fees authorized under this section shall be
10800 deposited into the State General Fund as authorized by law.

10801 (9) From and after July 1, 2016, no state agency shall
10802 charge another state agency a fee, assessment, rent or other
10803 charge for services or resources received by authority of this
10804 section.

10805 **SECTION 129.** Section 83-17-421, Mississippi Code of 1972, is
10806 amended as follows:

10807 83-17-421. (1) A license may be refused, or a license duly
10808 issued may be suspended or revoked or the renewal thereof refused
10809 by the commissioner if, after notice and hearing as hereinafter
10810 provided, he or she finds that the applicant for, or holder of,
10811 such license:

10812 (a) Has * * * willfully violated any provision of the
10813 insurance laws of this state; or

10814 (b) Has intentionally made a material misstatement in
10815 the application for such license; or



10816 (c) Has obtained, or attempted to obtain, such license
10817 by fraud or misrepresentation; or

10818 (d) Has misappropriated or converted to his or her own
10819 use or illegally withheld money belonging to an insurer or
10820 beneficiary; or

10821 (e) Has otherwise demonstrated lack of trustworthiness
10822 or competence to act as an adjuster; or

10823 (f) Has been guilty of fraudulent or dishonest
10824 practices or has been convicted of a * * * disqualifying crime as
10825 provided in the Fresh Act; or

10826 (g) Has materially misrepresented the terms and
10827 conditions of insurance policies or contracts; or * * * willfully
10828 exaggerated prospective returns on investment features of policies
10829 or fails to identify himself or herself as an adjuster and in so
10830 doing receives a compensation for his or her participation in the
10831 sale of insurance; or

10832 (h) Has made or issued, or caused to be made or issued,
10833 any statement misrepresenting or making incomplete comparisons
10834 regarding the terms or conditions of any insurance or annuity
10835 contract legally issued by any insurer, for the purpose of
10836 inducing or attempting to induce the owner of such contract to
10837 forfeit or surrender such contract or allow it to lapse for the
10838 purpose of replacing such contract with another; or

10839 (i) Has obtained or attempted to obtain such license,
10840 not for the purpose of holding himself or herself out to the



10841 general public as an adjuster, but primarily for the purpose of
10842 soliciting, negotiating or procuring insurance or annuity
10843 contracts covering himself or herself or members of his or her
10844 family.

10845 (2) Before any license shall be refused (except for failure
10846 to pass a required written examination) or suspended or revoked or
10847 the renewal thereof refused hereunder, the commissioner shall give
10848 notice of his or her intention so to do, by registered mail, to
10849 the applicant for or holder of such license and the insurer whom
10850 he or she represents or who desires that he or she be licensed,
10851 and shall set a date not less than twenty (20) days from the date
10852 of mailing such notice when the applicant or licensee and a duly
10853 authorized representative of the insurer may appear to be heard
10854 and produce evidence. Such notice shall constitute automatic
10855 suspension of license if the person involved is a licensed
10856 adjuster. In the conduct of such hearing, the commissioner or any
10857 regular salaried employee specially designated by him or her for
10858 such purpose shall have power to administer oaths, to require the
10859 appearance of and examine any person under oath and to require the
10860 production of books, records or papers relevant to the inquiry
10861 upon his or her own initiative or upon the request of the
10862 applicant or licensee. Upon the termination of such hearing,
10863 findings shall be reduced to writing and, upon approval by the
10864 commissioner, shall be filed in his or her office; and notice of



10865 the findings shall be sent by registered mail to the applicant or
10866 licensee and the insurer concerned.

10867 (3) Where the grounds set out in subsection (1)(d) or (1)(g)
10868 are the grounds for any hearing, the commissioner may, in his or
10869 her discretion in lieu of the hearing provided for in subsection
10870 (2) of this section, file a petition to suspend or revoke any
10871 license authorized hereunder in a court of competent jurisdiction
10872 of the county or district in which the alleged offense occurred.
10873 In such cases, subpoenas may be issued for witnesses, and mileage
10874 and witness fees paid as in other cases. All costs of such cause
10875 shall be paid by the defendant, if found guilty, and if costs
10876 cannot be made and collected from the defendant, such costs shall
10877 be assessed against the company issuing the contract involved in
10878 such cause.

10879 (4) No licensee whose license has been revoked hereunder
10880 shall be entitled to file another application for a license as an
10881 adjuster within one (1) year from the effective date of such
10882 revocation or, if judicial review of such revocation is sought,
10883 within one (1) year from the date of final court order or decree
10884 affirming such revocation. Such application, when filed, may be
10885 refused by the commissioner unless the applicant shows good cause
10886 why the revocation of his or her license shall not be deemed a bar
10887 to the issuance of a new license.

10888 **SECTION 130.** Section 83-17-519, Mississippi Code of 1972, is
10889 amended as follows:



10890 83-17-519. (1) A license may be refused, or a license duly
10891 issued may be suspended or revoked or the renewal thereof refused
10892 by the commissioner, or the commissioner may levy a civil penalty
10893 in an amount not to exceed Five Thousand Dollars (\$5,000.00) per
10894 violation, or both, and any such penalty shall be deposited into
10895 the special fund of the State Treasury designated as the
10896 "Insurance Department Fund," if, after notice and hearing as
10897 hereinafter provided, he finds that the applicant for, or holder
10898 of, such license:

10899 (a) Has intentionally made a material misstatement in
10900 the application for such license; or

10901 (b) Has obtained, or attempted to obtain, such license
10902 by fraud or misrepresentation; or

10903 (c) Has misappropriated or converted to his own use or
10904 illegally withheld money belonging to another person or entity; or

10905 (d) Has otherwise demonstrated lack of trustworthiness
10906 or competence to act as a public adjuster; or

10907 (e) Has been guilty of fraudulent or dishonest
10908 practices or has been convicted of a * * * disqualifying crime as
10909 provided in the Fresh Start Act; or

10910 (f) Has materially misrepresented the terms and
10911 conditions of insurance policies or contracts or failed to
10912 identify himself as a public adjuster; or



10913 (g) Has obtained or attempted to obtain such license
10914 for a purpose other than holding himself out to the general public
10915 as a public adjuster; or

10916 (h) Has violated any insurance laws, or any regulation,
10917 subpoena or order of the commissioner or of another state's
10918 commissioner of insurance.

10919 (2) Before any license shall be refused (except for failure
10920 to pass a required written examination) or suspended or revoked or
10921 the renewal thereof refused hereunder, the commissioner shall give
10922 notice of his intention so to do, by certified mail, return
10923 receipt requested, to the applicant for or holder of such license,
10924 and shall set a date not less than twenty (20) days from the date
10925 of mailing such notice when the applicant or licensee may appear
10926 to be heard and produce evidence in opposition to such refusal,
10927 suspension or revocation. Such notice shall constitute automatic
10928 suspension of license if the person involved is a licensed public
10929 adjuster. In the conduct of such hearing, the commissioner or any
10930 regular salaried employee of the department specially designated
10931 by him for such purpose shall have the power to administer oaths,
10932 to require the appearance of and examine any person under oath,
10933 and to require the production of books, records or papers relevant
10934 to the inquiry upon his own initiative or upon the request of the
10935 applicant or licensee. Upon the termination of such hearing,
10936 findings shall be reduced to writing and, upon approval by the
10937 commissioner, shall be filed in his office; and notice of the



10938 findings shall be sent by certified mail, return receipt
10939 requested, to the applicant or licensee.

10940 (3) Where the grounds set out in subsection (1)(c) or (1)(f)
10941 of this section are the grounds for any hearing, the commissioner
10942 may, in his discretion in lieu of the hearing provided for in
10943 subsection (2) of this section, file a petition requesting the
10944 court to suspend or revoke any license authorized hereunder in a
10945 court of competent jurisdiction of the county or district in which
10946 the alleged offense occurred. In such cases, subpoenas may be
10947 issued for witnesses, and mileage and witness fees paid as in
10948 other cases. All costs of such cause shall be paid by the
10949 defendant, if the finding of the court be against him.

10950 (4) No licensee whose license has been revoked hereunder
10951 shall be entitled to file another application for a license as a
10952 public adjuster within one (1) year from the effective date of
10953 such revocation or, if judicial review of such revocation is
10954 sought, within one (1) year from the date of final court order or
10955 decree affirming such revocation. An application filed after such
10956 one-year period shall be refused by the commissioner unless the
10957 applicant shows good cause why the revocation of his license shall
10958 not be deemed a bar to the issuance of a new license.

10959 (5) From and after July 1, 2016, the expenses of this agency
10960 shall be defrayed by appropriation from the State General Fund and
10961 all user charges and fees authorized under this section shall be
10962 deposited into the State General Fund as authorized by law.



10963 (6) From and after July 1, 2016, no state agency shall
10964 charge another state agency a fee, assessment, rent or other
10965 charge for services or resources received by authority of this
10966 section.

10967 **SECTION 131.** Section 83-21-19, Mississippi Code of 1972, is
10968 amended as follows:

10969 83-21-19. (1) Surplus lines insurance may be placed by a
10970 surplus lines insurance producer if:

10971 (a) Each insurer is an eligible surplus lines insurer;

10972 (b) Each insurer is authorized to write the line of
10973 insurance in its domiciliary jurisdiction; and

10974 (c) All other requirements as set forth by law are met.

10975 (2) The Commissioner of Insurance, upon the biennial payment
10976 of a fee of One Hundred Dollars (\$100.00) and submission of a
10977 completed license application on a form approved by the
10978 commissioner, may issue a surplus lines insurance producer license
10979 to a qualified holder of an insurance producer license with a
10980 property, casualty and/or personal lines line of authority, who is
10981 regularly commissioned to represent a fire and casualty insurance
10982 company licensed to do business in the state.

10983 (3) The privilege license shall continue from the date of
10984 issuance until the last day of the month of the licensee's
10985 birthday in the second year following issuance or renewal of the
10986 license, with a minimum term of twelve (12) months.



10987 (4) A nonresident person shall receive a surplus lines
10988 insurance producer license if:

10989 (a) The person is currently licensed as a surplus lines
10990 insurance producer or equivalent and in good standing in his or
10991 her home state;

10992 (b) The person has submitted the proper request for
10993 licensure and has paid the biennial fee of One Hundred Dollars
10994 (\$100.00); and

10995 (c) The person's home state awards nonresident surplus
10996 lines licenses to residents of this state on the same basis.

10997 (5) The commissioner may verify a person's licensing status
10998 through the National Producer Database maintained by the National
10999 Association of Insurance Commissioners, its affiliates or
11000 subsidiaries.

11001 (6) A nonresident surplus lines insurance producer licensee
11002 who moves from one (1) state to another state, or a resident
11003 surplus lines licensee who moves from this state to another state,
11004 shall file a change of address and provide certification from the
11005 new resident state within thirty (30) days of the change of legal
11006 residence. No fee or license application is required.

11007 (7) The commissioner may deny, suspend, revoke or refuse the
11008 license of a surplus lines insurance producer licensee and/or levy
11009 a civil penalty in an amount not to exceed Two Thousand Five
11010 Hundred Dollars (\$2,500.00) per violation, after notice and



11011 hearing as provided hereunder, for one or more of the following
11012 grounds:

11013 (a) Providing incorrect, misleading, incomplete or
11014 materially untrue information in the license application;

11015 (b) Violating any insurance laws, or violating any
11016 regulation, subpoena or order of the commissioner or of another
11017 state's commissioner;

11018 (c) Obtaining or attempting to obtain a license through
11019 misrepresentation or fraud;

11020 (d) Improperly withholding, misappropriating or
11021 converting any monies or properties received in the course of
11022 doing the business of insurance;

11023 (e) Intentionally misrepresenting the terms of an
11024 actual or proposed insurance contract or application for
11025 insurance;

11026 (f) Having been convicted of a * * * disqualifying
11027 crime as provided in the Fresh Start Act;

11028 (g) Having admitted or been found to have committed any
11029 insurance unfair trade practice or fraud;

11030 (h) Using fraudulent, coercive or dishonest practices
11031 or demonstrating incompetence, untrustworthiness or financial
11032 irresponsibility in the conduct of business in this state or
11033 elsewhere;



11034 (i) Having an insurance producer license, or its
11035 equivalent, denied, suspended or revoked in any other state,
11036 province, district or territory;

11037 (j) Forging another's name to an application for
11038 insurance or to any document related to an insurance transaction;

11039 (k) Improperly using notes or any other reference
11040 material to complete an examination for an insurance license;

11041 (l) Knowingly accepting insurance business from an
11042 individual who is not licensed;

11043 (m) Failing to comply with an administrative or court
11044 order imposing a child support obligation; or

11045 (n) Failing to pay state income tax or comply with any
11046 administrative or court order directing payment of state income
11047 tax.

11048 (8) If the action by the commissioner is to nonrenew,
11049 suspend, revoke or to deny an application for a license, the
11050 commissioner shall notify the applicant or licensee and advise, in
11051 writing, the applicant or licensee of the reason for the denial or
11052 nonrenewal of the applicant's or licensee's license. The
11053 applicant or licensee may make written demand upon the
11054 commissioner within ten (10) days for a hearing before the
11055 commissioner to determine the reasonableness of the commissioner's
11056 action. The hearing shall be held within thirty (30) days.

11057 (9) Every surplus lines insurance contract procured and
11058 delivered according to Sections 83-21-17 through 83-21-31 shall



11059 have stamped upon it in bold ten-point type, and bear the name of
11060 the surplus lines insurance producer who procured it, the
11061 following: "NOTE: This insurance policy is issued pursuant to
11062 Mississippi law covering surplus lines insurance. The company
11063 issuing the policy is not licensed by the State of Mississippi,
11064 but is authorized to do business in Mississippi as a nonadmitted
11065 company. The policy is not protected by the Mississippi Insurance
11066 Guaranty Association in the event of the insurer's insolvency."
11067 No diminution of the license fee herein provided shall occur as to
11068 any license effective after January 1 of any year.

11069 **SECTION 132.** Section 83-49-11, Mississippi Code of 1972, is
11070 amended as follows:

11071 83-49-11. The commissioner may revoke or suspend or refuse
11072 to renew the license of any sponsor or representative of such
11073 sponsor when and if after investigation the commissioner finds
11074 that:

11075 (a) Any license issued to such sponsor or
11076 representative of such sponsor was obtained by fraud;

11077 (b) There was any misrepresentation in the application
11078 for the license;

11079 (c) The sponsor or representative of such sponsor has
11080 otherwise shown itself untrustworthy or incompetent to act as a
11081 sponsor or representative of such sponsor;



11082 (d) Such sponsor or representative of such sponsor has
11083 violated any of the provisions of this chapter or of the rules and
11084 regulations of the commissioner;

11085 (e) The sponsor or representative of such sponsor has
11086 misappropriated, converted, illegally withheld, or refused to pay
11087 over upon proper demand any monies entrusted to the sponsor or
11088 representative of such sponsor in its fiduciary capacity belonging
11089 to an insurer or insured;

11090 (f) The sponsor or representative of such sponsor is
11091 found to be in an unsound condition or in such condition as to
11092 render the future transaction of business in this state hazardous
11093 to the public; or

11094 (g) The sponsor or representative of such sponsor is
11095 found guilty of fraudulent, deceptive, unfair or dishonest
11096 practices as defined in Section 83-5-35 or 83-5-45, Mississippi
11097 Code of 1972, or has been convicted of a * * * disqualifying crime
11098 as provided in the Fresh Start Act.

11099 Before any license shall be refused, suspended, revoked or
11100 the renewal thereof refused hereunder, the commissioner shall give
11101 notice of his intention so to do, by certified mail, return
11102 receipt requested, to the applicant for or holder of such license
11103 and to any sponsor whom such representative represents or who
11104 desires that he be licensed, and shall set a date not less than
11105 twenty (20) days from the date of mailing such notice when the
11106 applicant or licensee and a duly authorized representative of the



11107 sponsor may appear to be heard and produce evidence. In the
11108 conduct of such hearing, the commissioner or any regular salaried
11109 employee specially designated by him for such purposes shall have
11110 power to administer oaths, to require the appearance of and
11111 examine any person under oath, and to require the production of
11112 books, records or papers relevant to the inquiry upon his own
11113 initiative or upon the request of the applicant or licensee. Upon
11114 the termination of such hearing, findings shall be reduced to
11115 writing and, upon approval by the commissioner, shall be filed in
11116 his office; and notice of the findings shall be sent by certified
11117 mail to the applicant or licensee and the sponsor concerned.

11118 No licensee whose license has been revoked hereunder shall be
11119 entitled to file another application for a license as a sponsor or
11120 a representative of any sponsor within one (1) year from the
11121 effective date of such revocation. Such application, when filed,
11122 may be refused by the commissioner unless the applicant shows good
11123 cause why the revocation of his license shall not be deemed a bar
11124 to the issuance of a new license.

11125 In lieu of revoking, suspending or refusing to renew the
11126 license for any of the causes enumerated in this section, after
11127 hearing as herein provided, the commissioner may place the sponsor
11128 on probation for a period of time not to exceed one (1) year, or
11129 may fine such sponsor not more than One Thousand Dollars
11130 (\$1,000.00) for each offense, or both, when in his judgment he
11131 finds that the public interest would not be harmed by the



11132 continued operation of the sponsor. The amount of any such
11133 penalty shall be paid by such sponsor to the commissioner for the
11134 use of the state. At any hearing provided by this section, the
11135 commissioner shall have authority to administer oaths to
11136 witnesses. Anyone testifying falsely, after having been
11137 administered such oath, shall be subject to the penalty of
11138 perjury.

11139 Any action of the commissioner taken pursuant to the
11140 provisions of this section shall be subject to review as may be
11141 provided in Section 83-17-125.

11142 **SECTION 133.** Section 97-33-315, Mississippi Code of 1972, is
11143 amended as follows:

11144 97-33-315. (1) The executive director shall make
11145 appropriate investigations:

11146 (a) To determine whether there has been any violation
11147 of Sections 97-33-301 through 97-33-317 or of any regulations
11148 adopted thereunder.

11149 (b) To determine any facts, conditions, practices or
11150 matters which it may deem necessary or proper to aid in the
11151 enforcement of any such law or regulation.

11152 (c) To aid in adopting regulations.

11153 (d) To secure information as a basis for recommending
11154 legislation relating to Sections 97-33-301 through 97-33-317.

11155 (e) To determine annual compliance with Sections
11156 97-33-301 through 97-33-317.



11157 (2) If after any investigation the executive director is
11158 satisfied that a license should be limited, conditioned, suspended
11159 or revoked, he shall initiate a hearing by filing a complaint with
11160 the commission and transmit therewith a summary of evidence in his
11161 possession bearing on the matter and the transcript of testimony
11162 at any investigative hearing conducted by or on behalf of the
11163 executive director to the licensee.

11164 (3) Upon receipt of the complaint of the executive director,
11165 the commission shall review all matter presented in support
11166 thereof and shall appoint a hearing examiner to conduct further
11167 proceedings.

11168 (4) After proceedings required by Sections 97-33-301 through
11169 97-33-317, the hearing examiner may recommend that the commission
11170 take any or all of the following actions:

11171 (a) As to operations at a licensed gaming establishment
11172 under Section 97-33-307(5):

11173 (i) Limit, condition, suspend or revoke the
11174 license of any licensed gaming establishment or the individual
11175 license of any licensee without affecting the license of the
11176 establishment; and

11177 (ii) Order an operator to exclude an individual
11178 licensee from the operation of the registered business or not to
11179 pay the licensee any remuneration for services or any profits,
11180 income or accruals on his investment in the licensed gaming
11181 establishment;



11182 (b) Limit, condition, suspend or revoke any license
11183 granted to any applicant by the commission;

11184 (c) Fine each licensee for any act or transaction for
11185 which commission approval was required or permitted, as provided
11186 in Section 97-33-309.

11187 (5) The hearing examiner shall prepare a written decision
11188 containing his recommendation to the commission and shall serve it
11189 on all parties. Any party disagreeing with the hearing examiner's
11190 recommendation may ask the commission to review the recommendation
11191 within ten (10) days of service of the recommendation. The
11192 commission may hold a hearing to consider the recommendation
11193 whether there has been a request to review the recommendation or
11194 not.

11195 (6) If the commission decides to review the recommendation,
11196 it shall give notice of that fact to all parties within thirty
11197 (30) days of the recommendation and shall schedule a hearing to
11198 review the recommendation. The commission's review shall be de
11199 novo but shall be based upon the evidence presented before the
11200 hearing examiner. The commission may remand the case to the
11201 hearing examiner for the presentation of additional evidence upon
11202 a showing of good cause why the evidence could not have been
11203 presented at the previous hearing.

11204 (7) If the commission does not decide to review the
11205 recommendation within thirty (30) days, the recommendation becomes
11206 the final order of the commission.



11207 (8) If the commission limits, conditions, suspends or
11208 revokes any license, or imposes a fine, it shall issue its written
11209 order therefor after causing to be prepared and filed the hearing
11210 examiner's written decision upon which the order is based.

11211 (9) Any limitation, condition, revocation, suspension or
11212 fine is effective until reversed upon judicial review, except that
11213 the commission may stay its order pending a rehearing or judicial
11214 review upon such terms and conditions as it deems proper.

11215 (10) Judicial review of an order or decision of the
11216 commission may be had to the Chancery Court of the First Judicial
11217 District of Hinds County, Mississippi, as a case in equity.

11218 (11) A license * * * may be revoked if the individual is
11219 convicted of a * * * disqualifying crime as provided in the Fresh
11220 Start Act. An appeal from the conviction shall not act as a
11221 supersedeas to the revocation required by this subsection.

11222 **SECTION 134.** Section 73-15-201, Mississippi Code of 1972, is
11223 brought forward as follows:

11224 73-15-201. The Nurse Licensure Compact is enacted into law
11225 and entered into by this state with any and all states legally
11226 joining in the compact in accordance with its term, in the form
11227 substantially as follows:

11228 **ARTICLE I.**

11229 **Findings and declaration of purpose.**

11230 (a) The party states find that:



11231 1. The health and safety of the public are
11232 affected by the degree of compliance with and the effectiveness of
11233 enforcement activities related to state nurse licensure laws;

11234 2. Violations of nurse licensure and other laws
11235 regulating the practice of nursing may result in injury or harm to
11236 the public;

11237 3. The expanded mobility of nurses and the use of
11238 advanced communication technologies as part of our nation's health
11239 care delivery system require greater coordination and cooperation
11240 among states in the areas of nurse licensure and regulation;

11241 4. New practice modalities and technology make
11242 compliance with individual state nurse licensure laws difficult
11243 and complex;

11244 5. The current system of duplicative licensure for
11245 nurses practicing in multiple states is cumbersome and redundant
11246 for both nurses and states; and

11247 6. Uniformity of nurse licensure requirements
11248 throughout the states promotes public safety and public health
11249 benefits.

11250 (b) The general purposes of this compact are to:

11251 1. Facilitate the states' responsibility to
11252 protect the public's health and safety;

11253 2. Ensure and encourage the cooperation of party
11254 states in the areas of nurse licensure and regulation;



11280 (b) "Alternative program" means a nondisciplinary
11281 monitoring program approved by a licensing board.

11282 (c) "Coordinated licensure information system" means an
11283 integrated process for collecting, storing and sharing information
11284 on nurse licensure and enforcement activities related to nurse
11285 licensure laws that is administered by a nonprofit organization
11286 composed of and controlled by licensing boards.

11287 (d) "Current significant investigative information"
11288 means:

11289 1. Investigative information that a licensing
11290 board, after a preliminary inquiry that includes notification and
11291 an opportunity for the nurse to respond, if required by state law,
11292 has reason to believe is not groundless and, if proved true, would
11293 indicate more than a minor infraction; or

11294 2. Investigative information that indicates that
11295 the nurse represents an immediate threat to public health and
11296 safety regardless of whether the nurse has been notified and had
11297 an opportunity to respond.

11298 (e) "Encumbrance" means a revocation or suspension of,
11299 or any limitation on, the full and unrestricted practice of
11300 nursing imposed by a licensing board.

11301 (f) "Home state" means the party state which is the
11302 nurse's primary state of residence.

11303 (g) "Licensing board" means a party state's regulatory
11304 body responsible for issuing nurse licenses.



11305 (h) "Multistate license" means a license to practice as
11306 a registered or a licensed practical/vocational nurse (LPN/VN)
11307 issued by a home state licensing board that authorizes the
11308 licensed nurse to practice in all party states under a multistate
11309 licensure privilege.

11310 (i) "Multistate licensure privilege" means a legal
11311 authorization associated with a multistate license permitting the
11312 practice of nursing as either a registered nurse (RN) or LPN/VN in
11313 a remote state.

11314 (j) "Nurse" means RN or LPN/VN, as those terms are
11315 defined by each party state's practice laws.

11316 (k) "Party state" means any state that has adopted this
11317 compact.

11318 (l) "Remote state" means a party state, other than the
11319 home state.

11320 (m) "Single-state license" means a nurse license issued
11321 by a party state that authorizes practice only within the issuing
11322 state and does not include a multistate licensure privilege to
11323 practice in any other party state.

11324 (n) "State" means a state, territory or possession of
11325 the United States and the District of Columbia.

11326 (o) "State practice laws" means a party state's laws,
11327 rules and regulations that govern the practice of nursing, define
11328 the scope of nursing practice, and create the methods and grounds
11329 for imposing discipline. "State practice laws" do not include



11330 requirements necessary to obtain and retain a license, except for
11331 qualifications or requirements of the home state.

11332 **ARTICLE III.**

11333 **General provisions and jurisdiction.**

11334 (a) A multistate license to practice registered or
11335 licensed practical/vocational nursing issued by a home state to a
11336 resident in that state will be recognized by each party state as
11337 authorizing a nurse to practice as a registered nurse (RN) or as a
11338 licensed practical/vocational nurse (LPN/VN), under a multistate
11339 licensure privilege, in each party state.

11340 (b) A state must implement procedures for considering
11341 the criminal history records of applicants for initial multistate
11342 license or licensure by endorsement. Such procedures shall
11343 include the submission of fingerprints or other biometric-based
11344 information by applicants for the purpose of obtaining an
11345 applicant's criminal history record information from the Federal
11346 Bureau of Investigation and the agency responsible for retaining
11347 that state's criminal records.

11348 (c) Each party state shall require the following for an
11349 applicant to obtain or retain a multistate license in the home
11350 state:

11351 1. Meets the home state's qualifications for
11352 licensure or renewal of licensure, as well as, all other
11353 applicable state laws;



11354 2. (i) Has graduated or is eligible to graduate
11355 from a licensing board-approved RN or LPN/VN prelicensure
11356 education program; or

11357 (ii) Has graduated from a foreign RN or
11358 LPN/VN prelicensure education program that (a) has been approved
11359 by the authorized accrediting body in the applicable country and
11360 (b) has been verified by an independent credentials review agency
11361 to be comparable to a licensing board-approved prelicensure
11362 education program;

11363 3. Has, if a graduate of a foreign prelicensure
11364 education program not taught in English or if English is not the
11365 individual's native language, successfully passed an English
11366 proficiency examination that includes the components of reading,
11367 speaking, writing and listening;

11368 4. Has successfully passed a National Council
11369 Licensure Examination-Registered Nurse (NCLEX-RN®) or National
11370 Council Licensure Examination-Practical Nurse (NCLEX-PN®)
11371 Examination or recognized predecessor, as applicable;

11372 5. Is eligible for or holds an active,
11373 unencumbered license;

11374 6. Has submitted, in connection with an
11375 application for initial licensure or licensure by endorsement,
11376 fingerprints or other biometric data for the purpose of obtaining
11377 criminal history record information from the Federal Bureau of



11378 Investigation and the agency responsible for retaining that
11379 state's criminal records;

11380 7. Has not been convicted or found guilty, or has
11381 entered into an agreed disposition, of a felony offense under
11382 applicable state or federal criminal law;

11383 8. Has not been convicted or found guilty, or has
11384 entered into an agreed disposition, of a misdemeanor offense
11385 related to the practice of nursing as determined on a case-by-case
11386 basis;

11387 9. Is not currently enrolled in an alternative
11388 program;

11389 10. Is subject to self-disclosure requirements
11390 regarding current participation in an alternative program; and

11391 11. Has a valid United States social security
11392 number.

11393 (d) All party states shall be authorized, in accordance
11394 with existing state due process law, to take adverse action
11395 against a nurse's multistate licensure privilege such as
11396 revocation, suspension, probation or any other action that affects
11397 a nurse's authorization to practice under a multistate licensure
11398 privilege, including cease and desist actions. If a party state
11399 takes such action, it shall promptly notify the administrator of
11400 the coordinated licensure information system. The administrator
11401 of the coordinated licensure information system shall promptly
11402 notify the home state of any such actions by remote states.



11403 (e) A nurse practicing in a party state must comply
11404 with the state practice laws of the state in which the client is
11405 located at the time service is provided. The practice of nursing
11406 is not limited to patient care, but shall include all nursing
11407 practice as defined by the state practice laws of the party state
11408 in which the client is located. The practice of nursing in a
11409 party state under a multistate licensure privilege will subject a
11410 nurse to the jurisdiction of the licensing board, the courts and
11411 the laws of the party state in which the client is located at the
11412 time service is provided.

11413 (f) Individuals not residing in a party state shall
11414 continue to be able to apply for a party state's single-state
11415 license as provided under the laws of each party state. However,
11416 the single-state license granted to these individuals will not be
11417 recognized as granting the privilege to practice nursing in any
11418 other party state. Nothing in this compact shall affect the
11419 requirements established by a party state for the issuance of a
11420 single-state license.

11421 (g) Any nurse holding a home state multistate license,
11422 on the effective date of this compact, may retain and renew the
11423 multistate license issued by the nurse's then-current home state,
11424 provided that:

11425 1. A nurse, who changes primary state of residence
11426 after this compact's effective date, must meet all applicable



11451 (c) If a nurse changes primary state of residence by
11452 moving between two (2) party states, the nurse must apply for
11453 licensure in the new home state, and the multistate license issued
11454 by the prior home state will be deactivated in accordance with
11455 applicable rules adopted by the commission.

11456 1. The nurse may apply for licensure in advance of
11457 a change in primary state of residence.

11458 2. A multistate license shall not be issued by the
11459 new home state until the nurse provides satisfactory evidence of a
11460 change in primary state of residence to the new home state and
11461 satisfies all applicable requirements to obtain a multistate
11462 license from the new home state.

11463 (d) If a nurse changes primary state of residence by
11464 moving from a party state to a nonparty state, the multistate
11465 license issued by the prior home state will convert to a
11466 single-state license, valid only in the former home state.

11467 **ARTICLE V.**

11468 **Additional authorities invested in party state licensing boards.**

11469 (a) In addition to the other powers conferred by state
11470 law, a licensing board shall have the authority to:

11471 1. Take adverse action against a nurse's
11472 multistate licensure privilege to practice within that party
11473 state.



11474 (i) Only the home state shall have the power
11475 to take adverse action against a nurse's license issued by the
11476 home state.

11477 (ii) For purposes of taking adverse action,
11478 the home state licensing board shall give the same priority and
11479 effect to reported conduct received from a remote state as it
11480 would if such conduct had occurred within the home state.

11481 In so doing, the home state shall apply its own state laws to
11482 determine appropriate action.

11483 2. Issue cease and desist orders or impose an
11484 encumbrance on a nurse's authority to practice within that party
11485 state.

11486 3. Complete any pending investigations of a nurse
11487 who changes primary state of residence during the course of such
11488 investigations. The licensing board shall also have the authority
11489 to take appropriate action(s) and shall promptly report the
11490 conclusions of such investigations to the administrator of the
11491 coordinated licensure information system. The administrator of
11492 the coordinated licensure information system shall promptly notify
11493 the new home state of any such actions.

11494 4. Issue subpoenas for both hearings and
11495 investigations that require the attendance and testimony of
11496 witnesses, as well as, the production of evidence.

11497 Subpoenas issued by a licensing board in a party state for
11498 the attendance and testimony of witnesses or the production of



11499 evidence from another party state shall be enforced in the latter
11500 state by any court of competent jurisdiction, according to the
11501 practice and procedure of that court applicable to subpoenas
11502 issued in proceedings pending before it. The issuing authority
11503 shall pay any witness fees, travel expenses, mileage and other
11504 fees required by the service statutes of the state in which the
11505 witnesses or evidence are located.

11506 5. Obtain and submit, for each nurse licensure
11507 applicant, fingerprint or other biometric-based information to the
11508 Federal Bureau of Investigation for criminal background checks,
11509 receive the results of the Federal Bureau of Investigation record
11510 search on criminal background checks and use the results in making
11511 licensure decisions.

11512 6. If otherwise permitted by state law, recover
11513 from the affected nurse the costs of investigations and
11514 disposition of cases resulting from any adverse action taken
11515 against that nurse.

11516 7. Take adverse action based on the factual
11517 findings of the remote state, provided that the licensing board
11518 follows its own procedures for taking such adverse action.

11519 (b) If adverse action is taken by the home state
11520 against a nurse's multistate license, the nurse's multistate
11521 licensure privilege to practice in all other party states shall be
11522 deactivated until all encumbrances have been removed from the
11523 multistate license. All home state disciplinary orders that



11524 impose adverse action against a nurse's multistate license shall
11525 include a statement that the nurse's multistate licensure
11526 privilege is deactivated in all party states during the pendency
11527 of the order.

11528 (c) Nothing in this compact shall override a party
11529 state's decision that participation in an alternative program may
11530 be used in lieu of adverse action. The home state licensing board
11531 shall deactivate the multistate licensure privilege under the
11532 multistate license of any nurse for the duration of the nurse's
11533 participation in an alternative program.

11534 **ARTICLE VI.**

11535 **Coordinated licensure information system and exchange of**
11536 **information.**

11537 (a) All party states shall participate in a coordinated
11538 licensure information system of all licensed registered nurses
11539 (RNs) and licensed practical/vocational nurses (LPNs/VNs). This
11540 system will include information on the licensure and disciplinary
11541 history of each nurse, as submitted by party states, to assist in
11542 the coordination of nurse licensure and enforcement efforts.

11543 (b) The commission, in consultation with the
11544 administrator of the coordinated licensure information system,
11545 shall formulate necessary and proper procedures for the
11546 identification, collection and exchange of information under this
11547 compact.



11548 (c) All licensing boards shall promptly report to the
11549 coordinated licensure information system any adverse action, any
11550 current significant investigative information, denials of
11551 applications (with the reasons for such denials) and nurse
11552 participation in alternative programs known to the licensing board
11553 regardless of whether such participation is deemed nonpublic or
11554 confidential under state law.

11555 (d) Current significant investigative information and
11556 participation in nonpublic or confidential alternative programs
11557 shall be transmitted through the coordinated licensure information
11558 system only to party state licensing boards.

11559 (e) Notwithstanding any other provision of law, all
11560 party state licensing boards contributing information to the
11561 coordinated licensure information system may designate information
11562 that may not be shared with nonparty states or disclosed to other
11563 entities or individuals without the express permission of the
11564 contributing state.

11565 (f) Any personally identifiable information obtained
11566 from the coordinated licensure information system by a party state
11567 licensing board shall not be shared with nonparty states or
11568 disclosed to other entities or individuals except to the extent
11569 permitted by the laws of the party state contributing the
11570 information.

11571 (g) Any information contributed to the coordinated
11572 licensure information system that is subsequently required to be



11573 expunged by the laws of the party state contributing that
11574 information shall also be expunged from the coordinated licensure
11575 information system.

11576 (h) The compact administrator of each party state shall
11577 furnish a uniform data set to the compact administrator of each
11578 other party state, which shall include, at a minimum:

- 11579 1. Identifying information;
11580 2. Licensure data;
11581 3. Information related to alternative program
11582 participation; and
11583 4. Other information that may facilitate the
11584 administration of this compact, as determined by commission rules.

11585 (i) The compact administrator of a party state shall
11586 provide all investigative documents and information requested by
11587 another party state.

11588 **ARTICLE VII.**

11589 **Establishment of the Interstate Commission of Nurse Licensure**
11590 **Compact administrators.**

11591 (a) The party states hereby create and establish a
11592 joint public entity known as the Interstate Commission of Nurse
11593 Licensure Compact Administrators.

- 11594 1. The commission is an instrumentality of the
11595 party states.
11596 2. Venue is proper, and judicial proceedings by or
11597 against the commission shall be brought solely and exclusively, in



11598 a court of competent jurisdiction where the principal office of
11599 the commission is located. The commission may waive venue and
11600 jurisdictional defenses to the extent it adopts or consents to
11601 participate in alternative dispute resolution proceedings.

11602 3. Nothing in this compact shall be construed to
11603 be a waiver of sovereign immunity.

11604 (b) Membership, voting and meetings.

11605 1. Each party state shall have and be limited to
11606 one (1) administrator. The head of the state licensing board or
11607 designee shall be the administrator of this compact for each party
11608 state. Any administrator may be removed or suspended from office
11609 as provided by the law of the state from which the administrator
11610 is appointed. Any vacancy occurring in the commission shall be
11611 filled in accordance with the laws of the party state in which the
11612 vacancy exists.

11613 2. Each administrator shall be entitled to one (1)
11614 vote with regard to the promulgation of rules and creation of
11615 bylaws and shall otherwise have an opportunity to participate in
11616 the business and affairs of the commission. An administrator
11617 shall vote in person or by such other means as provided in the
11618 bylaws. The bylaws may provide for an administrator's
11619 participation in meetings by telephone or other means of
11620 communication.

11621 3. The commission shall meet at least once during
11622 each calendar year.



11623 Additional meetings shall be held as set forth in the bylaws
11624 or rules of the commission.

11625 4. All meetings shall be open to the public, and
11626 public notice of meetings shall be given in the same manner as
11627 required under the rulemaking provisions in Article VIII.

11628 5. The commission may convene in a closed,
11629 nonpublic meeting if the commission must discuss:

11630 (i) Noncompliance of a party state with its
11631 obligations under this compact;

11632 (ii) The employment, compensation, discipline
11633 or other personnel matters, practices or procedures related to
11634 specific employees or other matters related to the commission's
11635 internal personnel practices and procedures;

11636 (iii) Current, threatened or reasonably
11637 anticipated litigation;

11638 (iv) Negotiation of contracts for the
11639 purchase or sale of goods, services or real estate;

11640 (v) Accusing any person of a crime or
11641 formally censuring any person;

11642 (vi) Disclosure of trade secrets or
11643 commercial or financial information that is privileged or
11644 confidential;

11645 (vii) Disclosure of information of a personal
11646 nature where disclosure would constitute a clearly unwarranted
11647 invasion of personal privacy;



11648 (viii) Disclosure of investigatory records
11649 compiled for law enforcement purposes;

11650 (ix) Disclosure of information related to any
11651 reports prepared by or on behalf of the commission for the purpose
11652 of investigation of compliance with this compact; or

11653 (x) Matters specifically exempted from
11654 disclosure by federal or state statute.

11655 6. If a meeting, or portion of a meeting, is
11656 closed pursuant to this provision, the commission's legal counsel
11657 or designee shall certify that the meeting may be closed and shall
11658 reference each relevant exempting provision. The commission shall
11659 keep minutes that fully and clearly describe all matters discussed
11660 in a meeting and shall provide a full and accurate summary of
11661 actions taken, and the reasons therefor, including a description
11662 of the views expressed. All documents considered in connection
11663 with an action shall be identified in such minutes. All minutes
11664 and documents of a closed meeting shall remain under seal, subject
11665 to release by a majority vote of the commission or order of a
11666 court of competent jurisdiction.

11667 (c) The commission shall, by a majority vote of the
11668 administrators, prescribe bylaws or rules to govern its conduct as
11669 may be necessary or appropriate to carry out the purposes and
11670 exercise the powers of this compact, including, but not limited
11671 to:

11672 1. Establishing the fiscal year of the commission;



11673 2. Providing reasonable standards and procedures:

11674 (i) For the establishment and meetings of
11675 other committees; and

11676 (ii) Governing any general or specific
11677 delegation of any authority or function of the commission;

11678 3. Providing reasonable procedures for calling and
11679 conducting meetings of the commission, ensuring reasonable advance
11680 notice of all meetings and providing an opportunity for attendance
11681 of such meetings by interested parties, with enumerated exceptions
11682 designed to protect the public's interest, the privacy of
11683 individuals, and proprietary information, including trade secrets.
11684 The commission may meet in closed session only after a majority of
11685 the administrators vote to close a meeting in whole or in part.
11686 As soon as practicable, the commission must make public a copy of
11687 the vote to close the meeting revealing the vote of each
11688 administrator, with no proxy votes allowed;

11689 4. Establishing the titles, duties and authority
11690 and reasonable procedures for the election of the officers of the
11691 commission;

11692 5. Providing reasonable standards and procedures
11693 for the establishment of the personnel policies and programs of
11694 the commission. Notwithstanding any civil service or other
11695 similar laws of any party state, the bylaws shall exclusively
11696 govern the personnel policies and programs of the commission; and



11697 6. Providing a mechanism for winding up the
11698 operations of the commission and the equitable disposition of any
11699 surplus funds that may exist after the termination of this compact
11700 after the payment or reserving of all of its debts and
11701 obligations;

11702 (d) The commission shall publish its bylaws and rules,
11703 and any amendments thereto, in a convenient form on the website of
11704 the commission.

11705 (e) The commission shall maintain its financial records
11706 in accordance with the bylaws.

11707 (f) The commission shall meet and take such actions as
11708 are consistent with the provisions of this compact and the bylaws.

11709 (g) The commission shall have the following powers:

11710 1. To promulgate uniform rules to facilitate and
11711 coordinate implementation and administration of this compact. The
11712 rules shall have the force and effect of law and shall be binding
11713 in all party states;

11714 2. To bring and prosecute legal proceedings or
11715 actions in the name of the commission, provided that the standing
11716 of any licensing board to sue or be sued under applicable law
11717 shall not be affected;

11718 3. To purchase and maintain insurance and bonds;

11719 4. To borrow, accept or contract for services of
11720 personnel, including, but not limited to, employees of a party
11721 state or nonprofit organizations;



11722 5. To cooperate with other organizations that
11723 administer state compacts related to the regulation of nursing,
11724 including, but not limited to, sharing administrative or staff
11725 expenses, office space or other resources;

11726 6. To hire employees, elect or appoint officers,
11727 fix compensation, define duties, grant such individuals
11728 appropriate authority to carry out the purposes of this compact,
11729 and to establish the commission's personnel policies and programs
11730 relating to conflicts of interest, qualifications of personnel and
11731 other related personnel matters;

11732 7. To accept any and all appropriate donations,
11733 grants and gifts of money, equipment, supplies, materials and
11734 services, and to receive, utilize and dispose of the same;
11735 provided that at all times the commission shall avoid any
11736 appearance of impropriety or conflict of interest;

11737 8. To lease, purchase, accept appropriate gifts or
11738 donations of, or otherwise to own, hold, improve or use, any
11739 property, whether real, personal or mixed; provided that at all
11740 times the commission shall avoid any appearance of impropriety;

11741 9. To sell, convey, mortgage, pledge, lease,
11742 exchange, abandon or otherwise dispose of any property, whether
11743 real, personal or mixed;

11744 10. To establish a budget and make expenditures;

11745 11. To borrow money;



11746 12. To appoint committees, including advisory
11747 committees comprised of administrators, state nursing regulators,
11748 state legislators or their representatives, and consumer
11749 representatives, and other such interested persons;

11750 13. To provide and receive information from, and
11751 to cooperate with, law enforcement agencies;

11752 14. To adopt and use an official seal; and

11753 15. To perform such other functions as may be
11754 necessary or appropriate to achieve the purposes of this compact
11755 consistent with the state regulation of nurse licensure and
11756 practice.

11757 (h) Financing of the commission.

11758 1. The commission shall pay, or provide for the
11759 payment of, the reasonable expenses of its establishment,
11760 organization and ongoing activities.

11761 2. The commission may also levy on and collect an
11762 annual assessment from each party state to cover the cost of its
11763 operations, activities and staff in its annual budget as approved
11764 each year. The aggregate annual assessment amount, if any, shall
11765 be allocated based upon a formula to be determined by the
11766 commission, which shall promulgate a rule that is binding upon all
11767 party states.

11768 3. The commission shall not incur obligations of
11769 any kind prior to securing the funds adequate to meet the same;



11770 nor shall the commission pledge the credit of any of the party
11771 states, except by, and with the authority of, such party state.

11772 4. The commission shall keep accurate accounts of
11773 all receipts and disbursements. The receipts and disbursements of
11774 the commission shall be subject to the audit and accounting
11775 procedures established under its bylaws. However, all receipts
11776 and disbursements of funds handled by the commission shall be
11777 audited yearly by a certified or licensed public accountant, and
11778 the report of the audit shall be included in and become part of
11779 the annual report of the commission.

11780 (i) Qualified immunity, defense and indemnification.

11781 1. The administrators, officers, executive
11782 director, employees and representatives of the commission shall be
11783 immune from suit and liability, either personally or in their
11784 official capacity, for any claim for damage to or loss of property
11785 or personal injury or other civil liability caused by or arising
11786 out of any actual or alleged act, error or omission that occurred,
11787 or that the person against whom the claim is made had a reasonable
11788 basis for believing occurred, within the scope of commission
11789 employment, duties or responsibilities; provided that nothing in
11790 this paragraph shall be construed to protect any such person from
11791 suit or liability for any damage, loss, injury or liability caused
11792 by the intentional, willful or wanton misconduct of that person.

11793 2. The commission shall defend any administrator,
11794 officer, executive director, employee or representative of the



11820 adopted thereunder. Rules and amendments shall become binding as
11821 of the date specified in each rule or amendment and shall have the
11822 same force and effect as provisions of this compact.

11823 (b) Rules or amendments to the rules shall be adopted
11824 at a regular or special meeting of the commission.

11825 (c) Prior to promulgation and adoption of a final rule
11826 or rules by the commission, and at least sixty (60) days in
11827 advance of the meeting at which the rule will be considered and
11828 voted upon, the commission shall file a notice of proposed
11829 rulemaking:

11830 1. On the website of the commission; and
11831 2. On the website of each licensing board or the
11832 publication in which each state would otherwise publish proposed
11833 rules.

11834 (d) The notice of proposed rulemaking shall include:

11835 1. The proposed time, date and location of the
11836 meeting in which the rule will be considered and voted upon;
11837 2. The text of the proposed rule or amendment, and
11838 the reason for the proposed rule;
11839 3. A request for comments on the proposed rule
11840 from any interested person; and
11841 4. The manner in which interested persons may
11842 submit notice to the commission of their intention to attend the
11843 public hearing and any written comments.



11844 (e) Prior to adoption of a proposed rule, the
11845 commission shall allow persons to submit written data, facts,
11846 opinions and arguments, which shall be made available to the
11847 public.

11848 (f) The commission shall grant an opportunity for a
11849 public hearing before it adopts a rule or amendment.

11850 (g) The commission shall publish the place, time and
11851 date of the scheduled public hearing.

11852 1. Hearings shall be conducted in a manner
11853 providing each person who wishes to comment a fair and reasonable
11854 opportunity to comment orally or in writing.

11855 All hearings will be recorded, and a copy will be made
11856 available upon request.

11857 2. Nothing in this section shall be construed as
11858 requiring a separate hearing on each rule. Rules may be grouped
11859 for the convenience of the commission at hearings required by this
11860 section.

11861 (h) If no one appears at the public hearing, the
11862 commission may proceed with promulgation of the proposed rule.

11863 (i) Following the scheduled hearing date, or by the
11864 close of business on the scheduled hearing date if the hearing was
11865 not held, the commission shall consider all written and oral
11866 comments received.

11867 (j) The commission shall, by majority vote of all
11868 administrators, take final action on the proposed rule and shall



11869 determine the effective date of the rule, if any, based on the
11870 rulemaking record and the full text of the rule.

11871 (k) Upon determination that an emergency exists, the
11872 commission may consider and adopt an emergency rule without prior
11873 notice, opportunity for comment or hearing, provided that the
11874 usual rulemaking procedures provided in this compact and in this
11875 section shall be retroactively applied to the rule as soon as
11876 reasonably possible, in no event later than ninety (90) days after
11877 the effective date of the rule. For the purposes of this
11878 provision, an emergency rule is one that must be adopted
11879 immediately in order to:

- 11880 1. Meet an imminent threat to public health,
11881 safety or welfare;
- 11882 2. Prevent a loss of commission or party state
11883 funds; or
- 11884 3. Meet a deadline for the promulgation of an
11885 administrative rule that is required by federal law or rule.

11886 (l) The commission may direct revisions to a previously
11887 adopted rule or amendment for purposes of correcting typographical
11888 errors, errors in format, errors in consistency or grammatical
11889 errors. Public notice of any revisions shall be posted on the
11890 website of the commission. The revision shall be subject to
11891 challenge by any person for a period of thirty (30) days after
11892 posting. The revision may be challenged only on grounds that the
11893 revision results in a material change to a rule. A challenge



11894 shall be made in writing, and delivered to the commission, prior
11895 to the end of the notice period. If no challenge is made, the
11896 revision will take effect without further action. If the revision
11897 is challenged, the revision may not take effect without the
11898 approval of the commission.

11899 **ARTICLE IX.**

11900 **Oversight, dispute resolution and enforcement.**

11901 (a) Oversight:

11902 1. Each party state shall enforce this compact and
11903 take all actions necessary and appropriate to effectuate this
11904 compact's purposes and intent.

11905 2. The commission shall be entitled to receive
11906 service of process in any proceeding that may affect the powers,
11907 responsibilities or actions of the commission, and shall have
11908 standing to intervene in such a proceeding for all purposes.
11909 Failure to provide service of process in such proceeding to the
11910 commission shall render a judgment or order void as to the
11911 commission, this compact or promulgated rules.

11912 (b) Default, technical assistance and termination:

11913 1. If the commission determines that a party state
11914 has defaulted in the performance of its obligations or
11915 responsibilities under this compact or the promulgated rules, the
11916 commission shall:

11917 (i) Provide written notice to the defaulting
11918 state and other party states of the nature of the default, the



11919 proposed means of curing the default or any other action to be
11920 taken by the commission; and

11921 (ii) Provide remedial training and specific
11922 technical assistance regarding the default.

11923 2. If a state in default fails to cure the
11924 default, the defaulting state's membership in this compact may be
11925 terminated upon an affirmative vote of a majority of the
11926 administrators, and all rights, privileges and benefits conferred
11927 by this compact may be terminated on the effective date of
11928 termination. A cure of the default does not relieve the offending
11929 state of obligations or liabilities incurred during the period of
11930 default.

11931 3. Termination of membership in this compact shall
11932 be imposed only after all other means of securing compliance have
11933 been exhausted. Notice of intent to suspend or terminate shall be
11934 given by the commission to the Governor of the defaulting state
11935 and to the executive officer of the defaulting state's licensing
11936 board and each of the party states.

11937 4. A state whose membership in this compact has
11938 been terminated is responsible for all assessments, obligations
11939 and liabilities incurred through the effective date of
11940 termination, including obligations that extend beyond the
11941 effective date of termination.

11942 5. The commission shall not bear any costs related
11943 to a state that is found to be in default or whose membership in



11944 this compact has been terminated unless agreed upon in writing
11945 between the commission and the defaulting state.

11946 6. The defaulting state may appeal the action of
11947 the commission by petitioning the United States District Court for
11948 the District of Columbia or the federal district in which the
11949 commission has its principal offices. The prevailing party shall
11950 be awarded all costs of such litigation, including reasonable
11951 attorneys' fees.

11952 (c) Dispute resolution:

11953 1. Upon request by a party state, the commission
11954 shall attempt to resolve disputes related to the compact that
11955 arise among party states and between party and nonparty states.

11956 2. The commission shall promulgate a rule
11957 providing for both mediation and binding dispute resolution for
11958 disputes, as appropriate.

11959 3. In the event the commission cannot resolve
11960 disputes among party states arising under this compact:

11961 (i) The party states may submit the issues in
11962 dispute to an arbitration panel, which will be comprised of
11963 individuals appointed by the compact administrator in each of the
11964 affected party states and an individual mutually agreed upon by
11965 the compact administrators of all the party states involved in the
11966 dispute.

11967 (ii) The decision of a majority of the
11968 arbitrators shall be final and binding.



11969 (d) Enforcement:

11970 1. The commission, in the reasonable exercise of
11971 its discretion, shall enforce the provisions and rules of this
11972 compact.

11973 2. By majority vote, the commission may initiate
11974 legal action in the United States District Court for the District
11975 of Columbia or the federal district in which the commission has
11976 its principal offices against a party state that is in default to
11977 enforce compliance with the provisions of this compact and its
11978 promulgated rules and bylaws.

11979 The relief sought may include both injunctive relief and
11980 damages. In the event judicial enforcement is necessary, the
11981 prevailing party shall be awarded all costs of such litigation,
11982 including reasonable attorneys' fees.

11983 3. The remedies herein shall not be the exclusive
11984 remedies of the commission. The commission may pursue any other
11985 remedies available under federal or state law.

11986 **ARTICLE X.**

11987 **Effective date, withdrawal and amendment.**

11988 (a) This compact shall become effective and binding on
11989 the earlier of the date of legislative enactment of this compact
11990 into law by no less than twenty-six (26) states or December 31,
11991 2018. All party states to this compact, that also were parties to
11992 the prior Nurse Licensure Compact, superseded by this compact,
11993 ("prior compact"), shall be deemed to have withdrawn from the



11994 prior compact within six (6) months after the effective date of
11995 this compact.

11996 (b) Each party state to this compact shall continue to
11997 recognize a nurse's multistate licensure privilege to practice in
11998 that party state issued under the prior compact until such party
11999 state has withdrawn from the prior compact.

12000 (c) Any party state may withdraw from this compact by
12001 enacting a statute repealing the same. A party state's withdrawal
12002 shall not take effect until six (6) months after enactment of the
12003 repealing statute.

12004 (d) A party state's withdrawal or termination shall not
12005 affect the continuing requirement of the withdrawing or terminated
12006 state's licensing board to report adverse actions and significant
12007 investigations occurring prior to the effective date of such
12008 withdrawal or termination.

12009 (e) Nothing contained in this compact shall be
12010 construed to invalidate or prevent any nurse licensure agreement
12011 or other cooperative arrangement between a party state and a
12012 nonparty state that is made in accordance with the other
12013 provisions of this compact.

12014 (f) This compact may be amended by the party states.
12015 No amendment to this compact shall become effective and binding
12016 upon the party states unless and until it is enacted into the laws
12017 of all party states.



12018 (g) Representatives of nonparty states to this compact
12019 shall be invited to participate in the activities of the
12020 commission, on a nonvoting basis, prior to the adoption of this
12021 compact by all states.

12022 **ARTICLE XI.**

12023 **Construction and severability.**

12024 This compact shall be liberally construed so as to effectuate
12025 the purposes thereof.

12026 The provisions of this compact shall be severable, and if any
12027 phrase, clause, sentence or provision of this compact is declared
12028 to be contrary to the Constitution of any party state or of the
12029 United States, or if the applicability thereof to any government,
12030 agency, person or circumstance is held invalid, the validity of
12031 the remainder of this compact and the applicability thereof to any
12032 government, agency, person or circumstance shall not be affected
12033 thereby. If this compact shall be held to be contrary to the
12034 Constitution of any party state, this compact shall remain in full
12035 force and effect as to the remaining party states and in full
12036 force and effect as to the party state affected as to all
12037 severable matters.

12038 **SECTION 135.** This act shall take effect and be in force from
12039 and after July 1, 2023.

