

By: Representative Cockerham

To: Public Health and Human Services

HOUSE BILL NO. 1219

1 AN ACT RELATING TO THE PRACTICE OF MEDICINE; TO AMEND SECTION  
2 73-25-1, MISSISSIPPI CODE OF 1972, TO REVISE CERTAIN DEFINITIONS  
3 UNDER THE MEDICAL PRACTICE ACT; TO AMEND SECTIONS 73-25-3 AND  
4 73-25-5, MISSISSIPPI CODE OF 1972, TO CLARIFY CERTAIN PROCEDURES  
5 TO OBTAIN A LICENSE TO PRACTICE MEDICINE; TO AMEND SECTION  
6 73-25-14, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR ELECTRONIC  
7 NOTICE OF LICENSE RENEWAL; TO PROVIDE PROCEDURES FOR PHYSICIANS TO  
8 REQUEST RETIRED STATUS; TO AMEND SECTION 73-25-17, MISSISSIPPI  
9 CODE OF 1972, TO CLARIFY PROCEDURES FOR THE ISSUANCE OF A  
10 TEMPORARY LICENSE TO PRACTICE MEDICINE; TO AMEND SECTIONS 73-25-21  
11 AND 73-25-23, MISSISSIPPI CODE OF 1972, TO CLARIFY PROCEDURES FOR  
12 ISSUANCE OF A LICENSE BY RECIPROCITY; TO AMEND SECTIONS 73-25-27,  
13 73-25-28, 73-25-29, 73-25-30, 73-25-31 AND 73-25-32, MISSISSIPPI  
14 CODE OF 1972, TO REVISE CERTAIN PROCEDURES FOR DISCIPLINARY ACTION  
15 AGAINST LICENSES, THE ISSUANCE OF SUBPOENAS BY THE BOARD OF  
16 MEDICAL LICENSURE, THE GROUNDS FOR DISCIPLINARY ACTION, THE  
17 OPTIONS AVAILABLE TO THE BOARD FOLLOWING DISCIPLINARY HEARINGS  
18 AGAINST LICENSEES, AND PETITIONS FOR REINSTATEMENT OF LICENSES; TO  
19 AMEND SECTION 73-25-33, MISSISSIPPI CODE OF 1972, TO CLARIFY THE  
20 ACTION OF UNLAWFUL PRACTICE OF MEDICINE AND THE AUTHORITY OF THE  
21 BOARD TO SEEK INJUNCTIVE RELIEF; TO AMEND SECTION 73-25-34,  
22 MISSISSIPPI CODE OF 1972, TO DELETE A CERTAIN EXCEPTION TO  
23 LICENSURE; TO AMEND SECTION 73-25-53, MISSISSIPPI CODE OF 1972, TO  
24 INCLUDE BEHAVIORAL CONDUCT THAT COULD BE ADDRESSED BY TREATMENT TO  
25 THE LIST OF REASONS A LICENSEE SHALL BE SUBJECT TO RESTRICTION OF  
26 THEIR LICENSE; TO AMEND SECTIONS 73-25-55, 73-25-57, 73-25-59,  
27 73-25-61, 73-25-63 AND 73-25-65, MISSISSIPPI CODE OF 1972, TO  
28 CLARIFY CERTAIN PROCEDURES UNDER THE DISABLED PHYSICIAN LAW; TO  
29 AMEND SECTION 73-25-83, MISSISSIPPI CODE OF 1972, TO CONFORM TO  
30 THE PROVISIONS OF THE ACT; TO AMEND SECTION 73-25-87, MISSISSIPPI  
31 CODE OF 1972, TO REVISE DISCIPLINARY ACTION THAT THE BOARD IS  
32 AUTHORIZED TO TAKE, INCLUDING PLACING A LICENSEE ON PROBATION OR  
33 IMPOSING A PUNITIVE FINE; TO AMEND SECTION 73-25-89, MISSISSIPPI  
34 CODE OF 1972, TO PROVIDE THAT A HEARING MUST BE HELD WITHIN 30



35 DAYS IF THE BOARD DETERMINES THAT A PHYSICIAN'S CONTINUATION OF  
36 PRACTICE IS AN IMMEDIATE DANGER; TO AMEND SECTION 73-25-18,  
37 MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PROVISIONS OF THE ACT;  
38 TO REPEAL SECTION 73-25-7, MISSISSIPPI CODE OF 1972, WHICH  
39 REQUIRES THE STATE BOARD OF MEDICAL LICENSURE TO MEET AT THE  
40 CAPITOL AT LEAST ONCE EACH YEAR FOR THE PURPOSE OF EXAMINING  
41 APPLICANTS; TO REPEAL SECTION 73-25-9, MISSISSIPPI CODE OF 1972,  
42 WHICH PROVIDES FOR THE FEE CHARGED BY THE STATE BOARD OF MEDICAL  
43 LICENSURE TO APPLY FOR A LICENSE TO PRACTICE; TO REPEAL SECTION  
44 73-25-15, MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR THE  
45 PROCEDURES FOR LOST MEDICAL LICENSES; TO REPEAL SECTION 73-25-19,  
46 MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR CERTAIN PROVISIONS  
47 RELATED TO NONRESIDENT PHYSICIANS; TO REPEAL SECTION 73-25-25,  
48 MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR CERTAIN PROCEDURES  
49 FOR THOSE DESIRING TO PRACTICE OSTEOPATHIC MEDICINE IN THE STATE;  
50 TO REPEAL SECTION 73-25-39, MISSISSIPPI CODE OF 1972, WHICH ALLOWS  
51 THE STATE BOARD OF MEDICAL LICENSURE TO CONTRACT FOR THE  
52 ACQUISITION OF BOOKS AND OTHER RECORDS; TO REPEAL SECTION  
53 73-25-81, MISSISSIPPI CODE OF 1972, WHICH PROVIDES A TECHNICAL  
54 REFERENCE TO THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE; AND  
55 FOR RELATED PURPOSES.

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

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

59 73-25-1. For the purposes of this chapter, the "practice of  
60 medicine" means the practice of allopathic and osteopathic  
61 medicine. For the purposes of this chapter, "physician" means a  
62 medical doctor or a doctor of osteopathic medicine. Every person  
63 who desires to practice medicine must first obtain a license to do  
64 so from the \* \* \* Mississippi State Board of Medical Licensure  
65 (board).

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

68 73-25-3. Every person who desires to obtain a license to  
69 practice medicine must apply \* \* \* to the Mississippi State Board  
70 of Medical Licensure \* \* \*. If the applicant is found \* \* \* to



71 possess sufficient \* \* \* qualifications, the board shall  
72 issue \* \* \* the applicant a license to practice medicine; however,  
73 no applicant shall be granted a license unless the applicant holds  
74 a diploma from a \* \* \* medical college or college of osteopathic  
75 medicine \* \* \* listed in the World Directory of Medical Schools or  
76 its successor, or by an equivalent board-approved directory or  
77 entity.

78 To qualify for a Mississippi medical license, an applicant  
79 must have successfully been cleared for licensure through an  
80 investigation that shall consist of a determination as to good  
81 moral character and verification that the prospective licensee is  
82 not guilty of or in violation of any statutory ground for denial  
83 of licensure as set forth in Sections 73-25-29 and 73-25-83. To  
84 assist the board in conducting its licensure investigation, all  
85 applicants shall undergo a fingerprint-based criminal history  
86 records check of the Mississippi central criminal database and the  
87 Federal Bureau of Investigation criminal history database. Each  
88 applicant shall submit a full set of the applicant's fingerprints  
89 in a form and manner prescribed by the board, which shall be  
90 forwarded to the Mississippi Department of Public Safety  
91 (department) and the Federal Bureau of Investigation  
92 Identification Division for this purpose.

93 Any and all state or national criminal history records  
94 information obtained by the board that is not already a matter of  
95 public record shall be deemed nonpublic and confidential



96 information restricted to the exclusive use of the board, its  
97 members, officers, investigators, agents and attorneys in  
98 evaluating the applicant's eligibility or disqualification for  
99 licensure, and shall be exempt from the Mississippi Public Records  
100 Act of 1983. Except when introduced into evidence in a hearing  
101 before the board to determine licensure, no such information or  
102 records related thereto shall, except with the written consent of  
103 the applicant or by order of a court of competent jurisdiction, be  
104 released or otherwise disclosed by the board to any other person  
105 or agency.

106 The board shall \* \* \* require a form signed by the applicant  
107 consenting to the check of the criminal records and to the use of  
108 the fingerprints, or other identification methods, and any other  
109 identifying information required by the state or national  
110 repositories.

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

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

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



119 73-25-5. The application for license must include such  
120 information as the Mississippi State Board of Medical Licensure  
121 shall require.

122 Each application or filing made under this section shall  
123 include the active and valid social security number(s) of the  
124 applicant in accordance with Section 93-11-64, Mississippi Code of  
125 1972.

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

128 73-25-14. \* \* \* Except as provided in Section 33-1-39, the  
129 license of every person licensed to practice medicine \* \* \* in the  
130 State of Mississippi shall be renewed annually.

131 On or before May 1 of each year, the Mississippi State Board  
132 of Medical Licensure shall mail or electronically transmit a  
133 notice of renewal of license to every physician \* \* \* to whom a  
134 license was issued or renewed during the current licensing year.  
135 The notice shall provide instructions for obtaining and submitting  
136 applications for renewal. The Mississippi State Board of Medical  
137 Licensure is authorized to make applications for renewal available  
138 via electronic means. The applicant shall obtain and complete the  
139 application and submit it to the board in the manner prescribed by  
140 the board in the notice before June 30 with the renewal fee of an  
141 amount established by the board, but not to exceed Three Hundred  
142 Dollars (\$300.00), along with any penalty fees or other  
143 requirements established by the board, and a portion of \* \* \* the



144 fees shall be used to support a program to aid impaired \* \* \*  
145 licensees. \* \* \* Upon receipt of the application and any fees,  
146 the board shall verify the accuracy of the application and issue  
147 to applicant a certificate of renewal for the ensuing year,  
148 beginning July 1 and expiring June 30 of the succeeding calendar  
149 year. That renewal shall render the holder thereof a legal  
150 practitioner as stated on the renewal form.

151 (2) \* \* \* Any physician practicing in the State of  
152 Mississippi whose license has lapsed may petition the board for  
153 reinstatement of his or her license on a retroactive basis, if the  
154 physician was unable to meet the June 30 deadline due to  
155 extraordinary or other legitimate reasons, and retroactive  
156 reinstatement of licensure shall be granted or may be denied by  
157 the board only for good cause. Failure to advise the board of  
158 change of address shall not be considered a good cause for  
159 reinstatement.

160 (3) \* \* \* A physician who wishes to retain his or her  
161 license but not actively practice medicine may request "retired  
162 status" for the license by submitting the proper paperwork as  
163 prescribed by the board with the renewal fee. A physician holding  
164 a retired status medical license is exempt from license renewal  
165 and from continuing medical education requirements. A licensed  
166 retired status physician shall not practice medicine unless the  
167 licensee applies for and is granted reinstatement and pays the  
168 reinstatement fee as determined by the board.



169 (4) Any physician or osteopath who allows his or her license  
170 to lapse shall be notified by the board within thirty (30) days of  
171 that lapse.

172 \* \* \*

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

175 73-25-17. (1) \* \* \* The executive \* \* \* director of  
176 the \* \* \* board \* \* \* may issue \* \* \* a temporary license to  
177 practice medicine \* \* \* in compliance with the rules and  
178 regulations of the board, not to exceed fourteen (14) days. Any  
179 extension may only be granted by the executive committee. The  
180 temporary license of a person enrolled in any \* \* \* Accreditation  
181 Council for Graduate Medical Education (ACGME), residency or  
182 fellowship program within the state \* \* \* may be renewed annually  
183 for the duration of the internship, residency or fellowship  
184 program for a period not to exceed \* \* \* eight (8) years, except  
185 when in combination with a Ph.D. program.

186 (2) The \* \* \* board \* \* \* may issue a temporary license to  
187 practice medicine at a youth camp licensed by the State Board of  
188 Health to nonresident physicians and retired resident physicians  
189 under the provisions of Section 75-74-8.

190 \* \* \*

191 **SECTION 6.** Section 73-25-21, Mississippi Code of 1972, is  
192 amended as follows:



193           73-25-21. \* \* \* The issuance of a license by reciprocity to  
194 a military-trained applicant, military spouse or person who  
195 establishes residence in this state shall be subject to the  
196 provisions of Section 73-50-1 or 73-50-2, as applicable.

197           **SECTION 7.** Section 73-25-23, Mississippi Code of 1972, is  
198 amended as follows:

199           73-25-23. The Mississippi State Board of Medical Licensure  
200 is \* \* \* authorized and empowered to grant limited institutional  
201 license for the practice of medicine in state institutions to  
202 graduates of foreign medical colleges approved by the National  
203 Educational Council for Foreign Medical Graduates or its  
204 successor, subject to the conditions as set out herein.

205           Any graduate of a foreign medical college approved by the  
206 organizations specified in the foregoing paragraph who is employed  
207 or is being considered for employment to practice medicine in one  
208 or more Mississippi state-supported institution(s) located in the  
209 same county shall make application for license to the Mississippi  
210 State Board of Medical Licensure. The application shall be made  
211 on a form prescribed by the Board of Medical Licensure as required  
212 by laws of the State of Mississippi. The application shall also  
213 state the institution or institutions in which the applicant has  
214 assurance of employment. The Mississippi State Board of Medical  
215 Licensure is \* \* \* authorized to establish minimum standards of  
216 qualifications including moral, experience and proficiency for  
217 such applicants. \* \* \* Upon review of the application, and upon





218 the satisfaction of all requirements set forth by the board, the  
219 board may issue a limited license to practice medicine

220 \* \* \*

221 Such license shall be for one (1) year and shall be in such  
222 form as the Mississippi State Board of Medical Licensure shall  
223 prescribe, and shall be issued for practice in a particular  
224 institution and shall not be endorsable to another state. The  
225 license must be renewed annually, after such review as the  
226 Mississippi State Board of Medical Licensure considers necessary.  
227 A graduate of a foreign medical school so licensed may hold such  
228 limited institutional license no longer than \* \* \* eight (8)  
229 years. \* \* \* In addition, the Mississippi State Board of Medical  
230 Licensure, in its discretion, may waive the \* \* \* eight-year  
231 limitation on limited institutional licenses for any graduate of a  
232 foreign medical school who holds such license.

233 It is the intent of this section to enable Mississippi  
234 institutions to utilize the services of qualified graduates of  
235 foreign medical colleges during the period necessary for them to  
236 secure citizenship papers, and to meet other requirements for a  
237 regular license, including Educational Council for Foreign Medical  
238 Graduates certification. The Mississippi State Board of Medical  
239 Licensure is \* \* \* authorized, in its discretion, to refuse to  
240 renew, or to revoke such limited license if the holder of such  
241 license \* \* \* fails to apply for a regular license.



242           The Mississippi State Board of Medical Licensure may  
243 establish reasonable and uniform license fees and shall make such  
244 rules and regulations as it considers necessary to carry out the  
245 purposes of this section.

246       \* \* \*

247           **SECTION 8.** Section 73-25-27, Mississippi Code of 1972, is  
248 amended as follows:

249           73-25-27. \* \* \* With respect to any licensee of the  
250 Mississippi State Board of Medical Licensure, after notice and  
251 opportunity for a hearing to such licensee, the board may take one  
252 or more of the actions authorized in Section 73-25-87 for any of  
253 the grounds enumerated in Sections 73-25-29, 73-27-27 and  
254 73-71-33. The procedure for suspension of a license for being out  
255 of compliance with an order for support, and the procedure for the  
256 reissuance or reinstatement of a license suspended for that  
257 purpose, and the payment of any fees for the reissuance or  
258 reinstatement of a license suspended for that purpose, shall be  
259 governed by Section 93-11-157 or 93-11-163, as the case may be.  
260 If there is any conflict between any provision of Section  
261 93-11-157 or 93-11-163 and any provision of this chapter, the  
262 provisions of Section 93-11-157 or 93-11-163, as the case may be,  
263 shall control.

264           The notice shall be effected by \* \* \* certified mail \* \* \*,  
265 electronic acknowledgment, personal service, or by any means set  
266 forth in the federal or state rules of civil procedure, setting



267 forth the particular reasons for the proposed action and fixing a  
268 date not less than thirty (30) days \* \* \* from the date of the  
269 mailing or the service, at which time the \* \* \* licensee shall be  
270 given an opportunity for a prompt and fair hearing. For the  
271 purpose of the hearing the board, acting by and through its  
272 executive office, may subpoena persons and papers on its own  
273 behalf and on behalf of the \* \* \* licensee, including records  
274 obtained under Section 73-25-28 and Section 73-25-83(c), may  
275 administer oaths and the testimony when properly transcribed,  
276 together with the papers and exhibits, shall be admissible in  
277 evidence for or against the \* \* \* licensee. At the hearing  
278 the \* \* \* licensee may appear by counsel and personally in his own  
279 behalf. Any person sworn and examined as a witness in the hearing  
280 shall not be held to answer criminally, nor shall any papers or  
281 documents produced by the witness be competent evidence in any  
282 criminal proceedings against the witness other than for perjury in  
283 delivering his evidence. The board or its designee, in the  
284 conduct of any hearing, shall not be bound by strict laws or rules  
285 of evidence. The board may adopt rules and discovery and  
286 procedure governing all proceedings before it. On the basis of  
287 any such hearing, or upon default of the \* \* \* licensee, the board  
288 shall make a determination specifying its findings of fact and  
289 conclusions of law. The board shall make its determination based  
290 upon a preponderance of the evidence.



291 A copy of the determination shall be sent by \* \* \* certified  
292 mail \* \* \*, electronic acknowledgment, served personally upon  
293 the \* \* \* licensee, or by any means set forth in the federal or  
294 state rules of civil procedure. \* \* \*

295 For the purpose of conducting investigations, the \* \* \*  
296 executive director \* \* \* may issue subpoenas to any  
297 individual \* \* \* or entity having in its possession papers,  
298 documents, medical charts, prescriptions or any other nonfinancial  
299 records. \* \* \* Investigatory subpoenas, as provided in this  
300 section, may be served either by personal process or by \* \* \*  
301 certified mail, and upon service shall command production of the  
302 papers and documents to the board at the time and place so  
303 specified. The board shall be entitled to the assistance of the  
304 chancery court or the chancellor in vacation, which, on petition  
305 by the board, shall issue ancillary subpoenas and petitions and  
306 may punish as for contempt of court in the event of noncompliance  
307 with the subpoenas or petitions.

308 In addition to investigatory subpoenas, the board may seek  
309 the issuance of Administrative Inspection Warrants, via the  
310 issuance and service processes described in Section 41-29-157, for  
311 patient records or other information relevant to the  
312 investigation. Those warrants may be issued under this section in  
313 any investigatory matter involving potential violation(s) of the  
314 Medical Practice Act and/or the Administrative Code of the board,  
315 regardless as to whether controlled substance violations are the



316 subject of the investigation. Any person or entity who refuses to  
317 comply with any warrant duly issued under this section shall be in  
318 violation of Section 9-1-17, and shall be subject to all fines and  
319 penalties stated in that section.

320 For the purpose of conducting hearings, the board through its  
321 executive director may subpoena persons and papers on its own  
322 behalf and on behalf of the respondent, including records obtained  
323 under Section 73-25-28 and Section 73-25-83(c), may administer  
324 oaths, and may compel the testimony of witnesses. \* \* \* It may  
325 issue subpoenas to take testimony at hearings, and testimony so  
326 taken and sworn to shall be admissible in evidence for and against  
327 the respondent. No depositions shall be taken in preparation for  
328 matters to be heard by the board. The board shall be entitled to  
329 the assistance of the chancery court or the chancellor in  
330 vacation, which, on petition by the board, shall issue ancillary  
331 subpoenas and petitions and may punish as for contempt of court in  
332 the event of noncompliance with the subpoenas or petitions.

333 Unless the court otherwise decrees, a license that has been  
334 suspended by the board \* \* \* shall become again valid if and when  
335 the board so orders, which it may do on its own motion or on the  
336 petition of the respondent. A license that has been revoked shall  
337 not be restored to validity except: (1) by order of the board  
338 based on petition for reinstatement filed under Section 73-25-32  
339 or (2) by order of the chancery court or Supreme Court following  
340 appeal. \* \* \* Nothing in this chapter shall be construed as



341 limiting or revoking the authority of any court or of any  
342 licensing or registering officer or board, other than the  
343 Mississippi State Board of Medical Licensure, to suspend, revoke  
344 and reinstate licenses and to cancel registrations under the  
345 provisions of Section 41-29-311.

346       **SECTION 9.** Section 73-25-28, Mississippi Code of 1972, is  
347 amended as follows:

348       73-25-28. (1) In any case in which disciplinary action  
349 against a \* \* \* licensee is being considered by the Mississippi  
350 State Board of Medical Licensure, the executive \* \* \* director of  
351 the board, or its investigators \* \* \* upon reasonable cause as  
352 defined below, may enter, at a time convenient to all parties, any  
353 hospital, clinic, surgical center, office of a \* \* \* licensee or  
354 emergency care facility to inspect and copy patient records,  
355 charts, emergency room records or any other document which would  
356 assist the board in its investigation of a \* \* \* licensee.  
357 Reasonable cause shall be demonstrated by allegations of one or  
358 more of violations of state statute or the Administrative Code,  
359 including the following: (a) a single incident of gross  
360 negligence; (b) a pattern of inappropriate prescribing of  
361 controlled substances; (c) an act of incompetence or negligence  
362 causing death or serious bodily injury; (d) a pattern of  
363 substandard medical care; (e) a pattern of unnecessary surgery or  
364 unindicated medical procedures; (f) disciplinary action taken  
365 against a physician or podiatrist by a licensed hospital or by the



366 medical staff of the hospital; (g) voluntary termination by a  
367 physician or podiatrist of staff privileges or having restrictions  
368 placed thereon; or (h) habitual personal use of narcotic drugs or  
369 other drugs having addiction-forming or addiction-sustaining  
370 liability, or the habitual personal use of intoxicating liquors or  
371 alcoholic beverages, to an extent which affects professional  
372 competency. Whether reasonable cause exists shall be determined  
373 by the executive \* \* \* director and/or executive committee of the  
374 board, and documentation of that determination shall be provided  
375 to the hospital, clinic, office or emergency care facility before  
376 entry for inspection and copying hereunder.

377 (2) A certified copy of any record inspected or copied  
378 pursuant to subsection (1) shall be subject to subpoena by the  
379 board to be used as evidence before it in a licensure disciplinary  
380 proceeding initiated pursuant to the provisions of Sections  
381 73-25-1 through 73-25-39, 73-25-51 through 73-25-67, 73-25-81  
382 through 73-25-95 and 73-27-1 through 73-27-19 \* \* \*. All  
383 references to a patient's name and address or other information  
384 which would identify the patient shall be deleted from the records  
385 unless a waiver of the medical privilege is obtained from the  
386 patient.

387 (3) All records of the investigation and all patient charts,  
388 records, emergency room records or any other document that may  
389 have been copied shall be kept confidential and shall not be  
390 subject to discovery or subpoena. If no disciplinary proceedings



391 are initiated within a period of five (5) years after the  
392 determination of insufficient cause, then the board shall destroy  
393 all records obtained pursuant to this section.

394 (4) Notwithstanding any right to privacy, confidentiality,  
395 privilege or exemption from public access conferred by this  
396 section, Section 73-52-1, or otherwise by statute or at law, the  
397 board shall provide to any hospital, as defined in Section 41-9-3,  
398 any and all information it may have concerning any physician who  
399 has applied for a license, other than information contained in  
400 records exempt from the provisions of the Mississippi Public  
401 Records Act of 1983 pursuant to Sections 45-29-1 and 45-29-3,  
402 Mississippi Code of 1972, upon receipt by the board of a written  
403 request from the hospital for such information and documentation  
404 that the physician has applied for appointment or reappointment to  
405 the medical staff of the hospital or staff privileges at the  
406 hospital. The board, any member of the board, and its agents or  
407 employees, acting without malice in providing the documents or  
408 information hereunder, shall be immune from civil or criminal  
409 liability.

410 **SECTION 10.** Section 73-25-29, Mississippi Code of 1972, is  
411 amended as follows:

412 73-25-29. The grounds for the nonissuance, suspension,  
413 revocation or restriction of a license or the denial of  
414 reinstatement or renewal of a license are:





415           (1) Habitual personal use of narcotic drugs, or any  
416 other drug having addiction-forming or addiction-sustaining  
417 liability.

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

420           (3) Administering, dispensing or prescribing any  
421 narcotic drug, or any other drug having addiction-forming or  
422 addiction-sustaining liability otherwise than in the course of  
423 legitimate professional practice.

424           (4) Conviction of violation of any federal or state law  
425 regulating the possession, distribution or use of any narcotic  
426 drug or any drug considered a controlled substance under state or  
427 federal law, a certified copy of the conviction order or judgment  
428 rendered by the trial court being prima facie evidence thereof,  
429 notwithstanding the pendency of any appeal.

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

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

436           (7) Obtaining or attempting to obtain a license by  
437 fraud or deception.

438           (8) Unprofessional conduct, which includes, but is not  
439 limited to:



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

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

444 (c) Making or willfully causing to be made any  
445 flamboyant claims concerning the licensee's professional  
446 excellence.

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

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

457 (f) Use of any false, fraudulent or forged  
458 statement or document, or the use of any fraudulent, deceitful,  
459 dishonest or immoral practice in connection with any of the  
460 licensing requirements, including the signing in his professional  
461 capacity any certificate that is known to be false at the time he  
462 or she makes or signs such certificate.



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

466 (h) When a licensee makes, or knowingly permits  
467 any person to make, an agreement with a patient or person, or any  
468 person or entity representing patients or persons, or provide any  
469 form of consideration that would prohibit, restrict, discourage or  
470 otherwise limit a person's ability to file a complaint with the  
471 board; to truthfully and fully answer any questions posed by an  
472 agent or representative of the board; or to participate as a  
473 witness in a board proceeding.

474 (9) The refusal of a licensing authority of another  
475 state or jurisdiction to issue or renew a license, permit or  
476 certificate to practice medicine in that jurisdiction or the  
477 revocation, suspension or other restriction imposed on a license,  
478 permit or certificate issued by such licensing authority which  
479 prevents or restricts practice in that jurisdiction, a certified  
480 copy of the disciplinary order or action taken by the other state  
481 or jurisdiction being prima facie evidence thereof,  
482 notwithstanding the pendency of any appeal.

483 (10) Surrender of a license or authorization to  
484 practice medicine in another state or jurisdiction or surrender of  
485 membership on any medical staff or in any medical or professional  
486 association or society while under disciplinary investigation by  
487 any of those authorities or bodies for acts or conduct similar to



488 acts or conduct which would constitute grounds for action as  
489 defined in this section.

490 (11) Final sanctions imposed by the United States  
491 Department of Health and Human Services, Office of Inspector  
492 General or any successor federal agency or office, based upon a  
493 finding of incompetency, gross misconduct or failure to meet  
494 professionally recognized standards of health care; a certified  
495 copy of the notice of final sanction being prima facie evidence  
496 thereof. As used in this paragraph, the term "final sanction"  
497 means the written notice to a physician from the United States  
498 Department of Health and Human Services, Officer of Inspector  
499 General or any successor federal agency or office, which  
500 implements the exclusion.

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

503 (13) Violation of any provision(s) of the Medical  
504 Practice Act or the rules and regulations of the board or of any  
505 order, stipulation or agreement with the board.

506 (14) Violation(s) of the provisions of Sections  
507 41-121-1 through 41-121-9 relating to deceptive advertisement by  
508 health care practitioners.

509 (15) Performing or inducing an abortion on a woman in  
510 violation of any provision of Sections 41-41-131 through  
511 41-41-145.



512           (16) Performing an abortion on a pregnant woman after  
513 determining that the unborn human individual that the pregnant  
514 woman is carrying has a detectable fetal heartbeat as provided in  
515 Section 41-41-34.1.

516           In addition to the grounds specified above, the board shall  
517 be authorized to suspend the license of any licensee for being out  
518 of compliance with an order for support, as defined in Section  
519 93-11-153. The procedure for suspension of a license for being  
520 out of compliance with an order for support, and the procedure for  
521 the reissuance or reinstatement of a license suspended for that  
522 purpose, and the payment of any fees for the reissuance or  
523 reinstatement of a license suspended for that purpose, shall be  
524 governed by Section 93-11-157 or 93-11-163, as the case may be.  
525 If there is any conflict between any provision of Section  
526 93-11-157 or 93-11-163 and any provision of this chapter, the  
527 provisions of Section 93-11-157 or 93-11-163, as the case may be,  
528 shall control.

529           A physician who provides a written certification as  
530 authorized under the Mississippi Medical Cannabis Act and in  
531 compliance with rules and regulations adopted thereunder shall not  
532 be subject to any disciplinary action under this section solely  
533 due to providing the written certification.

534           **SECTION 11.** Section 73-25-30, Mississippi Code of 1972, is  
535 amended as follows:



536           73-25-30. (1) The Mississippi State Board of Medical  
537 Licensure, in exercising its authority under the provisions of  
538 Section 73-25-29, shall have the power to discipline the holder of  
539 a license who has been found by the board in violation of that  
540 statute after notice and a hearing as provided by law \* \* \*.

541           (2) Upon the execution of a disciplinary order by the board,  
542 either following a hearing or in lieu of a hearing, the  
543 board \* \* \* may assess the licensee for those reasonable costs  
544 that are expended by the board in the investigation and conduct of  
545 a proceeding for licensure disciplinary action including, but not  
546 limited to, the cost of process service, court reporters, witness  
547 fees, expert witnesses, investigators, and other related expenses.  
548 Money collected by the board under this section shall be deposited  
549 to the credit of the special fund of the board to reimburse the  
550 existing current year appropriated budget.

551           (3) An assessment of costs under this section shall be paid  
552 to the board by the licensee, upon the expiration of the period  
553 allowed for appeals under Section 73-25-27, or may be paid sooner  
554 if the licensee elects. Cost assessed under this section shall  
555 not exceed \* \* \* Twenty-five Thousand Dollars (\$25,000.00).

556           (4) When an assessment of costs by the board against a  
557 licensee in accordance with this section is not paid by the  
558 licensee when due under this section, the licensee shall be  
559 prohibited from practicing medicine until the full amount is paid.  
560 In addition, the board may institute and maintain proceedings in



561 its name for enforcement of payment in the Chancery Court of the  
562 First Judicial District of Hinds County. When those proceedings  
563 are instituted, the board shall certify the record of its  
564 proceedings, together with all documents and evidence, to the  
565 chancery court. The matter shall be heard in due course by the  
566 court, which shall review the record and make its determination  
567 thereon. The hearing on the matter, in the discretion of the  
568 chancellor, may be tried in vacation.

569 **SECTION 12.** Section 73-25-31, Mississippi Code of 1972, is  
570 amended as follows:

571 73-25-31. Every order and judgment of the board shall take  
572 effect immediately on its promulgation unless the board in such  
573 order or judgment fixes a probationary period for \* \* \* licensee.  
574 Such order and judgment shall continue in effect unless upon  
575 appeal the court by proper order or decree terminates it earlier.  
576 The board may make public its orders and judgments in such manner  
577 and form as it deems proper. \* \* \* Any decision of the board must  
578 be appealed to the chancery court under the provisions of this  
579 section within thirty (30) days after being so mailed or served.  
580 The appeal period may not be extended. The appeal to the chancery  
581 court shall be based solely on the record made before the board.  
582 A transcript of the proceedings and evidence, together with  
583 exhibits, presented at the hearing before the board in the event  
584 of appeal shall be a part of the record before the chancery court.  
585 The chancery court shall dispose of the appeal and enter its



586 decision promptly. The hearing on the appeal may, in the  
587 discretion of the chancellor, be tried in vacation. Appeals may  
588 be taken to the Supreme Court of the State of Mississippi as  
589 provided by law from any final action of the chancery court. No  
590 such person shall be allowed to practice medicine in violation of  
591 any action of the chancery court affirming, in whole or in part,  
592 the determination of the board, while any such appeal to the  
593 Supreme Court is pending.

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

596       73-25-32. (1) A person whose license to practice \* \* \* has  
597 been \* \* \* suspended or previously surrendered may petition the  
598 Mississippi State Board of Medical Licensure to reinstate this  
599 license after a period of not less than one (1) year has elapsed  
600 from the date of the \* \* \* suspension or surrender. A person  
601 whose license to practice has been revoked may petition the board  
602 to reinstate his or her license after a period of not less than  
603 three (3) years, but not greater than five (5) years, has elapsed  
604 from the date of the revocation. The procedure for the  
605 reinstatement of a license that is suspended for being out of  
606 compliance with an order for support, as defined in Section  
607 93-11-153, shall be governed by Section 93-11-157 or 93-11-163, as  
608 the case may be.

609       (2) \* \* \* The petition may be heard at the next regular  
610 meeting of the Board of Medical Licensure but not earlier than





611 thirty (30) days after the petition was filed. No petition shall  
612 be considered while the petitioner is under sentence for any state  
613 or federal criminal offense, including any period during which he  
614 or she is under probation or parole. The hearing may be continued  
615 from time to time as the Board of Medical Licensure finds  
616 necessary.

617 (3) In determining whether the disciplinary penalty should  
618 be set aside and the terms and conditions, if any, that should be  
619 imposed if the disciplinary penalty is set aside, the Mississippi  
620 State Board of Medical Licensure may investigate and consider all  
621 activities of the petitioner since the disciplinary action was  
622 taken \* \* \*, the offense for which he or she was disciplined, his  
623 activity during the time \* \* \* the petitioner was in good  
624 standing, \* \* \* general reputation for truth, professional ability  
625 and good character; and \* \* \* require the petitioner to \* \* \*  
626 submit to professional competency evaluation.

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



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

649 The board shall provide to the department the fingerprints of  
650 the petitioner, any additional information that may be required by  
651 the department, and a form signed by the petitioner consenting to  
652 the check of the criminal records and to the use of the  
653 fingerprints and other identifying information required by the  
654 state or national repositories.

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

659 \* \* \*



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

662           73-25-33. (1) The practice of medicine shall mean \* \* \* one  
663 or more of the following, provided that nothing in this section  
664 shall be construed to limit duly licensed health care  
665 professionals from providing medical services within the scope of  
666 their authorizing license:

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

673           (b) Suggesting, recommending, prescribing, or  
674 administering any form of treatment, operation, or healing for the  
675 intended palliation, relief, or cure of any physical or mental  
676 disease, ailment, injury, condition, or defect of any person, with  
677 or without the intention of receiving, either directly or  
678 indirectly, any fee, gift, or compensation;

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

683           (d) Using the title "M.D.," "D.O.," "physician,"  
684 "surgeon," or any other word or abbreviation to indicate or induce



685 others to believe that one is engaged in the diagnosis or  
686 treatment of persons afflicted with disease, injury, defect of the  
687 body or mind, or other conditions for which treatment is sought;  
688 or

689 (e) Performing any kind of surgical operation upon  
690 another person.

691 (2) The board may, for the purposes of this chapter, issue  
692 cease-and-desist orders to any person(s) it has probable cause to  
693 believe is practicing medicine without first obtaining a license.  
694 Thereafter, and in addition to any other civil remedy or criminal  
695 penalty provided for by law, or in lieu thereof, the board shall  
696 be authorized to seek injunctive relief and/or imposition of civil  
697 penalties against the unlawful practice of medicine, provided that  
698 the venue for any such action shall be the Chancery Court for the  
699 First Judicial District of Hinds County. Civil penalties from  
700 such actions shall be no less than One Thousand Dollars  
701 (\$1,000.00) and no more than Twenty-Five Thousand Dollars  
702 (\$25,000.00) for each offense. The court may also award the  
703 prevailing party court costs and reasonable attorney fees and, if  
704 the board prevails, may also award reasonable costs of  
705 investigation and prosecution.

706 Any monetary penalty or assessment levied against an illegal  
707 practitioner under this section shall be paid to the state upon  
708 the expiration of the period allowed for appealing those  
709 penalties, or may be paid sooner if the illegal practitioner so



710 chooses. Monetary penalties collected by the court under this  
711 section shall be deposited to the credit of the General Fund. Any  
712 monies collected for investigation and prosecution by the board  
713 shall be deposited into the special fund of the board.

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

716         73-25-34. (1) For the purposes of this section,  
717 telemedicine, or the practice of medicine across state lines,  
718 shall be defined to include any one or both of the following:

719                 (a) Rendering of a medical opinion concerning diagnosis  
720 or treatment of a patient within this state by a physician located  
721 outside this state as a result of transmission of individual  
722 patient data by electronic or other means from within this state  
723 to such physician or his agent; or

724                 (b) The rendering of treatment to a patient within this  
725 state by a physician located outside this state as a result of  
726 transmission of individual patient data by electronic or other  
727 means from within this state to such physician or his agent.

728                 (2) Except as hereinafter provided, no person shall engage  
729 in the practice of medicine across state lines (telemedicine) in  
730 this state, hold himself out as qualified to do the same, or use  
731 any title, word or abbreviation to indicate to or induce others to  
732 believe that he is duly licensed to practice medicine across state  
733 lines in this state unless he has first obtained a license to do  
734 so from the State Board of Medical Licensure and has met all



735 educational and licensure requirements as determined by the State  
736 Board of Medical Licensure.

737 \* \* \*

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

740 73-25-53. \* \* \* Any person holding a professional license  
741 from the Mississippi State Board of Medical Licensure shall be  
742 subject to restriction, suspension or revocation, \* \* \* in case of  
743 inability of the licensee to practice \* \* \* with reasonable skill  
744 or safety to patients by reason of one or more of the following:

745 (a) Mental illness;

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

748 (c) Excessive use or abuse of drugs, including  
749 alcohol \* \* \*; or

750 (d) Behavioral conduct that could be addressed by  
751 treatment.

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

754 73-25-55. (1) If the \* \* \* Board \* \* \* has reasonable cause  
755 to believe that a \* \* \* licensee is unable to practice \* \* \* with  
756 reasonable skill and safety to patients because of a condition  
757 described in Section 73-25-53, \* \* \* the board \* \* \* shall cause  
758 an examination of such \* \* \* licensee to be made as described in  
759 subsection (2) of this section and shall, following such



760 examination, take appropriate action within the provisions of  
761 Sections 73-25-51 through 73-25-67.

762 (2) Examination of a \* \* \* licensee under this section shall  
763 be conducted by an examining committee. \* \* \* The members of the  
764 examining committee shall be designated by the Medical Director of  
765 the Mississippi Physician Health Program (MPHP), and shall include  
766 three (3) practicing physicians and at least one (1) psychiatrist  
767 if a question of mental illness is involved.

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

770 73-25-57. (1) The examining committee assigned to examine  
771 a \* \* \* licensee pursuant to referral by the board under Section  
772 73-25-55 shall conduct an examination of such \* \* \* licensee for  
773 the purpose of determining the \* \* \* licensee's fitness to  
774 practice medicine with reasonable skill and safety to patients,  
775 either on a restricted or unrestricted basis, and shall report its  
776 findings and recommendations to the board. The committee shall  
777 order the \* \* \* licensee to appear before the committee for  
778 examination and give him ten (10) days' notice of time and place  
779 of the examination, together with a statement of the cause for  
780 such examination. Such notice shall be served upon the \* \* \*  
781 licensee either personally or by registered or certified mail with  
782 return receipt requested.

783 (2) If the examining committee, in its discretion, should  
784 deem an independent mental or physical examination of the \* \* \*



785 licensee necessary to its determination of the fitness of the  
786 physician to practice, the committee shall order the \* \* \*  
787 licensee to submit to such examination. Any \* \* \* licensee shall  
788 be deemed to have waived all objections to the admissibility of  
789 the examining committee's report in any proceedings before the  
790 board under Sections 73-25-51 through 73-25-67 on the grounds of  
791 privileged communication. Any \* \* \* licensee ordered to an  
792 examination before the committee under this subsection (2) shall  
793 be entitled to an independent mental or physical examination  
794 if \* \* \* the licensee makes request therefor.

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

799 (4) Failure of a \* \* \* licensee to comply with a committee  
800 order under subsection (2) to appear before it for examination or  
801 to submit to mental or physical examination under this section, or  
802 upon the withdrawal of advocacy by the Mississippi Physician  
803 Health Program (MPHP) or successor entity, shall be reported by  
804 the committee or MPHP to the board, and unless due to  
805 circumstances beyond the control of the \* \* \* licensee, shall be  
806 grounds for suspension by the board \* \* \* until such time as  
807 such \* \* \* licensee has complied with the order of the committee  
808 or regained advocacy from MPHP.





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

811 (6) All patient records, investigative reports and other  
812 documents in possession of the board and examining committee shall  
813 be deemed confidential and not subject to subpoena or disclosure  
814 unless so ordered by the court from which the subpoena issued, but  
815 the court, in its discretion, may limit use or disclosure of such  
816 records. Notwithstanding, and to encourage the prompt reporting  
817 of disabled practitioners, neither the board nor examining  
818 committee shall reveal the identity of any source of information  
819 where the source has requested anonymity.

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

822 73-25-59. A \* \* \* licensee may request in writing to the  
823 board a restriction of his or her license to practice \* \* \*. The  
824 board may grant such request for restriction and shall have  
825 authority, if it deems appropriate, to attach conditions to the  
826 licensure \* \* \* within specified limitations, and waive the  
827 commencement of any proceeding under Section 73-25-63. Removal of  
828 a voluntary restriction on licensure \* \* \* shall be subject to the  
829 procedure for reinstatement of license in Section 73-25-65.

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

832 73-25-61. (1) The examining committee shall report to the  
833 board its findings on the examination of the \* \* \* licensee under



834 Section 73-25-57, the determination of the committee as to the  
835 fitness of the \* \* \* licensee to \* \* \* practice \* \* \* with  
836 reasonable skill and safety to patients, either on a restricted or  
837 unrestricted basis, and any management that the committee may  
838 recommend. Such recommendation by the committee shall be advisory  
839 only and shall not be binding on the board.

840 (2) The board may accept or reject the recommendation of the  
841 examining committee to permit a \* \* \* licensee to continue to  
842 practice with or without any restriction on his or her license to  
843 practice medicine, or may refer the matter back to the examining  
844 committee for further examination and report thereon.

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

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

852 73-25-63. (1) The board may proceed against a \* \* \*  
853 licensee under Sections 73-25-51 through 73-25-67 by serving upon  
854 such \* \* \* licensee at least fifteen (15) days' notice of a time  
855 and place fixed for a hearing, together with copies of the  
856 examining committee's report and diagnosis or a copy of the  
857 official notice from MPHP withdrawing advocacy. Such notice and  
858 reports shall be served upon the \* \* \* licensee either



859 personally \* \* \*, by certified mail with return receipt requested,  
860 or by electronic acknowledgement.

861 (2) At said hearing the \* \* \* licensee shall have the right  
862 to be present, to be represented by counsel, to produce witnesses  
863 or evidence in his or her behalf, to cross-examine witnesses, and  
864 to have subpoenas issued by the board.

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

868 (a) Make a recommendation that the \* \* \* licensee  
869 submit to the care, counseling or treatment by physicians  
870 acceptable to the board.

871 (b) Suspend or restrict the license of the \* \* \*  
872 licensee for the duration of his or her impairment.

873 (c) Revoke the license of the \* \* \* licensee.

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

880 (5) Neither the record of the proceedings nor any order  
881 entered against a \* \* \* licensee may be used against him or her in  
882 any other legal proceedings except upon judicial review as  
883 provided herein.



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

886           73-25-65. (1) A \* \* \* licensee whose licensure has been  
887 restricted, suspended or revoked under Sections 73-25-51 through  
888 73-25-67, voluntarily or by action of the board, shall have a  
889 right, at reasonable intervals, to petition for a reinstatement of  
890 his or her license and to demonstrate that he or she can  
891 resume \* \* \* practice \* \* \* with reasonable skill and safety to  
892 patients. Such petition shall be made in writing and on a form  
893 prescribed by the board. Action of the board on such petition  
894 shall be initiated by referral to and examination by the examining  
895 committee pursuant to the provisions of Sections 73-25-55 and  
896 73-25-57. The board may, upon written recommendation of the  
897 examining committee, restore the licensure of the \* \* \* licensee  
898 on a general or limited basis or institute a proceeding pursuant  
899 to Section 73-25-63 for the determination of the fitness of  
900 the \* \* \* licensee to resume his or her practice.

901           (2) All orders of the board entered under Section  
902 73-25-63(3), (4) shall be subject to judicial review by appeal to  
903 the chancery court of the county of the residence of the \* \* \*  
904 licensee involved against whom the order is rendered, within  
905 twenty (20) days following the date of entry of the order, said  
906 appeal to be taken and perfected in the same manner as appeals  
907 from orders of boards of supervisors.



908           **SECTION 23.** Section 73-25-83, Mississippi Code of 1972, is  
909 amended as follows:

910           73-25-83. The board shall have authority to deny an  
911 application for licensure or other authorization to practice  
912 medicine in this state and to discipline a physician licensed or  
913 otherwise lawfully practicing within this state who, after a  
914 hearing, has been adjudged by the board as unqualified due to one  
915 or more of the following reasons:

916           (a) Unprofessional conduct as defined in the physician  
917 licensure and disciplinary laws, pursuant to Section 73-25-29;

918           (b) Professional incompetency in the practice of  
919 medicine or surgery; or

920           (c) Having disciplinary action taken by his peers  
921 within any professional medical association or society, whether  
922 any such association or society is local, regional, state or  
923 national in scope, or being disciplined by a licensed hospital or  
924 medical staff of said hospital, or the voluntary surrender or  
925 restriction of hospital staff privileges while an investigation or  
926 disciplinary proceeding is being conducted by a \* \* \* hospital or  
927 medical staff or medical staff committee of said hospital.

928 Provided further, anybody taking action as set forth in this  
929 paragraph shall report such action to the board within thirty (30)  
930 days of its occurrence.

931           **SECTION 24.** Section 73-25-87, Mississippi Code of 1972, is  
932 amended as follows:



933           73-25-87. Whenever the board finds any person unqualified  
934 because of any of the grounds set forth in this act, or in  
935 violation of any of the grounds set forth in Section 73-25-83, it  
936 may enter an order imposing one or more of the following:

937           (a) Deny \* \* \* an application for a license or other  
938 authorization to practice medicine;

939           (b) Administer a public or private reprimand;

940           (c) Suspend, limit or restrict \* \* \* a license or other  
941 authorization to practice medicine for up to five (5) years,  
942 including limiting the practice of such person to, or by the  
943 exclusion of, one or more specified branches of medicine,  
944 including limitation on hospital privileges;

945           (d) Revoke \* \* \* a license or other authorization to  
946 practice medicine;

947           (e) Require \* \* \* a licensee to submit to care,  
948 counseling or treatment by physicians designated by the board, as  
949 a condition for initial, continued or renewal of licensure or  
950 other authorization to practice medicine;

951           (f) Require \* \* \* a licensee to participate in a  
952 program of education prescribed by the board; \* \* \*

953           (g) Require \* \* \* a licensee to practice under the  
954 direction of a physician designated by the board for a specified  
955 period of time \* \* \*;

956           (h) Place a licensee on probation, the terms of which  
957 may be set by the board;



958           (i) In lieu of suspension, impose a punitive fine not  
959 to exceed Twenty-five Thousand Dollars (\$25,000.00) per offense,  
960 with the cumulative total of all fines imposed not to exceed One  
961 Hundred Thousand Dollars (\$100,000.00). All fines collected under  
962 this provision shall be deposited into the State General Fund; or  
963           (j) Take any other action which the board deems  
964 necessary.

965           **SECTION 25.** Section 73-25-89, Mississippi Code of 1972, is  
966 amended as follows:

967           73-25-89. If the board determines that evidence in its  
968 possession indicates that a physician's continuation in practice  
969 or unrestricted practice would constitute an immediate danger to  
970 the public, the board may take any of the same actions on a  
971 temporary basis, without a hearing, which it could otherwise take  
972 under Sections 73-25-81 through 73-25-95 following a hearing,  
973 provided proceedings for a hearing before the board are initiated  
974 simultaneously with such temporary action without a hearing.  
975 Provided, further, that in the event of such temporary action  
976 without a hearing, a hearing must be held within \* \* \* thirty (30)  
977 days of such action.

978           **SECTION 26.** Section 73-25-18, Mississippi Code of 1972, is  
979 amended as follows:

980           73-25-18. (1) (a) There is established a special volunteer  
981 medical license for physicians who are retired from active  
982 practice, or are currently serving on active duty in the Armed



983 Forces of the United States or in the National Guard or a reserve  
984 component of the Armed Forces of the United States, or are working  
985 as physicians for the Department of Veterans Affairs, and wish to  
986 donate their expertise for the medical care and treatment of  
987 indigent and needy persons or persons in medically underserved  
988 areas of the state. The special volunteer medical license shall  
989 be issued by the State Board of Medical Licensure to eligible  
990 physicians without the payment of any application fee, examination  
991 fee, license fee or renewal fee, shall be issued for a fiscal year  
992 or part thereof, and shall be renewable annually upon approval of  
993 the board.

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

996 (i) Completion of a special volunteer medical  
997 license application, including documentation of the physician's  
998 medical school or osteopathic school graduation and practice  
999 history;

1000 (ii) Documentation that the physician \* \* \*  
1001 otherwise qualifies for an unrestricted license to practice  
1002 medicine in Mississippi or in another state of the United States  
1003 and that he or she has never been the subject of any medical  
1004 disciplinary action in any jurisdiction;

1005 (iii) Acknowledgement and documentation that the  
1006 physician's practice under the special volunteer medical license  
1007 will be exclusively and totally devoted to providing medical care





1008 to needy and indigent persons in Mississippi or persons in  
1009 medically underserved areas in Mississippi; and

1010 (iv) Acknowledgement and documentation that the  
1011 physician will not receive any payment or compensation, either  
1012 direct or indirect, or have the expectation of any payment or  
1013 compensation, for any medical services rendered under the special  
1014 volunteer medical license.

1015 (2) (a) There is established a special volunteer license  
1016 for physician assistants who are retired from active practice, or  
1017 are currently serving on active duty in the Armed Forces of the  
1018 United States or in the National Guard or a reserve component of  
1019 the Armed Forces of the United States, or are working as physician  
1020 assistants for the Department of Veterans Affairs, and wish to  
1021 donate their expertise for the care and treatment of indigent and  
1022 needy persons or persons in medically underserved areas of the  
1023 state. The special volunteer physician assistant license shall be  
1024 issued by the State Board of Medical Licensure to eligible  
1025 physician assistants without the payment of any application fee,  
1026 examination fee, license fee or renewal fee, shall be issued for a  
1027 fiscal year or part thereof, and shall be renewable annually upon  
1028 approval of the board.

1029 (b) A physician assistant must meet the following  
1030 requirements to be eligible for a special volunteer physician  
1031 assistant license:



1032 (i) Completion of an application for a special  
1033 volunteer physician assistant license, including documentation of  
1034 the physician assistant's educational qualifications and practice  
1035 history;

1036 (ii) Documentation that the physician  
1037 assistant \* \* \* otherwise qualifies for an unrestricted physician  
1038 assistant license in Mississippi or in another state of the United  
1039 States and that he or she has never been the subject of any  
1040 disciplinary action in any jurisdiction;

1041 (iii) Acknowledgement and documentation that the  
1042 physician assistant's practice under the special volunteer  
1043 physician assistant license will be exclusively and totally  
1044 devoted to providing care to needy and indigent persons in  
1045 Mississippi or persons in medically underserved areas in  
1046 Mississippi; and

1047 (iv) Acknowledgement and documentation that the  
1048 physician assistant will not receive any payment or compensation,  
1049 either direct or indirect, or have the expectation of any payment  
1050 or compensation, for any services rendered under the special  
1051 volunteer physician assistant license.

1052 **SECTION 27.** Section 73-25-7, Mississippi Code of 1972, which  
1053 requires the State Board of Medical Licensure to meet at the  
1054 capital at least once each year for the purpose of examining  
1055 applicants, is \* \* \* repealed.



1056           **SECTION 28.** Section 73-25-9, Mississippi Code of 1972, which  
1057 provides for the fee charged by the State Board of Medical  
1058 Licensure to apply for a license to practice, is \* \* \* repealed.

1059           **SECTION 29.** Section 73-25-15, Mississippi Code of 1972,  
1060 which provides for the procedures for lost medical licenses,  
1061 is \* \* \* repealed.

1062           **SECTION 30.** Section 73-25-19, Mississippi Code of 1972,  
1063 which provides for certain provisions related to nonresident  
1064 physicians, is \* \* \* repealed.

1065           **SECTION 31.** Section 73-25-25, Mississippi Code of 1972,  
1066 which provides for certain procedures for those desiring to  
1067 practice osteopathic medicine in the state, is \* \* \* repealed.

1068           **SECTION 32.** Section 73-25-39, Mississippi Code of 1972,  
1069 which allows the State Board of Medical Licensure to contract for  
1070 the acquisition of books and other records, is \* \* \* repealed.

1071           **SECTION 33.** Section 73-25-81, Mississippi Code of 1972,  
1072 which provides a technical reference to the Mississippi State  
1073 Board of Medical Licensure, is \* \* \* repealed.

1074           **SECTION 34.** This act shall take effect and be in force from  
1075 and after July 1, 2023.

