

By: Senator(s) Horhn

To: Public Health and Welfare

SENATE BILL NO. 2326

1 AN ACT TO AMEND SECTION 73-25-32, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE CERTAIN GROUNDS FOR REINSTATEMENT OF A PHYSICIAN'S
3 LICENSE THAT HAS BEEN REVOKED BY THE BOARD OF MEDICAL LICENSURE
4 FOR VIOLATION OF STATUTE; AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 73-25-32, Mississippi Code of 1972, is
7 amended as follows:

8 73-25-32. (1) A person whose license to practice medicine
9 or osteopathy has been revoked or suspended may petition the
10 Mississippi State Board of Medical Licensure to reinstate this
11 license after a period of not less than one (1) year has elapsed
12 from the date of the revocation or suspension. The procedure for
13 the reinstatement of a license that is suspended for being out of
14 compliance with an order for support, as defined in Section
15 93-11-153, shall be governed by Section 93-11-157 or 93-11-163, as
16 the case may be. In any application for reinstatement of a
17 license to practice medicine which has been revoked, the applicant
18 shall prove to the board that the medical practice deficiencies
19 specified in the revocation order have been corrected, and that it



20 is in the applicant's or the public's best interest to reinstate
21 the license, which is supported by substantial evidence in
22 addition to the other requirements of this section.

23 (2) The petition shall be accompanied by two (2) or more
24 verified recommendations from physicians or osteopaths licensed by
25 the Board of Medical Licensure to which the petition is addressed
26 and by two (2) or more recommendations from citizens each having
27 personal knowledge of the activities of the petitioner since the
28 disciplinary penalty was imposed and such facts as may be required
29 by the Board of Medical Licensure.

30 The petition may be heard at the next regular meeting of the
31 Board of Medical Licensure but not earlier than thirty (30) days
32 after the petition was filed. No petition shall be considered
33 while the petitioner is under sentence for any criminal offense,
34 including any period during which he is under probation or parole.
35 The hearing may be continued from time to time as the Board of
36 Medical Licensure finds necessary.

37 (3) In determining whether the disciplinary penalty should
38 be set aside and the terms and conditions, if any, that should be
39 imposed if the disciplinary penalty is set aside, the Board of
40 Medical Licensure may investigate and consider all activities of
41 the petitioner since the disciplinary action was taken against
42 him, the offense for which he was disciplined, his activity during
43 the time his certificate was in good standing, his general



44 reputation for truth, professional ability and good character; and
45 it may require the petitioner to pass an oral examination.

46 (4) The investigation shall require the petitioner to
47 undergo a fingerprint-based criminal history records check of the
48 Mississippi central criminal database and the Federal Bureau of
49 Investigation criminal history database. Each petitioner shall
50 submit a full set of the petitioner's fingerprints in a form and
51 manner prescribed by the board, which shall be forwarded to the
52 Mississippi Department of Public Safety (department) and the
53 Federal Bureau of Investigation Identification Division for this
54 purpose.

55 Any and all state or national criminal history records
56 information obtained by the board that is not already a matter of
57 public record shall be deemed nonpublic and confidential
58 information restricted to the exclusive use of the board, its
59 members, officers, investigators, agents and attorneys in
60 evaluating the applicant's eligibility or disqualification for
61 licensure, and shall be exempt from the Mississippi Public Records
62 Act of 1983. Except when introduced into evidence in a hearing
63 before the board to determine licensure, no such information or
64 records related thereto shall, except with the written consent of
65 the applicant or by order of a court of competent jurisdiction, be
66 released or otherwise disclosed by the board to any other person
67 or agency.



68 The board shall provide to the department the fingerprints of
69 the petitioner, any additional information that may be required by
70 the department, and a form signed by the petitioner consenting to
71 the check of the criminal records and to the use of the
72 fingerprints and other identifying information required by the
73 state or national repositories.

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

78 (5) The Secretary-Treasurer of the Board of Medical
79 Licensure shall enter into his records of the case all actions of
80 the board in setting aside a disciplinary penalty under this
81 section and he shall certify notices to the proper court clerk.
82 The clerk shall make such changes on his records as may be
83 necessary.

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

