

By: Senator(s) Wiggins

To: Public Health and Welfare

SENATE BILL NO. 2816

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



35 HEARING MUST BE HELD WITHIN 30 DAYS IF THE BOARD DETERMINES THAT A
36 PHYSICIAN'S CONTINUATION OF PRACTICE IS AN IMMEDIATE DANGER; TO
37 AMEND SECTION 73-25-18, MISSISSIPPI CODE OF 1972, TO CONFORM TO
38 THE PROVISIONS OF THE ACT; TO REPEAL SECTION 73-25-7, MISSISSIPPI
39 CODE OF 1972, WHICH REQUIRES THE STATE BOARD OF MEDICAL LICENSURE
40 TO MEET AT THE CAPITOL AT LEAST ONCE EACH YEAR FOR THE PURPOSE OF
41 EXAMINING APPLICANTS; TO REPEAL SECTION 73-25-9, MISSISSIPPI CODE
42 OF 1972, WHICH PROVIDES FOR THE FEE CHARGED BY THE STATE BOARD OF
43 MEDICAL LICENSURE TO APPLY FOR A LICENSE TO PRACTICE; TO REPEAL
44 SECTION 73-25-15, MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR THE
45 PROCEDURES FOR LOST MEDICAL LICENSES; TO REPEAL SECTION 73-25-19,
46 MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR CERTAIN PROVISIONS
47 RELATED TO NONRESIDENT PHYSICIANS; TO REPEAL SECTION 73-25-25,
48 MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR CERTAIN PROCEDURES
49 FOR THOSE DESIRING TO PRACTICE OSTEOPATHIC MEDICINE IN THE STATE;
50 TO REPEAL SECTION 73-25-39, MISSISSIPPI CODE OF 1972, WHICH ALLOWS
51 THE STATE BOARD OF MEDICAL LICENSURE TO CONTRACT FOR THE
52 ACQUISITION OF BOOKS AND OTHER RECORDS; TO REPEAL SECTION
53 73-25-81, MISSISSIPPI CODE OF 1972, WHICH PROVIDES A TECHNICAL
54 REFERENCE TO THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE; AND
55 FOR RELATED PURPOSES.

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

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

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

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

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



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

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

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



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

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

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

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

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



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

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

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

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

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



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

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

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



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

172 * * *

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

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

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

190 * * *

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



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

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

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

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



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

220 * * *

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

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



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

246 * * *

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

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

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



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



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

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

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



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

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

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



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

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

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



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

377 (2) A certified copy of any record inspected or copied
378 pursuant to subsection (1) shall be subject to subpoena by the
379 board to be used as evidence before it in a licensure disciplinary
380 proceeding initiated pursuant to the provisions of Sections
381 73-25-1 through 73-25-39, 73-25-51 through 73-25-67, 73-25-81
382 through 73-25-95 and 73-27-1 through 73-27-19, Mississippi Code of
383 1972. All references to a patient's name and address or other
384 information which would identify the patient shall be deleted from
385 the records unless a waiver of the medical privilege is obtained
386 from the patient.

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



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

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

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

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



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

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

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

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

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

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

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

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



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

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

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

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

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

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



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

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

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

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



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

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

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

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

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

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



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

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

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

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



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

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

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

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



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

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

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



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

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

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

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



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

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

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



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

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

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

659 * * *



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

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

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

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

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

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



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

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

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

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



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

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

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

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

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

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



735 so from the State Board of Medical Licensure and has met all
736 educational and licensure requirements as determined by the State
737 Board of Medical Licensure.

738 * * *

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

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

746 (a) Mental illness;

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

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

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

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

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



760 subsection (2) of this section and shall, following such
761 examination, take appropriate action within the provisions of
762 Sections 73-25-51 through 73-25-67.

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

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

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



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

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

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



808 such * * * licensee has complied with the order of the committee
809 or regained advocacy from MPHP.

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

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

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

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

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



833 73-25-61. (1) The examining committee shall report to the
834 board its findings on the examination of the * * * licensee under
835 Section 73-25-57, the determination of the committee as to the
836 fitness of the * * * licensee to * * * practice * * * with
837 reasonable skill and safety to patients, either on a restricted or
838 unrestricted basis, and any management that the committee may
839 recommend. Such recommendation by the committee shall be advisory
840 only and shall not be binding on the board.

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

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

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

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



858 official notice from MPHP withdrawing advocacy. Such notice and
859 reports shall be served upon the * * * licensee either
860 personally * * *, by certified mail with return receipt requested,
861 or by electronic acknowledgement.

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

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

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

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

874 (c) Revoke the license of the * * * licensee.

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

881 (5) Neither the record of the proceedings nor any order
882 entered against a * * * licensee may be used against him or her in



883 any other legal proceedings except upon judicial review as
884 provided herein.

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

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

902 (2) All orders of the board entered under Section
903 73-25-63(3), (4) shall be subject to judicial review by appeal to
904 the chancery court of the county of the residence of the * * *
905 licensee involved against whom the order is rendered, within
906 twenty (20) days following the date of entry of the order, said



907 appeal to be taken and perfected in the same manner as appeals
908 from orders of boards of supervisors.

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

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

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

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

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

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



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

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

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

940 (b) Administer a public or private reprimand;

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

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

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

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

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



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

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

964 (j) Take any other action which the board deems
965 necessary.

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

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

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



981 73-25-18. (1) (a) There is established a special volunteer
982 medical license for physicians who are retired from active
983 practice, or are currently serving on active duty in the Armed
984 Forces of the United States or in the National Guard or a reserve
985 component of the Armed Forces of the United States, or are working
986 as physicians for the Department of Veterans Affairs, and wish to
987 donate their expertise for the medical care and treatment of
988 indigent and needy persons or persons in medically underserved
989 areas of the state. The special volunteer medical license shall
990 be issued by the State Board of Medical Licensure to eligible
991 physicians without the payment of any application fee, examination
992 fee, license fee or renewal fee, shall be issued for a fiscal year
993 or part thereof, and shall be renewable annually upon approval of
994 the board.

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

997 (i) Completion of a special volunteer medical
998 license application, including documentation of the physician's
999 medical school or osteopathic school graduation and practice
1000 history;

1001 (ii) Documentation that the physician * * *
1002 otherwise qualifies for an unrestricted license to practice
1003 medicine in Mississippi or in another state of the United States
1004 and that he or she has never been the subject of any medical
1005 disciplinary action in any jurisdiction;



1006 (iii) Acknowledgement and documentation that the
1007 physician's practice under the special volunteer medical license
1008 will be exclusively and totally devoted to providing medical care
1009 to needy and indigent persons in Mississippi or persons in
1010 medically underserved areas in Mississippi; and

1011 (iv) Acknowledgement and documentation that the
1012 physician will not receive any payment or compensation, either
1013 direct or indirect, or have the expectation of any payment or
1014 compensation, for any medical services rendered under the special
1015 volunteer medical license.

1016 (2) (a) There is established a special volunteer license
1017 for physician assistants who are retired from active practice, or
1018 are currently serving on active duty in the Armed Forces of the
1019 United States or in the National Guard or a reserve component of
1020 the Armed Forces of the United States, or are working as physician
1021 assistants for the Department of Veterans Affairs, and wish to
1022 donate their expertise for the care and treatment of indigent and
1023 needy persons or persons in medically underserved areas of the
1024 state. The special volunteer physician assistant license shall be
1025 issued by the State Board of Medical Licensure to eligible
1026 physician assistants without the payment of any application fee,
1027 examination fee, license fee or renewal fee, shall be issued for a
1028 fiscal year or part thereof, and shall be renewable annually upon
1029 approval of the board.



1030 (b) A physician assistant must meet the following
1031 requirements to be eligible for a special volunteer physician
1032 assistant license:

1033 (i) Completion of an application for a special
1034 volunteer physician assistant license, including documentation of
1035 the physician assistant's educational qualifications and practice
1036 history;

1037 (ii) Documentation that the physician
1038 assistant * * * otherwise qualifies for an unrestricted physician
1039 assistant license in Mississippi or in another state of the United
1040 States and that he or she has never been the subject of any
1041 disciplinary action in any jurisdiction;

1042 (iii) Acknowledgement and documentation that the
1043 physician assistant's practice under the special volunteer
1044 physician assistant license will be exclusively and totally
1045 devoted to providing care to needy and indigent persons in
1046 Mississippi or persons in medically underserved areas in
1047 Mississippi; and

1048 (iv) Acknowledgement and documentation that the
1049 physician assistant will not receive any payment or compensation,
1050 either direct or indirect, or have the expectation of any payment
1051 or compensation, for any services rendered under the special
1052 volunteer physician assistant license.

1053 **SECTION 27.** Section 73-25-7, Mississippi Code of 1972, which
1054 requires the State Board of Medical Licensure to meet at the



1055 capital at least once each year for the purpose of examining
1056 applicants, is hereby repealed.

1057 **SECTION 28.** Section 73-25-9, Mississippi Code of 1972, which
1058 provides for the fee charged by the State Board of Medical
1059 Licensure to apply for a license to practice, is hereby repealed.

1060 **SECTION 29.** Section 73-25-15, Mississippi Code of 1972,
1061 which provides for the procedures for lost medical licenses, is
1062 hereby repealed.

1063 **SECTION 30.** Section 73-25-19, Mississippi Code of 1972,
1064 which provides for certain provisions related to nonresident
1065 physicians, is hereby repealed.

1066 **SECTION 31.** Section 73-25-25, Mississippi Code of 1972,
1067 which provides for certain procedures for those desiring to
1068 practice osteopathic medicine in the state, is hereby repealed.

1069 **SECTION 32.** Section 73-25-39, Mississippi Code of 1972,
1070 which allows the State Board of Medical Licensure to contract for
1071 the acquisition of books and other records, is hereby repealed.

1072 **SECTION 33.** Section 73-25-81, Mississippi Code of 1972,
1073 which provides a technical reference to the Mississippi State
1074 Board of Medical Licensure, is hereby repealed.

1075 **SECTION 34.** This act shall take effect and be in force from
1076 and after July 1, 2023.

