

By: Senator(s) Tate

To: Public Health and Welfare

SENATE BILL NO. 2320

1 AN ACT TO CREATE NEW SECTION 73-49-5, MISSISSIPPI CODE OF  
 2 1972, TO PROHIBIT THE LICENSING BOARDS OR AGENCIES OF HEALTH CARE  
 3 PRACTITIONERS FROM REPRIMANDING, SANCTIONING, REVOKING OR  
 4 THREATENING TO REVOKE A LICENSE, CERTIFICATE OR REGISTRATION OF A  
 5 PRACTITIONER FOR EXERCISING HIS OR HER CONSTITUTIONAL RIGHT OF  
 6 FREE SPEECH, UNLESS THE BOARD OR AGENCY PROVES BEYOND A REASONABLE  
 7 DOUBT THAT THE SPEECH USED BY THE PRACTITIONER LED TO THE DIRECT  
 8 PHYSICAL HARM OF A PERSON WITH WHOM THE PRACTITIONER HAD A  
 9 PRACTITIONER-PATIENT RELATIONSHIP; TO REQUIRE THE LICENSING BOARDS  
 10 OR AGENCIES OF HEALTH CARE PRACTITIONERS TO PROVIDE A  
 11 PRACTITIONER WITH ANY COMPLAINTS RECEIVED FOR WHICH REVOCATION  
 12 ACTIONS MAY BE IN ORDER WITHIN SEVEN DAYS AFTER RECEIPT OF SUCH  
 13 COMPLAINT; TO AMEND SECTIONS 73-6-19, 73-9-61, 73-15-29, 73-19-23,  
 14 73-21-97, 73-23-59, 73-25-29, 73-26-5, 73-27-13, 73-31-21,  
 15 73-39-77, 73-71-33 AND 73-75-19, MISSISSIPPI CODE OF 1972, TO  
 16 CONFORM TO THE PRECEDING PROVISIONS; AND FOR RELATED PURPOSES.

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

18 **SECTION 1.** The following shall be codified as Section  
 19 73-49-5, Mississippi Code of 1972:

20 73-49-5. (1) As used in this section, the following terms  
 21 shall be defined as provided in this subsection:

22 (a) "Health care" means any care, treatment, service,  
 23 or procedure to maintain, diagnose, or otherwise affect an  
 24 individual's physical or mental condition.



25 (b) "Health care practitioner" means an individual  
26 licensed, certified or otherwise authorized or permitted by law to  
27 provide health care in the ordinary course of business or practice  
28 of a profession.

29 (2) The board or agency that licenses, certifies or  
30 registers a health care practitioner:

31 (a) May not reprimand, sanction, revoke or threaten to  
32 revoke a license, certificate or registration of a health care  
33 practitioner for exercising his or her constitutional right of  
34 free speech, including, but not limited to, speech through the use  
35 of a social media platform, unless the board or agency proves  
36 beyond a reasonable doubt that the speech used by the health care  
37 practitioner led to the direct physical harm of a person with whom  
38 the health care practitioner had a practitioner-patient  
39 relationship within the three (3) years immediately preceding the  
40 physical harm; and

41 (b) Must provide a health care practitioner with any  
42 complaints received for which revocation actions may be in order  
43 within seven (7) days after receipt of such complaint.

44 **SECTION 2.** Section 73-6-19, Mississippi Code of 1972, is  
45 amended as follows:

46 73-6-19. (1) The board shall refuse to grant a certificate  
47 of licensure to any applicant or may cancel, revoke or suspend the  
48 certificate upon the finding of any of the following facts  
49 regarding the applicant or licensed practitioner:



- 50           (a) Failure to comply with the rules and regulations  
51 adopted by the State Board of Chiropractic Examiners;
- 52           (b) Violation of any of the provisions of this chapter  
53 or any of the rules and regulations of the State Board of Health  
54 pursuant to this chapter with regard to the operation and use of  
55 x-rays;
- 56           (c) Fraud or deceit in obtaining a license;
- 57           (d) Addiction to the use of alcohol, narcotic drugs, or  
58 anything which would seriously interfere with the competent  
59 performance of his professional duties;
- 60           (e) Conviction by a court of competent jurisdiction of  
61 a felony, other than manslaughter or any violation of the United  
62 States Internal Revenue Code;
- 63           (f) Unprofessional and unethical conduct;
- 64           (g) Contraction of a contagious disease which may be  
65 carried for a prolonged period;
- 66           (h) Failure to report to the Mississippi Department of  
67 Human Services or the county attorney any case wherein there are  
68 reasonable grounds to believe that a child or vulnerable adult has  
69 been abused by its parent or person responsible for such person's  
70 welfare;
- 71           (i) Advising a patient to use drugs, prescribing or  
72 providing drugs for a patient, or advising a patient not to use a  
73 drug prescribed by a licensed physician or dentist;



74           (j) Professional incompetency in the practice of  
75 chiropractic;

76           (k) Having disciplinary action taken by his peers  
77 within any professional chiropractic association or society;

78           (l) Offering to accept or accepting payment for  
79 services rendered by assignment from any third-party payor after  
80 offering to accept or accepting whatever the third-party payor  
81 covers as payment in full, if the effect of the offering or  
82 acceptance is to eliminate or give the impression of eliminating  
83 the need for payment by an insured of any required deductions  
84 applicable in the policy of the insured;

85           (m) Associating his practice with any chiropractor who  
86 does not hold a valid chiropractic license in Mississippi, or  
87 teach chiropractic manipulation to nonqualified persons under  
88 Section 73-6-13;

89           (n) Failure to make payment on chiropractic student  
90 loans;

91           (o) Failure to follow record keeping requirements  
92 prescribed in Section 73-6-18;

93           (p) If the practitioner is certified to provide animal  
94 chiropractic treatment, failure to follow guidelines approved by  
95 the Mississippi Board of Veterinary Medicine; or

96           (q) Violation(s) of the provisions of Sections 41-121-1  
97 through 41-121-9 relating to deceptive advertisement by health



98 care practitioners. This paragraph shall stand repealed on July  
99 1, 2025.

100 (2) Any holder of such certificate or any applicant therefor  
101 against whom is preferred any of the designated charges shall be  
102 furnished a copy of the complaint and shall receive a formal  
103 hearing in Jackson, Mississippi, before the board, at which time  
104 he may be represented by counsel and examine witnesses. The board  
105 is authorized to administer oaths as may be necessary for the  
106 proper conduct of any such hearing. In addition, the board is  
107 authorized and empowered to issue subpoenas for the attendance of  
108 witnesses and the production of books and papers. The process  
109 issued by the board shall extend to all parts of the state. Where  
110 in any proceeding before the board any witness shall fail or  
111 refuse to attend upon subpoena issued by the board, shall refuse  
112 to testify, or shall refuse to produce any books and papers, the  
113 production of which is called for by the subpoena, the attendance  
114 of such witness and the giving of his testimony and the production  
115 of the books and papers shall be enforced by any court of  
116 competent jurisdiction of this state in the manner provided for  
117 the enforcement of attendance and testimony of witnesses in civil  
118 cases in the courts of this state.

119 (3) In addition to any other investigators the board  
120 employs, the board shall appoint one or more licensed  
121 chiropractors to act for the board in investigating the conduct  
122 relating to the competency of a chiropractor, whenever



123 disciplinary action is being considered for professional  
124 incompetence and unprofessional conduct.

125 (4) Whenever the board finds any person unqualified to  
126 practice chiropractic because of any of the grounds set forth in  
127 subsection (1) of this section, after a hearing has been conducted  
128 as prescribed by this section, the board may enter an order  
129 imposing one or more of the following:

130 (a) Deny his application for a license or other  
131 authorization to practice chiropractic;

132 (b) Administer a public or private reprimand;

133 (c) Suspend, limit or restrict his license or other  
134 authorization to practice chiropractic for up to five (5) years;

135 (d) Revoke or cancel his license or other authorization  
136 to practice chiropractic;

137 (e) Require him to submit to care, counseling or  
138 treatment by physicians or chiropractors designated by the board,  
139 as a condition for initial, continued or renewal of licensure or  
140 other authorization to practice chiropractic;

141 (f) Require him to participate in a program of  
142 education prescribed by the board; or

143 (g) Require him to practice under the direction of a  
144 chiropractor designated by the board for a specified period of  
145 time.

146 (5) Any person whose application for a license or whose  
147 license to practice chiropractic has been cancelled, revoked or



148 suspended by the board within thirty (30) days from the date of  
149 such final decision shall have the right of a de novo appeal to  
150 the circuit court of his county of residence or the Circuit Court  
151 of the First Judicial District of Hinds County, Mississippi. If  
152 there is an appeal, such appeal may, in the discretion of and on  
153 motion to the circuit court, act as a supersedeas. The circuit  
154 court shall dispose of the appeal and enter its decision promptly.  
155 The hearing on the appeal may, in the discretion of the circuit  
156 judge, be tried in vacation. Either party shall have the right of  
157 appeal to the Supreme Court as provided by law from any decision  
158 of the circuit court.

159 (6) In a proceeding conducted under this section by the  
160 board for the revocation, suspension or cancellation of a license  
161 to practice chiropractic, after a hearing has been conducted as  
162 prescribed by this section, the board shall have the power and  
163 authority for the grounds stated in subsection (1) of this  
164 section, with the exception of paragraph (c) thereof, to assess  
165 and levy upon any person licensed to practice chiropractic in the  
166 state a monetary penalty in lieu of such revocation, suspension or  
167 cancellation, as follows:

168 (a) For the first violation, a monetary penalty of not  
169 less than Five Hundred Dollars (\$500.00) nor more than One  
170 Thousand Dollars (\$1,000.00) for each violation.

171 (b) For the second and each subsequent violation, a  
172 monetary penalty of not less than One Thousand Dollars (\$1,000.00)



173 nor more than Two Thousand Five Hundred Dollars (\$2,500.00) for  
174 each violation.

175         The power and authority of the board to assess and levy such  
176 monetary penalties under this section shall not be affected or  
177 diminished by any other proceeding, civil or criminal, concerning  
178 the same violation or violations. A licensee shall have the right  
179 of appeal from the assessment and levy of a monetary penalty as  
180 provided in this section to the circuit court under the same  
181 conditions as a right of appeal is provided for in this section  
182 for appeals from an adverse ruling, or order, or decision of the  
183 board. Any monetary penalty assessed and levied under this  
184 section shall not take effect until after the time for appeal has  
185 expired, and an appeal of the assessment and levy of such a  
186 monetary penalty shall act as a supersedeas.

187         (7) In addition to the grounds specified in subsection (1)  
188 of this section, the board shall be authorized to suspend the  
189 license of any licensee for being out of compliance with an order  
190 for support, as defined in Section 93-11-153. The procedure for  
191 suspension of a license for being out of compliance with an order  
192 for support, and the procedure for the reissuance or reinstatement  
193 of a license suspended for that purpose, and the payment of any  
194 fees for the reissuance or reinstatement of a license suspended  
195 for that purpose, shall be governed by Section 93-11-157 or  
196 93-11-163, as the case may be. Actions taken by the board in  
197 suspending a license when required by Section 93-11-157 or





198 93-11-163 are not actions from which an appeal may be taken under  
199 this section. Any appeal of a license suspension that is required  
200 by Section 93-11-157 or 93-11-163 shall be taken in accordance  
201 with the appeal procedure specified in Section 93-11-157 or  
202 93-11-163, as the case may be, rather than the procedure specified  
203 in this section. If there is any conflict between any provision  
204 of Section 93-11-157 or 93-11-163 and any provision of this  
205 chapter, the provisions of Section 93-11-157 or 93-11-163, as the  
206 case may be, shall control.

207 (8) The board shall be subject to the limits on disciplinary  
208 action as provided in Section 73-49-5.

209 **SECTION 3.** Section 73-9-61, Mississippi Code of 1972, is  
210 amended as follows:

211 73-9-61. (1) Upon satisfactory proof, and in accordance  
212 with statutory provisions elsewhere set out for such hearings and  
213 protecting the rights of the accused as well as the public, the  
214 State Board of Dental Examiners may deny the issuance or renewal  
215 of a license or may revoke or suspend the license of any licensed  
216 dentist or dental hygienist practicing in the State of  
217 Mississippi, or take any other action in relation to the license  
218 as the board may deem proper under the circumstances, for any of  
219 the following reasons:

220 (a) Misrepresentation in obtaining a license, or  
221 attempting to obtain, obtaining, attempting to renew or renewing a  
222 license or professional credential by making any material



223 misrepresentation, including the signing in his or her  
224 professional capacity any certificate that is known to be false at  
225 the time he or she makes or signs the certificate.

226 (b) Willful violation of any of the rules or  
227 regulations duly promulgated by the board, or of any of the rules  
228 or regulations duly promulgated by the appropriate dental  
229 licensure agency of another state or jurisdiction.

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

235 (d) Administering, dispensing or prescribing any  
236 prescriptive medication or drug outside the course of legitimate  
237 professional dental practice.

238 (e) Being convicted or found guilty of or entering a  
239 plea of nolo contendere to, regardless of adjudication, a  
240 violation of any federal or state law regulating the possession,  
241 distribution or use of any narcotic drug or any drug considered a  
242 controlled substance under state or federal law, a certified copy  
243 of the conviction order or judgment rendered by the trial court  
244 being prima facie evidence thereof, notwithstanding the pendency  
245 of any appeal.

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



248 (g) Being convicted or found guilty of or entering a  
249 plea of nolo contendere to, regardless of adjudication, a crime in  
250 any jurisdiction that relates to the practice of dentistry or  
251 dental hygiene, a certified copy of the conviction order or  
252 judgment rendered by the trial court being prima facie evidence  
253 thereof, notwithstanding the pendency of any appeal.

254 (h) Being convicted or found guilty of or entering a  
255 plea of nolo contendere to, regardless of adjudication, a felony  
256 in any jurisdiction, a certified copy of the conviction order or  
257 judgment rendered by the trial court being prima facie evidence  
258 thereof, notwithstanding the pendency of any appeal.

259 (i) Delegating professional responsibilities to a  
260 person who is not qualified by training, experience or licensure  
261 to perform them.

262 (j) The refusal of a licensing authority of another  
263 state or jurisdiction to issue or renew a license, permit or  
264 certificate to practice dentistry or dental hygiene in that  
265 jurisdiction or the revocation, suspension or other restriction  
266 imposed on a license, permit or certificate issued by the  
267 licensing authority that prevents or restricts practice in that  
268 jurisdiction, a certified copy of the disciplinary order or action  
269 taken by the other state or jurisdiction being prima facie  
270 evidence thereof, notwithstanding the pendency of any appeal.

271 (k) Surrender of a license or authorization to practice  
272 dentistry or dental hygiene in another state or jurisdiction when



273 the board has reasonable cause to believe that the surrender is  
274 made to avoid or in anticipation of a disciplinary action.

275 (1) Any unprofessional conduct to be determined by the  
276 board on a case-by-case basis, which shall include, but not be  
277 restricted to, the following:

278 (i) Committing any crime involving moral  
279 turpitude.

280 (ii) Practicing deceit or other fraud upon the  
281 public.

282 (iii) Practicing dentistry or dental hygiene under  
283 a false or assumed name.

284 (iv) Advertising that is false, deceptive or  
285 misleading.

286 (v) Announcing a specialized practice shall be  
287 considered advertising that tends to deceive or mislead the public  
288 unless the dentist announcing as a specialist conforms to other  
289 statutory provisions and the duly promulgated rules or regulations  
290 of the board pertaining to practice of dentistry in the State of  
291 Mississippi.

292 (m) Failure to provide and maintain reasonable sanitary  
293 facilities and conditions or failure to follow board rules  
294 regarding infection control.

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



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

300 (ii) Conduct of a licensee that is intended to  
301 intimidate, coerce, influence or trick any person employed by or  
302 for the licensee in a dental practice or educational setting for  
303 the purpose of engaging in sexual activity or activity intended  
304 for the sexual gratification of the licensee.

305 (o) Violation of a lawful order of the board previously  
306 entered in a disciplinary or licensure hearing; failure to  
307 cooperate with any lawful request or investigation by the board;  
308 or failure to comply with a lawfully issued subpoena of the board.

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

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

314 (r) Violation(s) of the provisions of Sections 41-121-1  
315 through 41-121-9 relating to deceptive advertisement by health  
316 care practitioners. This paragraph shall stand repealed on July  
317 1, 2025.

318 (2) In lieu of revocation of a license as provided for  
319 above, the board may suspend the license of the offending dentist  
320 or dental hygienist, suspend the sedation permit of the offending  
321 dentist, or take any other action in relation to his or her  
322 license as the board may deem proper under the circumstances.



323 (3) When a license to practice dentistry or dental hygiene  
324 is revoked or suspended by the board, the board may, in its  
325 discretion, stay the revocation or suspension and simultaneously  
326 place the licensee on probation upon the condition that the  
327 licensee shall not violate the laws of the State of Mississippi  
328 pertaining to the practice of dentistry or dental hygiene and  
329 shall not violate the rules and regulations of the board and shall  
330 not violate any terms in relation to his or her license as may be  
331 set by the board.

332 (4) In a proceeding conducted under this section by the  
333 board for the denial, revocation or suspension of a license to  
334 practice dentistry or dental hygiene, the board shall have the  
335 power and authority for the grounds stated for that denial,  
336 revocation or suspension, and in addition thereto or in lieu of  
337 that denial, revocation or suspension may assess and levy upon any  
338 person licensed to practice dentistry or dental hygiene in the  
339 State of Mississippi, a monetary penalty, as follows:

340 (a) For the first violation of any of \* \* \* paragraph  
341 (a), (b), (c), (d), (f), (i), (l), (m), (n), (o) or (q) of  
342 subsection (1) of this section, a monetary penalty of not less  
343 than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars  
344 (\$500.00).

345 (b) For the second violation of any of \* \* \* paragraph  
346 (a), (b), (c), (d), (f), (i), (l), (m), (n), (o) or (q) of  
347 subsection (1) of this section, a monetary penalty of not less



348 than One Hundred Dollars (\$100.00) nor more than One Thousand  
349 Dollars (\$1,000.00).

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

355 (d) For any violation of any of \* \* \* paragraphs (a)  
356 through (q) of subsection (1) of this section, those reasonable  
357 costs that are expended by the board in the investigation and  
358 conduct of a proceeding for licensure revocation or suspension,  
359 including, but not limited to, the cost of process service, court  
360 reporters, expert witnesses and investigators.

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

366 (6) A licensee shall have the right of appeal from the  
367 assessment and levy of a monetary penalty as provided in this  
368 section under the same conditions as a right of appeal is provided  
369 elsewhere for appeals from an adverse ruling, order or decision of  
370 the board.

371 (7) Any monetary penalty assessed and levied under this  
372 section shall not take effect until after the time for appeal has



373 expired. In the event of an appeal, the appeal shall act as a  
374 supersedeas.

375 (8) A monetary penalty assessed and levied under this  
376 section shall be paid to the board by the licensee upon the  
377 expiration of the period allowed for appeal of those penalties  
378 under this section or may be paid sooner if the licensee elects.  
379 With the exception of subsection (4)(d) of this section, monetary  
380 penalties collected by the board under this section shall be  
381 deposited to the credit of the General Fund of the State Treasury.  
382 Any monies collected by the board under subsection (4)(d) of this  
383 section shall be deposited into the special fund operating account  
384 of the board.

385 (9) When payment of a monetary penalty assessed and levied  
386 by the board against a licensee in accordance with this section is  
387 not paid by the licensee when due under this section, the board  
388 shall have power to institute and maintain proceedings in its name  
389 for enforcement of payment in the chancery court of the county and  
390 judicial district of residence of the licensee, and if the  
391 licensee is a nonresident of the State of Mississippi, the  
392 proceedings shall be in the Chancery Court of the First Judicial  
393 District of Hinds County, Mississippi.

394 (10) In addition to the reasons specified in subsection (1)  
395 of this section, the board shall be authorized to suspend the  
396 license of any licensee for being out of compliance with an order  
397 for support, as defined in Section 93-11-153. The procedure for





398 suspension of a license for being out of compliance with an order  
399 for support, and the procedure for the reissuance or reinstatement  
400 of a license suspended for that purpose, and the payment of any  
401 fees for the reissuance or reinstatement of a license suspended  
402 for that purpose, shall be governed by Section 93-11-157 or  
403 93-11-163, as the case may be. If there is any conflict between  
404 any provision of Section 93-11-157 or 93-11-163 and any provision  
405 of this chapter, the provisions of Section 93-11-157 or 93-11-163,  
406 as the case may be, shall control.

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

411 (12) The board shall be subject to the limits on  
412 disciplinary action as provided in Section 73-49-5.

413 **SECTION 4.** Section 73-15-29, Mississippi Code of 1972, is  
414 amended as follows:

415 73-15-29. (1) The board shall have power to revoke, suspend  
416 or refuse to renew any license issued by the board, or to revoke  
417 or suspend any privilege to practice, or to deny an application  
418 for a license, or to fine, place on probation and/or discipline a  
419 licensee, in any manner specified in this article, upon proof that  
420 such person:

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



423 (b) Has been convicted of a felony, or a crime  
424 involving moral turpitude or has had accepted by a court a plea of  
425 nolo contendere to a felony or a crime involving moral turpitude  
426 (a certified copy of the judgment of the court of competent  
427 jurisdiction of such conviction or pleas shall be prima facie  
428 evidence of such conviction);

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

432 (d) Has had a license or privilege to practice as a  
433 registered nurse or a licensed practical nurse suspended or  
434 revoked in any jurisdiction, has voluntarily surrendered such  
435 license or privilege to practice in any jurisdiction, has been  
436 placed on probation as a registered nurse or licensed practical  
437 nurse in any jurisdiction or has been placed under a disciplinary  
438 order(s) in any manner as a registered nurse or licensed practical  
439 nurse in any jurisdiction, (a certified copy of the order of  
440 suspension, revocation, probation or disciplinary action shall be  
441 prima facie evidence of such action);

442 (e) Has negligently or willfully practiced nursing in a  
443 manner that fails to meet generally accepted standards of such  
444 nursing practice;

445 (f) Has negligently or willfully violated any order,  
446 rule or regulation of the board pertaining to nursing practice or  
447 licensure;



448 (g) Has falsified or in a repeatedly negligent manner  
449 made incorrect entries or failed to make essential entries on  
450 records;

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

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

458 (j) Has engaged in any other conduct, whether of the  
459 same or of a different character from that specified in this  
460 article, that would constitute a crime as defined in Title 97 of  
461 the Mississippi Code of 1972, as now or hereafter amended, and  
462 that relates to such person's employment as a registered nurse or  
463 licensed practical nurse;

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

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

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

469 (n) Violation(s) of the provisions of Sections 41-121-1  
470 through 41-121-9 relating to deceptive advertisement by health  
471 care practitioners. This paragraph shall stand repealed on July  
472 1, 2025.



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

477           (a) Denying application for a license or other  
478 authorization to practice nursing or practical nursing;

479           (b) Administering a reprimand;

480           (c) Suspending or restricting the license or other  
481 authorization to practice as a registered nurse or licensed  
482 practical nurse for up to two (2) years without review;

483           (d) Revoking the license or other authorization to  
484 practice nursing or practical nursing;

485           (e) Requiring the discipline to submit to care,  
486 counseling or treatment by persons and/or agencies approved or  
487 designated by the board as a condition for initial, continued or  
488 renewed licensure or other authorization to practice nursing or  
489 practical nursing;

490           (f) Requiring the discipline to participate in a  
491 program of education prescribed by the board as a condition for  
492 initial, continued or renewed licensure or other authorization to  
493 practice;

494           (g) Requiring the discipline to practice under the  
495 supervision of a registered nurse for a specified period of time;

496 or



497                   (h) Imposing a fine not to exceed Five Hundred Dollars  
498 (\$500.00).

499                   (3) In addition to the grounds specified in subsection (1)  
500 of this section, the board shall be authorized to suspend the  
501 license or privilege to practice of any licensee for being out of  
502 compliance with an order for support, as defined in Section  
503 93-11-153. The procedure for suspension of a license or privilege  
504 to practice for being out of compliance with an order for support,  
505 and the procedure for the reissuance or reinstatement of a license  
506 or privilege to practice suspended for that purpose, and the  
507 payment of any fees for the reissuance or reinstatement of a  
508 license or privilege to practice suspended for that purpose, shall  
509 be governed by Section 93-11-157 or 93-11-163, as the case may be.  
510 If there is any conflict between any provision of Section  
511 93-11-157 or 93-11-163 and any provision of this article, the  
512 provisions of Section 93-11-157 or 93-11-163, as the case may be,  
513 shall control.

514                   (4) If the public health, safety or welfare imperatively  
515 requires emergency action and the board incorporates a finding to  
516 that effect in an order, the board may order summary suspension of  
517 a license pending proceedings for revocation or other action.  
518 These proceedings shall be promptly instituted and determined by  
519 the board.

520                   (5) The board may establish by rule an alternative to  
521 discipline program for licensees who have an impairment as a



522 result of substance abuse or a mental health condition, which  
523 program shall include at least the following components:

524 (a) Participation in the program is voluntary with the  
525 licensee, and the licensee must enter the program before the board  
526 holds a disciplinary action hearing regarding the licensee;

527 (b) The full cost of participation in the program,  
528 including the cost of any care, counseling, treatment and/or  
529 education received by the licensee, shall be borne by the  
530 licensee;

531 (c) All of the procedures and records regarding the  
532 licensee's participation in the program shall be confidential,  
533 shall not be disclosed and shall be exempt from the provisions of  
534 the Mississippi Public Records Act of 1983; and

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

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

543 (7) The board shall be subject to the limits on disciplinary  
544 action as provided in Section 73-49-5.

545 **SECTION 5.** Section 73-19-23, Mississippi Code of 1972, is  
546 amended as follows:



547           73-19-23. (1) (a) The board shall refuse to grant a  
548 certificate of licensure to any applicant and may cancel, revoke  
549 or suspend the operation of any certificate by it granted for any  
550 or all of the following reasons: unprofessional and unethical  
551 conduct or the conviction of a crime involving moral turpitude,  
552 habitual intemperance in the use of ardent spirits, or stimulants,  
553 narcotics, or any other substance that impairs the intellect and  
554 judgment to such an extent as to incapacitate one for the  
555 performance of the duties of an optometrist. The certificate of  
556 licensure of any person can be revoked for violating any section  
557 of this chapter.

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

561           (i) The applicant or licensee shall undergo a  
562 fingerprint-based criminal history records check of the  
563 Mississippi central criminal database and the Federal Bureau of  
564 Investigation criminal history database. Each applicant or  
565 licensee shall submit a full set of the applicant's fingerprints  
566 in a form or manner prescribed by the board, which shall be  
567 forwarded to the Bureau of Investigation Identification Division  
568 for this purpose.

569           (ii) Any and all state or national criminal  
570 history records information obtained by the board that is not  
571 already a matter of public record shall be deemed nonpublic and



572 confidential information restricted to the exclusive use of the  
573 board, its members, officers, investigators, agents and attorneys  
574 in evaluating the applicant's eligibility or disqualification for  
575 licensure, and shall be exempt from the Mississippi Public Records  
576 Act of 1983. Except when introduced into evidence in a hearing  
577 before the board to determine licensure, no such information or  
578 records related thereto shall, except with the written consent of  
579 the applicant or licensee or by order of a court of competent  
580 jurisdiction, be released or otherwise disclosed by the board to  
581 any other person or agency.

582 (iii) The board shall provide to the department  
583 the fingerprints of the applicant or licensee, any additional  
584 information that may be required by the department, and a form  
585 signed by the applicant consenting to the check of the criminal  
586 records and to the use of the fingerprints and other identifying  
587 information required by the state or national repositories.

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

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





597 (a) Fraud or misrepresentation in applying for or  
598 procuring an optometric license or in connection with applying for  
599 or procuring periodic renewal of an optometric license.

600 (b) Cheating on or attempting to subvert the optometric  
601 licensing examination(s).

602 (c) The conviction of a felony in this state or any  
603 other jurisdiction, or the entry of a guilty or nolo contendere  
604 plea to a felony charge.

605 (d) The conviction of a felony as defined by federal  
606 law, or the entry of a guilty or nolo contendere plea to a felony  
607 charge.

608 (e) Conduct likely to deceive, defraud or harm the  
609 public.

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

614 (g) Willfully or negligently violating the  
615 confidentiality between doctor and patient, except as required by  
616 law.

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

619 (i) Being found to be a person with mental illness or  
620 with an intellectual disability by any court of competent  
621 jurisdiction.



622           (j) The use of any false, fraudulent, deceptive or  
623 misleading statement in any document connected with the practice  
624 of optometry.

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

627           (l) Commission of any act of sexual abuse, misconduct  
628 or exploitation related to the licensee's practice of optometry.

629           (m) Being addicted or habituated to a drug or  
630 intoxicant.

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

633           (o) Obtaining any fee by fraud, deceit or  
634 misrepresentation.

635           (p) Disciplinary action of another state or  
636 jurisdiction against a licensee or other authorization to practice  
637 optometry based upon acts or conduct by the licensee similar to  
638 acts or conduct that would constitute grounds for action as  
639 defined in this chapter, a certified copy of the record of the  
640 action taken by the other state or jurisdiction being conclusive  
641 evidence thereof.

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



645 (r) Violation of any provision(s) of the Optometry  
646 Practice Act or the rules and regulations of the board or of an  
647 action, stipulation or agreement of the board.

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

650 (t) The designation of any person licensed under this  
651 chapter, other than by the terms "optometrist," "Doctor of  
652 Optometry" or "O.D.," which through June 30, 2025, shall include  
653 any violation(s) of the provisions of Sections 41-121-1 through  
654 41-121-9 relating to deceptive advertisement by health care  
655 practitioners.

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

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

661 (3) Any person who is a holder of a certificate of licensure  
662 or who is an applicant for examination for a certificate of  
663 licensure, against whom is preferred any charges, shall be  
664 furnished by the board with a copy of the complaint and shall have  
665 a hearing in Jackson, Mississippi, before the board, at which  
666 hearing he may be represented by counsel. At the hearing,  
667 witnesses may be examined for and against the accused respecting  
668 those charges, and the hearing orders or appeals will be conducted  
669 according to the procedure now provided in Section 73-25-27. The



670 suspension of a certificate of licensure by reason of the use of  
671 stimulants or narcotics may be removed when the holder of the  
672 certificate has been adjudged by the board to be cured and capable  
673 of practicing optometry.

674 (4) In addition to the reasons specified in subsections (1)  
675 and (2) of this section, the board shall be authorized to suspend  
676 the license of any licensee for being out of compliance with an  
677 order for support, as defined in Section 93-11-153. The procedure  
678 for suspension of a license for being out of compliance with an  
679 order for support, and the procedure for the reissuance or  
680 reinstatement of a license suspended for that purpose, and the  
681 payment of any fees for the reissuance or reinstatement of a  
682 license suspended for that purpose, shall be governed by Section  
683 93-11-157 or 93-11-163, as the case may be. If there is any  
684 conflict between any provision of Section 93-11-157 or 93-11-163  
685 and any provision of this chapter, the provisions of Section  
686 93-11-157 or 93-11-163, as the case may be, shall control.

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

692 (6) The board shall be subject to the limits on disciplinary  
693 action as provided in Section 73-49-5.



694           **SECTION 6.** Section 73-21-97, Mississippi Code of 1972, is  
695 amended as follows:

696           73-21-97. (1) The board may refuse to issue or renew, or  
697 may suspend, reprimand, revoke or restrict the license,  
698 registration or permit of any person upon one or more of the  
699 following grounds:

700                   (a) Unprofessional conduct as defined by the rules and  
701 regulations of the board;

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

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

707                           (i) A felony;

708                           (ii) Any act involving moral turpitude or gross  
709 immorality; or

710                           (iii) Violation of pharmacy or drug laws of this  
711 state or rules or regulations pertaining thereto, or of statutes,  
712 rules or regulations of any other state or the federal government;

713                   (d) Fraud or intentional misrepresentation by a  
714 licensee or permit holder in securing the issuance or renewal of a  
715 license or permit;

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



718 (f) Violation of any of the provisions of this chapter  
719 or rules or regulations adopted pursuant to this chapter;  
720 (g) Failure to comply with lawful orders of the board;  
721 (h) Negligently or willfully acting in a manner  
722 inconsistent with the health or safety of the public;  
723 (i) Addiction to or dependence on alcohol or controlled  
724 substances or the unauthorized use or possession of controlled  
725 substances;  
726 (j) Misappropriation of any prescription drug;  
727 (k) Being found guilty by the licensing agency in  
728 another state of violating the statutes, rules or regulations of  
729 that jurisdiction;  
730 (l) The unlawful or unauthorized possession of a  
731 controlled substance;  
732 (m) Willful failure to submit drug monitoring  
733 information or willful submission of incorrect dispensing  
734 information as required by the Prescription Monitoring Program  
735 under Section 73-21-127;  
736 (n) Failure to obtain the license, registration or  
737 permit required by this chapter; or  
738 (o) Violation(s) of the provisions of Sections 41-121-1  
739 through 41-121-9 relating to deceptive advertisement by health  
740 care practitioners. This paragraph shall stand repealed on July  
741 1, 2025.



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

745 (3) In addition to the grounds specified in subsection (1)  
746 of this section, the board shall be authorized to suspend the  
747 license, registration or permit of any person for being out of  
748 compliance with an order for support, as defined in Section  
749 93-11-153. The procedure for suspension of a license,  
750 registration or permit for being out of compliance with an order  
751 for support, and the procedure for the reissuance or reinstatement  
752 of a license, registration or permit suspended for that purpose,  
753 and the payment of any fees for the reissuance or reinstatement of  
754 a license, registration or permit suspended for that purpose,  
755 shall be governed by Section 93-11-157 or 93-11-163, as the case  
756 may be. If there is any conflict between any provision of Section  
757 93-11-157 or 93-11-163 and any provision of this chapter, the  
758 provisions of Section 93-11-157 or 93-11-163, as the case may be,  
759 shall control.

760 (4) The board shall be subject to the limits on disciplinary  
761 action as provided in Section 73-49-5.

762 **SECTION 7.** Section 73-23-59, Mississippi Code of 1972, is  
763 amended as follows:

764 73-23-59. (1) Licensees subject to this chapter shall  
765 conduct their activities, services and practice in accordance with  
766 this chapter and any rules promulgated pursuant hereto. The



767 board, upon satisfactory proof and in accordance with the  
768 provisions of this chapter and the regulations of the board, may  
769 suspend, revoke, or refuse to issue or renew any license  
770 hereunder, or revoke or suspend any privilege to practice,  
771 censure or reprimand any licensee, restrict or limit a license,  
772 and take any other action in relation to a license or privilege to  
773 practice as the board may deem proper under the circumstances upon  
774 any of the following grounds:

775           (a) Negligence in the practice or performance of  
776 professional services or activities;

777           (b) Engaging in dishonorable, unethical or  
778 unprofessional conduct of a character likely to deceive, defraud  
779 or harm the public in the course of professional services or  
780 activities;

781           (c) Perpetrating or cooperating in fraud or material  
782 deception in obtaining or renewing a license or attempting the  
783 same or obtaining a privilege to practice;

784           (d) Being convicted of any crime which has a  
785 substantial relationship to the licensee's activities and services  
786 or an essential element of which is misstatement, fraud or  
787 dishonesty;

788           (e) Having been convicted of or pled guilty to a felony  
789 in the courts of this state or any other state, territory or  
790 country. Conviction, as used in this paragraph, shall include a  
791 deferred conviction, deferred prosecution, deferred sentence,





792 finding or verdict of guilt, an admission of guilty, or a plea of  
793 nolo contendere;

794 (f) Engaging in or permitting the performance of  
795 unacceptable services personally or by others working under the  
796 licensee's supervision due to the licensee's deliberate or  
797 negligent act or acts or failure to act, regardless of whether  
798 actual damage or damages to the public is established;

799 (g) Continued practice although the licensee has become  
800 unfit to practice as a physical therapist or physical therapist  
801 assistant due to: (i) failure to keep abreast of current  
802 professional theory or practice; or (ii) physical or mental  
803 disability; the entry of an order or judgment by a court of  
804 competent jurisdiction that a licensee is in need of mental  
805 treatment or is incompetent shall constitute mental disability; or  
806 (iii) addiction or severe dependency upon alcohol or other drugs  
807 which may endanger the public by impairing the licensee's ability  
808 to practice;

809 (h) Having disciplinary action taken against the  
810 licensee's license in another state;

811 (i) Making differential, detrimental treatment against  
812 any person because of race, color, creed, sex, religion or  
813 national origin;

814 (j) Engaging in lewd conduct in connection with  
815 professional services or activities;

816 (k) Engaging in false or misleading advertising;



817                   (1) Contracting, assisting or permitting unlicensed  
818 persons to perform services for which a license is required under  
819 this chapter or privilege to practice is required under Section  
820 73-23-101;

821                   (m) Violation of any probation requirements placed on a  
822 license or privilege to practice by the board;

823                   (n) Revealing confidential information except as may be  
824 required by law;

825                   (o) Failing to inform clients of the fact that the  
826 client no longer needs the services or professional assistance of  
827 the licensee;

828                   (p) Charging excessive or unreasonable fees or engaging  
829 in unreasonable collection practices;

830                   (q) For treating or attempting to treat ailments or  
831 other health conditions of human beings other than by physical  
832 therapy as authorized by this chapter;

833                   (r) Except as authorized in Section 73-23-35(3), for  
834 applying or offering to apply physical therapy, exclusive of  
835 initial evaluation or screening and exclusive of education or  
836 consultation for the prevention of physical and mental disability  
837 within the scope of physical therapy, other than upon the referral  
838 of a licensed physician, dentist, osteopath, podiatrist,  
839 chiropractor, physician assistant or nurse practitioner; or for  
840 acting as a physical therapist assistant other than under the  
841 direct, on-site supervision of a licensed physical therapist;



842 (s) Failing to adhere to the recognized standards of  
843 ethics of the physical therapy profession as established by rules  
844 of the board;

845 (t) Failing to complete continuing competence  
846 requirements as established by board rule;

847 (u) Failing to supervise physical therapist assistants  
848 in accordance with this chapter and/or board rules;

849 (v) Engaging in sexual misconduct. For the purpose of  
850 this paragraph, sexual misconduct includes, but is not necessarily  
851 limited to:

852 (i) Engaging in or soliciting sexual  
853 relationships, whether consensual or nonconsensual, while a  
854 physical therapist or physical therapist assistant/patient  
855 relationship exists.

856 (ii) Making sexual advances, requesting sexual  
857 favors or engaging in other verbal conduct or physical contact of  
858 a sexual nature with patients or clients.

859 (iii) Intentionally viewing a completely or  
860 partially disrobed patient in the course of treatment if the  
861 viewing is not related to patient diagnosis or treatment under  
862 current practice standards;

863 (w) The erroneous issuance of a license or privilege to  
864 practice to any person;

865 (x) Violations of any provisions of this chapter, board  
866 rules or regulations or a written order or directive of the board;



867           (y) Failing to maintain adequate patient records. For  
868 the purposes of this paragraph, "adequate patient records" means  
869 legible records that contain at minimum sufficient information to  
870 identify the patient, an evaluation of objective findings, a  
871 diagnosis, a plan of care, a treatment record and a discharge  
872 plan;

873           (z) Failing to report to the board any unprofessional,  
874 incompetent or illegal acts that appear to be in violation of this  
875 law or any rules established by the board.

876           (2) The board may order a licensee to submit to a reasonable  
877 physical or mental examination if the licensee's physical or  
878 mental capacity to practice safely is at issue in a disciplinary  
879 proceeding.

880           (3) Failure to comply with a board order to submit to a  
881 physical or mental examination shall render a licensee subject to  
882 the summary suspension procedures described in Section 73-23-64.

883           (4) In addition to the reasons specified in subsection (1)  
884 of this section, the board shall be authorized to suspend the  
885 license or privilege to practice of any licensee for being out of  
886 compliance with an order for support, as defined in Section  
887 93-11-153. The procedure for suspension of a license or privilege  
888 to practice for being out of compliance with an order for support,  
889 and the procedure for the reissuance or reinstatement of a license  
890 or privilege to practice suspended for that purpose, and the  
891 payment of any fees for the reissuance or reinstatement of a



892 license or privilege to practice suspended for that purpose, shall  
893 be governed by Section 93-11-157 or 93-11-163, as the case may be.  
894 If there is any conflict between any provision of Section  
895 93-11-157 or 93-11-163 and any provision of this chapter, the  
896 provisions of Section 93-11-157 or 93-11-163, as the case may be,  
897 shall control.

898 (5) The board shall be subject to the limits on disciplinary  
899 action as provided in Section 73-49-5.

900 **SECTION 8.** Section 73-25-29, Mississippi Code of 1972, is  
901 amended as follows:

902 73-25-29. The grounds for the nonissuance, suspension,  
903 revocation or restriction of a license or the denial of  
904 reinstatement or renewal of a license are:

905 (1) Habitual personal use of narcotic drugs, or any  
906 other drug having addiction-forming or addiction-sustaining  
907 liability.

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

910 (3) Administering, dispensing or prescribing any  
911 narcotic drug, or any other drug having addiction-forming or  
912 addiction-sustaining liability otherwise than in the course of  
913 legitimate professional practice.

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



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

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

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

926 (7) Obtaining or attempting to obtain a license by  
927 fraud or deception.

928 (8) Unprofessional conduct, which includes, but is not  
929 limited to:

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

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

934 (c) Making or willfully causing to be made any  
935 flamboyant claims concerning the licensee's professional  
936 excellence.

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

939 (e) Obtaining a fee as personal compensation or  
940 gain from a person on fraudulent representation of a disease or  
941 injury condition generally considered incurable by competent



942 medical authority in the light of current scientific knowledge and  
943 practice can be cured or offering, undertaking, attempting or  
944 agreeing to cure or treat the same by a secret method, which he  
945 refuses to divulge to the board upon request.

946 (f) Use of any false, fraudulent or forged  
947 statement or document, or the use of any fraudulent, deceitful,  
948 dishonest or immoral practice in connection with any of the  
949 licensing requirements, including the signing in his professional  
950 capacity any certificate that is known to be false at the time he  
951 makes or signs such certificate.

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

955 (9) The refusal of a licensing authority of another  
956 state or jurisdiction to issue or renew a license, permit or  
957 certificate to practice medicine in that jurisdiction or the  
958 revocation, suspension or other restriction imposed on a license,  
959 permit or certificate issued by such licensing authority which  
960 prevents or restricts practice in that jurisdiction, a certified  
961 copy of the disciplinary order or action taken by the other state  
962 or jurisdiction being prima facie evidence thereof,  
963 notwithstanding the pendency of any appeal.

964 (10) Surrender of a license or authorization to  
965 practice medicine in another state or jurisdiction or surrender of  
966 membership on any medical staff or in any medical or professional



967 association or society while under disciplinary investigation by  
968 any of those authorities or bodies for acts or conduct similar to  
969 acts or conduct which would constitute grounds for action as  
970 defined in this section.

971 (11) Final sanctions imposed by the United States  
972 Department of Health and Human Services, Office of Inspector  
973 General or any successor federal agency or office, based upon a  
974 finding of incompetency, gross misconduct or failure to meet  
975 professionally recognized standards of health care; a certified  
976 copy of the notice of final sanction being prima facie evidence  
977 thereof. As used in this paragraph, the term "final sanction"  
978 means the written notice to a physician from the United States  
979 Department of Health and Human Services, Officer of Inspector  
980 General or any successor federal agency or office, which  
981 implements the exclusion.

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

984 (13) Violation of any provision(s) of the Medical  
985 Practice Act or the rules and regulations of the board or of any  
986 order, stipulation or agreement with the board.

987 (14) Violation(s) of the provisions of Sections  
988 41-121-1 through 41-121-9 relating to deceptive advertisement by  
989 health care practitioners.





990           (15) Performing or inducing an abortion on a woman in  
991 violation of any provision of Sections 41-41-131 through  
992 41-41-145.

993           (16) Performing an abortion on a pregnant woman after  
994 determining that the unborn human individual that the pregnant  
995 woman is carrying has a detectable fetal heartbeat as provided in  
996 Section 41-41-34.1.

997           In addition to the grounds specified above, the board shall  
998 be authorized to suspend the license of any licensee for being out  
999 of compliance with an order for support, as defined in Section  
1000 93-11-153. The procedure for suspension of a license for being  
1001 out of compliance with an order for support, and the procedure for  
1002 the reissuance or reinstatement of a license suspended for that  
1003 purpose, and the payment of any fees for the reissuance or  
1004 reinstatement of a license suspended for that purpose, shall be  
1005 governed by Section 93-11-157 or 93-11-163, as the case may be.  
1006 If there is any conflict between any provision of Section  
1007 93-11-157 or 93-11-163 and any provision of this chapter, the  
1008 provisions of Section 93-11-157 or 93-11-163, as the case may be,  
1009 shall control.

1010           A physician who provides a written certification as  
1011 authorized under the Mississippi Medical Cannabis Act and in  
1012 compliance with rules and regulations adopted thereunder shall not  
1013 be subject to any disciplinary action under this section solely  
1014 due to providing the written certification.



1015           The board shall be subject to the limits on disciplinary  
1016 action as provided in Section 73-49-5.

1017           **SECTION 9.** Section 73-26-5, Mississippi Code of 1972, is  
1018 amended as follows:

1019           73-26-5. (1) The board shall promulgate and publish  
1020 reasonable rules and regulations necessary to enable it to  
1021 discharge its functions and to enforce the provisions of law  
1022 regulating the practice of physician assistants. Those rules  
1023 shall include, but are not limited to: qualifications for  
1024 licensure for physician assistants; scope of practice of physician  
1025 assistants; supervision of physician assistants; identification of  
1026 physician assistants; grounds for disciplinary actions and  
1027 discipline of physician assistants, which through June 30, 2025,  
1028 shall specifically include discipline for violation(s) of the  
1029 provisions of Sections 41-121-1 through 41-121-9 relating to  
1030 deceptive advertisement by health care practitioners; and setting  
1031 and charging reasonable fees for licensure and license renewals  
1032 for physician assistants. However, nothing in this chapter or in  
1033 rules adopted by the board shall authorize physician assistants to  
1034 administer or monitor general inhaled anesthesia, epidural  
1035 anesthesia, spinal anesthesia or monitored anesthesia as utilized  
1036 in surgical procedures. In addition, the board shall not adopt  
1037 any rule or regulation or impose any requirement regarding the  
1038 licensing of physician assistants that conflicts with the  
1039 prohibitions in Section 73-49-3. The board shall promulgate rules



1040 for licensure and license renewals in accordance with Section  
1041 33-1-39.

1042 (2) If the board appoints a task force or committee to  
1043 address physician assistant regulation, at least one (1) member of  
1044 the task force shall be a nurse practitioner who is a member of  
1045 the Mississippi Board of Nursing or a nurse practitioner appointee  
1046 selected by the board from a list of three (3) recommendations  
1047 submitted by the Mississippi Nurses Association, and at least one  
1048 (1) member shall be a physician assistant selected by the board  
1049 from a list of three (3) recommendations submitted by the  
1050 Mississippi Academy of Physician Assistants.

1051 (3) The board shall be subject to the limits on disciplinary  
1052 action as provided in Section 73-49-5.

1053 **SECTION 10.** Section 73-27-13, Mississippi Code of 1972, is  
1054 amended as follows:

1055 73-27-13. (1) The State Board of Medical Licensure may  
1056 refuse to issue, suspend, revoke or otherwise restrict any license  
1057 provided for in this chapter, with the advice of the advisory  
1058 committee, based upon the following grounds:

1059 (a) Habitual personal use of narcotic drugs, or any  
1060 other drug having addiction-forming or addiction-sustaining  
1061 liability.

1062 (b) Habitual use of intoxicating liquors, or any  
1063 beverage, to an extent which affects professional competency.



1064 (c) Administering, dispensing or prescribing any  
1065 narcotic drug, or any other drug having addiction-forming or  
1066 addiction-sustaining liability otherwise than in the course of  
1067 legitimate professional practice.

1068 (d) Conviction of violation of any federal or state law  
1069 regulating the possession, distribution or use of any narcotic  
1070 drug or any drug considered a controlled substance under state or  
1071 federal law.

1072 (e) Performing any medical diagnosis or treatment  
1073 outside the scope of podiatry as defined in Section 73-27-1.

1074 (f) Conviction of a felony or misdemeanor involving  
1075 moral turpitude.

1076 (g) Obtaining or attempting to obtain a license by  
1077 fraud or deception.

1078 (h) Unprofessional conduct, which includes, but is not  
1079 limited to:

1080 (i) Practicing medicine under a false or assumed  
1081 name or impersonating another practitioner, living or dead.

1082 (ii) Knowingly performing any act which in any way  
1083 assists an unlicensed person to practice podiatry.

1084 (iii) Making or willfully causing to be made any  
1085 flamboyant claims concerning the licensee's professional  
1086 excellence.

1087 (iv) Being guilty of any dishonorable or unethical  
1088 conduct likely to deceive, defraud or harm the public.



1089                   (v) Obtaining a fee as personal compensation or  
1090 gain from a person on fraudulent representation a disease or  
1091 injury condition generally considered incurable by competent  
1092 medical authority in the light of current scientific knowledge and  
1093 practice can be cured or offering, undertaking, attempting or  
1094 agreeing to cure or treat the same by a secret method, which he  
1095 refuses to divulge to the board upon request.

1096                   (vi) Use of any false, fraudulent or forged  
1097 statement or document, or the use of any fraudulent, deceitful,  
1098 dishonest or immoral practice in connection with any of the  
1099 licensing requirements, including the signing in his professional  
1100 capacity any certificate that is known to be false at the time he  
1101 makes or signs such certificate.

1102                   (vii) Failing to identify a podiatrist's school of  
1103 practice in all professional uses of his name by use of his earned  
1104 degree or a description of his school of practice.

1105                   (i) The refusal of a licensing authority of another  
1106 state to issue or renew a license, permit or certificate to  
1107 practice podiatry in that state or the revocation, suspension or  
1108 other restriction imposed on a license, permit or certificate  
1109 issued by such licensing authority which prevents or restricts  
1110 practice in that state.

1111                   (j) Violation(s) of the provisions of Sections 41-121-1  
1112 through 41-121-9 relating to deceptive advertisement by health



1113 care practitioners. This paragraph shall stand repealed on July  
1114 1, 2025.

1115 (2) Upon the nonissuance, suspension or revocation of a  
1116 license to practice podiatry, the board may, in its discretion and  
1117 with the advice of the advisory committee, reissue a license after  
1118 a lapse of six (6) months. No advertising shall be permitted  
1119 except regular professional cards.

1120 (3) In its investigation of whether the license of a  
1121 podiatrist should be suspended, revoked or otherwise restricted,  
1122 the board may inspect patient records in accordance with the  
1123 provisions of Section 73-25-28.

1124 (4) In addition to the grounds specified in subsection (1)  
1125 of this section, the board shall be authorized to suspend the  
1126 license of any licensee for being out of compliance with an order  
1127 for support, as defined in Section 93-11-153. The procedure for  
1128 suspension of a license for being out of compliance with an order  
1129 for support, and the procedure for the reissuance or reinstatement  
1130 of a license suspended for that purpose, and the payment of any  
1131 fees for the reissuance or reinstatement of a license suspended  
1132 for that purpose, shall be governed by Section 93-11-157 or  
1133 93-11-163, as the case may be. If there is any conflict between  
1134 any provision of Section 93-11-157 or 93-11-163 and any provision  
1135 of this chapter, the provisions of Section 93-11-157 or 93-11-163,  
1136 as the case may be, shall control.



1137           (5) The board shall be subject to the limits on disciplinary  
1138 action as provided in Section 73-49-5.

1139           **SECTION 11.** Section 73-31-21, Mississippi Code of 1972, is  
1140 amended as follows:

1141           73-31-21. (1) The board, by an affirmative vote of at least  
1142 four (4) of its seven (7) members, shall withhold, deny, revoke or  
1143 suspend any license issued or applied for in accordance with the  
1144 provisions of this chapter, or otherwise discipline a licensed  
1145 psychologist, upon proof that the applicant or licensed  
1146 psychologist:

1147           (a) Has violated the current code of ethics of the  
1148 American Psychological Association or other codes of ethical  
1149 standards adopted by the board; or

1150           (b) Has been convicted of a felony or any offense  
1151 involving moral turpitude, the record of conviction being  
1152 conclusive evidence thereof; or

1153           (c) Is using any substance or any alcoholic beverage to  
1154 an extent or in a manner dangerous to any other person or the  
1155 public, or to an extent that the use impairs his or her ability to  
1156 perform the work of a professional psychologist with safety to the  
1157 public; or

1158           (d) Has impersonated another person holding a  
1159 psychologist license or allowed another person to use his or her  
1160 license; or



1161 (e) Has used fraud or deception in applying for a  
1162 license or in taking an examination provided for in this chapter;  
1163 or

1164 (f) Has accepted commissions or rebates or other forms  
1165 of remuneration for referring clients to other professional  
1166 persons; or

1167 (g) Has performed psychological services outside of the  
1168 area of his or her training, experience or competence; or

1169 (h) Has allowed his or her name or license issued under  
1170 this chapter to be used in connection with any person or persons  
1171 who perform psychological services outside of the area of their  
1172 training, experience or competence; or

1173 (i) Is legally adjudicated mentally incompetent, the  
1174 record of that adjudication being conclusive evidence thereof; or

1175 (j) Has willfully or negligently violated any of the  
1176 provisions of this chapter. The board may recover from any person  
1177 disciplined under this chapter, the costs of investigation,  
1178 prosecution, and adjudication of the disciplinary action.

1179 (2) Notice shall be effected by registered mail or personal  
1180 service setting forth the particular reasons for the proposed  
1181 action and fixing a date not less than thirty (30) days nor more  
1182 than sixty (60) days from the date of the mailing or that service,  
1183 at which time the applicant or licensee shall be given an  
1184 opportunity for a prompt and fair hearing. For the purpose of the  
1185 hearing, the board, acting by and through its executive secretary,





1186 may subpoena persons and papers on its own behalf and on behalf of  
1187 the applicant or licensee, may administer oaths and may take  
1188 testimony. That testimony, when properly transcribed, together  
1189 with the papers and exhibits, shall be admissible in evidence for  
1190 or against the applicant or licensee. At the hearing, the  
1191 applicant or licensee may appear by counsel and personally in his  
1192 or her own behalf. Any person sworn and examined by a witness in  
1193 the hearing shall not be held to answer criminally, nor shall any  
1194 papers or documents produced by the witness be competent evidence  
1195 in any criminal proceedings against the witness other than for  
1196 perjury in delivering his or her evidence. On the basis of any  
1197 such hearing, or upon default of applicant or licensee, the board  
1198 shall make a determination specifying its findings of fact and  
1199 conclusions of law. A copy of that determination shall be sent by  
1200 registered mail or served personally upon the applicant or  
1201 licensee. The decision of the board denying, revoking or  
1202 suspending the license shall become final thirty (30) days after  
1203 so mailed or served, unless within that period the applicant or  
1204 licensee appeals the decision to the chancery court, under the  
1205 provisions hereof, and the proceedings in chancery shall be  
1206 conducted as other matters coming before the court. All  
1207 proceedings and evidence, together with exhibits, presented at the  
1208 hearing before the board shall be admissible in evidence in court  
1209 in the appeal.



1210 (3) The board may subpoena persons and papers on its own  
1211 behalf and on behalf of the respondent, may administer oaths and  
1212 may compel the testimony of witnesses. It may issue commissions  
1213 to take testimony, and testimony so taken and sworn to shall be  
1214 admissible in evidence for and against the respondent. The board  
1215 shall be entitled to the assistance of the chancery court or the  
1216 chancellor in vacation, which, on petition by the board, shall  
1217 issue ancillary subpoenas and petitions and may punish as for  
1218 contempt of court in the event of noncompliance therewith.

1219 (4) Every order and judgment of the board shall take effect  
1220 immediately on its promulgation unless the board in the order or  
1221 judgment fixes a probationary period for the applicant or  
1222 licensee. The order and judgment shall continue in effect unless  
1223 upon appeal the court by proper order or decree terminates it  
1224 earlier. The board may make public its order and judgments in  
1225 any manner and form as it deems proper. It shall, in event of the  
1226 suspension or revocation of a license, direct the clerk of the  
1227 circuit court of the county in which that license was recorded to  
1228 cancel that record.

1229 (5) Nothing in this section shall be construed as limiting  
1230 or revoking the authority of any court or of any licensing or  
1231 registering officer or board, other than the Mississippi Board of  
1232 Psychology, to suspend, revoke and reinstate licenses and to  
1233 cancel registrations under the provisions of Section 41-29-311.



1234           (6) Suspension by the board of the license of a psychologist  
1235 shall be for a period not exceeding one (1) year. At the end of  
1236 this period the board shall reevaluate the suspension, and shall  
1237 either reinstate or revoke the license. A person whose license  
1238 has been revoked under the provisions of this section may reapply  
1239 for a license after more than two (2) years have elapsed from the  
1240 date that the denial or revocation is legally effective.

1241           (7) In addition to the reasons specified in subsection (1)  
1242 of this section, the board shall be authorized to suspend the  
1243 license of any licensee for being out of compliance with an order  
1244 for support, as defined in Section 93-11-153. The procedure for  
1245 suspension of a license for being out of compliance with an order  
1246 for support, and the procedure for the reissuance or reinstatement  
1247 of a license suspended for that purpose, and the payment of any  
1248 fees for the reissuance or reinstatement of a license suspended  
1249 for that purpose, shall be governed by Section 93-11-157. Actions  
1250 taken by the board in suspending a license when required by  
1251 Section 93-11-157 or 93-11-163 are not actions from which an  
1252 appeal may be taken under this section. Any appeal of a license  
1253 suspension that is required by Section 93-11-157 or 93-11-163  
1254 shall be taken in accordance with the appeal procedure specified  
1255 in Section 93-11-157 or 93-11-163, as the case may be, rather than  
1256 the procedure specified in this section. If there is any conflict  
1257 between any provision of Section 93-11-157 or 93-11-163 and any



1258 provision of this chapter, the provisions of Section 93-11-157 or  
1259 93-11-163, as the case may be, shall control.

1260 (8) The board may issue a nondisciplinary, educational  
1261 letter to licensees as provided in Section 73-31-7(2)(g). The  
1262 board may also direct a psychologist to obtain a formal assessment  
1263 of ability to practice safely if there is reason to believe there  
1264 may be impairment due to substance abuse or mental incapacity.  
1265 Licensees who may be impaired, but who are able to practice  
1266 safely, may be required by the board to seek appropriate treatment  
1267 and/or supervision. That action by the board in itself will not  
1268 be considered disciplinary.

1269 (9) The board shall be subject to the limits on disciplinary  
1270 action as provided in Section 73-49-5.

1271 **SECTION 12.** Section 73-39-77, Mississippi Code of 1972, is  
1272 amended as follows:

1273 73-39-77. (1) Upon a written complaint sworn to by any  
1274 person, the board, in its sole discretion, may, after a hearing,  
1275 revoke, suspend or limit for a certain time a license, impose an  
1276 administrative fine not to exceed One Thousand Dollars (\$1,000.00)  
1277 for each separate offense, or otherwise discipline any licensed  
1278 veterinarian for any of the following reasons:

1279 (a) The employment of fraud, misrepresentation or  
1280 deception in obtaining a license.

1281 (b) The inability to practice veterinary medicine with  
1282 reasonable skill and safety because of a physical or mental



1283 disability, including deterioration of mental capacity, loss of  
1284 motor skills or abuse of drugs or alcohol of sufficient degree to  
1285 diminish the person's ability to deliver competent patient care.

1286 (c) The use of advertising or solicitation that is  
1287 false or misleading.

1288 (d) Conviction of the following in any federal court or  
1289 in the courts of this state or any other jurisdiction, regardless  
1290 of whether the sentence is deferred:

1291 (i) Any felony;

1292 (ii) Any crime involving cruelty, abuse or neglect  
1293 of animals, including bestiality;

1294 (iii) Any crime of moral turpitude;

1295 (iv) Any crime involving unlawful sexual contact,  
1296 child abuse, the use or threatened use of a weapon, the infliction  
1297 of injury, indecent exposure, perjury, false reporting, criminal  
1298 impersonation, forgery and any other crime involving a lack of  
1299 truthfulness, veracity or honesty, intimidation of a victim or  
1300 witness, larceny, or alcohol or drugs.

1301 For the purposes of this paragraph, a plea of guilty or a  
1302 plea of nolo contendere accepted by the court shall be considered  
1303 as a conviction.

1304 (e) Incompetence, gross negligence or other malpractice  
1305 in the practice of veterinary medicine.

1306 (f) Aiding the unlawful practice of veterinary  
1307 medicine.



1308 (g) Fraud or dishonesty in the application or reporting  
1309 of any test for disease in animals.

1310 (h) Failure to report, as required by law, or making  
1311 false or misleading report of, any contagious or infectious  
1312 disease.

1313 (i) Failure to keep accurate patient records.

1314 (j) Dishonesty or gross negligence in the performance  
1315 of food safety inspections or in the issuance of any health or  
1316 inspection certificates.

1317 (k) Failure to keep veterinary premises and equipment,  
1318 including practice vehicles, in a clean and sanitary condition.

1319 (l) Failure to permit the board or its agents to enter  
1320 and inspect veterinary premises and equipment, including practice  
1321 vehicles, as set by rules promulgated by the board.

1322 (m) Revocation, suspension or limitation of a license  
1323 to practice veterinary medicine by another state, territory or  
1324 district of the United States.

1325 (n) Loss or suspension of accreditation by any federal  
1326 or state agency.

1327 (o) Unprofessional conduct as defined in regulations  
1328 adopted by the board.

1329 (p) The dispensing, distribution, prescription or  
1330 administration of any veterinary prescription drug, or the  
1331 extralabel use of any drug in the absence of a  
1332 veterinarian-client-patient relationship.



1333 (q) Violations of state or federal drug laws.

1334 (r) Violations of any order of the board.

1335 (s) Violations of this chapter or of the rules  
1336 promulgated under this chapter.

1337 (t) Violation(s) of the provisions of Sections 41-121-1  
1338 through 41-121-9 relating to deceptive advertisement by health  
1339 care practitioners. This paragraph shall stand repealed on July  
1340 1, 2025.

1341 (2) A certified copy of any judgment of conviction or  
1342 finding of guilt by a court of competent jurisdiction or by a  
1343 governmental agency, or agency authorized to issue licenses or  
1344 permits, including the United States Department of Agriculture,  
1345 Animal and Plant Health Inspection Service, the Mississippi Board  
1346 of Animal Health and the Mississippi Board of Health, of a  
1347 veterinarian or veterinary technician of any matters listed in  
1348 this section shall be admissible in evidence in any hearing held  
1349 by the board to discipline such veterinarian or technician and  
1350 shall constitute prima facie evidence of the commission of any  
1351 such act.

1352 (3) The board shall be subject to the limits on disciplinary  
1353 action as provided in Section 73-49-5.

1354 **SECTION 13.** Section 73-71-33, Mississippi Code of 1972, is  
1355 amended as follows:

1356 73-71-33. (1) The following acts constitute grounds for  
1357 which the board may initiate disciplinary actions:



1358           (a) Attempting to obtain, or renewing a license to  
1359 practice acupuncture by bribery or misinterpretation;  
1360           (b) Having a license to practice acupuncture revoked,  
1361 suspended, or otherwise acted against, including the denial of  
1362 licensure by the licensing authority of another state or territory  
1363 for reasons that would preclude licensure in this state;  
1364           (c) Being convicted or found guilty, regardless of  
1365 adjudication, in any jurisdiction of a felony, or a crime of moral  
1366 turpitude, or a crime that directly relates to acupuncture. For  
1367 the purposes of this paragraph, a plea of guilty or a plea of nolo  
1368 contendere accepted by the court shall be considered as a  
1369 conviction;  
1370           (d) Advertising, practicing, or attempting to practice  
1371 under a name other than one's own;  
1372           (e) The use of advertising or solicitation that is  
1373 false or misleading;  
1374           (f) Aiding, assisting, procuring, employing or  
1375 advertising an unlicensed person to practice acupuncture contrary  
1376 to this chapter or a rule of the board;  
1377           (g) Failing to perform any statutory or legal  
1378 obligation placed upon an acupuncture practitioner;  
1379           (h) Making or filing a report that the licensee knows  
1380 to be false, intentionally or negligently failing to file a report  
1381 required by state or federal law, willfully impeding or  
1382 obstructing that filing or inducing another person to do so.





1383 Those reports shall include only those that are signed in the  
1384 capacity of an acupuncture practitioner;

1385 (i) Exercising coercion, intimidation or undue  
1386 influence in entering into sexual relations with a patient, or  
1387 continuing the patient-practitioner relationship with a patient  
1388 with whom the licensee has sexual relations, if those sexual  
1389 relations cause the licensee to perform services incompetently.

1390 This paragraph shall not apply to sexual relations between  
1391 acupuncture practitioners and their spouses;

1392 (j) Making deceptive, untrue or fraudulent  
1393 misrepresentations in the practice of acupuncture;

1394 (k) Soliciting patients, either personally or through  
1395 an agent, through the use of fraud, intimidation or undue  
1396 influence, or a form of overreaching conduct;

1397 (l) Failing to keep written medical records justifying  
1398 the course of treatment of the patient;

1399 (m) Exercising undue influence on the patient to  
1400 exploit the patient for financial gain of the licensee or of a  
1401 third party;

1402 (n) Being unable to practice acupuncture with  
1403 reasonable skill and safety to patients by reason of illness or  
1404 intemperate use of alcohol, drugs, narcotics, chemicals, or any  
1405 other type of material or as a result of any mental or physical  
1406 condition;



1407           (o) Malpractice or the failure to practice acupuncture  
1408 to that level of care, skill and treatment that is recognized by a  
1409 reasonably prudent similar practitioner of acupuncture as being  
1410 acceptable under similar conditions and circumstances;

1411           (p) Practicing or offering to practice beyond the scope  
1412 permitted by law or accepting or performing professional  
1413 responsibilities that the licensee knows or has reason to know  
1414 that he or she is not qualified by training, experience or  
1415 certification to perform;

1416           (q) Delegating professional responsibilities to a  
1417 person when the licensee delegating those responsibilities knows,  
1418 or has reason to know, that the person is not qualified by  
1419 training, experience or licensure to perform them;

1420           (r) Violating any provision of this chapter, a rule of  
1421 the board, or a lawful order of the board previously entered in a  
1422 disciplinary hearing or failing to comply with a lawfully issued  
1423 subpoena of the board;

1424           (s) Conspiring with another to commit an act, or  
1425 committing an act, that coerces, intimidates or precludes another  
1426 licensee from lawfully advertising or providing his or her  
1427 services;

1428           (t) Fraud or deceit, or gross negligence, incompetence  
1429 or misconduct in the operation of a course of study;



1430 (u) Failing to comply with state, county or municipal  
1431 regulations or reporting requirements relating to public health  
1432 and the control of contagious and infectious disease;

1433 (v) Failing to comply with any rule of the board  
1434 relating to health and safety, including, but not limited to,  
1435 sterilization of equipment and the disposal of potentially  
1436 infectious materials;

1437 (w) Incompetence, gross negligence or other malpractice  
1438 in the practice of acupuncture;

1439 (x) Aiding the unlawful practice of acupuncture;

1440 (y) Fraud or dishonesty in the application or reporting  
1441 of any test for disease;

1442 (z) Failure to report, as required by law, or making  
1443 false or misleading report of, any contagious or infectious  
1444 disease;

1445 (aa) Failure to keep accurate patient records; or

1446 (bb) Failure to permit the board or its agents to enter  
1447 and inspect acupuncture premises and equipment as set by rules  
1448 promulgated by the board.

1449 (2) The board shall be subject to the limits on disciplinary  
1450 action as provided in Section 73-49-5.

1451 **SECTION 14.** Section 73-75-19, Mississippi Code of 1972, is  
1452 amended as follows:

1453 73-75-19. **License denial, suspension, or revocation.** (1)

1454 The board, by an affirmative vote of at least three (3) of its



1455 five (5) members, shall withhold, deny, revoke or suspend any  
1456 license issued or applied for in accordance with the provisions of  
1457 this chapter, or otherwise discipline a licensed behavior analyst  
1458 or licensed assistant behavior analyst upon finding that the  
1459 applicant or licensee:

1460           (a) Has violated the current Behavior Analyst  
1461 Certification Board Professional Disciplinary and Ethical  
1462 Standards, the Behavior Analyst Certification Board Guidelines for  
1463 Responsible Conduct for Behavior Analysts, or other codes of  
1464 ethical standards adopted by the board, or has lost or failed to  
1465 renew certification by the Behavior Analyst Certification Board;  
1466 or

1467           (b) Has been convicted of a felony or any offense  
1468 involving moral turpitude, the record of conviction being  
1469 conclusive evidence thereof; or

1470           (c) Is using any narcotic or any alcoholic beverage to  
1471 an extent or in a manner dangerous to any other person or the  
1472 public, or to an extent that such use impairs his ability to  
1473 perform the work of a licensed behavior analyst or licensed  
1474 assistant behavior analyst; or

1475           (d) Has impersonated another person holding a license  
1476 issued under this chapter or allowed another person to use his  
1477 license; or

1478           (e) Has used fraud or deception in applying for a  
1479 license provided for in this chapter; or



1480 (f) Has accepted commissions or rebates or other forms  
1481 of remuneration for referring clients to other professional  
1482 persons; or

1483 (g) Has allowed his name or license issued under this  
1484 chapter to be used in connection with any person or persons who  
1485 perform applied behavior analysis services outside the area of  
1486 their training, experience or competence; or

1487 (h) Is legally adjudicated mentally incompetent, the  
1488 record of such adjudication being conclusive evidence thereof; or

1489 (i) Has willfully or negligently violated any of the  
1490 provisions of this chapter.

1491 (2) The board may recover from any person disciplined under  
1492 this chapter the costs of investigation, prosecution, and  
1493 adjudication of the disciplinary action.

1494 (3) Notice shall be effected by registered mail or personal  
1495 service setting forth the particular reasons for the proposed  
1496 action and fixing a date not less than thirty (30) days nor more  
1497 than sixty (60) days from the date of such mailing or such  
1498 service, at which time the applicant or licensee shall be given an  
1499 opportunity for a prompt and fair hearing. For the purpose of  
1500 such hearing the board, acting by and through its executive  
1501 secretary, may exercise all authority granted to conduct  
1502 investigations and hearings pursuant to Section 73-75-9(2) (a) and  
1503 (b). At such hearing the applicant or licensee may appear by  
1504 counsel and personally on his own behalf. On the basis of any



1505 such hearing, or upon default of applicant or licensee, the board  
1506 shall make a determination specifying its findings of fact and  
1507 conclusions of law. A copy of such determination shall be sent by  
1508 registered mail or served personally upon the applicant or  
1509 licensee. The decision of the board denying, revoking or  
1510 suspending the license shall become final thirty (30) days after  
1511 so mailed or served unless within that period the licensee appeals  
1512 the decision to the Chancery Court of Madison or Rankin Counties,  
1513 pursuant to the provisions hereof, and the proceedings in chancery  
1514 shall be conducted as other matters coming before the court. All  
1515 proceedings and evidence, together with exhibits, presented at  
1516 such hearing before the board in the event of appeal, shall be  
1517 admissible in evidence in the court.

1518 (4) Nothing in this subsection shall be interpreted to  
1519 prohibit the board from immediately suspending any license prior  
1520 to a hearing under subsection (3) of this section, when in its  
1521 sole discretion the suspension is required for the instruction,  
1522 safety or well-being of any member of the public.

1523 (5) Every order and judgment of the board shall take effect  
1524 immediately upon its promulgation unless the board in such order  
1525 or judgment fixes a probationary period for applicant or licensee.  
1526 Such order and judgment shall continue in effect unless upon  
1527 appeal the court by proper order or decree terminates it earlier.  
1528 The board may make public its order and judgments in such manner  
1529 and form as it deems proper.



1530           (6) Suspension by the board of a license issued under this  
1531 chapter shall be for a period not to exceed one (1) year. At the  
1532 end of this period the board shall reevaluate the suspension, and  
1533 shall either reinstate or revoke the license. A person whose  
1534 license has been revoked under the provisions of this section may  
1535 reapply for license after more than two (2) years have elapsed  
1536 from the date such revocation is legally effective.

1537           (7) In addition to the reasons specified in subsection (1)  
1538 of this section, the board shall be authorized to suspend the  
1539 license of any licensee for being out of compliance with an order  
1540 for support, in compliance with the procedures set forth in  
1541 Sections 93-11-151 through 93-11-163.

1542           (8) The board shall be subject to the limits on disciplinary  
1543 action as provided in Section 73-49-5.

1544           **SECTION 15.** This act shall take effect and be in force from  
1545 and after July 1, 2023.

