

By: Representative Rosebud

To: Judiciary B

HOUSE BILL NO. 872

1 AN ACT TO AMEND SECTIONS 73-77-5, 73-77-7 AND 73-77-9,
 2 MISSISSIPPI CODE OF 1972, TO REVISE THE FRESH START ACT; TO
 3 PROVIDE THAT THE FRESH START ACT SHALL SUPERSEDE ANY OTHER
 4 PROVISION OF LAW TO THE CONTRARY; TO AMEND SECTIONS 19-5-353,
 5 45-4-9, 45-6-11, 73-1-13, 73-3-339, 73-9-61, 73-11-57, 73-14-35,
 6 73-15-29, 73-19-23, 73-21-97, 73-25-29, 73-25-101, 73-27-13,
 7 73-29-13, 73-29-31, 73-31-21, 73-34-109, 73-39-77, 73-42-9,
 8 73-42-11, 73-53-8, 73-55-19, 73-65-13, 73-71-33, 73-73-7,
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 10 21-27-131, 21-27-151, 27-109-5, 37-3-2, 41-29-303, 51-5-3,
 11 67-3-19, 73-2-7, 73-3-2, 73-3-25, 73-4-17, 73-5-1, 73-5-11,
 12 73-5-21, 73-6-13, 73-9-23, 73-11-51, 73-13-23, 73-13-77, 73-15-19,
 13 73-15-21, 73-17-9, 73-17-11, 73-19-17, 73-21-85, 73-21-87,
 14 73-21-111, 73-23-47, 73-23-51, 73-24-19, 73-24-21, 73-25-3,
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 20 75-67-323, 75-67-421, 75-67-509, 75-67-609, 27-115-55, 37-13-89,
 21 37-9-17, 37-29-232, 73-3-41, 73-4-25, 73-5-25, 73-6-19, 73-7-27,
 22 73-17-15, 73-23-59, 73-30-21, 73-35-21, 73-38-27, 73-53-17,
 23 73-60-31, 73-67-27, 73-75-13, 75-15-9, 75-60-19, 75-76-137,
 24 77-8-25, 83-1-191, 83-17-71, 83-17-421, 83-17-519, 83-21-19,
 25 83-49-11 AND 97-33-315, MISSISSIPPI CODE OF 1972, TO CONFORM TO
 26 THE PROVISIONS OF THIS ACT; TO BRING FORWARD SECTION 73-15-201,
 27 MISSISSIPPI CODE OF 1972, FOR THE PURPOSE OF POSSIBLE AMENDMENT;
 28 AND FOR RELATED PURPOSES.

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

30 **SECTION 1.** Section 73-77-5, Mississippi Code of 1972, is

31 amended as follows:



32 73-77-5. * * * Notwithstanding any other provision of law to
33 the contrary, no person shall be disqualified from pursuing,
34 practicing, or engaging in any occupation for which a license is
35 required solely or in part because of a prior conviction of a
36 crime, unless the crime for which an applicant was convicted
37 directly relates to the duties and responsibilities for the
38 licensed occupation. The provisions of this section shall not
39 apply to the admission or reinstatement of any person to The
40 Mississippi Bar as an attorney in good standing authorized to
41 practice law.

42 **SECTION 2.** Section 73-77-7, Mississippi Code of 1972, is
43 amended as follows:

44 73-77-7. (1) * * * Notwithstanding any other provision of
45 law to the contrary, licensing authorities shall not have in any
46 rulemaking for their qualifications for licensure vague or generic
47 terms including, but not limited to, "moral turpitude," "any
48 felony," and "good character." * * * Notwithstanding any other
49 provision of law to the contrary, licensing authorities may only
50 consider criminal records that are specific and directly related
51 to the duties and responsibilities for the licensed occupation
52 when evaluating applicants.

53 (2) The licensing authority shall use the clear and
54 convincing standard of proof in examining the factors to determine
55 whether an applicant with a disqualifying criminal conviction will
56 be denied a license. * * * Notwithstanding any other provision of



57 law to the contrary, the licensing authority shall make its
58 determination based on the following factors:

59 (a) The nature and seriousness of the crime for which
60 the individual was convicted;

61 (b) The passage of time since the commission of the
62 crime;

63 (c) The relationship of the crime to the ability,
64 capacity, and fitness required to perform the duties and discharge
65 the responsibilities of the occupation; and

66 (d) Any evidence of rehabilitation or treatment
67 undertaken by the individual that might mitigate against a direct
68 relation.

69 Nothing in this section shall preclude any board, commission
70 or other licensing entity from granting licenses to individuals
71 convicted of disqualifying convictions, after considering the
72 factors listed under this subsection (2).

73 (3) All licensing authorities shall meet the requirements
74 listed in subsection (1) by one hundred twenty (120) days after
75 July 1, * * * 2024.

76 (4) For licensing authorities, the requirements listed in
77 subsections (1) and (2) also apply to any new occupational
78 licenses created after July 1, * * * 2024.

79 (5) The licensing authority shall adopt necessary rules for
80 the implementation of this section.



81 (6) The provisions of this section shall not apply to the
82 admission or reinstatement of any person to The Mississippi Bar as
83 an attorney in good standing authorized to practice law.

84 (7) For any board, commission or other licensing entity with
85 an existing procedure for hearings and appeals following the
86 denial of a license codified in rules or statute on January 1,
87 2024, those existing procedures for hearings and appeals shall
88 supersede the provisions of this section.

89 **SECTION 3.** Section 73-77-9, Mississippi Code of 1972, is
90 amended as follows:

91 73-77-9. (1) * * * Notwithstanding any other provision of
92 law to the contrary, an individual with a criminal record may
93 petition a licensing authority at any time for a determination of
94 whether the individual's criminal record will disqualify the
95 individual from obtaining a license. This petition shall include
96 details on the individual's criminal record. The licensing
97 authority shall inform the individual of his standing within
98 thirty (30) days of receiving the petition from the applicant.
99 The licensing authority may charge a fee to recoup its costs not
100 to exceed Twenty-five Dollars (\$25.00) for each petition.

101 (2) If a licensing authority denies an individual a license
102 solely or in part because of the individual's prior conviction of
103 a crime, the licensing authority shall notify the individual in
104 writing of the following:



- 105 (a) The grounds and reasons for the denial or
106 disqualification;
- 107 (b) That the individual has the right to a hearing to
108 challenge the licensing authority's decision;
- 109 (c) The earliest date the person may reapply for a
110 license; and
- 111 (d) That evidence of rehabilitation may be considered
112 upon reapplication.

113 Nothing in this section shall preclude any board, commission
114 or other licensing entity from granting licenses to individuals
115 convicted of disqualifying convictions, after considering the
116 factors listed under this subsection (2).

117 (3) If an applicant's criminal history does not require a
118 denial of a license * * *, any written determination by the
119 licensing authority that an applicant's criminal conviction is
120 directly related to the duties and responsibilities for the
121 licensed occupation must be documented in written findings for
122 each of the preceding factors under subsection (2) by clear and
123 convincing evidence sufficient for a reviewing court.

124 (4) In any administrative hearing or civil litigation
125 authorized under this section, the licensing authority shall carry
126 the burden of proof on the question of whether the applicant's
127 criminal conviction directly relates to the occupation for which
128 the license is sought.



129 (5) The licensing authority shall adopt necessary rules for
130 the implementation of this section.

131 (6) The provisions of this section shall not apply to the
132 admission or reinstatement of any person to The Mississippi Bar as
133 an attorney in good standing authorized to practice law.

134 (7) For any board, commission or other licensing entity with
135 an existing procedure for hearings and appeals following the
136 denial of a license codified in rules or statute on January 1,
137 2024, those existing procedures for hearings and appeals shall
138 supersede the provisions of this section.

139 **SECTION 4.** Section 19-5-353, Mississippi Code of 1972, is
140 amended as follows:

141 19-5-353. (1) The initial minimum standard of training for
142 local public safety and 911 telecommunicators shall be determined
143 by the Board of Emergency Telecommunications Standards and
144 Training. All courses approved for minimum standards shall be
145 taught by instructors certified by the course originator as
146 instructors for such courses.

147 (2) The minimum standards may be changed at any time by the
148 Board of Emergency Telecommunications Standards and Training, but
149 shall always include at least two (2) hours of training related to
150 handling complaints and/or calls of human trafficking and
151 commercial sexual exploitation of children as defined in Section
152 43-21-105, communicating with such victims and requiring the local
153 public safety and 911 telecommunicators to contact the Department



154 of Child Protection Services when human trafficking or commercial
155 sexual exploitation is suspected.

156 (3) Changes in the minimum standards may be made upon
157 request from any bona fide public safety, emergency medical or
158 fire organization operating within the State of Mississippi.
159 Requests for change shall be in writing submitted to either the
160 State Law Enforcement Training Academy; the State Fire Academy;
161 the Mississippi Chapter of the Associated Public Safety
162 Communications Officers, Incorporated; the Mississippi Chapter of
163 the National Emergency Number Association; the Mississippi State
164 Board of Health, Emergency Medical Services Division; the
165 Mississippi Justice Information Center; the Mississippi Sheriff's
166 Association; the Mississippi Fire Chief's Association; the
167 Mississippi Association of Chiefs of Police; or Mississippians for
168 Emergency Medical Services.

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

173 (5) Persons in the employment of any public safety, fire,
174 911 PSAP or emergency medical agency as a telecommunicator on July
175 1, 1993, shall have three (3) years to be certified in the minimum
176 standards courses provided they have been employed by such agency
177 for a period of more than one (1) year prior to July 1, 1993.



178 (6) Persons having been employed by any public safety, fire,
179 911 PSAP or emergency medical agency as a telecommunicator for
180 less than one (1) year prior to July 1, 1993, shall be required to
181 have completed all the requirements for minimum training
182 standards, as set forth in Sections 19-5-351 through 19-5-361,
183 within one (1) year from July 1, 1993. Persons certified on or
184 before July 1, 1993, in any course or courses chosen shall be
185 given credit for these courses, provided the courses are still
186 current and such persons can provide a course completion
187 certificate.

188 (7) Any person hired to perform the duties of a
189 telecommunicator in any public safety, fire, 911 PSAP or emergency
190 medical agency after July 1, 1993, shall complete the minimum
191 training standards as set forth in Sections 19-5-351 through
192 19-5-361 within twelve (12) months of their employment or within
193 twelve (12) months from the date that the Board of Emergency
194 Telecommunications Standards and Training shall become
195 operational.

196 (8) Professional certificates remain the property of the
197 board, and the board reserves the right to either reprimand the
198 holder of a certificate, suspend a certificate upon conditions
199 imposed by the board, or cancel and recall any certificate when:

- 200 (a) The certificate was issued by administrative error;
201 (b) The certificate was obtained through
202 misrepresentation or fraud;



203 * * *

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

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

207 When the board believes there is a reasonable basis for
208 either the reprimand, suspension, cancellation of, or recalling
209 the certification of a telecommunicator, notice and opportunity
210 for a hearing shall be provided. Any telecommunicator aggrieved
211 by the findings and order of the board may file an appeal with the
212 chancery court of the county in which such person is employed from
213 the final order of the board. Any telecommunicator whose
214 certification has been cancelled pursuant to Sections 19-5-351
215 through 19-5-361 may reapply for certification but not sooner than
216 two (2) years after the date on which the order of the board
217 canceling such certification became final.

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



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

229 **SECTION 5.** Section 45-4-9, Mississippi Code of 1972, is
230 amended as follows:

231 45-4-9. (1) (a) After January 1, 2000, no person shall be
232 appointed or employed as a jail officer or a part-time jail
233 officer unless that person has been certified as being qualified
234 under subsection (3) of this section.

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

248 (c) No person shall serve as a jail officer in any
249 full-, part-time, reserve or auxiliary capacity during a period



250 when that person's certification has been suspended, cancelled or
251 recalled pursuant to this chapter.

252 (2) Jail officers serving under permanent appointment on
253 January 1, 2000, shall not be required to meet certification
254 requirements of this section as a condition of continued
255 employment; nor shall failure of any such jail officer to fulfill
256 such requirements make that person ineligible for any promotional
257 examination for which that person is otherwise eligible. If any
258 jail officer certified under this chapter leaves his employment
259 and does not become employed as a jail officer within two (2)
260 years from the date of termination of his prior employment, he
261 shall be required to comply with board policy as to rehiring
262 standards in order to be employed as a jail officer.

263 (3) In addition to the other requirements of this section,
264 the Board on Jail Officer Standards and Training, by rules and
265 regulations consistent with other provisions of law, shall fix
266 other qualifications for the employment of jail officers,
267 including education, physical and mental standards,
268 citizenship, * * * experience and such other matters as relate to
269 the competence and reliability of persons to assume and discharge
270 the responsibilities of jail officers, and the board shall
271 prescribe the means for presenting evidence of fulfillment of
272 these requirements. Additionally, the board shall fix
273 qualifications for the appointment or employment of part-time jail
274 officers to essentially the same standards and requirements as



275 jail officers. The board shall develop and implement a part-time
276 jail officer training program that meets the same performance
277 objectives and has essentially the same or similar content as the
278 programs approved by the board for full-time jail officers.

279 (4) (a) The Board on Jail Officer Standards and Training
280 shall issue a certificate evidencing satisfaction of the
281 requirements of subsections (1) and (3) of this section to any
282 applicant who presents such evidence as may be required by its
283 rules and regulations of satisfactory completion of a program or
284 course of instruction in another jurisdiction equivalent in
285 content and quality to that required by the board for approved
286 jail officer education and training programs in this state.

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

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

296 (5) Professional certificates remain the property of the
297 board, and the board reserves the right to either reprimand the
298 holder of a certificate, suspend a certificate upon conditions
299 imposed by the board, or cancel and recall any certificate when:



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

301 (b) The certificate was obtained through
302 misrepresentation or fraud;

303 * * *

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

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

307 (6) When the board believes there is a reasonable basis for
308 either the reprimand, suspension, cancellation of, or recalling
309 the certification of a jail officer, notice and opportunity for a
310 hearing shall be provided in accordance with law prior to such
311 reprimand, suspension or revocation.

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

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

320 **SECTION 6.** Section 45-6-11, Mississippi Code of 1972, is
321 amended as follows:

322 45-6-11. (1) Law enforcement officers already serving under
323 permanent appointment on July 1, 1981, and personnel of the
324 Division of Community Services under Section 47-7-9, Mississippi



325 Code of 1972, serving on July 1, 1994, shall not be required to
326 meet any requirement of subsections (3) and (4) of this section as
327 a condition of continued employment; nor shall failure of any such
328 law enforcement officer to fulfill such requirements make that
329 person ineligible for any promotional examination for which that
330 person is otherwise eligible. Provided, however, if any law
331 enforcement officer certified under the provisions of this chapter
332 leaves his employment as such and does not become employed as a
333 law enforcement officer within two (2) years from the date of
334 termination of his prior employment, he shall be required to
335 comply with board policy as to rehiring standards in order to be
336 employed as a law enforcement officer; except, that, if any law
337 enforcement officer certified under this chapter leaves his
338 employment as such to serve as a sheriff, he may be employed as a
339 law enforcement officer after he has completed his service as a
340 sheriff without being required to comply with board policy as to
341 rehiring standards. Part-time law enforcement officers serving on
342 or before July 1, 1998, shall have until July 1, 2001, to obtain
343 certification as a part-time officer.

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



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

357 (3) (a) No person shall be appointed or employed as a law
358 enforcement officer or a part-time law enforcement officer unless
359 that person has been certified as being qualified under the
360 provisions of subsection (4) of this section.

361 (b) No person shall be appointed or employed as a law
362 enforcement trainee in a full-time capacity by any law enforcement
363 unit for a period to exceed one (1) year. No person shall be
364 appointed or employed as a law enforcement trainee in a part-time,
365 reserve or auxiliary capacity by any law enforcement unit for a
366 period to exceed two (2) years. The prohibition against the
367 appointment or employment of a law enforcement trainee in a
368 full-time capacity for a period not to exceed one (1) year or a
369 part-time, reserve or auxiliary capacity for a period not to
370 exceed two (2) years may not be nullified by terminating the
371 appointment or employment of such a person before the expiration
372 of the time period and then rehiring the person for another
373 period. Any person, who, due to illness or other events beyond
374 his control, could not attend the required school or training as



375 scheduled, may serve with full pay and benefits in such a capacity
376 until he can attend the required school or training.

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

381 (4) In addition to the requirements of subsections (3), (7)
382 and (8) of this section, the board, by rules and regulations
383 consistent with other provisions of law, shall fix other
384 qualifications for the employment of law enforcement officers,
385 including minimum age, education, physical and mental standards,
386 citizenship, * * * experience and such other matters as relate to
387 the competence and reliability of persons to assume and discharge
388 the responsibilities of law enforcement officers, and the board
389 shall prescribe the means for presenting evidence of fulfillment
390 of these requirements. Additionally, the board shall fix
391 qualifications for the appointment or employment of part-time law
392 enforcement officers to essentially the same standards and
393 requirements as law enforcement officers. The board shall develop
394 and implement a part-time law enforcement officer training program
395 that meets the same performance objectives and has essentially the
396 same or similar content as the programs approved by the board for
397 full-time law enforcement officers and the board shall provide
398 that such training shall be available locally and held at times
399 convenient to the persons required to receive such training.



400 (5) Any elected sheriff, constable, deputy or chief of
401 police may apply for certification. Such certification shall be
402 granted at the request of the elected official after providing
403 evidence of satisfaction of the requirements of subsections (3)
404 and (4) of this section. Certification granted to such elected
405 officials shall be granted under the same standards and conditions
406 as established by law enforcement officers and shall be subject to
407 recall as in subsection (7) of this section.

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

418 (7) Professional certificates remain the property of the
419 board, and the board reserves the right to either reprimand the
420 holder of a certificate, suspend a certificate upon conditions
421 imposed by the board, or cancel and recall any certificate when:

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

423 (b) The certificate was obtained through

424 misrepresentation or fraud;



425 * * *

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

428 (* * *d) The holder has committed an act of
429 malfeasance or has been dismissed from his employing law
430 enforcement agency; or

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

432 (8) When the board believes there is a reasonable basis for
433 either the reprimand, suspension, cancellation of, or recalling
434 the certification of a law enforcement officer or a part-time law
435 enforcement officer, notice and opportunity for a hearing shall be
436 provided in accordance with law prior to such reprimand,
437 suspension or revocation.

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

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

448 **SECTION 7.** Section 73-1-13, Mississippi Code of 1972, is
449 amended as follows:



450 73-1-13. (1) The board shall adopt rules and regulations
451 for the eligibility, examination and registration of applicants
452 desiring to practice architecture in accordance with this chapter
453 and may amend, modify or repeal such rules and regulations.

454 The board shall receive applications for registration as an
455 architect only on forms prescribed and furnished by the board and
456 upon receipt of such application may approve such applicant,
457 providing such applicant meets the following requirements:

458 (a) The applicant must have a professional degree in
459 architecture from a school or college of architecture on the list
460 of accredited schools of architecture issued by the National
461 Architectural Accrediting Board;

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

- 471 (i) Design and construction documents;
472 (ii) Construction administration;
473 (iii) Office management; and
474 (iv) Related special activities.



475 (c) The applicant must have passed the applicable
476 National Council of Architectural Registration Board's
477 examination;

478 (d) The applicant must have satisfied the board as to
479 the applicant's good standing in the profession * * *. Any of the
480 following acts shall preclude an applicant's eligibility as a
481 candidate for registration:

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

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

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

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

491 (v) Practicing architecture, or holding himself
492 out as capable of practicing architecture, in this state in
493 violation of the chapter.

494 The board may admit an applicant otherwise precluded from
495 consideration because of the prohibitions imposed in this
496 paragraph (d) if the board determines that the applicant has shown
497 clear and convincing evidence of rehabilitation and reform. Such
498 decision is in the sole discretion of the board and upon such
499 terms, conditions and evidence as the board may require.



500 Additionally, notwithstanding the provisions of paragraph (b)
501 of this subsection, if the applicant can provide sufficient and
502 satisfactory evidence that he is unable to obtain the
503 intern-architect development program certification, the board may
504 accept in lieu thereof certification by the applicant that he has
505 completed not less than three (3) continuous years of actual
506 engagement in architectural work in the office or offices of a
507 licensed architect or architects. Such certification shall be on
508 such terms, conditions and requirements as the board may
509 establish.

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

512 **SECTION 8.** Section 73-3-339, Mississippi Code of 1972, is
513 amended as follows:

514 73-3-339. Whenever any attorney subject to the disciplinary
515 jurisdiction of the court shall be convicted in any state court or
516 in any federal court, or enter a plea of guilty or a plea of nolo
517 contendere therein, of any * * * disqualifying crime as provided
518 in the Fresh Start Act or any violation of the United States
519 Internal Revenue Code, or of any offense involving fraud,
520 dishonesty, misrepresentation, deceit, or failure to account for
521 money or property of a client, * * * a certified copy of the
522 judgment of conviction shall be presented to the court by the
523 Board of Commissioners. Upon the presentation of such certified
524 copy of judgment, the court shall forthwith strike the name of the



525 attorney so convicted or who entered such a plea from the rolls of
526 The Mississippi Bar and order his immediate suspension from
527 practice, pending an appeal and final disposition of disciplinary
528 proceedings. Such attorney will be reinstated immediately upon
529 the reversal of his conviction for the offense that has resulted
530 in his automatic suspension, but such reinstatement shall not
531 terminate any disciplinary proceeding then pending against the
532 attorney.

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

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

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



550 **SECTION 9.** Section 73-9-61, Mississippi Code of 1972, is
551 amended as follows:

552 73-9-61. (1) Upon satisfactory proof, and in accordance
553 with statutory provisions elsewhere set out for such hearings and
554 protecting the rights of the accused as well as the public, the
555 State Board of Dental Examiners may deny the issuance or renewal
556 of a license or may revoke or suspend the license of any licensed
557 dentist or dental hygienist practicing in the State of
558 Mississippi, or take any other action in relation to the license
559 as the board may deem proper under the circumstances, for any of
560 the following reasons:

561 (a) Misrepresentation in obtaining a license, or
562 attempting to obtain, obtaining, attempting to renew or renewing a
563 license or professional credential by making any material
564 misrepresentation, including the signing in his or her
565 professional capacity any certificate that is known to be false at
566 the time he or she makes or signs the certificate.

567 (b) Willful violation of any of the rules or
568 regulations duly promulgated by the board, or of any of the rules
569 or regulations duly promulgated by the appropriate dental
570 licensure agency of another state or jurisdiction.

571 (c) Being impaired in the ability to practice dentistry
572 or dental hygiene with reasonable skill and safety to patients by
573 reason of illness or use of alcohol, drugs, narcotics, chemicals,



574 or any other type of material or as a result of any mental or
575 physical condition.

576 (d) Administering, dispensing or prescribing any
577 prescriptive medication or drug outside the course of legitimate
578 professional dental practice.

579 (e) Being convicted or found guilty of or entering a
580 plea of nolo contendere to, regardless of adjudication, a
581 violation of any federal or state law regulating the possession,
582 distribution or use of any narcotic drug or any drug considered a
583 controlled substance under state or federal law, a certified copy
584 of the conviction order or judgment rendered by the trial court
585 being prima facie evidence thereof, notwithstanding the pendency
586 of any appeal.

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

589 (g) Being convicted or found guilty of or entering a
590 plea of nolo contendere to, regardless of adjudication, a crime in
591 any jurisdiction that relates to the practice of dentistry or
592 dental hygiene, a certified copy of the conviction order or
593 judgment rendered by the trial court being prima facie evidence
594 thereof, notwithstanding the pendency of any appeal.

595 (h) Being convicted or found guilty of or entering a
596 plea of nolo contendere to * * * a disqualifying crime as provided
597 in the Fresh Start Act in any jurisdiction, a certified copy of
598 the conviction order or judgment rendered by the trial court being



599 prima facie evidence thereof, notwithstanding the pendency of any
600 appeal.

601 (i) Delegating professional responsibilities to a
602 person who is not qualified by training, experience or licensure
603 to perform them.

604 (j) The refusal of a licensing authority of another
605 state or jurisdiction to issue or renew a license, permit or
606 certificate to practice dentistry or dental hygiene in that
607 jurisdiction or the revocation, suspension or other restriction
608 imposed on a license, permit or certificate issued by the
609 licensing authority that prevents or restricts practice in that
610 jurisdiction, a certified copy of the disciplinary order or action
611 taken by the other state or jurisdiction being prima facie
612 evidence thereof, notwithstanding the pendency of any appeal.

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

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

620 * * *

621 (* * *i) Practicing deceit or other fraud upon
622 the public.



623 (* * *ii) Practicing dentistry or dental hygiene
624 under a false or assumed name.

625 (* * *iii) Advertising that is false, deceptive
626 or misleading.

627 (* * *iv) Announcing a specialized practice shall
628 be considered advertising that tends to deceive or mislead the
629 public unless the dentist announcing as a specialist conforms to
630 other statutory provisions and the duly promulgated rules or
631 regulations of the board pertaining to practice of dentistry in
632 the State of Mississippi.

633 (m) Failure to provide and maintain reasonable sanitary
634 facilities and conditions or failure to follow board rules
635 regarding infection control.

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

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

641 (ii) Conduct of a licensee that is intended to
642 intimidate, coerce, influence or trick any person employed by or
643 for the licensee in a dental practice or educational setting for
644 the purpose of engaging in sexual activity or activity intended
645 for the sexual gratification of the licensee.

646 (o) Violation of a lawful order of the board previously
647 entered in a disciplinary or licensure hearing; failure to



648 cooperate with any lawful request or investigation by the board;
649 or failure to comply with a lawfully issued subpoena of the board.

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

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

655 (r) Violation(s) of the provisions of Sections 41-121-1
656 through 41-121-9 relating to deceptive advertisement by health
657 care practitioners. This paragraph shall stand repealed on July
658 1, 2025.

659 (2) In lieu of revocation of a license as provided for
660 above, the board may suspend the license of the offending dentist
661 or dental hygienist, suspend the sedation permit of the offending
662 dentist, or take any other action in relation to his or her
663 license as the board may deem proper under the circumstances.

664 (3) When a license to practice dentistry or dental hygiene
665 is revoked or suspended by the board, the board may, in its
666 discretion, stay the revocation or suspension and simultaneously
667 place the licensee on probation upon the condition that the
668 licensee shall not violate the laws of the State of Mississippi
669 pertaining to the practice of dentistry or dental hygiene and
670 shall not violate the rules and regulations of the board and shall
671 not violate any terms in relation to his or her license as may be
672 set by the board.



673 (4) In a proceeding conducted under this section by the
674 board for the denial, revocation or suspension of a license to
675 practice dentistry or dental hygiene, the board shall have the
676 power and authority for the grounds stated for that denial,
677 revocation or suspension, and in addition thereto or in lieu of
678 that denial, revocation or suspension may assess and levy upon any
679 person licensed to practice dentistry or dental hygiene in the
680 State of Mississippi, a monetary penalty, as follows:

681 (a) For the first violation of any of * * * paragraph
682 (a), (b), (c), (d), (f), (i), (l), (m), (n), (o) or (q) of
683 subsection (1) of this section, a monetary penalty of not less
684 than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars
685 (\$500.00).

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

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

696 (d) For any violation of any of * * * paragraphs (a)
697 through (q) of subsection (1) of this section, those reasonable



698 costs that are expended by the board in the investigation and
699 conduct of a proceeding for licensure revocation or suspension,
700 including, but not limited to, the cost of process service, court
701 reporters, expert witnesses and investigators.

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

707 (6) A licensee shall have the right of appeal from the
708 assessment and levy of a monetary penalty as provided in this
709 section under the same conditions as a right of appeal is provided
710 elsewhere for appeals from an adverse ruling, order or decision of
711 the board.

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

716 (8) A monetary penalty assessed and levied under this
717 section shall be paid to the board by the licensee upon the
718 expiration of the period allowed for appeal of those penalties
719 under this section or may be paid sooner if the licensee elects.
720 With the exception of subsection (4)(d) of this section, monetary
721 penalties collected by the board under this section shall be
722 deposited to the credit of the General Fund of the State Treasury.



723 Any monies collected by the board under subsection (4) (d) of this
724 section shall be deposited into the special fund operating account
725 of the board.

726 (9) When payment of a monetary penalty assessed and levied
727 by the board against a licensee in accordance with this section is
728 not paid by the licensee when due under this section, the board
729 shall have power to institute and maintain proceedings in its name
730 for enforcement of payment in the chancery court of the county and
731 judicial district of residence of the licensee, and if the
732 licensee is a nonresident of the State of Mississippi, the
733 proceedings shall be in the Chancery Court of the First Judicial
734 District of Hinds County, Mississippi.

735 (10) In addition to the reasons specified in subsection (1)
736 of this section, the board shall be authorized to suspend the
737 license of any licensee for being out of compliance with an order
738 for support, as defined in Section 93-11-153. The procedure for
739 suspension of a license for being out of compliance with an order
740 for support, and the procedure for the reissuance or reinstatement
741 of a license suspended for that purpose, and the payment of any
742 fees for the reissuance or reinstatement of a license suspended
743 for that purpose, shall be governed by Section 93-11-157 or
744 93-11-163, as the case may be. If there is any conflict between
745 any provision of Section 93-11-157 or 93-11-163 and any provision
746 of this chapter, the provisions of Section 93-11-157 or 93-11-163,
747 as the case may be, shall control.



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

752 **SECTION 10.** Section 73-11-57, Mississippi Code of 1972, is
753 amended as follows:

754 73-11-57. (1) The board, upon satisfactory proof at proper
755 hearing and in accordance with the provisions of this chapter and
756 the regulations of the board, may suspend, revoke, or refuse to
757 issue or renew any license under this chapter, reprimand or place
758 the holder of a license on a term of probation, and/or take any
759 other action in relation to a license as the board may deem proper
760 under the circumstances upon any of the following grounds:

761 (a) The employment of fraud or deception in applying
762 for a license or in passing the examination provided for in this
763 chapter;

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

765 (c) The conviction of a * * * disqualifying crime as
766 provided in the Fresh Start Act by the court of any other state or
767 territory of the United States; having been convicted of or pled
768 guilty to a * * * disqualifying crime as provided in the Fresh
769 Start Act in the courts of this state or any other state,
770 territory or country which would prevent a person from holding
771 elected office. Conviction, as used in this paragraph, shall
772 include a deferred conviction, deferred prosecution, deferred



773 sentence, finding or verdict of guilt, an admission of guilty, or
774 a plea of nolo contendere;

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

777 (e) The impersonation of another funeral service or
778 funeral directing licensee;

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

782 (g) Violation of any provision of this chapter or any
783 rule or regulation of the board;

784 (h) Having had a license for the practice of funeral
785 service or funeral directing suspended or revoked in any
786 jurisdiction, having voluntarily surrendered his license in any
787 jurisdiction, having been placed on probation in any jurisdiction,
788 having been placed under disciplinary order(s) or other
789 restriction in any manner for funeral directing and/or funeral
790 service, or operating a funeral establishment (a certified copy of
791 the order of suspension, revocation, probation or disciplinary
792 action shall be prima facie evidence of such action);

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



798 harassment, or if the solicitation takes place at the residence of
799 the client or prospective client and is uninvited by the client or
800 prospective client and has not been previously agreed to by the
801 client or prospective client; however, this shall not be deemed to
802 prohibit general advertising;

803 (j) Employment directly or indirectly of any
804 apprentice, agent, assistant, employee, or other person, on a
805 part-time or full-time basis or on commission, for the purpose of
806 calling upon individuals or institutions by whose influence dead
807 human bodies may be turned over to a particular funeral
808 establishment;

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

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

815 (ii) Not furnishing, in writing, an adequate
816 explanation covering the matter contained in a complaint filed
817 with the board;

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

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



823 to perform reviews or inspections at facilities or places utilized
824 by the license holder in the practice of funeral service or
825 funeral directing and/or in performing any other activity
826 regulated by the board under this chapter;

827 (v) Failure to provide information within the
828 specified time allotted and as required by the board and/or its
829 representatives or designees;

830 (vi) Failure to cooperate with the board or its
831 designees or representatives in the investigation of any alleged
832 misconduct or interfering with a board investigation by willful
833 misrepresentation of facts;

834 (vii) Deceiving or attempting to deceive the board
835 regarding any matter under investigation, including altering or
836 destroying any records; and

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

839 (l) Knowingly performing any act that in any way
840 assists an unlicensed person to practice funeral service or
841 funeral directing;

842 (m) Knowingly making a false statement on death
843 certificates;

844 * * *

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



847 political subdivisions affecting the registration of deaths or the
848 handling, custody, care or transportation of dead human bodies; or
849 (* * * o) Unprofessional conduct in the practice of
850 funeral service or funeral directing which includes, but is not
851 limited to:

852 (i) Retaining a dead human body for the payment of
853 a fee for the performance of services that are not authorized;

854 (ii) Knowingly performing any act which in any way
855 assists an unlicensed person to practice funeral service or
856 funeral directing;

857 (iii) Being guilty of any dishonorable conduct
858 likely to deceive, defraud or harm the public;

859 (iv) Any act or omission in the practice of
860 funeral service or directing which constitutes dishonesty, fraud
861 or misrepresentation with the intent to benefit the licensee,
862 another person or funeral establishment, or with the intent to
863 substantially injure another person, licensee or funeral
864 establishment; or

865 (v) Any act or conduct, whether the same or of a
866 different character than specified above, which constitutes or
867 demonstrates bad faith, incompetency or untrustworthiness; or
868 dishonest, fraudulent or improper dealing; or any other violation
869 of the provisions of this chapter, the rules and regulations
870 established by the board or any rule or regulation promulgated by



871 the Federal Trade Commission relative to the practice of funeral
872 service or funeral directing.

873 (2) Any person, including a member of the board, may
874 initiate a complaint against a licensee of the board by filing
875 with the board a written complaint on a form prescribed by the
876 board.

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



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

897 (c) Any party appearing before the board may be
898 accompanied by counsel.

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

908 (e) Upon the chair's determination that all parties are
909 ready to proceed, the chair or designee shall call the hearing to
910 order and the complainant and the licensee may give opening
911 statements. The board may order the sequestration of nonparty
912 witnesses.

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

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



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

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

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

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

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



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

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



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

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

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

976 (d) For any violation of any of the subparagraphs of
977 subsection (1) of this section, those reasonable costs that are
978 expended by the board in the investigation and conduct of a
979 proceeding for licensure revocation or suspension, including, but
980 not limited to, the cost of process service, court reporters,
981 expert witnesses and investigators.

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

987 (8) A licensee shall have the right of appeal from the
988 assessment and levy of a monetary penalty as provided in this
989 section under the same conditions as a right of appeal is provided
990 elsewhere for appeals from an adverse ruling, order or decision of
991 the board.



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

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

999 With the exception of subsection (5)(d) of this section,
1000 monetary penalties collected by the board under this section shall
1001 be deposited in the State Treasury to the credit of the State
1002 Board of Funeral Service. Any monies collected by the board under
1003 subsection (5)(d) of this section shall be deposited into the
1004 special fund operating account of the board.

1005 (11) When payment of a monetary penalty assessed and levied
1006 by the board against a licensee in accordance with this section is
1007 not paid by the licensee when due under this section, the board
1008 shall have power to institute and maintain proceedings in its name
1009 for enforcement of payment in the chancery court of the county and
1010 judicial district of residence of the licensee, or if the licensee
1011 is a nonresident of the State of Mississippi, in the Chancery
1012 Court of the First Judicial District of Hinds County, Mississippi.

1013 (12) In any administrative or judicial proceeding in which
1014 the board prevails, the board shall have the right to recover
1015 reasonable attorney fees.



1016 (13) In addition to the reasons specified in subsection (1)
1017 of this section, the board shall be authorized to suspend the
1018 license of any licensee for being out of compliance with an order
1019 for support, as defined in Section 93-11-153. The procedure for
1020 suspension of a license for being out of compliance with an order
1021 for support, and the procedure for the reissuance or reinstatement
1022 of a license suspended for that purpose, and the payment of any
1023 fees for the reissuance or reinstatement of a license suspended
1024 for that purpose, shall be governed by Section 93-11-157 or
1025 93-11-163, as the case may be. Actions taken by the board in
1026 suspending a license when required by Section 93-11-157 or
1027 93-11-163 are not actions from which an appeal may be taken under
1028 this section. Any appeal of a license suspension that is required
1029 by Section 93-11-157 or 93-11-163 shall be taken in accordance
1030 with the appeal procedure specified in Section 93-11-157 or
1031 93-11-163, as the case may be, rather than the procedure specified
1032 in this section. If there is any conflict between any provision
1033 of Section 93-11-157 or 93-11-163 and any provision of this
1034 chapter, the provisions of Section 93-11-157 or 93-11-163, as the
1035 case may be, shall control.

1036 **SECTION 11.** Section 73-14-35, Mississippi Code of 1972, is
1037 amended as follows:

1038 73-14-35. (1) Any person registered under this chapter may
1039 have his license or certificate revoked or suspended for a fixed



1040 period to be determined by the board for any of the following
1041 causes:

1042 (a) Being convicted of * * * a disqualifying crime as
1043 provided in the Fresh Start Act. The record of such conviction,
1044 or certified copy thereof from the clerk of the court where such
1045 conviction occurred or by the judge of that court, shall be
1046 sufficient evidence to warrant revocation or suspension.

1047 (b) By securing a license or certificate under this
1048 chapter through fraud or deceit.

1049 (c) For unethical conduct or for gross ignorance or
1050 inefficiency in the conduct of his practice.

1051 (d) For knowingly practicing while suffering with a
1052 contagious or infectious disease.

1053 (e) For the use of a false name or alias in the
1054 practice of his profession.

1055 (f) For violating any of the provisions of this chapter
1056 or any rules or regulations promulgated pursuant to this chapter.

1057 (g) For violating the provisions of any applicable
1058 federal laws or regulations.

1059 (h) Discipline by another jurisdiction if at least one
1060 (1) of the grounds for the discipline is the same or substantially
1061 equivalent to those set forth in this chapter or rules and
1062 regulations promulgated pursuant to this chapter.

1063 (2) In addition to the causes specified in subsection (1) of
1064 this section, the board shall be authorized to suspend the license



1065 of any licensee for being out of compliance with an order for
1066 support, as defined in Section 93-11-153. The procedure for
1067 suspension of a license for being out of compliance with an order
1068 for support, and the procedure for the reissuance or reinstatement
1069 of a license suspended for that purpose, and the payment of any
1070 fees for the reissuance or reinstatement of a license suspended
1071 for that purpose, shall be governed by Section 93-11-157 or
1072 93-11-163, as the case may be. If there is any conflict between
1073 any provision of Section 93-11-157 or 93-11-163 and any provision
1074 of this chapter, the provisions of Section 93-11-157 or 93-11-163,
1075 as the case may be, shall control.

1076 **SECTION 12.** Section 73-15-29, Mississippi Code of 1972, is
1077 amended as follows:

1078 73-15-29. (1) The board shall have power to revoke, suspend
1079 or refuse to renew any license issued by the board, or to revoke
1080 or suspend any privilege to practice, or to deny an application
1081 for a license, or to fine, place on probation and/or discipline a
1082 licensee, in any manner specified in this article, upon proof that
1083 such person:

1084 (a) Has committed fraud or deceit in securing or
1085 attempting to secure such license;

1086 (b) Has been convicted of a * * * disqualifying crime
1087 as provided in the Fresh Start Act has had accepted by a court a
1088 plea of nolo contendere to a * * * disqualifying crime as provided
1089 in the Fresh Start Act (a certified copy of the judgment of the



1090 court of competent jurisdiction of such conviction or pleas shall
1091 be prima facie evidence of such conviction);

1092 (c) Has negligently or willfully acted in a manner
1093 inconsistent with the health or safety of the persons under the
1094 licensee's care;

1095 (d) Has had a license or privilege to practice as a
1096 registered nurse or a licensed practical nurse suspended or
1097 revoked in any jurisdiction, has voluntarily surrendered such
1098 license or privilege to practice in any jurisdiction, has been
1099 placed on probation as a registered nurse or licensed practical
1100 nurse in any jurisdiction or has been placed under a disciplinary
1101 order(s) in any manner as a registered nurse or licensed practical
1102 nurse in any jurisdiction, (a certified copy of the order of
1103 suspension, revocation, probation or disciplinary action shall be
1104 prima facie evidence of such action);

1105 (e) Has negligently or willfully practiced nursing in a
1106 manner that fails to meet generally accepted standards of such
1107 nursing practice;

1108 (f) Has negligently or willfully violated any order,
1109 rule or regulation of the board pertaining to nursing practice or
1110 licensure;

1111 (g) Has falsified or in a repeatedly negligent manner
1112 made incorrect entries or failed to make essential entries on
1113 records;



1114 (h) Is addicted to or dependent on alcohol or other
1115 habit-forming drugs or is a habitual user of narcotics,
1116 barbiturates, amphetamines, hallucinogens, or other drugs having
1117 similar effect, or has misappropriated any medication;

1118 (i) Has a physical, mental or emotional condition that
1119 renders the licensee unable to perform nursing services or duties
1120 with reasonable skill and safety;

1121 (j) Has engaged in any other conduct, whether of the
1122 same or of a different character from that specified in this
1123 article, that would constitute a disqualifying crime as defined
1124 in * * * the Fresh Start Act;

1125 (k) Engages in conduct likely to deceive, defraud or
1126 harm the public;

1127 (l) Engages in any unprofessional conduct as identified
1128 by the board in its rules;

1129 (m) Has violated any provision of this article;

1130 (n) Violation(s) of the provisions of Sections 41-121-1
1131 through 41-121-9 relating to deceptive advertisement by health
1132 care practitioners. This paragraph shall stand repealed on July
1133 1, 2025; or

1134 (o) Violation(s) of any provision of Title 41, Chapter
1135 141, Mississippi Code of 1972.

1136 (2) When the board finds any person unqualified because of
1137 any of the grounds set forth in subsection (1) of this section, it



1138 may enter an order imposing one or more of the following
1139 penalties:

1140 (a) Denying application for a license or other
1141 authorization to practice nursing or practical nursing;

1142 (b) Administering a reprimand;

1143 (c) Suspending or restricting the license or other
1144 authorization to practice as a registered nurse or licensed
1145 practical nurse for up to two (2) years without review;

1146 (d) Revoking the license or other authorization to
1147 practice nursing or practical nursing;

1148 (e) Requiring the discipline to submit to care,
1149 counseling or treatment by persons and/or agencies approved or
1150 designated by the board as a condition for initial, continued or
1151 renewed licensure or other authorization to practice nursing or
1152 practical nursing;

1153 (f) Requiring the discipline to participate in a
1154 program of education prescribed by the board as a condition for
1155 initial, continued or renewed licensure or other authorization to
1156 practice;

1157 (g) Requiring the discipline to practice under the
1158 supervision of a registered nurse for a specified period of time;
1159 or

1160 (h) Imposing a fine not to exceed Five Hundred Dollars
1161 (\$500.00).



1162 (3) In addition to the grounds specified in subsection (1)
1163 of this section, the board shall be authorized to suspend the
1164 license or privilege to practice of any licensee for being out of
1165 compliance with an order for support, as defined in Section
1166 93-11-153. The procedure for suspension of a license or privilege
1167 to practice for being out of compliance with an order for support,
1168 and the procedure for the reissuance or reinstatement of a license
1169 or privilege to practice suspended for that purpose, and the
1170 payment of any fees for the reissuance or reinstatement of a
1171 license or privilege to practice suspended for that purpose, shall
1172 be governed by Section 93-11-157 or 93-11-163, as the case may be.
1173 If there is any conflict between any provision of Section
1174 93-11-157 or 93-11-163 and any provision of this article, the
1175 provisions of Section 93-11-157 or 93-11-163, as the case may be,
1176 shall control.

1177 (4) If the public health, safety or welfare imperatively
1178 requires emergency action and the board incorporates a finding to
1179 that effect in an order, the board may order summary suspension of
1180 a license pending proceedings for revocation or other action.
1181 These proceedings shall be promptly instituted and determined by
1182 the board.

1183 (5) The board may establish by rule an alternative to
1184 discipline program for licensees who have an impairment as a
1185 result of substance abuse or a mental health condition, which
1186 program shall include at least the following components:



1187 (a) Participation in the program is voluntary with the
1188 licensee, and the licensee must enter the program before the board
1189 holds a disciplinary action hearing regarding the licensee;

1190 (b) The full cost of participation in the program,
1191 including the cost of any care, counseling, treatment and/or
1192 education received by the licensee, shall be borne by the
1193 licensee;

1194 (c) All of the procedures and records regarding the
1195 licensee's participation in the program shall be confidential,
1196 shall not be disclosed and shall be exempt from the provisions of
1197 the Mississippi Public Records Act of 1983; and

1198 (d) A licensee may not participate in the program more
1199 often than one (1) time during any period of five (5) years or
1200 such longer period as set by the board.

1201 (6) A nurse practitioner who provides a written
1202 certification as authorized under the Mississippi Medical Cannabis
1203 Act and in compliance with rules and regulations adopted
1204 thereunder shall not be subject to any disciplinary action under
1205 this section solely due to providing the written certification.

1206 **SECTION 13.** Section 73-19-23, Mississippi Code of 1972, is
1207 amended as follows:

1208 73-19-23. (1) (a) The board shall refuse to grant a
1209 certificate of licensure to any applicant and may cancel, revoke
1210 or suspend the operation of any certificate by it granted for any
1211 or all of the following reasons: unprofessional and unethical



1212 conduct * * *, habitual intemperance in the use of ardent spirits,
1213 or stimulants, narcotics, or any other substance that impairs the
1214 intellect and judgment to such an extent as to incapacitate one
1215 for the performance of the duties of an optometrist. The
1216 certificate of licensure of any person can be revoked for
1217 violating any section of this chapter.

1218 (b) The board shall conduct a criminal history records
1219 check on licensure applicants and on licensees whose licenses are
1220 subject to investigation.

1221 (i) The applicant or licensee shall undergo a
1222 fingerprint-based criminal history records check of the
1223 Mississippi central criminal database and the Federal Bureau of
1224 Investigation criminal history database. Each applicant or
1225 licensee shall submit a full set of the applicant's fingerprints
1226 in a form or manner prescribed by the board, which shall be
1227 forwarded to the Bureau of Investigation Identification Division
1228 for this purpose.

1229 (ii) Any and all state or national criminal
1230 history records information obtained by the board that is not
1231 already a matter of public record shall be deemed nonpublic and
1232 confidential information restricted to the exclusive use of the
1233 board, its members, officers, investigators, agents and attorneys
1234 in evaluating the applicant's eligibility or disqualification for
1235 licensure, and shall be exempt from the Mississippi Public Records
1236 Act of 1983. Except when introduced into evidence in a hearing



1237 before the board to determine licensure, no such information or
1238 records related thereto shall, except with the written consent of
1239 the applicant or licensee or by order of a court of competent
1240 jurisdiction, be released or otherwise disclosed by the board to
1241 any other person or agency.

1242 (iii) The board shall provide to the department
1243 the fingerprints of the applicant or licensee, any additional
1244 information that may be required by the department, and a form
1245 signed by the applicant consenting to the check of the criminal
1246 records and to the use of the fingerprints and other identifying
1247 information required by the state or national repositories.

1248 (iv) The board shall charge and collect from the
1249 applicant or licensee, in addition to all other applicable fees
1250 and costs, such amount as may be incurred by the board in
1251 requesting and obtaining state and national criminal history
1252 records information on the applicant or licensee.

1253 (2) The board shall further be authorized to take
1254 disciplinary action against a licensee for any unlawful acts,
1255 which shall include violations of regulations promulgated by the
1256 board, as well as the following acts:

1257 (a) Fraud or misrepresentation in applying for or
1258 procuring an optometric license or in connection with applying for
1259 or procuring periodic renewal of an optometric license.

1260 (b) Cheating on or attempting to subvert the optometric
1261 licensing examination(s).



1262 (c) The conviction of a * * * disqualifying crime as
1263 provided in the Fresh Start Act in this state or any other
1264 jurisdiction, or the entry of a guilty or nolo contendere plea to
1265 a * * * disqualifying crime.

1266 (d) The conviction of a * * * disqualifying crime as
1267 provided in the Fresh Start Act as defined by federal law, or the
1268 entry of a guilty or nolo contendere plea to a * * * disqualifying
1269 crime as provided in the Fresh Start Act.

1270 (e) Conduct likely to deceive, defraud or harm the
1271 public.

1272 (f) Making a false or misleading statement regarding
1273 his or her skill or the efficacy or value of the medicine, device,
1274 treatment or remedy prescribed by him or her or used at his or her
1275 direction in the treatment of any disease or other condition.

1276 (g) Willfully or negligently violating the
1277 confidentiality between doctor and patient, except as required by
1278 law.

1279 (h) Negligence or gross incompetence in the practice of
1280 optometry as determined by the board.

1281 (i) Being found to be a person with mental illness or
1282 with an intellectual disability by any court of competent
1283 jurisdiction.

1284 (j) The use of any false, fraudulent, deceptive or
1285 misleading statement in any document connected with the practice
1286 of optometry.



1287 (k) Aiding or abetting the practice of optometry by an
1288 unlicensed, incompetent or impaired person.

1289 (l) Commission of any act of sexual abuse, misconduct
1290 or exploitation related to the licensee's practice of optometry.

1291 (m) Being addicted or habituated to a drug or
1292 intoxicant.

1293 (n) Violating any state or federal law or regulation
1294 relating to a drug legally classified as a controlled substance.

1295 (o) Obtaining any fee by fraud, deceit or
1296 misrepresentation.

1297 (p) Disciplinary action of another state or
1298 jurisdiction against a licensee or other authorization to practice
1299 optometry based upon acts or conduct by the licensee similar to
1300 acts or conduct that would constitute grounds for action as
1301 defined in this chapter, a certified copy of the record of the
1302 action taken by the other state or jurisdiction being conclusive
1303 evidence thereof.

1304 (q) Failure to report to the board the relocation of
1305 his or her office in or out of the jurisdiction, or to furnish
1306 floor plans as required by regulation.

1307 (r) Violation of any provision(s) of the Optometry
1308 Practice Act or the rules and regulations of the board or of an
1309 action, stipulation or agreement of the board.

1310 (s) To advertise in a manner that tends to deceive,
1311 mislead or defraud the public.



1312 (t) The designation of any person licensed under this
1313 chapter, other than by the terms "optometrist," "Doctor of
1314 Optometry" or "O.D.," which through June 30, 2025, shall include
1315 any violation(s) of the provisions of Sections 41-121-1 through
1316 41-121-9 relating to deceptive advertisement by health care
1317 practitioners.

1318 (u) To knowingly submit or cause to be submitted any
1319 misleading, deceptive or fraudulent representation on a claim
1320 form, bill or statement.

1321 (v) To practice or attempt to practice optometry while
1322 his or her license is suspended.

1323 (3) Any person who is a holder of a certificate of licensure
1324 or who is an applicant for examination for a certificate of
1325 licensure, against whom is preferred any charges, shall be
1326 furnished by the board with a copy of the complaint and shall have
1327 a hearing in Jackson, Mississippi, before the board, at which
1328 hearing he may be represented by counsel. At the hearing,
1329 witnesses may be examined for and against the accused respecting
1330 those charges, and the hearing orders or appeals will be conducted
1331 according to the procedure now provided in Section 73-25-27. The
1332 suspension of a certificate of licensure by reason of the use of
1333 stimulants or narcotics may be removed when the holder of the
1334 certificate has been adjudged by the board to be cured and capable
1335 of practicing optometry.



1336 (4) In addition to the reasons specified in subsections (1)
1337 and (2) of this section, the board shall be authorized to suspend
1338 the license of any licensee for being out of compliance with an
1339 order for support, as defined in Section 93-11-153. The procedure
1340 for suspension of a license for being out of compliance with an
1341 order for support, and the procedure for the reissuance or
1342 reinstatement of a license suspended for that purpose, and the
1343 payment of any fees for the reissuance or reinstatement of a
1344 license suspended for that purpose, shall be governed by Section
1345 93-11-157 or 93-11-163, as the case may be. If there is any
1346 conflict between any provision of Section 93-11-157 or 93-11-163
1347 and any provision of this chapter, the provisions of Section
1348 93-11-157 or 93-11-163, as the case may be, shall control.

1349 (5) A licensee who provides a written certification as
1350 authorized under the Mississippi Medical Cannabis Act and in
1351 compliance with rules and regulations adopted thereunder shall not
1352 be subject to any disciplinary action under this section solely
1353 due to providing the written certification.

1354 **SECTION 14.** Section 73-21-97, Mississippi Code of 1972, is
1355 amended as follows:

1356 73-21-97. (1) The board may refuse to issue or renew, or
1357 may suspend, reprimand, revoke or restrict the license,
1358 registration or permit of any person upon one or more of the
1359 following grounds:



1360 (a) Unprofessional conduct as defined by the rules and
1361 regulations of the board;

1362 (b) Incapacity of a nature that prevents a pharmacist
1363 from engaging in the practice of pharmacy with reasonable skill,
1364 confidence and safety to the public;

1365 (c) Being found guilty by a court of competent
1366 jurisdiction of one or more of the following:

1367 (i) A * * * disqualifying crime as provided in the
1368 Fresh Start Act;

1369 (ii) Any act involving * * * gross immorality; or

1370 (iii) Violation of pharmacy or drug laws of this
1371 state or rules or regulations pertaining thereto, or of statutes,
1372 rules or regulations of any other state or the federal government;

1373 (d) Fraud or intentional misrepresentation by a
1374 licensee or permit holder in securing the issuance or renewal of a
1375 license or permit;

1376 (e) Engaging or aiding and abetting an individual to
1377 engage in the practice of pharmacy without a license;

1378 (f) Violation of any of the provisions of this chapter
1379 or rules or regulations adopted pursuant to this chapter;

1380 (g) Failure to comply with lawful orders of the board;

1381 (h) Negligently or willfully acting in a manner
1382 inconsistent with the health or safety of the public;



1383 (i) Addiction to or dependence on alcohol or controlled
1384 substances or the unauthorized use or possession of controlled
1385 substances;

1386 (j) Misappropriation of any prescription drug;

1387 (k) Being found guilty by the licensing agency in
1388 another state of violating the statutes, rules or regulations of
1389 that jurisdiction;

1390 (l) The unlawful or unauthorized possession of a
1391 controlled substance;

1392 (m) Willful failure to submit drug monitoring
1393 information or willful submission of incorrect dispensing
1394 information as required by the Prescription Monitoring Program
1395 under Section 73-21-127;

1396 (n) Failure to obtain the license, registration or
1397 permit required by this chapter; or

1398 (o) Violation(s) of the provisions of Sections 41-121-1
1399 through 41-121-9 relating to deceptive advertisement by health
1400 care practitioners. This paragraph shall stand repealed on July
1401 1, 2025.

1402 (2) In lieu of suspension, revocation or restriction of a
1403 license as provided for above, the board may warn or reprimand the
1404 offending pharmacist.

1405 (3) In addition to the grounds specified in subsection (1)
1406 of this section, the board shall be authorized to suspend the
1407 license, registration or permit of any person for being out of



1408 compliance with an order for support, as defined in Section
1409 93-11-153. The procedure for suspension of a license,
1410 registration or permit for being out of compliance with an order
1411 for support, and the procedure for the reissuance or reinstatement
1412 of a license, registration or permit suspended for that purpose,
1413 and the payment of any fees for the reissuance or reinstatement of
1414 a license, registration or permit suspended for that purpose,
1415 shall be governed by Section 93-11-157 or 93-11-163, as the case
1416 may be. If there is any conflict between any provision of Section
1417 93-11-157 or 93-11-163 and any provision of this chapter, the
1418 provisions of Section 93-11-157 or 93-11-163, as the case may be,
1419 shall control.

1420 **SECTION 15.** Section 73-25-29, Mississippi Code of 1972, is
1421 amended as follows:

1422 73-25-29. The grounds for the nonissuance, suspension,
1423 revocation or restriction of a license or the denial of
1424 reinstatement or renewal of a license are:

1425 (1) Habitual personal use of narcotic drugs, or any
1426 other drug having addiction-forming or addiction-sustaining
1427 liability.

1428 (2) Habitual use of intoxicating liquors, or any
1429 beverage, to an extent which affects professional competency.

1430 (3) Administering, dispensing or prescribing any
1431 narcotic drug, or any other drug having addiction-forming or



1432 addiction-sustaining liability otherwise than in the course of
1433 legitimate professional practice.

1434 (4) Conviction of violation of any federal or state law
1435 regulating the possession, distribution or use of any narcotic
1436 drug or any drug considered a controlled substance under state or
1437 federal law, a certified copy of the conviction order or judgment
1438 rendered by the trial court being prima facie evidence thereof,
1439 notwithstanding the pendency of any appeal.

1440 (5) Procuring, or attempting to procure, or aiding in,
1441 an abortion that is not medically indicated.

1442 (6) Conviction of a * * * disqualifying crime as
1443 provided in the Fresh Start Act, a certified copy of the
1444 conviction order or judgment rendered by the trial court being
1445 prima facie evidence thereof, notwithstanding the pendency of any
1446 appeal.

1447 (7) Obtaining or attempting to obtain a license by
1448 fraud or deception.

1449 (8) Unprofessional conduct, which includes, but is not
1450 limited to:

1451 (a) Practicing medicine under a false or assumed
1452 name or impersonating another practitioner, living or dead.

1453 (b) Knowingly performing any act which in any way
1454 assists an unlicensed person to practice medicine.



1455 (c) Making or willfully causing to be made any
1456 flamboyant claims concerning the licensee's professional
1457 excellence.

1458 (d) Being guilty of any dishonorable or unethical
1459 conduct likely to deceive, defraud or harm the public.

1460 (e) Obtaining a fee as personal compensation or
1461 gain from a person on fraudulent representation of a disease or
1462 injury condition generally considered incurable by competent
1463 medical authority in the light of current scientific knowledge and
1464 practice can be cured or offering, undertaking, attempting or
1465 agreeing to cure or treat the same by a secret method, which he
1466 refuses to divulge to the board upon request.

1467 (f) Use of any false, fraudulent or forged
1468 statement or document, or the use of any fraudulent, deceitful,
1469 dishonest or immoral practice in connection with any of the
1470 licensing requirements, including the signing in his professional
1471 capacity any certificate that is known to be false at the time he
1472 makes or signs such certificate.

1473 (g) Failing to identify a physician's school of
1474 practice in all professional uses of his name by use of his earned
1475 degree or a description of his school of practice.

1476 (9) The refusal of a licensing authority of another
1477 state or jurisdiction to issue or renew a license, permit or
1478 certificate to practice medicine in that jurisdiction or the
1479 revocation, suspension or other restriction imposed on a license,



1480 permit or certificate issued by such licensing authority which
1481 prevents or restricts practice in that jurisdiction, a certified
1482 copy of the disciplinary order or action taken by the other state
1483 or jurisdiction being prima facie evidence thereof,
1484 notwithstanding the pendency of any appeal.

1485 (10) Surrender of a license or authorization to
1486 practice medicine in another state or jurisdiction or surrender of
1487 membership on any medical staff or in any medical or professional
1488 association or society while under disciplinary investigation by
1489 any of those authorities or bodies for acts or conduct similar to
1490 acts or conduct which would constitute grounds for action as
1491 defined in this section.

1492 (11) Final sanctions imposed by the United States
1493 Department of Health and Human Services, Office of Inspector
1494 General or any successor federal agency or office, based upon a
1495 finding of incompetency, gross misconduct or failure to meet
1496 professionally recognized standards of health care; a certified
1497 copy of the notice of final sanction being prima facie evidence
1498 thereof. As used in this paragraph, the term "final sanction"
1499 means the written notice to a physician from the United States
1500 Department of Health and Human Services, Officer of Inspector
1501 General or any successor federal agency or office, which
1502 implements the exclusion.

1503 (12) Failure to furnish the board, its investigators or
1504 representatives information legally requested by the board.



1505 (13) Violation of any provision(s) of the Medical
1506 Practice Act or the rules and regulations of the board or of any
1507 order, stipulation or agreement with the board.

1508 (14) Violation(s) of the provisions of Sections
1509 41-121-1 through 41-121-9 relating to deceptive advertisement by
1510 health care practitioners.

1511 (15) Performing or inducing an abortion on a woman in
1512 violation of any provision of Sections 41-41-131 through
1513 41-41-145.

1514 (16) Performing an abortion on a pregnant woman after
1515 determining that the unborn human individual that the pregnant
1516 woman is carrying has a detectable fetal heartbeat as provided in
1517 Section 41-41-34.1.

1518 (17) Violation(s) of any provision of Title 41, Chapter
1519 141, Mississippi Code of 1972.

1520 In addition to the grounds specified above, the board shall
1521 be authorized to suspend the license of any licensee for being out
1522 of compliance with an order for support, as defined in Section
1523 93-11-153. The procedure for suspension of a license for being
1524 out of compliance with an order for support, and the procedure for
1525 the reissuance or reinstatement of a license suspended for that
1526 purpose, and the payment of any fees for the reissuance or
1527 reinstatement of a license suspended for that purpose, shall be
1528 governed by Section 93-11-157 or 93-11-163, as the case may be.
1529 If there is any conflict between any provision of Section



1530 93-11-157 or 93-11-163 and any provision of this chapter, the
1531 provisions of Section 93-11-157 or 93-11-163, as the case may be,
1532 shall control.

1533 A physician who provides a written certification as
1534 authorized under the Mississippi Medical Cannabis Act and in
1535 compliance with rules and regulations adopted thereunder shall not
1536 be subject to any disciplinary action under this section solely
1537 due to providing the written certification.

1538 **SECTION 16.** Section 73-25-101, Mississippi Code of 1972, is
1539 amended as follows:

1540 73-25-101. The Interstate Medical Licensure Compact is
1541 enacted into law and entered into by this state with any and all
1542 states legally joining in the Compact in accordance with its
1543 terms, in the form substantially as follows:

1544 **INTERSTATE MEDICAL LICENSURE COMPACT**

1545 **SECTION 1**

1546 **Purpose**

1547 In order to strengthen access to health care, and in
1548 recognition of the advances in the delivery of health care, the
1549 member states of the Interstate Medical Licensure Compact have
1550 allied in common purpose to develop a comprehensive process that
1551 complements the existing licensing and regulatory authority of
1552 state medical boards, provides a streamlined process that allows
1553 physicians to become licensed in multiple states, thereby
1554 enhancing the portability of a medical license and ensuring the



1555 safety of patients. The Compact creates another pathway for
1556 licensure and does not otherwise change a state's existing Medical
1557 Practice Act. The Compact also adopts the prevailing standard for
1558 licensure and affirms that the practice of medicine occurs where
1559 the patient is located at the time of the physician-patient
1560 encounter, and therefore, requires the physician to be under the
1561 jurisdiction of the state medical board where the patient is
1562 located. State medical boards that participate in the Compact
1563 retain the jurisdiction to impose an adverse action against a
1564 license to practice medicine in that state issued to a physician
1565 through the procedures in the Compact.

1566 **SECTION 2**

1567 **Definitions**

1568 In this Compact:

1569 (a) "Bylaws" means those bylaws established by the
1570 Interstate Commission pursuant to Section 11 for its governance,
1571 or for directing and controlling its actions and conduct.

1572 (b) "Commissioner" means the voting representative
1573 appointed by each member board pursuant to Section 11.

1574 (c) "Conviction" means a finding by a court that an
1575 individual is guilty of a criminal offense through adjudication,
1576 or entry of a plea of guilt or no contest to the charge by the
1577 offender. Evidence of an entry of a conviction of a criminal
1578 offense by the court shall be considered final for purposes of
1579 disciplinary action by a member board.



1580 (d) "Expedited license" means a full and unrestricted
1581 medical license granted by a member state to an eligible physician
1582 through the process set forth in the Compact.

1583 (e) "Interstate Commission" means the interstate
1584 commission created pursuant to Section 11.

1585 (f) "License" means authorization by a state for a
1586 physician to engage in the practice of medicine, which would be
1587 unlawful without the authorization.

1588 (g) "Medical Practice Act" means laws and regulations
1589 governing the practice of allopathic and osteopathic medicine
1590 within a member state.

1591 (h) "Member board" means a state agency in a member
1592 state that acts in the sovereign interests of the state by
1593 protecting the public through licensure, regulation, and education
1594 of physicians as directed by the state government.

1595 (i) "Member state" means a state that has enacted the
1596 Compact.

1597 (j) "Practice of medicine" means the clinical
1598 prevention, diagnosis, or treatment of human disease, injury, or
1599 condition requiring a physician to obtain and maintain a license
1600 in compliance with the Medical Practice Act of a member state.

1601 (k) "Physician" means any person who:

1602 (1) Is a graduate of a medical school accredited
1603 by the Liaison Committee on Medical Education, the Commission on



1604 Osteopathic College Accreditation, or a medical school listed in
1605 the International Medical Education Directory or its equivalent;

1606 (2) Passed each component of the United States
1607 Medical Licensing Examination (USMLE) or the Comprehensive
1608 Osteopathic Medical Licensing Examination (COMLEX-USA) within
1609 three (3) attempts, or any of its predecessor examinations
1610 accepted by a state medical board as an equivalent examination for
1611 licensure purposes;

1612 (3) Successfully completed graduate medical
1613 education approved by the Accreditation Council for Graduate
1614 Medical Education or the American Osteopathic Association;

1615 (4) Holds specialty certification or a
1616 time-unlimited specialty certificate recognized by the American
1617 Board of Medical Specialties or the American Osteopathic
1618 Association's Bureau of Osteopathic Specialists;

1619 (5) Possesses a full and unrestricted license to
1620 engage in the practice of medicine issued by a member board;

1621 (6) Has never been convicted, received
1622 adjudication, deferred adjudication, community supervision, or
1623 deferred disposition for any offense by a court of appropriate
1624 jurisdiction;

1625 (7) Has never held a license authorizing the
1626 practice of medicine subjected to discipline by a licensing agency
1627 in any state, federal, or foreign jurisdiction, excluding any
1628 action related to nonpayment of fees related to a license;



1629 (8) Has never had a controlled substance license
1630 or permit suspended or revoked by a state or the United States
1631 Drug Enforcement Administration; and

1632 (9) Is not under active investigation by a
1633 licensing agency or law enforcement authority in any state,
1634 federal, or foreign jurisdiction.

1635 (l) "Offense" means a * * * disqualifying crime as
1636 provided in the Fresh Start Act.

1637 (m) "Rule" means a written statement by the Interstate
1638 Commission promulgated pursuant to Section 12 of the Compact that
1639 is of general applicability, implements, interprets, or prescribes
1640 a policy or provision of the Compact, or an organizational,
1641 procedural, or practice requirement of the Interstate Commission,
1642 and has the force and effect of statutory law in a member state,
1643 and includes the amendment, repeal, or suspension of an existing
1644 rule.

1645 (n) "State" means any state, commonwealth, district, or
1646 territory of the United States.

1647 (o) "State of principal license" means a member state
1648 where a physician holds a license to practice medicine and which
1649 has been designated as such by the physician for purposes of
1650 registration and participation in the Compact.

1651 **SECTION 3**
1652 **Eligibility**



1653 (a) A physician must meet the eligibility requirements as
1654 defined in Section 2(k) to receive an expedited license under the
1655 terms and provisions of the Compact.

1656 (b) A physician who does not meet the requirements of
1657 Section 2(k) may obtain a license to practice medicine in a member
1658 state if the individual complies with all laws and requirements,
1659 other than the Compact, relating to the issuance of a license to
1660 practice medicine in that state.

1661 **SECTION 4**

1662 **Designation of State of Principal License**

1663 (a) A physician shall designate a member state as the state
1664 of principal license for purposes of registration for expedited
1665 licensure through the Compact if the physician possesses a full
1666 and unrestricted license to practice medicine in that state, and
1667 the state is:

1668 (1) The state of primary residence for the physician,
1669 or

1670 (2) The state where at least twenty-five percent (25%)
1671 of the practice of medicine occurs, or

1672 (3) The location of the physician's employer, or

1673 (4) If no state qualifies under subsection (1),
1674 subsection (2), or subsection (3), the state designated as state
1675 of residence for purpose of federal income tax.



1676 (b) A physician may redesignate a member state as state of
1677 principal license at any time, as long as the state meets the
1678 requirements in subsection (a).

1679 (c) The Interstate Commission is authorized to develop rules
1680 to facilitate redesignation of another member state as the state
1681 of principal license.

1682 **SECTION 5**

1683 **Application and Issuance of Expedited Licensure**

1684 (a) A physician seeking licensure through the Compact shall
1685 file an application for an expedited license with the member board
1686 of the state selected by the physician as the state of principal
1687 license.

1688 (b) Upon receipt of an application for an expedited license,
1689 the member board within the state selected as the state of
1690 principal license shall evaluate whether the physician is eligible
1691 for expedited licensure and issue a letter of qualification,
1692 verifying or denying the physician's eligibility, to the
1693 Interstate Commission.

1694 (i) Static qualifications, which include verification
1695 of medical education, graduate medical education, results of any
1696 medical or licensing examination, and other qualifications as
1697 determined by the Interstate Commission through rule, shall not be
1698 subject to additional primary source verification where already
1699 primary source verified by the state of principal license.



1700 (ii) The member board within the state selected as the
1701 state of principal license shall, in the course of verifying
1702 eligibility, perform a criminal background check of an applicant,
1703 including the use of the results of fingerprint or other biometric
1704 data checks compliant with the requirements of the Federal Bureau
1705 of Investigation, with the exception of federal employees who have
1706 suitability determination in accordance with United States Code of
1707 Federal Regulation Section 731.202.

1708 (iii) Appeal on the determination of eligibility shall
1709 be made to the member state where the application was filed and
1710 shall be subject to the law of that state.

1711 (c) Upon verification in subsection (b), physicians eligible
1712 for an expedited license shall complete the registration process
1713 established by the Interstate Commission to receive a license in a
1714 member state selected pursuant to subsection (a), including the
1715 payment of any applicable fees.

1716 (d) After receiving verification of eligibility under
1717 subsection (b) and any fees under subsection (c), a member board
1718 shall issue an expedited license to the physician. This license
1719 shall authorize the physician to practice medicine in the issuing
1720 state consistent with the Medical Practice Act and all applicable
1721 laws and regulations of the issuing member board and member state.

1722 (e) An expedited license shall be valid for a period
1723 consistent with the licensure period in the member state and in



1724 the same manner as required for other physicians holding a full
1725 and unrestricted license within the member state.

1726 (f) An expedited license obtained through the Compact shall
1727 be terminated if a physician fails to maintain a license in the
1728 state of principal licensure for a nondisciplinary reason, without
1729 redesignation of a new state of principal licensure.

1730 (g) The Interstate Commission is authorized to develop rules
1731 regarding the application process, including payment of any
1732 applicable fees, and the issuance of an expedited license.

1733 **SECTION 6**

1734 **Fees for Expedited Licensure**

1735 (a) A member state issuing an expedited license authorizing
1736 the practice of medicine in that state may impose a fee for a
1737 license issued or renewed through the Compact.

1738 (b) The Interstate Commission is authorized to develop rules
1739 regarding fees for expedited licenses.

1740 **SECTION 7**

1741 **Renewal and Continued Participation**

1742 (a) A physician seeking to renew an expedited license
1743 granted in a member state shall complete a renewal process with
1744 the Interstate Commission if the physician:

1745 (1) Maintains a full and unrestricted license in a
1746 state of principal license;

1747 (2) Has not been convicted, received adjudication,
1748 deferred adjudication, community supervision, or deferred



1749 disposition for any offense by a court of appropriate
1750 jurisdiction;

1751 (3) Has not had a license authorizing the practice of
1752 medicine subject to discipline by a licensing agency in any state,
1753 federal, or foreign jurisdiction, excluding any action related to
1754 nonpayment of fees related to a license; and

1755 (4) Has not had a controlled substance license or
1756 permit suspended or revoked by a state or the United States Drug
1757 Enforcement Administration.

1758 (b) Physicians shall comply with all continuing professional
1759 development or continuing medical education requirements for
1760 renewal of a license issued by a member state.

1761 (c) The Interstate Commission shall collect any renewal fees
1762 charged for the renewal of a license and distribute the fees to
1763 the applicable member board.

1764 (d) Upon receipt of any renewal fees collected in subsection
1765 (c), a member board shall renew the physician's license.

1766 (e) Physician information collected by the Interstate
1767 Commission during the renewal process will be distributed to all
1768 member boards.

1769 (f) The Interstate Commission is authorized to develop rules
1770 to address renewal of licenses obtained through the Compact.

1771 **SECTION 8**

1772 **Coordinated Information System**



1773 (a) The Interstate Commission shall establish a database of
1774 all physicians licensed, or who have applied for licensure, under
1775 Section 5.

1776 (b) Notwithstanding any other provision of law, member
1777 boards shall report to the Interstate Commission any public action
1778 or complaints against a licensed physician who has applied or
1779 received an expedited license through the Compact.

1780 (c) Member boards shall report disciplinary or investigatory
1781 information determined as necessary and proper by rule of the
1782 Interstate Commission.

1783 (d) Member boards may report any nonpublic complaint,
1784 disciplinary, or investigatory information not required by
1785 subsection (c) to the Interstate Commission.

1786 (e) Member boards shall share complaint or disciplinary
1787 information about a physician upon request of another member
1788 board.

1789 (f) All information provided to the Interstate Commission or
1790 distributed by member boards shall be confidential, filed under
1791 seal, and used only for investigatory or disciplinary matters.

1792 (g) The Interstate Commission is authorized to develop rules
1793 for mandated or discretionary sharing of information by member
1794 boards.

1795 **SECTION 9**

1796 **Joint Investigations**



1797 (a) Licensure and disciplinary records of physicians are
1798 deemed investigative.

1799 (b) In addition to the authority granted to a member board
1800 by its respective Medical Practice Act or other applicable state
1801 law, a member board may participate with other member boards in
1802 joint investigations of physicians licensed by the member boards.

1803 (c) A subpoena issued by a member state shall be enforceable
1804 in other member states.

1805 (d) Member boards may share any investigative, litigation,
1806 or compliance materials in furtherance of any joint or individual
1807 investigation initiated under the Compact.

1808 (e) Any member state may investigate actual or alleged
1809 violations of the statutes authorizing the practice of medicine in
1810 any other member state in which a physician holds a license to
1811 practice medicine.

1812 **SECTION 10**

1813 **Disciplinary Actions**

1814 (a) Any disciplinary action taken by any member board
1815 against a physician licensed through the Compact shall be deemed
1816 unprofessional conduct which may be subject to discipline by other
1817 member boards, in addition to any violation of the Medical
1818 Practice Act or regulations in that state.

1819 (b) If a license granted to a physician by the member board
1820 in the state of principal license is revoked, surrendered or
1821 relinquished in lieu of discipline, or suspended, then all



1822 licenses issued to the physician by member boards shall
1823 automatically be placed, without further action necessary by any
1824 member board, on the same status. If the member board in the
1825 state of principal license subsequently reinstates the physician's
1826 license, a license issued to the physician by any other member
1827 board shall remain encumbered until that respective member board
1828 takes action to reinstate the license in a manner consistent with
1829 the Medical Practice Act of that state.

1830 (c) If disciplinary action is taken against a physician by a
1831 member board not in the state of principal license, any other
1832 member board may deem the action conclusive as to matter of law
1833 and fact decided, and:

1834 (i) Impose the same or lesser sanction(s) against the
1835 physician so long as such sanctions are consistent with the
1836 Medical Practice Act of that state; or

1837 (ii) Pursue separate disciplinary action against the
1838 physician under its respective Medical Practice Act, regardless of
1839 the action taken in other member states.

1840 (d) If a license granted to a physician by a member board is
1841 revoked, surrendered or relinquished in lieu of discipline, or
1842 suspended, then any license(s) issued to the physician by any
1843 other member board(s) shall be suspended, automatically and
1844 immediately without further action necessary by the other member
1845 board(s), for ninety (90) days upon entry of the order by the
1846 disciplining board, to permit the member board(s) to investigate



1847 the basis for the action under the Medical Practice Act of that
1848 state. A member board may terminate the automatic suspension of
1849 the license it issued prior to the completion of the ninety (90)
1850 day suspension period in a manner consistent with the Medical
1851 Practice Act of that state.

1852 **SECTION 11**

1853 **Interstate Medical Licensure Compact Commission**

1854 (a) The member states create the "Interstate Medical
1855 Licensure Compact Commission."

1856 (b) The purpose of the Interstate Commission is the
1857 administration of the Interstate Medical Licensure Compact, which
1858 is a discretionary state function.

1859 (c) The Interstate Commission shall be a body corporate and
1860 joint agency of the member states and shall have all the
1861 responsibilities, powers, and duties set forth in the Compact, and
1862 such additional powers as may be conferred upon it by a subsequent
1863 concurrent action of the respective legislatures of the member
1864 states in accordance with the terms of the Compact.

1865 (d) The Interstate Commission shall consist of two (2)
1866 voting representatives appointed by each member state who shall
1867 serve as Commissioners. In states where allopathic and
1868 osteopathic physicians are regulated by separate member boards, or
1869 if the licensing and disciplinary authority is split between
1870 multiple member boards within a member state, the member state



1871 shall appoint one (1) representative from each member board. A
1872 Commissioner shall be a(n):

1873 (1) Allopathic or osteopathic physician appointed to a
1874 member board;

1875 (2) Executive director, executive secretary, or similar
1876 executive of a member board; or

1877 (3) Member of the public appointed to a member board.

1878 (e) The Interstate Commission shall meet at least once each
1879 calendar year. A portion of this meeting shall be a business
1880 meeting to address such matters as may properly come before the
1881 Commission, including the election of officers. The chairperson
1882 may call additional meetings and shall call for a meeting upon the
1883 request of a majority of the member states.

1884 (f) The bylaws may provide for meetings of the Interstate
1885 Commission to be conducted by telecommunication or electronic
1886 communication.

1887 (g) Each Commissioner participating at a meeting of the
1888 Interstate Commission is entitled to one (1) vote. A majority of
1889 Commissioners shall constitute a quorum for the transaction of
1890 business, unless a larger quorum is required by the bylaws of the
1891 Interstate Commission. A Commissioner shall not delegate a vote
1892 to another Commissioner. In the absence of its Commissioner, a
1893 member state may delegate voting authority for a specified meeting
1894 to another person from that state who shall meet the requirements
1895 of subsection (d).



1896 (h) The Interstate Commission shall provide public notice of
1897 all meetings and all meetings shall be open to the public. The
1898 Interstate Commission may close a meeting, in full or in portion,
1899 where it determines by a two-thirds (2/3) vote of the
1900 Commissioners present that an open meeting would be likely to:

1901 (1) Relate solely to the internal personnel practices
1902 and procedures of the Interstate Commission;

1903 (2) Discuss matters specifically exempted from
1904 disclosure by federal statute;

1905 (3) Discuss trade secrets, commercial, or financial
1906 information that is privileged or confidential;

1907 (4) Involve accusing a person of a crime, or formally
1908 censuring a person;

1909 (5) Discuss information of a personal nature where
1910 disclosure would constitute a clearly unwarranted invasion of
1911 personal privacy;

1912 (6) Discuss investigative records compiled for law
1913 enforcement purposes; or

1914 (7) Specifically relate to the participation in a civil
1915 action or other legal proceeding.

1916 (i) The Interstate Commission shall keep minutes which shall
1917 fully describe all matters discussed in a meeting and shall
1918 provide a full and accurate summary of actions taken, including
1919 record of any roll call votes.



1920 (j) The Interstate Commission shall make its information and
1921 official records, to the extent not otherwise designated in the
1922 Compact or by its rules, available to the public for inspection.

1923 (k) The Interstate Commission shall establish an executive
1924 committee, which shall include officers, members, and others as
1925 determined by the bylaws. The executive committee shall have the
1926 power to act on behalf of the Interstate Commission, with the
1927 exception of rulemaking, during periods when the Interstate
1928 Commission is not in session. When acting on behalf of the
1929 Interstate Commission, the executive committee shall oversee the
1930 administration of the Compact including enforcement and compliance
1931 with the provisions of the Compact, its bylaws and rules, and
1932 other such duties as necessary.

1933 (l) The Interstate Commission may establish other committees
1934 for governance and administration of the Compact.

1935 **SECTION 12**

1936 **Powers and Duties of the Interstate Commission**

1937 The Interstate Commission shall have the duty and power to:

1938 (a) Oversee and maintain the administration of the Compact;

1939 (b) Promulgate rules which shall be binding to the extent
1940 and in the manner provided for in the Compact;

1941 (c) Issue, upon the request of a member state or member
1942 board, advisory opinions concerning the meaning or interpretation
1943 of the Compact, its bylaws, rules, and actions;



1944 (d) Enforce compliance with Compact provisions, the rules
1945 promulgated by the Interstate Commission, and the bylaws, using
1946 all necessary and proper means, including but not limited to the
1947 use of judicial process;

1948 (e) Establish and appoint committees, including but not
1949 limited to an executive committee as required by Section 11, which
1950 shall have the power to act on behalf of the Interstate Commission
1951 in carrying out its powers and duties;

1952 (f) Pay, or provide for the payment of the expenses related
1953 to the establishment, organization, and ongoing activities of the
1954 Interstate Commission;

1955 (g) Establish and maintain one or more offices;

1956 (h) Borrow, accept, hire, or contract for services of
1957 personnel;

1958 (i) Purchase and maintain insurance and bonds;

1959 (j) Employ an executive director who shall have such powers
1960 to employ, select or appoint employees, agents, or consultants,
1961 and to determine their qualifications, define their duties, and
1962 fix their compensation;

1963 (k) Establish personnel policies and programs relating to
1964 conflicts of interest, rates of compensation, and qualifications
1965 of personnel;

1966 (l) Accept donations and grants of money, equipment,
1967 supplies, materials and services, and to receive, utilize, and



1968 dispose of it in a manner consistent with the conflict of interest
1969 policies established by the Interstate Commission;

1970 (m) Lease, purchase, accept contributions or donations of,
1971 or otherwise to own, hold, improve or use, any property, real,
1972 personal, or mixed;

1973 (n) Sell, convey, mortgage, pledge, lease, exchange,
1974 abandon, or otherwise dispose of any property, real, personal, or
1975 mixed;

1976 (o) Establish a budget and make expenditures;

1977 (p) Adopt a seal and bylaws governing the management and
1978 operation of the Interstate Commission;

1979 (q) Report annually to the legislatures and governors of the
1980 member states concerning the activities of the Interstate
1981 Commission during the preceding year. Such reports shall also
1982 include reports of financial audits and any recommendations that
1983 may have been adopted by the Interstate Commission;

1984 (r) Coordinate education, training, and public awareness
1985 regarding the Compact, its implementation, and its operation;

1986 (s) Maintain records in accordance with the bylaws;

1987 (t) Seek and obtain trademarks, copyrights, and patents; and

1988 (u) Perform such functions as may be necessary or
1989 appropriate to achieve the purposes of the Compact.

1990 **SECTION 13**

1991 **Finance Powers**



1992 (a) The Interstate Commission may levy on and collect an
1993 annual assessment from each member state to cover the cost of the
1994 operations and activities of the Interstate Commission and its
1995 staff. The total assessment must be sufficient to cover the
1996 annual budget approved each year for which revenue is not provided
1997 by other sources. The aggregate annual assessment amount shall be
1998 allocated upon a formula to be determined by the Interstate
1999 Commission, which shall promulgate a rule binding upon all member
2000 states.

2001 (b) The Interstate Commission shall not incur obligations of
2002 any kind prior to securing the funds adequate to meet the same.

2003 (c) The Interstate Commission shall not pledge the credit of
2004 any of the member states, except by, and with the authority of,
2005 the member state.

2006 (d) The Interstate Commission shall be subject to a yearly
2007 financial audit conducted by a certified or licensed public
2008 accountant and the report of the audit shall be included in the
2009 annual report of the Interstate Commission.

2010 **SECTION 14**

2011 **Organization and Operation of the Interstate Commission**

2012 (a) The Interstate Commission shall, by a majority of
2013 Commissioners present and voting, adopt bylaws to govern its
2014 conduct as may be necessary or appropriate to carry out the
2015 purposes of the Compact within twelve (12) months of the first
2016 Interstate Commission meeting.



2017 (b) The Interstate Commission shall elect or appoint
2018 annually from among its Commissioners a chairperson, a vice
2019 chairperson, and a treasurer, each of whom shall have such
2020 authority and duties as may be specified in the bylaws. The
2021 chairperson, or in the chairperson's absence or disability, the
2022 vice chairperson, shall preside at all meetings of the Interstate
2023 Commission.

2024 (c) Officers selected in subsection (b) shall serve without
2025 remuneration from the Interstate Commission.

2026 (d) The officers and employees of the Interstate Commission
2027 shall be immune from suit and liability, either personally or in
2028 their official capacity, for a claim for damage to or loss of
2029 property or personal injury or other civil liability caused or
2030 arising out of, or relating to, an actual or alleged act, error,
2031 or omission that occurred, or that such person had a reasonable
2032 basis for believing occurred, within the scope of Interstate
2033 Commission employment, duties, or responsibilities; provided that
2034 such person shall not be protected from suit or liability for
2035 damage, loss, injury, or liability caused by the intentional or
2036 willful and wanton misconduct of such person.

2037 (1) The liability of the executive director and
2038 employees of the Interstate Commission or representatives of the
2039 Interstate Commission, acting within the scope of such person's
2040 employment or duties for acts, errors, or omissions occurring
2041 within such person's state, may not exceed the limits of liability



2042 set forth under the constitution and laws of that state for state
2043 officials, employees, and agents. The Interstate Commission is
2044 considered to be an instrumentality of the states for the purposes
2045 of any such action. Nothing in this subsection shall be construed
2046 to protect such person from suit or liability for damage, loss,
2047 injury, or liability caused by the intentional or willful and
2048 wanton misconduct of such person.

2049 (2) The Interstate Commission shall defend the
2050 executive director, its employees, and subject to the approval of
2051 the attorney general or other appropriate legal counsel of the
2052 member state represented by an Interstate Commission
2053 representative, shall defend such Interstate Commission
2054 representative in any civil action seeking to impose liability
2055 arising out of an actual or alleged act, error or omission that
2056 occurred within the scope of Interstate Commission employment,
2057 duties or responsibilities, or that the defendant had a reasonable
2058 basis for believing occurred within the scope of Interstate
2059 Commission employment, duties, or responsibilities, provided that
2060 the actual or alleged act, error, or omission did not result from
2061 intentional or willful and wanton misconduct on the part of such
2062 person.

2063 (3) To the extent not covered by the state involved,
2064 member state, or the Interstate Commission, the representatives or
2065 employees of the Interstate Commission shall be held harmless in
2066 the amount of a settlement or judgment, including attorney's fees



2067 and costs, obtained against such persons arising out of an actual
2068 or alleged act, error, or omission that occurred within the scope
2069 of Interstate Commission employment, duties, or responsibilities,
2070 or that such persons had a reasonable basis for believing occurred
2071 within the scope of Interstate Commission employment, duties, or
2072 responsibilities, provided that the actual or alleged act, error,
2073 or omission did not result from intentional or willful and wanton
2074 misconduct on the part of such persons.

2075 **SECTION 15**

2076 **Rulemaking Functions of the Interstate Commission**

2077 (a) The Interstate Commission shall promulgate reasonable
2078 rules in order to effectively and efficiently achieve the purposes
2079 of the Compact. Notwithstanding the foregoing, in the event the
2080 Interstate Commission exercises its rulemaking authority in a
2081 manner that is beyond the scope of the purposes of the Compact, or
2082 the powers granted hereunder, then such an action by the
2083 Interstate Commission shall be invalid and have no force or
2084 effect.

2085 (b) Rules deemed appropriate for the operations of the
2086 Interstate Commission shall be made pursuant to a rulemaking
2087 process that substantially conforms to the "Model State
2088 Administrative Procedure Act" of 2010, and subsequent amendments
2089 thereto.

2090 (c) Not later than thirty (30) days after a rule is
2091 promulgated, any person may file a petition for judicial review of



2092 the rule in the United States District Court for the District of
2093 Columbia or the federal district where the Interstate Commission
2094 has its principal offices, provided that the filing of such a
2095 petition shall not stay or otherwise prevent the rule from
2096 becoming effective unless the court finds that the petitioner has
2097 a substantial likelihood of success. The court shall give
2098 deference to the actions of the Interstate Commission consistent
2099 with applicable law and shall not find the rule to be unlawful if
2100 the rule represents a reasonable exercise of the authority granted
2101 to the Interstate Commission.

2102 **SECTION 16**

2103 **Oversight of Interstate Compact**

2104 (a) The executive, legislative, and judicial branches of
2105 state government in each member state shall enforce the Compact
2106 and shall take all actions necessary and appropriate to effectuate
2107 the Compact's purposes and intent. The provisions of the Compact
2108 and the rules promulgated hereunder shall have standing as
2109 statutory law but shall not override existing state authority to
2110 regulate the practice of medicine.

2111 (b) All courts shall take judicial notice of the Compact and
2112 the rules in any judicial or administrative proceeding in a member
2113 state pertaining to the subject matter of the Compact which may
2114 affect the powers, responsibilities or actions of the Interstate
2115 Commission.



2116 (c) The Interstate Commission shall be entitled to receive
2117 all service of process in any such proceeding, and shall have
2118 standing to intervene in the proceeding for all purposes. Failure
2119 to provide service of process to the Interstate Commission shall
2120 render a judgment or order void as to the Interstate Commission,
2121 the Compact, or promulgated rules.

2122 **SECTION 17**

2123 **Enforcement of Interstate Compact**

2124 (a) The Interstate Commission, in the reasonable exercise of
2125 its discretion, shall enforce the provisions and rules of the
2126 Compact.

2127 (b) The Interstate Commission may, by majority vote of the
2128 Commissioners, initiate legal action in the United States District
2129 Court for the District of Columbia, or, at the discretion of the
2130 Interstate Commission, in the federal district where the
2131 Interstate Commission has its principal offices, to enforce
2132 compliance with the provisions of the Compact, and its promulgated
2133 rules and bylaws, against a member state in default. The relief
2134 sought may include both injunctive relief and damages. In the
2135 event judicial enforcement is necessary, the prevailing party
2136 shall be awarded all costs of such litigation including reasonable
2137 attorney's fees.

2138 (c) The remedies herein shall not be the exclusive remedies
2139 of the Interstate Commission. The Interstate Commission may avail



2140 itself of any other remedies available under state law or the
2141 regulation of a profession.

2142 **SECTION 18**

2143 **Default Procedures**

2144 (a) The grounds for default include, but are not limited to,
2145 failure of a member state to perform such obligations or
2146 responsibilities imposed upon it by the Compact, or the rules and
2147 bylaws of the Interstate Commission promulgated under the Compact.

2148 (b) If the Interstate Commission determines that a member
2149 state has defaulted in the performance of its obligations or
2150 responsibilities under the Compact, or the bylaws or promulgated
2151 rules, the Interstate Commission shall:

2152 (1) Provide written notice to the defaulting state and
2153 other member states, of the nature of the default, the means of
2154 curing the default, and any action taken by the Interstate
2155 Commission. The Interstate Commission shall specify the
2156 conditions by which the defaulting state must cure its default;
2157 and

2158 (2) Provide remedial training and specific technical
2159 assistance regarding the default.

2160 (c) If the defaulting state fails to cure the default, the
2161 defaulting state shall be terminated from the Compact upon an
2162 affirmative vote of a majority of the Commissioners and all
2163 rights, privileges, and benefits conferred by the Compact shall
2164 terminate on the effective date of termination. A cure of the



2165 default does not relieve the offending state of obligations or
2166 liabilities incurred during the period of the default.

2167 (d) Termination of membership in the Compact shall be
2168 imposed only after all other means of securing compliance have
2169 been exhausted. Notice of intent to terminate shall be given by
2170 the Interstate Commission to the Governor, the majority and
2171 minority leaders of the defaulting state's legislature, and each
2172 of the member states.

2173 (e) The Interstate Commission shall establish rules and
2174 procedures to address licenses and physicians that are materially
2175 impacted by the termination of a member state, or the withdrawal
2176 of a member state.

2177 (f) The member state which has been terminated is
2178 responsible for all dues, obligations, and liabilities incurred
2179 through the effective date of termination including obligations,
2180 the performance of which extends beyond the effective date of
2181 termination.

2182 (g) The Interstate Commission shall not bear any costs
2183 relating to any state that has been found to be in default or
2184 which has been terminated from the Compact, unless otherwise
2185 mutually agreed upon in writing between the Interstate Commission
2186 and the defaulting state.

2187 (h) The defaulting state may appeal the action of the
2188 Interstate Commission by petitioning the United States District
2189 Court for the District of Columbia or the federal district where



2190 the Interstate Commission has its principal offices. The
2191 prevailing party shall be awarded all costs of such litigation
2192 including reasonable attorney's fees.

2193 **SECTION 19**

2194 **Dispute Resolution**

2195 (a) The Interstate Commission shall attempt, upon the
2196 request of a member state, to resolve disputes which are subject
2197 to the Compact and which may arise among member states or member
2198 boards.

2199 (b) The Interstate Commission shall promulgate rules
2200 providing for both mediation and binding dispute resolution as
2201 appropriate.

2202 **SECTION 20**

2203 **Member States, Effective Date and Amendment**

2204 (a) Any state is eligible to become a member state of the
2205 Compact.

2206 (b) The Compact shall become effective and binding upon
2207 legislative enactment of the Compact into law by no less than
2208 seven (7) states. Thereafter, it shall become effective and
2209 binding on a state upon enactment of the Compact into law by that
2210 state.

2211 (c) The governors of nonmember states, or their designees,
2212 shall be invited to participate in the activities of the
2213 Interstate Commission on a nonvoting basis prior to adoption of
2214 the Compact by all states.



2215 (d) The Interstate Commission may propose amendments to the
2216 Compact for enactment by the member states. No amendment shall
2217 become effective and binding upon the Interstate Commission and
2218 the member states unless and until it is enacted into law by
2219 unanimous consent of the member states.

2220 **SECTION 21**

2221 **Withdrawal**

2222 (a) Once effective, the Compact shall continue in force and
2223 remain binding upon each and every member state; provided that a
2224 member state may withdraw from the Compact by specifically
2225 repealing the statute which enacted the Compact into law.

2226 (b) Withdrawal from the Compact shall be by the enactment of
2227 a statute repealing the same, but shall not take effect until one
2228 (1) year after the effective date of such statute and until
2229 written notice of the withdrawal has been given by the withdrawing
2230 state to the Governor of each other member state.

2231 (c) The withdrawing state shall immediately notify the
2232 chairperson of the Interstate Commission in writing upon the
2233 introduction of legislation repealing the Compact in the
2234 withdrawing state.

2235 (d) The Interstate Commission shall notify the other member
2236 states of the withdrawing state's intent to withdraw within sixty
2237 (60) days of its receipt of notice provided under subsection (c).

2238 (e) The withdrawing state is responsible for all dues,
2239 obligations and liabilities incurred through the effective date of



2240 withdrawal, including obligations, the performance of which extend
2241 beyond the effective date of withdrawal.

2242 (f) Reinstatement following withdrawal of a member state
2243 shall occur upon the withdrawing state reenacting the Compact or
2244 upon such later date as determined by the Interstate Commission.

2245 (g) The Interstate Commission is authorized to develop rules
2246 to address the impact of the withdrawal of a member state on
2247 licenses granted in other member states to physicians who
2248 designated the withdrawing member state as the state of principal
2249 license.

2250 **SECTION 22**

2251 **Dissolution**

2252 (a) The Compact shall dissolve effective upon the date of
2253 the withdrawal or default of the member state which reduces the
2254 membership in the Compact to one (1) member state.

2255 (b) Upon the dissolution of the Compact, the Compact becomes
2256 null and void and shall be of no further force or effect, and the
2257 business and affairs of the Interstate Commission shall be
2258 concluded and surplus funds shall be distributed in accordance
2259 with the bylaws.

2260 **SECTION 23**

2261 **Severability and Construction**

2262 (a) The provisions of the Compact shall be severable, and if
2263 any phrase, clause, sentence, or provision is deemed



2264 unenforceable, the remaining provisions of the Compact shall be
2265 enforceable.

2266 (b) The provisions of the Compact shall be liberally
2267 construed to effectuate its purposes.

2268 (c) Nothing in the Compact shall be construed to prohibit
2269 the applicability of other interstate compacts to which the states
2270 are members.

2271 **SECTION 24**

2272 **Binding Effect of Compact and Other Laws**

2273 (a) Nothing herein prevents the enforcement of any other law
2274 of a member state that is not inconsistent with the Compact.

2275 (b) All laws in a member state in conflict with the Compact
2276 are superseded to the extent of the conflict.

2277 (c) All lawful actions of the Interstate Commission,
2278 including all rules and bylaws promulgated by the Commission, are
2279 binding upon the member states.

2280 (d) All agreements between the Interstate Commission and the
2281 member states are binding in accordance with their terms.

2282 (e) In the event any provision of the Compact exceeds the
2283 constitutional limits imposed on the legislature of any member
2284 state, such provision shall be ineffective to the extent of the
2285 conflict with the constitutional provision in question in that
2286 member state.

2287 **SECTION 17.** Section 73-27-13, Mississippi Code of 1972, is
2288 amended as follows:



2289 73-27-13. (1) The State Board of Medical Licensure may
2290 refuse to issue, suspend, revoke or otherwise restrict any license
2291 provided for in this chapter, with the advice of the advisory
2292 committee, based upon the following grounds:

2293 (a) Habitual personal use of narcotic drugs, or any
2294 other drug having addiction-forming or addiction-sustaining
2295 liability.

2296 (b) Habitual use of intoxicating liquors, or any
2297 beverage, to an extent which affects professional competency.

2298 (c) Administering, dispensing or prescribing any
2299 narcotic drug, or any other drug having addiction-forming or
2300 addiction-sustaining liability otherwise than in the course of
2301 legitimate professional practice.

2302 (d) Conviction of violation of any federal or state law
2303 regulating the possession, distribution or use of any narcotic
2304 drug or any drug considered a controlled substance under state or
2305 federal law.

2306 (e) Performing any medical diagnosis or treatment
2307 outside the scope of podiatry as defined in Section 73-27-1.

2308 (f) Conviction of a * * * disqualifying crime as
2309 provided in the Fresh Start Act.

2310 (g) Obtaining or attempting to obtain a license by
2311 fraud or deception.

2312 (h) Unprofessional conduct, which includes, but is not
2313 limited to:



2314 (i) Practicing medicine under a false or assumed
2315 name or impersonating another practitioner, living or dead.

2316 (ii) Knowingly performing any act which in any way
2317 assists an unlicensed person to practice podiatry.

2318 (iii) Making or willfully causing to be made any
2319 flamboyant claims concerning the licensee's professional
2320 excellence.

2321 (iv) Being guilty of any dishonorable or unethical
2322 conduct likely to deceive, defraud or harm the public.

2323 (v) Obtaining a fee as personal compensation or
2324 gain from a person on fraudulent representation a disease or
2325 injury condition generally considered incurable by competent
2326 medical authority in the light of current scientific knowledge and
2327 practice can be cured or offering, undertaking, attempting or
2328 agreeing to cure or treat the same by a secret method, which he
2329 refuses to divulge to the board upon request.

2330 (vi) Use of any false, fraudulent or forged
2331 statement or document, or the use of any fraudulent, deceitful,
2332 dishonest or immoral practice in connection with any of the
2333 licensing requirements, including the signing in his professional
2334 capacity any certificate that is known to be false at the time he
2335 makes or signs such certificate.

2336 (vii) Failing to identify a podiatrist's school of
2337 practice in all professional uses of his name by use of his earned
2338 degree or a description of his school of practice.



2339 (i) The refusal of a licensing authority of another
2340 state to issue or renew a license, permit or certificate to
2341 practice podiatry in that state or the revocation, suspension or
2342 other restriction imposed on a license, permit or certificate
2343 issued by such licensing authority which prevents or restricts
2344 practice in that state.

2345 (j) Violation(s) of the provisions of Sections 41-121-1
2346 through 41-121-9 relating to deceptive advertisement by health
2347 care practitioners. This paragraph shall stand repealed on July
2348 1, 2025.

2349 (2) Upon the nonissuance, suspension or revocation of a
2350 license to practice podiatry, the board may, in its discretion and
2351 with the advice of the advisory committee, reissue a license after
2352 a lapse of six (6) months. No advertising shall be permitted
2353 except regular professional cards.

2354 (3) In its investigation of whether the license of a
2355 podiatrist should be suspended, revoked or otherwise restricted,
2356 the board may inspect patient records in accordance with the
2357 provisions of Section 73-25-28.

2358 (4) In addition to the grounds specified in subsection (1)
2359 of this section, the board shall be authorized to suspend the
2360 license of any licensee for being out of compliance with an order
2361 for support, as defined in Section 93-11-153. The procedure for
2362 suspension of a license for being out of compliance with an order
2363 for support, and the procedure for the reissuance or reinstatement



2364 of a license suspended for that purpose, and the payment of any
2365 fees for the reissuance or reinstatement of a license suspended
2366 for that purpose, shall be governed by Section 93-11-157 or
2367 93-11-163, as the case may be. If there is any conflict between
2368 any provision of Section 93-11-157 or 93-11-163 and any provision
2369 of this chapter, the provisions of Section 93-11-157 or 93-11-163,
2370 as the case may be, shall control.

2371 **SECTION 18.** Section 73-29-13, Mississippi Code of 1972, is
2372 amended as follows:

2373 73-29-13. A person is qualified to receive a license as an
2374 examiner:

2375 (1) Who is at least twenty-one (21) years of age;

2376 (2) Who is a citizen of the United States;

2377 (3) Who establishes that he is a person of honesty,
2378 truthfulness, integrity, and moral fitness;

2379 (4) Who has not been convicted of a * * * disqualifying
2380 crime as provided in the Fresh Start Act;

2381 (5) Who holds a baccalaureate degree from a college or
2382 university accredited by the American Association of Collegiate
2383 Registrars and Admissions Officers or, in lieu thereof, has five
2384 (5) consecutive years of active investigative experience
2385 immediately preceding his application;

2386 (6) Who is a graduate of a polygraph examiners course
2387 approved by the board and has satisfactorily completed not less
2388 than six (6) months of internship training, provided that if the



2389 applicant is not a graduate of an approved polygraph examiners
2390 course, satisfactory completion of not less than twelve (12)
2391 months of internship training may satisfy this subdivision; and

2392 (7) Prior to the issuance of a license, the applicant
2393 must furnish to the board evidence of a surety bond or insurance
2394 policy. Said surety bond or insurance policy shall be in the sum
2395 of Five Thousand Dollars (\$5,000.00) and shall be conditioned that
2396 the obligor therein will pay to the extent of the face amount of
2397 such surety bond or insurance policy all judgments which may be
2398 recovered against the licensee by reason of any wrongful or
2399 illegal acts committed by him in the course of his examinations.

2400 **SECTION 19.** Section 73-29-31, Mississippi Code of 1972, is
2401 amended as follows:

2402 73-29-31. (1) The board may refuse to issue or may suspend
2403 or revoke a license on any one or more of the following grounds:

2404 (a) For failing to inform a subject to be examined as
2405 to the nature of the examination;

2406 (b) For failing to inform a subject to be examined that
2407 his participation in the examination is voluntary;

2408 (c) Material misstatement in the application for
2409 original license or in the application for any renewal license
2410 under this chapter;

2411 (d) Willful disregard or violation of this chapter or
2412 of any regulation or rule issued pursuant thereto, including, but



2413 not limited to, willfully making a false report concerning an
2414 examination for polygraph examination purposes;

2415 (e) If the holder of any license has been adjudged
2416 guilty of the commission of a * * * disqualifying crime as
2417 provided in the Fresh Start Act;

2418 (f) Making any willful misrepresentation or false
2419 promises or causing to be printed any false or misleading
2420 advertisement for the purpose of directly or indirectly obtaining
2421 business or trainees;

2422 (g) Having demonstrated unworthiness or incompetency to
2423 act as a polygraph examiner as defined by this chapter;

2424 (h) Allowing one's license under this chapter to be
2425 used by any unlicensed person in violation of the provisions of
2426 this chapter;

2427 (i) Willfully aiding or abetting another in the
2428 violation of this chapter or any regulation or rule issued
2429 pursuant thereto;

2430 (j) Where the license holder has been adjudged by a
2431 court of competent jurisdiction as habitual drunkard, mentally
2432 incompetent, or in need of a conservator;

2433 (k) Failing, within a reasonable time, to provide
2434 information requested by the secretary as the result of a formal
2435 complaint to the board which would indicate a violation of this
2436 chapter;



2437 (1) Failing to inform the subject of the results of the
2438 examination if so requested; or

2439 (m) With regard to any polygraph examiner employed for
2440 a fee and not employed by a governmental law enforcement agency or
2441 the Mississippi Department of Corrections:

2442 (i) Requiring a subject, prior to taking the
2443 examination or as a condition of receiving the results of the
2444 examination, to waive any rights or causes of action he may have
2445 or which may accrue in favor of the subject arising out of or
2446 resulting from the administration of the examination; except the
2447 examiner may require, prior to the examination or as a condition
2448 of receiving the results of the examination, a subject to waive
2449 any rights or causes of action that may accrue against the
2450 examiner as a result of any use made of the results of the
2451 examination by the person who employed the examiner;

2452 (ii) Requiring a subject to acknowledge that his
2453 examination is not done for purposes of employment when, in fact,
2454 the results of the examination are to be submitted to an employer
2455 or an agent of an employer; or

2456 (iii) Reporting the results of an examination to
2457 any person not authorized to receive the results of the
2458 examination except for the person who employed the examiner,
2459 unless authorized in writing by the subject.

2460 (2) In addition to the grounds specified in subsection (1)
2461 of this section, the board shall be authorized to suspend the



2462 license of any licensee for being out of compliance with an order
2463 for support, as defined in Section 93-11-153. The procedure for
2464 suspension of a license for being out of compliance with an order
2465 for support, and the procedure for the reissuance or reinstatement
2466 of a license suspended for that purpose, and the payment of any
2467 fees for the reissuance or reinstatement of a license suspended
2468 for that purpose, shall be governed by Section 93-11-157 or
2469 93-11-163, as the case may be. If there is any conflict between
2470 any provision of Section 93-11-157 or 93-11-163 and any provision
2471 of this chapter, the provisions of Section 93-11-157 or 93-11-163,
2472 as the case may be, shall control.

2473 **SECTION 20.** Section 73-31-21, Mississippi Code of 1972, is
2474 amended as follows:

2475 73-31-21. (1) The board, by an affirmative vote of at least
2476 four (4) of its seven (7) members, shall withhold, deny, revoke or
2477 suspend any license issued or applied for in accordance with the
2478 provisions of this chapter, or otherwise discipline a licensed
2479 psychologist, upon proof that the applicant or licensed
2480 psychologist:

2481 (a) Has violated the current code of ethics of the
2482 American Psychological Association or other codes of ethical
2483 standards adopted by the board; or

2484 (b) Has been convicted of a * * * disqualifying crime
2485 as provided in the Fresh Start Act, the record of conviction being
2486 conclusive evidence thereof; or



2487 (c) Is using any substance or any alcoholic beverage to
2488 an extent or in a manner dangerous to any other person or the
2489 public, or to an extent that the use impairs his or her ability to
2490 perform the work of a professional psychologist with safety to the
2491 public; or

2492 (d) Has impersonated another person holding a
2493 psychologist license or allowed another person to use his or her
2494 license; or

2495 (e) Has used fraud or deception in applying for a
2496 license or in taking an examination provided for in this chapter;
2497 or

2498 (f) Has accepted commissions or rebates or other forms
2499 of remuneration for referring clients to other professional
2500 persons; or

2501 (g) Has performed psychological services outside of the
2502 area of his or her training, experience or competence; or

2503 (h) Has allowed his or her name or license issued under
2504 this chapter to be used in connection with any person or persons
2505 who perform psychological services outside of the area of their
2506 training, experience or competence; or

2507 (i) Is legally adjudicated mentally incompetent, the
2508 record of that adjudication being conclusive evidence thereof; or

2509 (j) Has willfully or negligently violated any of the
2510 provisions of this chapter. The board may recover from any person



2511 disciplined under this chapter, the costs of investigation,
2512 prosecution, and adjudication of the disciplinary action.

2513 (2) Notice shall be effected by registered mail or personal
2514 service setting forth the particular reasons for the proposed
2515 action and fixing a date not less than thirty (30) days nor more
2516 than sixty (60) days from the date of the mailing or that service,
2517 at which time the applicant or licensee shall be given an
2518 opportunity for a prompt and fair hearing. For the purpose of the
2519 hearing, the board, acting by and through its executive secretary,
2520 may subpoena persons and papers on its own behalf and on behalf of
2521 the applicant or licensee, may administer oaths and may take
2522 testimony. That testimony, when properly transcribed, together
2523 with the papers and exhibits, shall be admissible in evidence for
2524 or against the applicant or licensee. At the hearing, the
2525 applicant or licensee may appear by counsel and personally in his
2526 or her own behalf. Any person sworn and examined by a witness in
2527 the hearing shall not be held to answer criminally, nor shall any
2528 papers or documents produced by the witness be competent evidence
2529 in any criminal proceedings against the witness other than for
2530 perjury in delivering his or her evidence. On the basis of any
2531 such hearing, or upon default of applicant or licensee, the board
2532 shall make a determination specifying its findings of fact and
2533 conclusions of law. A copy of that determination shall be sent by
2534 registered mail or served personally upon the applicant or
2535 licensee. The decision of the board denying, revoking or



2536 suspending the license shall become final thirty (30) days after
2537 so mailed or served, unless within that period the applicant or
2538 licensee appeals the decision to the chancery court, under the
2539 provisions hereof, and the proceedings in chancery shall be
2540 conducted as other matters coming before the court. All
2541 proceedings and evidence, together with exhibits, presented at the
2542 hearing before the board shall be admissible in evidence in court
2543 in the appeal.

2544 (3) The board may subpoena persons and papers on its own
2545 behalf and on behalf of the respondent, may administer oaths and
2546 may compel the testimony of witnesses. It may issue commissions
2547 to take testimony, and testimony so taken and sworn to shall be
2548 admissible in evidence for and against the respondent. The board
2549 shall be entitled to the assistance of the chancery court or the
2550 chancellor in vacation, which, on petition by the board, shall
2551 issue ancillary subpoenas and petitions and may punish as for
2552 contempt of court in the event of noncompliance therewith.

2553 (4) Every order and judgment of the board shall take effect
2554 immediately on its promulgation unless the board in the order or
2555 judgment fixes a probationary period for the applicant or
2556 licensee. The order and judgment shall continue in effect unless
2557 upon appeal the court by proper order or decree terminates it
2558 earlier. The board may make public its order and judgments in
2559 any manner and form as it deems proper. It shall, in event of the
2560 suspension or revocation of a license, direct the clerk of the



2561 circuit court of the county in which that license was recorded to
2562 cancel that record.

2563 (5) Nothing in this section shall be construed as limiting
2564 or revoking the authority of any court or of any licensing or
2565 registering officer or board, other than the Mississippi Board of
2566 Psychology, to suspend, revoke and reinstate licenses and to
2567 cancel registrations under the provisions of Section 41-29-311.

2568 (6) Suspension by the board of the license of a psychologist
2569 shall be for a period not exceeding one (1) year. At the end of
2570 this period the board shall reevaluate the suspension, and shall
2571 either reinstate or revoke the license. A person whose license
2572 has been revoked under the provisions of this section may reapply
2573 for a license after more than two (2) years have elapsed from the
2574 date that the denial or revocation is legally effective.

2575 (7) In addition to the reasons specified in subsection (1)
2576 of this section, the board shall be authorized to suspend the
2577 license of any licensee for being out of compliance with an order
2578 for support, as defined in Section 93-11-153. The procedure for
2579 suspension of a license for being out of compliance with an order
2580 for support, and the procedure for the reissuance or reinstatement
2581 of a license suspended for that purpose, and the payment of any
2582 fees for the reissuance or reinstatement of a license suspended
2583 for that purpose, shall be governed by Section 93-11-157. Actions
2584 taken by the board in suspending a license when required by
2585 Section 93-11-157 or 93-11-163 are not actions from which an



2586 appeal may be taken under this section. Any appeal of a license
2587 suspension that is required by Section 93-11-157 or 93-11-163
2588 shall be taken in accordance with the appeal procedure specified
2589 in Section 93-11-157 or 93-11-163, as the case may be, rather than
2590 the procedure specified in this section. If there is any conflict
2591 between any provision of Section 93-11-157 or 93-11-163 and any
2592 provision of this chapter, the provisions of Section 93-11-157 or
2593 93-11-163, as the case may be, shall control.

2594 (8) The board may issue a nondisciplinary, educational
2595 letter to licensees as provided in Section 73-31-7(2)(g). The
2596 board may also direct a psychologist to obtain a formal assessment
2597 of ability to practice safely if there is reason to believe there
2598 may be impairment due to substance abuse or mental incapacity.
2599 Licensees who may be impaired, but who are able to practice
2600 safely, may be required by the board to seek appropriate treatment
2601 and/or supervision. That action by the board in itself will not
2602 be considered disciplinary.

2603 **SECTION 21.** Section 73-34-109, Mississippi Code of 1972, is
2604 amended as follows:

2605 73-34-109. (1) An appraisal management company applying for
2606 registration in this state shall not:

2607 (a) Be owned, in whole or in part, directly or
2608 indirectly, by any person who has had an appraiser license or
2609 certificate in this state or in any other state, refused, denied,
2610 cancelled, surrendered in lieu of revocation, or revoked; or



2611 (b) Be owned by more than ten percent (10%) by a person
2612 who * * * has been convicted of a disqualifying crime as provided
2613 in the Fresh Start Act.

2614 (2) (a) For purposes of subsection (1)(b) to qualify for
2615 initial registration and every third annual renewed registration
2616 thereafter as an appraisal management company, each individual
2617 owner of more than ten percent (10%) of an appraisal management
2618 company must have successfully been cleared for registration
2619 through an investigation that shall consist of a * * *
2620 verification that the owner is not guilty of or in violation of
2621 any statutory ground for denial of registration as set forth in
2622 this chapter. If no individual owns more than ten percent (10%)
2623 of the appraisal management company, then an investigation of an
2624 owner is not required, but in such instances, the controlling
2625 person designated by the appraisal management company shall be
2626 subject to the requirements of this subsection. If following the
2627 initial registration, any individual becomes either an owner of
2628 more than ten percent (10%) of the appraisal management company or
2629 the designated controlling person of the appraisal management
2630 company, then each such person shall be subject to the
2631 requirements of this subsection at the appraisal management
2632 company's next annual renewal. To assist the board in conducting
2633 its registration investigation, each individual owner of more than
2634 ten percent (10%) of an appraisal management company shall undergo
2635 a fingerprint-based criminal history records check of the



2636 Mississippi central criminal database and the Federal Bureau of
2637 Investigation criminal history database. Each applicant shall
2638 submit a full set of the applicant's fingerprints, in a form and
2639 manner prescribed by the board, which shall be forwarded to the
2640 Mississippi Department of Public Safety (department) and the
2641 Federal Bureau of Investigation Identification Division for this
2642 purpose.

2643 (b) Any state or national criminal history records
2644 information obtained by the board that is not already a matter of
2645 public record shall be deemed nonpublic and confidential
2646 information restricted to the exclusive use of the board, its
2647 members, officers, investigators, agents and attorneys in
2648 evaluating the applicant's eligibility or disqualification for
2649 registration, and shall be exempt from the Mississippi Public
2650 Records Act, Section 25-61-1 et seq. Except upon written consent
2651 of the applicant, or by order of a court of competent
2652 jurisdiction, or when introduced into evidence in a hearing before
2653 the board to determine registration, no such information or
2654 records related thereto shall be released or otherwise disclosed
2655 by the board to any other person or agency.

2656 (c) The board shall provide to the department the
2657 fingerprints of the applicant, any additional information that may
2658 be required by the department, a form signed by the applicant
2659 consenting to the check of the criminal records and to the use of



2660 the fingerprints and other identifying information required by the
2661 state or national repositories.

2662 (d) The board shall charge and collect from the
2663 applicant, in addition to all other applicable fees and costs,
2664 such amount as may be incurred by the board in requesting and
2665 obtaining state and national criminal history records information
2666 on the applicant.

2667 **SECTION 22.** Section 73-39-77, Mississippi Code of 1972, is
2668 amended as follows:

2669 73-39-77. (1) Upon a written complaint sworn to by any
2670 person, the board, in its sole discretion, may, after a hearing,
2671 revoke, suspend or limit for a certain time a license, impose an
2672 administrative fine not to exceed One Thousand Dollars (\$1,000.00)
2673 for each separate offense, or otherwise discipline any licensed
2674 veterinarian for any of the following reasons:

2675 (a) The employment of fraud, misrepresentation or
2676 deception in obtaining a license.

2677 (b) The inability to practice veterinary medicine with
2678 reasonable skill and safety because of a physical or mental
2679 disability, including deterioration of mental capacity, loss of
2680 motor skills or abuse of drugs or alcohol of sufficient degree to
2681 diminish the person's ability to deliver competent patient care.

2682 (c) The use of advertising or solicitation that is
2683 false or misleading.



2684 (d) Conviction of the following in any federal court or
2685 in the courts of this state or any other jurisdiction, regardless
2686 of whether the sentence is deferred:

2687 (i) Any * * * disqualifying crime as provided in
2688 the Fresh Start Act;

2689 (ii) Any crime involving cruelty, abuse or neglect
2690 of animals, including bestiality;

2691 * * *

2692 (* * * iii) Any crime involving unlawful sexual
2693 contact, child abuse, the use or threatened use of a weapon, the
2694 infliction of injury, indecent exposure, perjury, false reporting,
2695 criminal impersonation, forgery and any other crime involving a
2696 lack of truthfulness, veracity or honesty, intimidation of a
2697 victim or witness, larceny, or alcohol or drugs.

2698 For the purposes of this paragraph, a plea of guilty or a
2699 plea of nolo contendere accepted by the court shall be considered
2700 as a conviction.

2701 (e) Incompetence, gross negligence or other malpractice
2702 in the practice of veterinary medicine.

2703 (f) Aiding the unlawful practice of veterinary
2704 medicine.

2705 (g) Fraud or dishonesty in the application or reporting
2706 of any test for disease in animals.



2707 (h) Failure to report, as required by law, or making
2708 false or misleading report of, any contagious or infectious
2709 disease.

2710 (i) Failure to keep accurate patient records.

2711 (j) Dishonesty or gross negligence in the performance
2712 of food safety inspections or in the issuance of any health or
2713 inspection certificates.

2714 (k) Failure to keep veterinary premises and equipment,
2715 including practice vehicles, in a clean and sanitary condition.

2716 (l) Failure to permit the board or its agents to enter
2717 and inspect veterinary premises and equipment, including practice
2718 vehicles, as set by rules promulgated by the board.

2719 (m) Revocation, suspension or limitation of a license
2720 to practice veterinary medicine by another state, territory or
2721 district of the United States.

2722 (n) Loss or suspension of accreditation by any federal
2723 or state agency.

2724 (o) Unprofessional conduct as defined in regulations
2725 adopted by the board.

2726 (p) The dispensing, distribution, prescription or
2727 administration of any veterinary prescription drug, or the
2728 extralabel use of any drug in the absence of a
2729 veterinarian-client-patient relationship.

2730 (q) Violations of state or federal drug laws.

2731 (r) Violations of any order of the board.



2732 (s) Violations of this chapter or of the rules
2733 promulgated under this chapter.

2734 (t) Violation(s) of the provisions of Sections 41-121-1
2735 through 41-121-9 relating to deceptive advertisement by health
2736 care practitioners. This paragraph shall stand repealed on July
2737 1, 2025.

2738 (2) A certified copy of any judgment of conviction or
2739 finding of guilt by a court of competent jurisdiction or by a
2740 governmental agency, or agency authorized to issue licenses or
2741 permits, including the United States Department of Agriculture,
2742 Animal and Plant Health Inspection Service, the Mississippi Board
2743 of Animal Health and the Mississippi Board of Health, of a
2744 veterinarian or veterinary technician of any matters listed in
2745 this section shall be admissible in evidence in any hearing held
2746 by the board to discipline such veterinarian or technician and
2747 shall constitute prima facie evidence of the commission of any
2748 such act.

2749 **SECTION 23.** Section 73-42-9, Mississippi Code of 1972, is
2750 amended as follows:

2751 73-42-9. (1) An applicant for registration shall submit an
2752 application for registration to the Secretary of State in a form
2753 prescribed by the Secretary of State. An application filed under
2754 this section is a public record. Except as otherwise provided in
2755 subsection (2), the application must be in the name of an



2756 individual, signed by the applicant under penalty of perjury and
2757 must state or contain:

2758 (a) The name of the applicant and the address of the
2759 applicant's principal place of business;

2760 (b) The name of the applicant's business or employer,
2761 if applicable;

2762 (c) Any business or occupation engaged in by the
2763 applicant for the five (5) years next preceding the date of
2764 submission of the application;

2765 (d) A description of the applicant's:

2766 (i) Formal training as an athlete agent;

2767 (ii) Practical experience as an athlete agent; and

2768 (iii) Educational background relating to the
2769 applicant's activities as an athlete agent;

2770 (e) The names and addresses of three (3) individuals
2771 not related to the applicant who are willing to serve as
2772 references;

2773 (f) The name, sport and last known team for each
2774 individual for whom the applicant provided services as an athlete
2775 agent during the five (5) years next preceding the date of
2776 submission of the application;

2777 (g) The names and addresses of all persons who are:

2778 (i) With respect to the athlete agent's business
2779 if it is not a corporation, the partners, officers, associates,
2780 individuals or profit-sharers; and



2781 (ii) With respect to a company or corporation
2782 employing the athlete agent, the officers, directors and any
2783 shareholder of the corporation or member with a five percent (5%)
2784 or greater interest;

2785 (h) Whether the applicant or any other person named
2786 pursuant to paragraph (g) has been convicted of a crime that, if
2787 committed in this state, would be a * * * disqualifying crime as
2788 provided in the Fresh Start Act, and identify the crime;

2789 (i) Whether there has been any administrative or
2790 judicial determination that the applicant or any other person
2791 named pursuant to paragraph (g) has made a false, misleading,
2792 deceptive or fraudulent representation;

2793 (j) Any instance in which the conduct of the applicant
2794 or any other person named pursuant to paragraph (g) resulted in
2795 the imposition of a sanction, suspension or declaration of
2796 ineligibility to participate in an interscholastic or
2797 intercollegiate athletic event on a student-athlete or educational
2798 institution;

2799 (k) Any sanction, suspension or disciplinary action
2800 taken against the applicant or any other person named pursuant to
2801 paragraph (g) arising out of occupational or professional conduct;

2802 (l) Whether there has been any denial of an application
2803 for, suspension or revocation of, or refusal to renew, the
2804 certification, registration or licensure of the applicant or any



2805 other person named pursuant to paragraph (g) as an athlete agent
2806 in any state;

2807 (m) Any pending litigation against the applicant in the
2808 applicant's capacity as an agent;

2809 (n) A list of all other states in which the applicant
2810 is currently licensed or registered as an athlete agent and a copy
2811 of each state's license or registration, as applicable; and

2812 (o) Consent to submit to a criminal background check
2813 before being issued a certificate of registration. Any fees
2814 connected with the background check shall be assessed to the
2815 applicant.

2816 (2) An individual who has submitted an application for, and
2817 received a certificate of, registration or licensure as an athlete
2818 agent in another state, may submit a copy of the application and a
2819 valid certificate of registration or licensure from the other
2820 state in lieu of submitting an application in the form prescribed
2821 pursuant to subsection (1), along with the information requested
2822 in paragraphs (l), (m), (n) and (o) of subsection (1). The
2823 Secretary of State shall accept the application and the
2824 certificate from the other state as an application for
2825 registration in this state if the application to the other state:

2826 (a) Was submitted in the other state within the six (6)
2827 months next preceding the submission of the application in this
2828 state and the applicant certifies the information contained in the
2829 application is current;



2830 (b) Contains information substantially similar to or
2831 more comprehensive than that required in an application submitted
2832 in this state; and

2833 (c) Was signed by the applicant under penalty of
2834 perjury.

2835 (3) An athlete agent must notify the Secretary of State
2836 within thirty (30) days whenever the information contained in any
2837 application for registration as an athlete agent in this state
2838 changes in a material way or is, or becomes, inaccurate or
2839 incomplete in any respect. Events requiring notice shall include,
2840 but are not limited to, the following:

2841 (a) Change in address of the athlete agent's principal
2842 place of business;

2843 (b) Conviction of a * * * disqualifying crime as
2844 provided in the Fresh Start Act by the athlete agent;

2845 (c) Denial, suspension, refusal to renew, or revocation
2846 of a registration or license of the athlete agent as an athlete
2847 agent in any state; or

2848 (d) Sanction, suspension or other disciplinary action
2849 taken against the athlete agent arising out of occupational or
2850 professional conduct.

2851 **SECTION 24.** Section 73-42-11, Mississippi Code of 1972, is
2852 amended as follows:

2853 73-42-11. (1) Except as otherwise provided in subsection
2854 (3), the Secretary of State shall issue a certificate of



2855 registration to an individual who complies with Section
2856 73-42-9(1).

2857 (2) Except as otherwise provided in subsection (3), the
2858 Secretary of State shall issue a certificate of registration to an
2859 individual whose application has been accepted under Section
2860 73-42-9(2).

2861 (3) The Secretary of State may refuse to issue a certificate
2862 of registration if he determines that the applicant has engaged in
2863 conduct that has a significant adverse effect on the applicant's
2864 fitness to serve as an athlete agent. In making the
2865 determination, the Secretary of State may consider whether the
2866 applicant has:

2867 (a) Been convicted of a crime in another state that, if
2868 committed in this state, would be a * * * disqualifying crime as
2869 provided in the Fresh Start Act;

2870 (b) Made a materially false, misleading, deceptive or
2871 fraudulent representation as an athlete agent or in the
2872 application;

2873 (c) Engaged in conduct that would disqualify the
2874 applicant from serving in a fiduciary capacity;

2875 (d) Engaged in conduct prohibited by Section 73-42-27;

2876 (e) Had a registration, licensure or certification as
2877 an athlete agent suspended, revoked, or denied or been refused
2878 renewal of registration, licensure or certification in any state;



2879 (f) Engaged in conduct or failed to engage in conduct
2880 the consequence of which was that a sanction, suspension or
2881 declaration of ineligibility to participate in an interscholastic
2882 or intercollegiate athletic event was imposed on a student-athlete
2883 or educational institution; or

2884 (g) Engaged in conduct that significantly adversely
2885 reflects on the applicant's trustworthiness or credibility.

2886 (4) In making a determination under subsection (3), the
2887 Secretary of State shall consider:

2888 (a) How recently the conduct occurred;

2889 (b) The nature of the conduct and the context in which
2890 it occurred; and

2891 (c) Any other relevant conduct of the applicant.

2892 (5) An athlete agent may apply to renew a registration by
2893 submitting an application for renewal in a form prescribed by the
2894 Secretary of State. An application filed under this section is a
2895 public record. The application for renewal must be signed by the
2896 applicant under penalty of perjury and must contain current
2897 information on all matters required in an original registration.

2898 (6) An individual who has submitted an application for
2899 renewal of registration or licensure in another state, in lieu of
2900 submitting an application for renewal in the form prescribed
2901 pursuant to subsection (5), may file a copy of the application for
2902 renewal and a valid certificate of registration from the other
2903 state. The Secretary of State shall accept the application for



2904 renewal from the other state as an application for renewal in this
2905 state if the application to the other state:

2906 (a) Was submitted in the other state within the last
2907 six (6) months and the applicant certifies the information
2908 contained in the application for renewal is current;

2909 (b) Contains information substantially similar to or
2910 more comprehensive than that required in an application for
2911 renewal submitted in this state; and

2912 (c) Was signed by the applicant under penalty of
2913 perjury.

2914 (7) Except as provided in Section 33-1-39, a certificate of
2915 registration or a renewal of a registration is valid for two (2)
2916 years.

2917 **SECTION 25.** Section 73-53-8, Mississippi Code of 1972, is
2918 amended as follows:

2919 73-53-8. (1) There is created the Board of Examiners for
2920 Social Workers and Marriage and Family Therapists to license and
2921 regulate social workers and marriage and family therapists. The
2922 board shall be composed of ten (10) members, six (6) of which
2923 shall be social workers and four (4) of which shall be marriage
2924 and family therapists.

2925 (2) Of the social worker members of the board, two (2) must
2926 be licensed social workers, and four (4) must be licensed master
2927 social workers or licensed certified social workers or a
2928 combination thereof. The marriage and family therapist members of



2929 the board must be licensed marriage and family therapists. For at
2930 least two (2) years immediately preceding his or her appointment,
2931 each marriage and family therapist appointee must have been
2932 actively engaged as a marriage and family therapist in rendering
2933 professional services in marriage and family therapy, or in the
2934 education and training of master's, doctoral or post-doctoral
2935 students of marriage and family therapy, or in marriage and family
2936 therapy research, and during the two (2) years preceding his or
2937 her appointment, must have spent the majority of the time devoted
2938 to that activity in this state. The initial marriage and family
2939 therapist appointees shall be deemed to be and shall become
2940 licensed practicing marriage and family therapists immediately
2941 upon their appointment and qualification as members of the board.
2942 All subsequent marriage and family therapist appointees to the
2943 board must be licensed marriage and family therapists before their
2944 appointment.

2945 (3) The Governor shall appoint six (6) members of the board,
2946 four (4) of which shall be social workers and two (2) of which
2947 shall be marriage and family therapists, and the Lieutenant
2948 Governor shall appoint four (4) members of the board, two (2) of
2949 which shall be social workers and two (2) of which shall be
2950 marriage and family therapists. Social worker members of the
2951 board shall be appointed from nominations submitted by the
2952 Mississippi Chapter of the National Association of Social Workers,
2953 and marriage and family therapist members of the board shall be



2954 appointed from nominations submitted by the Mississippi
2955 Association for Marriage and Family Therapy. All appointments
2956 shall be made with the advice and consent of the Senate.

2957 (4) The initial appointments to the board shall be made as
2958 follows: The Governor shall appoint one (1) social worker member
2959 for a term that expires on June 30, 1999, one (1) social worker
2960 member for a term that expires on June 30, 2001, two (2) social
2961 worker members for terms that expire on June 30, 2002, one (1)
2962 marriage and family therapist member for a term that expires on
2963 June 30, 1998, and one (1) marriage and family therapist member
2964 for a term that expires on June 30, 2000. The Lieutenant Governor
2965 shall appoint one (1) social worker member for a term that expires
2966 on June 30, 1998, one (1) social worker member for a term that
2967 expires on June 30, 2000, one (1) marriage and family therapist
2968 member for a term that expires on June 30, 1999, and one (1)
2969 marriage and family therapist member of the board for a term that
2970 expires on June 30, 2001. After the expiration of the initial
2971 terms, all subsequent appointments shall be made by the original
2972 appointing authorities for terms of four (4) years from the
2973 expiration date of the previous term. Upon the expiration of his
2974 or her term of office, a board member shall continue to serve
2975 until his or her successor has been appointed and has qualified.
2976 No person may be appointed more than once to fill an unexpired
2977 term or more than two (2) consecutive full terms.



2978 (5) Any vacancy on the board before the expiration of a term
2979 shall be filled by appointment of the original appointing
2980 authority for the remainder of the unexpired term. Appointments
2981 to fill vacancies shall be made from nominations submitted by the
2982 appropriate organization as specified in subsection (2) of this
2983 section for the position being filled.

2984 (6) The appointing authorities shall give due regard to
2985 geographic distribution, race and sex in making all appointments
2986 to the board.

2987 (7) The board shall select one (1) of its members to serve
2988 as chairman during the term of his or her appointment to the
2989 board. No person may serve as chairman for more than four (4)
2990 years. The board may remove any member of the board or the
2991 chairman from his or her position as chairman for (a) malfeasance
2992 in office, or (b) conviction of a * * * disqualifying crime as
2993 provided in the Fresh Start Act while in office, or (c) failure to
2994 attend three (3) consecutive board meetings. However, no member
2995 may be removed until after a public hearing of the charges against
2996 him or her, and at least thirty (30) days' prior written notice to
2997 the accused member of the charges against him or her and of the
2998 date fixed for such hearing. No board member shall participate in
2999 any matter before the board in which he has a pecuniary interest,
3000 personal bias or other similar conflict of interest.

3001 (8) Board members shall receive no compensation for their
3002 services, but shall be reimbursed for their actual and necessary



3003 expenses incurred in the performance of official board business as
3004 provided in Section 25-3-41.

3005 (9) Four (4) social worker members and three (3) marriage
3006 and family therapist members of the board shall constitute a
3007 quorum of the board. In making its decisions and taking actions
3008 affecting the members of one (1) of the professions regulated by
3009 the board, the board shall consider the recommendations of the
3010 board members who are members of that profession. If the board is
3011 unable to have a quorum present at a regularly scheduled meeting
3012 location, the board may allow other members to participate in the
3013 meeting by telephone or other electronic means. In the case of an
3014 administrative hearing, when recusals from the process are
3015 necessary, a quorum may consist of a simple majority of six (6)
3016 members.

3017 (10) The principal office of the board shall be in the City
3018 of Jackson, but the board may act and exercise all of its powers
3019 at any other place. The board shall adopt an official seal, which
3020 shall be judicially noticed and which shall be affixed to all
3021 licenses issued by the board.

3022 (11) The board is authorized to employ, subject to the
3023 approval of the State Personnel Board, an executive director and
3024 such attorneys, experts and other employees as it may, from time
3025 to time, find necessary for the proper performance of its duties
3026 and for which the necessary funds are available, and to set the



3027 salary of the executive director, subject to the approval of the
3028 State Personnel Board.

3029 (12) The board, by a majority vote, from time to time, may
3030 make such provisions as it deems appropriate to authorize the
3031 performance by any board member or members, employee or other
3032 agent of the board of any function given the board in this chapter
3033 or Sections 73-54-1 through 73-54-39.

3034 **SECTION 26.** Section 73-55-19, Mississippi Code of 1972, is
3035 amended as follows:

3036 73-55-19. (1) Any person licensed under this chapter may
3037 have his license revoked or suspended for a fixed period to be
3038 determined by the board for any of the following causes:

3039 (a) Being convicted of an offense involving * * * a
3040 disqualifying crime as provided in the Fresh Start Act. The
3041 record of such conviction, or certified copy thereof from the
3042 clerk of the court where such conviction occurred or by the judge
3043 of that court, shall be sufficient evidence to warrant revocation
3044 or suspension.

3045 (b) By securing a license under this chapter through
3046 fraud or deceit.

3047 (c) For unethical conduct or for gross ignorance or
3048 inefficiency in the conduct of his practice.

3049 (d) For knowingly practicing while suffering with a
3050 contagious or infectious disease.



3051 (e) For the use of a false name or alias in the
3052 practice of his profession.

3053 (f) For violating any of the provisions of this
3054 chapter.

3055 (2) Any person, whose license is sought to be revoked or
3056 suspended under the provisions of this chapter, shall be given
3057 thirty (30) days' notice, in writing, enumerating the charges and
3058 specifying a date for public hearing thereon. The hearing shall
3059 be held in the county where the person's business is conducted.
3060 The board may issue subpoenas, compel the attendance and testimony
3061 of witnesses, and place them under oath, the same as any court of
3062 competent jurisdiction where the hearing takes place.

3063 (3) At all hearings the board may designate in writing one
3064 or more persons deemed competent by the board to conduct the
3065 hearing as trial examiner or trial committee, with the decision to
3066 be rendered in accordance with the provisions of subsection (4) of
3067 this section.

3068 (4) After a hearing has been completed the trial examiner or
3069 trial committee who conducted the hearing shall proceed to
3070 consider the case and, as soon as practicable, shall render a
3071 decision. In any case, the decision must be rendered within sixty
3072 (60) days after the hearing. The decision shall contain:

3073 (a) The findings of fact made by the trial examiner or
3074 trial committee;



3075 (b) Conclusions of law reached by the trial examiner or
3076 trial committee; and

3077 (c) The order based upon these findings of fact and
3078 conclusions of law.

3079 (5) From any revocation or suspension, the person charged
3080 may, within thirty (30) days thereof, appeal to the chancery court
3081 of the county where the hearing was held.

3082 (6) Notice of appeals shall be filed in the office of the
3083 clerk of the court, who shall issue a writ of certiorari directed
3084 to the board, commanding it within ten (10) days after service
3085 thereof to certify to such court its entire record in the matter
3086 in which the appeal has been taken. The appeal shall thereupon be
3087 heard in the due course by said court without a jury, and the
3088 court shall review the record and make its determination of the
3089 cause between the parties.

3090 (7) If there is an appeal, such appeal may, in the
3091 discretion of and on motion to the chancery court, act as a
3092 supersedeas. The chancery court shall dispose of the appeal and
3093 enter its decision promptly. The hearing on the appeal may, in
3094 the discretion of the chancellor, be tried in vacation.

3095 (8) Any person taking an appeal shall post a satisfactory
3096 bond in the amount of Two Hundred Dollars (\$200.00) for payment of
3097 any costs which may be adjudged against him.

3098 (9) In addition to the reasons specified in subsection (1)
3099 of this section, the board shall be authorized to suspend the



3100 license of any licensee for being out of compliance with an order
3101 for support, as defined in Section 93-11-153. The procedure for
3102 suspension of a license for being out of compliance with an order
3103 for support, and the procedure for the reissuance or reinstatement
3104 of a license suspended for that purpose, and the payment of any
3105 fees for the reissuance or reinstatement of a license suspended
3106 for that purpose, shall be governed by Section 93-11-157 or
3107 93-11-163, as the case may be. Actions taken by the board in
3108 suspending a license when required by Section 93-11-157 or
3109 93-11-163 are not actions from which an appeal may be taken under
3110 this section. Any appeal of a license suspension that is required
3111 by Section 93-11-157 or 93-11-163 shall be taken in accordance
3112 with the appeal procedure specified in Section 93-11-157 or
3113 93-11-163, as the case may be, rather than the procedure specified
3114 in this section. If there is any conflict between any provision
3115 of Section 93-11-157 or 93-11-163 and any provision of this
3116 chapter, the provisions of Section 93-11-157 or 93-11-163, as the
3117 case may be, shall control.

3118 **SECTION 27.** Section 73-65-13, Mississippi Code of 1972, is
3119 amended as follows:

3120 73-65-13. (1) The board may deny any application, or
3121 suspend or revoke any license held or applied for under the
3122 provisions of Section 73-65-7 if the person:



3123 (a) Is found guilty of fraud, deceit, or
3124 misrepresentation in procuring or attempting to procure a license
3125 to practice art therapy;

3126 (b) Is adjudicated mentally incompetent;

3127 (c) Is found guilty of a * * * disqualifying crime as
3128 provided in the Fresh Start Act;

3129 (d) Is found guilty of unprofessional or unethical
3130 conduct in this or any other jurisdiction;

3131 (e) Has been using any controlled substance or
3132 alcoholic beverage to an extent or in a manner dangerous to the
3133 person, any other person, or the public, or to an extent that the
3134 use impairs the ability to perform as a licensed professional art
3135 therapist;

3136 (f) Has violated any provision of this chapter; or

3137 (g) Willfully or negligently divulges a professional
3138 confidence.

3139 (2) A certified copy of the record of conviction shall be
3140 conclusive evidence of the conviction.

3141 (3) Disciplinary proceedings may be initiated upon the
3142 receipt by the board of a sworn complaint by any person, including
3143 members of the board.

3144 **SECTION 28.** Section 73-71-33, Mississippi Code of 1972, is
3145 amended as follows:

3146 73-71-33. The following acts constitute grounds for which
3147 the board may initiate disciplinary actions:



3148 (a) Attempting to obtain, or renewing a license to
3149 practice acupuncture by bribery or misinterpretation;
3150 (b) Having a license to practice acupuncture revoked,
3151 suspended, or otherwise acted against, including the denial of
3152 licensure by the licensing authority of another state or territory
3153 for reasons that would preclude licensure in this state;
3154 (c) Being convicted or found guilty, regardless of
3155 adjudication, in any jurisdiction of a * * * disqualifying crime
3156 as provided in the Fresh Start Act or a crime that directly
3157 relates to acupuncture. For the purposes of this paragraph, a
3158 plea of guilty or a plea of nolo contendere accepted by the court
3159 shall be considered as a conviction;
3160 (d) Advertising, practicing, or attempting to practice
3161 under a name other than one's own;
3162 (e) The use of advertising or solicitation that is
3163 false or misleading;
3164 (f) Aiding, assisting, procuring, employing or
3165 advertising an unlicensed person to practice acupuncture contrary
3166 to this chapter or a rule of the board;
3167 (g) Failing to perform any statutory or legal
3168 obligation placed upon an acupuncture practitioner;
3169 (h) Making or filing a report that the licensee knows
3170 to be false, intentionally or negligently failing to file a report
3171 required by state or federal law, willfully impeding or
3172 obstructing that filing or inducing another person to do so.



3173 Those reports shall include only those that are signed in the
3174 capacity of an acupuncture practitioner;

3175 (i) Exercising coercion, intimidation or undue
3176 influence in entering into sexual relations with a patient, or
3177 continuing the patient-practitioner relationship with a patient
3178 with whom the licensee has sexual relations, if those sexual
3179 relations cause the licensee to perform services incompetently.

3180 This paragraph shall not apply to sexual relations between
3181 acupuncture practitioners and their spouses;

3182 (j) Making deceptive, untrue or fraudulent
3183 misrepresentations in the practice of acupuncture;

3184 (k) Soliciting patients, either personally or through
3185 an agent, through the use of fraud, intimidation or undue
3186 influence, or a form of overreaching conduct;

3187 (l) Failing to keep written medical records justifying
3188 the course of treatment of the patient;

3189 (m) Exercising undue influence on the patient to
3190 exploit the patient for financial gain of the licensee or of a
3191 third party;

3192 (n) Being unable to practice acupuncture with
3193 reasonable skill and safety to patients by reason of illness or
3194 intemperate use of alcohol, drugs, narcotics, chemicals, or any
3195 other type of material or as a result of any mental or physical
3196 condition;



3197 (o) Malpractice or the failure to practice acupuncture
3198 to that level of care, skill and treatment that is recognized by a
3199 reasonably prudent similar practitioner of acupuncture as being
3200 acceptable under similar conditions and circumstances;

3201 (p) Practicing or offering to practice beyond the scope
3202 permitted by law or accepting or performing professional
3203 responsibilities that the licensee knows or has reason to know
3204 that he or she is not qualified by training, experience or
3205 certification to perform;

3206 (q) Delegating professional responsibilities to a
3207 person when the licensee delegating those responsibilities knows,
3208 or has reason to know, that the person is not qualified by
3209 training, experience or licensure to perform them;

3210 (r) Violating any provision of this chapter, a rule of
3211 the board, or a lawful order of the board previously entered in a
3212 disciplinary hearing or failing to comply with a lawfully issued
3213 subpoena of the board;

3214 (s) Conspiring with another to commit an act, or
3215 committing an act, that coerces, intimidates or precludes another
3216 licensee from lawfully advertising or providing his or her
3217 services;

3218 (t) Fraud or deceit, or gross negligence, incompetence
3219 or misconduct in the operation of a course of study;



3220 (u) Failing to comply with state, county or municipal
3221 regulations or reporting requirements relating to public health
3222 and the control of contagious and infectious disease;

3223 (v) Failing to comply with any rule of the board
3224 relating to health and safety, including, but not limited to,
3225 sterilization of equipment and the disposal of potentially
3226 infectious materials;

3227 (w) Incompetence, gross negligence or other malpractice
3228 in the practice of acupuncture;

3229 (x) Aiding the unlawful practice of acupuncture;

3230 (y) Fraud or dishonesty in the application or reporting
3231 of any test for disease;

3232 (z) Failure to report, as required by law, or making
3233 false or misleading report of, any contagious or infectious
3234 disease;

3235 (aa) Failure to keep accurate patient records; or

3236 (bb) Failure to permit the board or its agents to enter
3237 and inspect acupuncture premises and equipment as set by rules
3238 promulgated by the board.

3239 **SECTION 29.** Section 73-73-7, Mississippi Code of 1972, is
3240 amended as follows:

3241 73-73-7. (1) Beginning on July 1, 2012, the board and
3242 Interior Design Advisory Committee shall receive applications for
3243 certification as a Mississippi Certified Interior Designer on
3244 forms prescribed and furnished by the board and IDAC.



3245 (2) Upon receipt of an application, the board, upon the
3246 recommendation of IDAC, may approve the application, provided the
3247 applicant meets one (1) of the following requirements:

3248 (a) The applicant passed the IDQE as administered by
3249 NCIDQ before January 1, 2012;

3250 (b) The applicant has a degree in interior design from
3251 a program accredited by the CIDA, a degree in architecture from a
3252 program accredited by the National Architectural Accreditation
3253 Board (NAAB), or a four-year degree in interior design from a
3254 college or university approved by the regulatory board.

3255 Additionally, the applicant must have passed the IDQE as
3256 administered by NCIDQ or its approved successor;

3257 (c) The applicant is a licensed architect in the State
3258 of Mississippi who has passed the IDQE as administered by NCIDQ or
3259 its approved successor; or

3260 (d) The applicant is a licensed engineer in the State
3261 of Mississippi who has passed the IDQE as administered by NCIDQ or
3262 its approved successor.

3263 (3) The applicant must exhibit to the regulatory board and
3264 IDAC the applicant's good standing in the profession * * *.
3265 Except as otherwise provided in this subsection, any of the
3266 following acts shall preclude an applicant's eligibility as a
3267 candidate for certification:

3268 (a) Conviction by any court for commission of any * * *
3269 disqualifying crime as provided in the Fresh Start Act.



3270 (b) Conviction by any court of a misdemeanor involving
3271 fraud, deceit or misrepresentation.

3272 (c) Misstatement or misrepresentation of fact by the
3273 applicant in connection with the applicant's application for
3274 certification in this state or another jurisdiction.

3275 (d) Violation of any of the rules of conduct required
3276 of applicants or interior designers as adopted by the board.

3277 If the board determines that the applicant has shown clear
3278 and convincing evidence of rehabilitation and reform, the board
3279 may certify an applicant otherwise precluded from consideration
3280 because of an act prohibited under this subsection. A decision to
3281 certify an applicant notwithstanding the applicant's violation of
3282 an act prohibited under this subsection is in the sole discretion
3283 of the board and upon such terms, conditions and evidence as the
3284 board may require.

3285 (4) The board and IDAC may require that the applicant appear
3286 before the board for a personal interview.

3287 (5) The board, upon the recommendation of IDAC, may adopt or
3288 develop alternate routes of eligibility and examination
3289 requirements based on standards as set forth by NCIDQ or its
3290 approved successor.

3291 (6) Any application submitted to the board and IDAC may be
3292 denied for any violation of the provisions of this chapter.

3293 **SECTION 30.** Section 73-75-19, Mississippi Code of 1972, is
3294 amended as follows:



3295 73-75-19. **License denial, suspension, or revocation.** (1)
3296 The board, by an affirmative vote of at least three (3) of its
3297 five (5) members, shall withhold, deny, revoke or suspend any
3298 license issued or applied for in accordance with the provisions of
3299 this chapter, or otherwise discipline a licensed behavior analyst
3300 or licensed assistant behavior analyst upon finding that the
3301 applicant or licensee:

3302 (a) Has violated the current Behavior Analyst
3303 Certification Board Professional Disciplinary and Ethical
3304 Standards, the Behavior Analyst Certification Board Guidelines for
3305 Responsible Conduct for Behavior Analysts, or other codes of
3306 ethical standards adopted by the board, or has lost or failed to
3307 renew certification by the Behavior Analyst Certification Board;
3308 or

3309 (b) Has been convicted of a * * * disqualifying crime
3310 as provided in the Fresh Start Act, the record of conviction being
3311 conclusive evidence thereof; or

3312 (c) Is using any narcotic or any alcoholic beverage to
3313 an extent or in a manner dangerous to any other person or the
3314 public, or to an extent that such use impairs his ability to
3315 perform the work of a licensed behavior analyst or licensed
3316 assistant behavior analyst; or

3317 (d) Has impersonated another person holding a license
3318 issued under this chapter or allowed another person to use his
3319 license; or



3320 (e) Has used fraud or deception in applying for a
3321 license provided for in this chapter; or

3322 (f) Has accepted commissions or rebates or other forms
3323 of remuneration for referring clients to other professional
3324 persons; or

3325 (g) Has allowed his name or license issued under this
3326 chapter to be used in connection with any person or persons who
3327 perform applied behavior analysis services outside the area of
3328 their training, experience or competence; or

3329 (h) Is legally adjudicated mentally incompetent, the
3330 record of such adjudication being conclusive evidence thereof; or

3331 (i) Has willfully or negligently violated any of the
3332 provisions of this chapter.

3333 (2) The board may recover from any person disciplined under
3334 this chapter the costs of investigation, prosecution, and
3335 adjudication of the disciplinary action.

3336 (3) Notice shall be effected by registered mail or personal
3337 service setting forth the particular reasons for the proposed
3338 action and fixing a date not less than thirty (30) days nor more
3339 than sixty (60) days from the date of such mailing or such
3340 service, at which time the applicant or licensee shall be given an
3341 opportunity for a prompt and fair hearing. For the purpose of
3342 such hearing the board, acting by and through its executive
3343 secretary, may exercise all authority granted to conduct
3344 investigations and hearings pursuant to Section 73-75-9(2) (a) and



3345 (b). At such hearing the applicant or licensee may appear by
3346 counsel and personally on his own behalf. On the basis of any
3347 such hearing, or upon default of applicant or licensee, the board
3348 shall make a determination specifying its findings of fact and
3349 conclusions of law. A copy of such determination shall be sent by
3350 registered mail or served personally upon the applicant or
3351 licensee. The decision of the board denying, revoking or
3352 suspending the license shall become final thirty (30) days after
3353 so mailed or served unless within that period the licensee appeals
3354 the decision to the Chancery Court of Madison or Rankin Counties,
3355 pursuant to the provisions hereof, and the proceedings in chancery
3356 shall be conducted as other matters coming before the court. All
3357 proceedings and evidence, together with exhibits, presented at
3358 such hearing before the board in the event of appeal, shall be
3359 admissible in evidence in the court.

3360 (4) Nothing in this subsection shall be interpreted to
3361 prohibit the board from immediately suspending any license prior
3362 to a hearing under subsection (3) of this section, when in its
3363 sole discretion the suspension is required for the instruction,
3364 safety or well-being of any member of the public.

3365 (5) Every order and judgment of the board shall take effect
3366 immediately upon its promulgation unless the board in such order
3367 or judgment fixes a probationary period for applicant or licensee.
3368 Such order and judgment shall continue in effect unless upon
3369 appeal the court by proper order or decree terminates it earlier.



3370 The board may make public its order and judgments in such manner
3371 and form as it deems proper.

3372 (6) Suspension by the board of a license issued under this
3373 chapter shall be for a period not to exceed one (1) year. At the
3374 end of this period the board shall reevaluate the suspension, and
3375 shall either reinstate or revoke the license. A person whose
3376 license has been revoked under the provisions of this section may
3377 reapply for license after more than two (2) years have elapsed
3378 from the date such revocation is legally effective.

3379 (7) In addition to the reasons specified in subsection (1)
3380 of this section, the board shall be authorized to suspend the
3381 license of any licensee for being out of compliance with an order
3382 for support, in compliance with the procedures set forth in
3383 Sections 93-11-151 through 93-11-163.

3384 **SECTION 31.** Section 75-76-35, Mississippi Code of 1972, is
3385 amended as follows:

3386 75-76-35. (1) The Legislature hereby declares that the
3387 exclusion or ejection of certain persons from licensed gaming
3388 establishments is necessary to effectuate the policies of this
3389 chapter and to maintain effectively the strict regulation of
3390 licensed gaming.

3391 (2) The commission may by regulation provide for the
3392 establishment of a list of persons who are to be excluded or
3393 ejected from any licensed gaming establishment. The list may
3394 include any person whose presence in the establishment is



3395 determined by the commission or the executive director to pose a
3396 threat to the interests of this state or to licensed gaming, or
3397 both.

3398 (3) In making that determination, the commission and the
3399 executive director may consider any:

3400 (a) Prior conviction of a crime which is a * * *
3401 disqualifying crime as provided in the Fresh Start Act or a
3402 violation of the gaming laws of any state;

3403 (b) Violation or conspiracy to violate the provisions
3404 of this chapter relating to:

3405 (i) The failure to disclose an interest in a
3406 gaming establishment for which the person must obtain a license;
3407 or

3408 (ii) Willful evasion of fees or taxes;

3409 (c) Notorious or unsavory reputation which would
3410 adversely affect public confidence and trust that the gaming
3411 industry is free from criminal or corruptive elements; or

3412 (d) Written order of a governmental agency which
3413 authorizes the exclusion or ejection of the person from an
3414 establishment at which gaming is conducted.

3415 (4) Race, color, creed, national origin or ancestry, or sex
3416 shall not be grounds for placing the name of a person upon the
3417 list.

3418 **SECTION 32.** Section 75-76-131, Mississippi Code of 1972, is
3419 amended as follows:



3420 75-76-131. (1) The executive director shall:

3421 (a) Ascertain and keep himself informed of the
3422 identity, prior activities and present location of all gaming
3423 employees in the State of Mississippi; and

3424 (b) Maintain confidential records of such information.

3425 (2) No person may be employed as a gaming employee unless he
3426 is the holder of a work permit issued by the commission.

3427 (3) A work permit issued to a gaming employee must have
3428 clearly imprinted thereon a statement that it is valid for gaming
3429 purposes only.

3430 (4) Application for a work permit is to be made to the
3431 executive director and may be granted or denied for any cause
3432 deemed reasonable by the commission. Whenever the executive
3433 director denies such an application, he shall include in the
3434 notice of the denial a statement of the facts upon which he relied
3435 in denying the application.

3436 (5) Any person whose application for a work permit has been
3437 denied by the executive director may, not later than sixty (60)
3438 days after receiving notice of the denial or objection, apply to
3439 the commission for a hearing before a hearing examiner. A failure
3440 of a person whose application has been denied to apply for a
3441 hearing within sixty (60) days or his failure to appear at a
3442 hearing conducted pursuant to this section shall be deemed to be
3443 an admission that the denial or objection is well founded and
3444 precludes administrative or judicial review. At the hearing, the



3445 hearing examiner appointed by the commission shall take any
3446 testimony deemed necessary. After the hearing the hearing
3447 examiner shall within thirty (30) days after the date of the
3448 hearing announce his decision sustaining or reversing the denial
3449 of the work permit or the objection to the issuance of a work
3450 permit. The executive director may refuse to issue a work permit
3451 if the applicant has:

3452 (a) Failed to disclose, misstated or otherwise
3453 attempted to mislead the commission with respect to any material
3454 fact contained in the application for the issuance or renewal of a
3455 work permit;

3456 (b) Knowingly failed to comply with the provisions of
3457 this chapter or the regulations of the commission at a place of
3458 previous employment;

3459 (c) Committed, attempted or conspired to commit any
3460 crime of * * * embezzlement or larceny or any violation of any law
3461 pertaining to gaming, or any crime which is inimical to the
3462 declared policy of this state concerning gaming;

3463 (d) Been identified in the published reports of any
3464 federal or state legislative or executive body as being a member
3465 or associate of organized crime, or as being of notorious and
3466 unsavory reputation;

3467 (e) Been placed and remains in the constructive custody
3468 of any federal, state or municipal law enforcement authority;



3469 (f) Had a work permit revoked or committed any act
3470 which is a ground for the revocation of a work permit or would
3471 have been a ground for revoking his work permit if he had then
3472 held a work permit; or

3473 (g) For any other reasonable cause.

3474 The executive director shall refuse to issue a work permit if
3475 the applicant has committed, attempted or conspired to commit a
3476 crime which is a * * * disqualifying crime as provided in the
3477 Fresh Start Act in this state or an offense in another state or
3478 jurisdiction which would be a * * * disqualifying crime as
3479 provided in the Fresh Start Act if committed in this state.

3480 (6) Any applicant aggrieved by the decision of the hearing
3481 examiner may, within fifteen (15) days after the announcement of
3482 the decision, apply in writing to the commission for review of the
3483 decision. Review is limited to the record of the proceedings
3484 before the hearing examiner. The commission may sustain or
3485 reverse the hearing examiner's decision. The commission may
3486 decline to review the hearing examiner's decision, in which case
3487 the hearing examiner's decision becomes the final decision of the
3488 commission. The decision of the commission is subject to judicial
3489 review.

3490 (7) All records acquired or compiled by the commission
3491 relating to any application made pursuant to this section and all
3492 lists of persons to whom work permits have been issued or denied
3493 and all records of the names or identity of persons engaged in the



3494 gaming industry in this state are confidential and must not be
3495 disclosed except in the proper administration of this chapter or
3496 to an authorized law enforcement agency. Any record of the
3497 commission which shows that the applicant has been convicted of a
3498 disqualifying crime in another state must show whether the crime
3499 was a misdemeanor, gross misdemeanor, felony or other class of
3500 crime as classified by the state in which the crime was committed.
3501 In a disclosure of the conviction, reference to the classification
3502 of the crime must be based on the classification in the state
3503 where it was committed.

3504 (8) A work permit expires unless renewed within ten (10)
3505 days after a change of place of employment or if the holder
3506 thereof is not employed as a gaming employee within the
3507 jurisdiction of the issuing authority for more than ninety (90)
3508 days.

3509 (9) Notice of any objection to or denial of a work permit by
3510 the executive director as provided pursuant to this section is
3511 sufficient if it is mailed to the applicant's last known address
3512 as indicated on the application for a work permit. The date of
3513 mailing may be proven by a certificate signed by the executive
3514 director or his designee that specifies the time the notice was
3515 mailed. The notice is presumed to have been received by the
3516 applicant five (5) days after it is deposited with the United
3517 States Postal Service with the postage thereon prepaid.



3518 **SECTION 33.** Section 83-7-207, Mississippi Code of 1972, is
3519 amended as follows:

3520 83-7-207. (1) The commissioner may suspend, revoke or
3521 refuse to renew the license of a viatical settlement provider,
3522 viatical settlement representative or viatical settlement broker
3523 if the commissioner finds that:

3524 (a) There was any material misrepresentation in the
3525 application for the license;

3526 (b) The licensee or any officer, partner or key
3527 management personnel has been convicted of fraudulent or dishonest
3528 practices, is subject to a final administrative action or is
3529 otherwise shown to be untrustworthy or incompetent;

3530 (c) The viatical settlement provider demonstrates a
3531 pattern of unreasonable payments to viators;

3532 (d) The licensee has been found guilty of, or has
3533 pleaded guilty or nolo contendere to, any * * * disqualifying
3534 crime as provided in the Fresh Start;

3535 (e) The viatical settlement provider has failed to
3536 honor contractual obligations set out in a viatical settlement
3537 contract;

3538 (f) The licensee no longer meets the requirements for
3539 initial licensure;

3540 (g) The viatical settlement provider has assigned,
3541 transferred or pledged a viaticated policy to a person other than



3542 a viatical settlement provider licensed in this state or a
3543 financing entity; or

3544 (h) The licensee has violated any provisions of
3545 Sections 83-7-201 through 83-7-223.

3546 (2) Before the commissioner shall deny a license application
3547 or suspend, revoke or refuse to renew the license of a viatical
3548 settlement provider, viatical settlement broker or viatical
3549 settlement representative, the commissioner shall conduct a
3550 hearing in accordance with Section 25-43-1.101 et seq.

3551 **SECTION 34.** Section 83-39-15, Mississippi Code of 1972, is
3552 amended as follows:

3553 83-39-15. (1) The department may deny, suspend, revoke or
3554 refuse to renew, as may be appropriate, a license to engage in the
3555 business of professional bail agent, soliciting bail agent, or
3556 bail enforcement agent for any of the following reasons:

3557 (a) Any cause for which the issuance of the license
3558 would have been refused had it then existed and been known to the
3559 department.

3560 (b) Failure to post a qualification bond in the
3561 required amount with the department during the period the person
3562 is engaged in the business within this state or, if the bond has
3563 been posted, the forfeiture or cancellation of the bond.

3564 (c) Material misstatement, misrepresentation or fraud
3565 in obtaining the license.



3566 (d) Willful failure to comply with, or willful
3567 violation of, any provision of this chapter or of any proper
3568 order, rule or regulation of the department or any court of this
3569 state.

3570 (e) Conviction of * * * a disqualifying crime as
3571 provided in the Fresh Start Act.

3572 (f) Default in payment to the court should any bond
3573 issued by such bail agent be forfeited by order of the court.

3574 (g) Being elected or employed as a law enforcement or
3575 judicial official.

3576 (h) Engaging in the practice of law.

3577 (i) Writing a bond in violation of Section
3578 83-39-3(2)(b)(i) and (ii).

3579 (j) Giving legal advice or a legal opinion in any form.

3580 (k) Acting as or impersonating a bail agent without a
3581 license.

3582 (l) Use of any other trade name than what is submitted
3583 on a license application to the department.

3584 (m) Issuing a bail bond that contains information
3585 intended to mislead a court about the proper delivery by personal
3586 service or certified mail of a writ of scire facias, judgment nisi
3587 or final judgment.

3588 (2) In addition to the grounds specified in subsection (1)
3589 of this section, the department shall be authorized to suspend the
3590 license, registration or permit of any person for being out of



3591 compliance with an order for support, as defined in Section
3592 93-11-153. The procedure for suspension of a license,
3593 registration or permit for being out of compliance with an order
3594 for support, and the procedure for the reissuance or reinstatement
3595 of a license, registration or permit suspended for that purpose,
3596 and the payment of any fees for the reissuance or reinstatement of
3597 a license, registration or permit suspended for that purpose,
3598 shall be governed by Section 93-11-157 or 93-11-163, as the case
3599 may be. If there is any conflict between any provision of Section
3600 93-11-157 or 93-11-163 and any provision of this chapter, the
3601 provisions of Section 93-11-157 or 93-11-163, as the case may be,
3602 shall control.

3603 (3) In addition to the sanctions provided in this section,
3604 the department may assess an administrative fine in an amount not
3605 to exceed One Thousand Dollars (\$1,000.00) per violation. Such
3606 administrative fines shall be in addition to any criminal
3607 penalties assessed under Section 99-5-1.

3608 **SECTION 35.** Section 9-13-109, Mississippi Code of 1972, is
3609 amended as follows:

3610 9-13-109. Every applicant for certification shall have
3611 reached the age of majority * * * and be a resident citizen of the
3612 State of Mississippi. Further, every applicant shall meet the
3613 criteria established by the board for certification or shall meet
3614 the requirements of Section 9-13-109.



3615 **SECTION 36.** Section 21-27-131, Mississippi Code of 1972, is
3616 amended as follows:

3617 21-27-131. No person may drive or operate motor vehicles for
3618 hire in any city or town in this state unless he shall first have
3619 been licensed so to do as follows: he shall make application to
3620 the mayor of such municipality in writing, accompanied by a
3621 statement of some reputable citizen thereof, that the applicant is
3622 over the age of eighteen (18) years, an experienced driver, * * *
3623 and physically and mentally capacitated to drive and operate such
3624 motor vehicle. The mayor shall place such application before the
3625 board of aldermen, or other governing authorities, whereupon
3626 inquiry may be made by such governing authorities into the * * *
3627 mental and physical fitness of the applicant. If the permit shall
3628 be granted the applicant shall receive a certificate of such
3629 permit, signed by the mayor, together with an identification
3630 badge, and the name of the municipality thereon, and which shall
3631 be worn so that the same will be displayed while engaged in or
3632 about such occupation. The governing authorities of the
3633 municipality may require the applicant to give a reasonable bond,
3634 of not more than Five Hundred Dollars (\$500.00), to guarantee the
3635 faithful observance of the law as well as the rules and
3636 regulations which may be prescribed by the said municipality, and
3637 they may also require a reasonable fee, for such permit and badge.
3638 In the event the governing authority of such municipality refuse
3639 to grant such permit to an applicant, an appeal may be taken to



3640 the circuit court, in the manner provided by law for appealing
3641 from other orders of the governing authorities of municipalities,
3642 and the questions to be tried upon appeal will be as to the age
3643 and experience and the moral, mental and physical fitness of the
3644 said applicant to pursue such vocation in such municipality.

3645 **SECTION 37.** Section 21-27-151, Mississippi Code of 1972, is
3646 amended as follows:

3647 21-27-151. No person may drive or operate any bus of a
3648 transportation system for the transportation of passengers within
3649 any city or town in this state, where the operation of such bus is
3650 subject to regulation by the authorities of such city or town
3651 under Section 21-27-121, unless he shall first have been licensed
3652 so to do as follows: he shall make application to the mayor of
3653 such municipality in writing, accompanied by a statement of some
3654 reputable citizen thereof, that the applicant is over the age of
3655 eighteen (18) years, an experienced driver, * * * and physically
3656 and mentally capacitated to drive and operate such motor vehicle.
3657 The mayor shall place such application before the board of
3658 aldermen, or other governing authorities, whereupon inquiry may be
3659 made by such governing authorities into the * * * and mental and
3660 physical fitness of the applicant. If the permit shall be granted
3661 the applicant shall receive a license, signed by the mayor,
3662 together with a metallic badge, which shall have a number and the
3663 name of the municipality thereon, and which shall be worn so that
3664 the same will be displayed while engaged in or about such



3665 occupation. The governing authorities of the municipality may
3666 require the applicant to give a reasonable bond, of not more than
3667 Five Hundred Dollars (\$500.00), to guarantee the faithful
3668 observance of the law as well as the rules and regulations which
3669 may be prescribed by the said municipality, and they may also
3670 require a reasonable fee, not to exceed Five Dollars (\$5.00) for
3671 such license, which said license fee shall be paid into the
3672 general fund of such municipality. In the event the governing
3673 authority of such municipality refuse to grant such license to an
3674 applicant, an appeal may be taken to the circuit court, in the
3675 manner provided by law for appealing from other orders of the
3676 governing authorities of municipalities, and the questions to be
3677 tried upon appeal will be as to the age and experience and
3678 the * * * mental and physical fitness of the said applicant to
3679 pursue such vocation in such municipality.

3680 **SECTION 38.** Section 27-109-5, Mississippi Code of 1972, is
3681 amended as follows:

3682 27-109-5. (1) Any person who the tax commission determines
3683 is qualified to receive a license or is found suitable under the
3684 provisions of this chapter, having due consideration for the
3685 proper protection of the health, safety, morals, good order and
3686 general welfare of the inhabitants of the State of Mississippi and
3687 the declared policy of this state, may be issued a state privilege
3688 license for the operation of a cruise vessel. The burden of



3689 proving his qualification to receive any license or be found
3690 suitable is on the applicant.

3691 (2) An application to receive a license shall not be granted
3692 unless the commission is satisfied that the applicant is:

3693 (a) A person of * * * honesty and integrity;

3694 (b) A person whose prior activities, criminal record,
3695 if any, reputation, habits and associations do not pose a threat
3696 to the public interest of this state or to the effective
3697 regulation and control of cruise vessels, or create or enhance the
3698 dangers of unsuitable, unfair or illegal practices, methods and
3699 activities in the operation of cruise vessels or the carrying on
3700 of the business and financial arrangements incidental thereto; and

3701 (c) In all other respects qualified to be licensed or
3702 found suitable consistently with the declared policy of the state.

3703 (3) A license to operate a cruise vessel shall not be
3704 granted unless the applicant has satisfied the commission that:

3705 (a) He has adequate business probity, competence and
3706 experience, in the operation of cruise vessels or generally; and

3707 (b) The proposed financing of the entire operation is:

3708 (i) Adequate for the nature of the proposed
3709 operation; and

3710 (ii) From a suitable source. Any lender or other
3711 source of money or credit which the commission finds does not meet
3712 the standards set forth in subsection (2) may be deemed
3713 unsuitable.



3714 **SECTION 39.** Section 37-3-2, Mississippi Code of 1972, is
3715 amended as follows:

3716 37-3-2. (1) There is established within the State
3717 Department of Education the Commission on Teacher and
3718 Administrator Education, Certification and Licensure and
3719 Development. It shall be the purpose and duty of the commission
3720 to make recommendations to the State Board of Education regarding
3721 standards for the certification and licensure and continuing
3722 professional development of those who teach or perform tasks of an
3723 educational nature in the public schools of Mississippi.

3724 (2) (a) The commission shall be composed of fifteen (15)
3725 qualified members. The membership of the commission shall be
3726 composed of the following members to be appointed, three (3) from
3727 each of the four (4) congressional districts, as such districts
3728 existed on January 1, 2011, in accordance with the population
3729 calculations determined by the 2010 federal decennial census,
3730 including: four (4) classroom teachers; three (3) school
3731 administrators; one (1) representative of schools of education of
3732 public institutions of higher learning located within the state to
3733 be recommended by the Board of Trustees of State Institutions of
3734 Higher Learning; one (1) representative from the schools of
3735 education of independent institutions of higher learning to be
3736 recommended by the Board of the Mississippi Association of
3737 Independent Colleges; one (1) representative from public community
3738 and junior colleges located within the state to be recommended by



3739 the Mississippi Community College Board; one (1) local school
3740 board member; and four (4) laypersons. Three (3) members of the
3741 commission, at the sole discretion of the State Board of
3742 Education, shall be appointed from the state at large.

3743 (b) All appointments shall be made by the State Board
3744 of Education after consultation with the State Superintendent of
3745 Public Education. The first appointments by the State Board of
3746 Education shall be made as follows: five (5) members shall be
3747 appointed for a term of one (1) year; five (5) members shall be
3748 appointed for a term of two (2) years; and five (5) members shall
3749 be appointed for a term of three (3) years. Thereafter, all
3750 members shall be appointed for a term of four (4) years.

3751 (3) The State Board of Education when making appointments
3752 shall designate a chairman. The commission shall meet at least
3753 once every two (2) months or more often if needed. Members of the
3754 commission shall be compensated at a rate of per diem as
3755 authorized by Section 25-3-69 and be reimbursed for actual and
3756 necessary expenses as authorized by Section 25-3-41.

3757 (4) (a) An appropriate staff member of the State Department
3758 of Education shall be designated and assigned by the State
3759 Superintendent of Public Education to serve as executive secretary
3760 and coordinator for the commission. No less than two (2) other
3761 appropriate staff members of the State Department of Education
3762 shall be designated and assigned by the State Superintendent of
3763 Public Education to serve on the staff of the commission.



3764 (b) An Office of Educator Misconduct Evaluations shall
3765 be established within the State Department of Education to assist
3766 the commission in responding to infractions and violations, and in
3767 conducting hearings and enforcing the provisions of subsections
3768 (11), (12), (13), (14) and (15) of this section, and violations of
3769 the Mississippi Educator Code of Ethics.

3770 (5) It shall be the duty of the commission to:

3771 (a) Set standards and criteria, subject to the approval
3772 of the State Board of Education, for all educator preparation
3773 programs in the state;

3774 (b) Recommend to the State Board of Education each year
3775 approval or disapproval of each educator preparation program in
3776 the state, subject to a process and schedule determined by the
3777 State Board of Education;

3778 (c) Establish, subject to the approval of the State
3779 Board of Education, standards for initial teacher certification
3780 and licensure in all fields;

3781 (d) Establish, subject to the approval of the State
3782 Board of Education, standards for the renewal of teacher licenses
3783 in all fields;

3784 (e) Review and evaluate objective measures of teacher
3785 performance, such as test scores, which may form part of the
3786 licensure process, and to make recommendations for their use;

3787 (f) Review all existing requirements for certification
3788 and licensure;



3789 (g) Consult with groups whose work may be affected by
3790 the commission's decisions;

3791 (h) Prepare reports from time to time on current
3792 practices and issues in the general area of teacher education and
3793 certification and licensure;

3794 (i) Hold hearings concerning standards for teachers'
3795 and administrators' education and certification and licensure with
3796 approval of the State Board of Education;

3797 (j) Hire expert consultants with approval of the State
3798 Board of Education;

3799 (k) Set up ad hoc committees to advise on specific
3800 areas;

3801 (l) Perform such other functions as may fall within
3802 their general charge and which may be delegated to them by the
3803 State Board of Education; and

3804 (m) Establish standards, subject to the approval of the
3805 State Board of Education, for supplemental endorsements, provided
3806 that the standards allow teachers as many options as possible to
3807 receive a supplemental endorsement, including, but not limited to,
3808 the option of taking additional coursework or earning at least the
3809 minimum qualifying score or higher on the required licensure
3810 subject assessment relevant to the endorsement area for which the
3811 licensure is sought. The subject assessment option shall not
3812 apply to certain subject areas, including, but not limited to,
3813 Early/Primary Education PreK-3, Elementary Education, or Special



3814 Education, except by special approval by the State Board of
3815 Education.

3816 (6) (a) **Standard License - Approved Program Route.** An
3817 educator entering the school system of Mississippi for the first
3818 time and meeting all requirements as established by the State
3819 Board of Education shall be granted a standard five-year license.
3820 Persons who possess two (2) years of classroom experience as an
3821 assistant teacher or who have taught for one (1) year in an
3822 accredited public or private school shall be allowed to fulfill
3823 student teaching requirements under the supervision of a qualified
3824 participating teacher approved by an accredited college of
3825 education. The local school district in which the assistant
3826 teacher is employed shall compensate such assistant teachers at
3827 the required salary level during the period of time such
3828 individual is completing student teaching requirements.
3829 Applicants for a standard license shall submit to the department:

- 3830 (i) An application on a department form;
3831 (ii) An official transcript of completion of a
3832 teacher education program approved by the department or a
3833 nationally accredited program, subject to the following:
3834 Licensure to teach in Mississippi prekindergarten through
3835 kindergarten classrooms shall require completion of a teacher
3836 education program or a Bachelor of Science degree with child
3837 development emphasis from a program accredited by the American
3838 Association of Family and Consumer Sciences (AAFCS) or by the



3839 National Association for Education of Young Children (NAEYC) or by
3840 the National Council for Accreditation of Teacher Education
3841 (NCATE). Licensure to teach in Mississippi kindergarten, for
3842 those applicants who have completed a teacher education program,
3843 and in Grade 1 through Grade 4 shall require the completion of an
3844 interdisciplinary program of studies. Licenses for Grades 4
3845 through 8 shall require the completion of an interdisciplinary
3846 program of studies with two (2) or more areas of concentration.
3847 Licensure to teach in Mississippi Grades 7 through 12 shall
3848 require a major in an academic field other than education, or a
3849 combination of disciplines other than education. Students
3850 preparing to teach a subject shall complete a major in the
3851 respective subject discipline. All applicants for standard
3852 licensure shall demonstrate that such person's college preparation
3853 in those fields was in accordance with the standards set forth by
3854 the National Council for Accreditation of Teacher Education
3855 (NCATE) or the National Association of State Directors of Teacher
3856 Education and Certification (NASDTEC) or, for those applicants who
3857 have a Bachelor of Science degree with child development emphasis,
3858 the American Association of Family and Consumer Sciences (AAFCS).
3859 Effective July 1, 2016, for initial elementary education
3860 licensure, a teacher candidate must earn a passing score on a
3861 rigorous test of scientifically research-based reading instruction
3862 and intervention and data-based decision-making principles as
3863 approved by the State Board of Education;



3864 (iii) A copy of test scores evidencing
3865 satisfactory completion of nationally administered examinations of
3866 achievement, such as the Educational Testing Service's teacher
3867 testing examinations;

3868 (iv) Any other document required by the State
3869 Board of Education; and

3870 (v) From and after July 1, 2020, no teacher
3871 candidate shall be licensed to teach in Mississippi who did not
3872 meet the following criteria for entrance into an approved teacher
3873 education program:

3874 1. An ACT Score of twenty-one (21) (or SAT
3875 equivalent); or

3876 2. Achieve a qualifying passing score on the
3877 Praxis Core Academic Skills for Educators examination as
3878 established by the State Board of Education; or

3879 3. A minimum GPA of 3.0 on coursework prior
3880 to admission to an approved teacher education program.

3881 (b) (i) **Standard License - Nontraditional Teaching**
3882 **Route.** From and after July 1, 2020, no teacher candidate shall be
3883 licensed to teach in Mississippi under the alternate route who did
3884 not meet the following criteria:

3885 1. An ACT Score of twenty-one (21) (or SAT
3886 equivalent); or



3887 2. Achieve a qualifying passing score on the
3888 Praxis Core Academic Skills for Educators examination as
3889 established by the State Board of Education; or

3890 3. A minimum GPA of 3.0 on coursework prior
3891 to admission to an approved teacher education program.

3892 (ii) Beginning July 1, 2020, an individual who has
3893 attained a passing score on the Praxis Core Academic Skills for
3894 Educators or an ACT Score of twenty-one (21) (or SAT equivalent)
3895 or a minimum GPA of 3.0 on coursework prior to admission to an
3896 approved teacher education program and a passing score on the
3897 Praxis Subject Assessment in the requested area of endorsement may
3898 apply for admission to the Teach Mississippi Institute (TMI)
3899 program to teach students in Grades 7 through 12 if the individual
3900 meets the requirements of this paragraph (b). The State Board of
3901 Education shall adopt rules requiring that teacher preparation
3902 institutions which provide the Teach Mississippi Institute (TMI)
3903 program for the preparation of nontraditional teachers shall meet
3904 the standards and comply with the provisions of this paragraph.

3905 1. The Teach Mississippi Institute (TMI)
3906 shall include an intensive eight-week, nine-semester-hour summer
3907 program or a curriculum of study in which the student matriculates
3908 in the fall or spring semester, which shall include, but not be
3909 limited to, instruction in education, effective teaching
3910 strategies, classroom management, state curriculum requirements,
3911 planning and instruction, instructional methods and pedagogy,



3912 using test results to improve instruction, and a one (1) semester
3913 three-hour supervised internship to be completed while the teacher
3914 is employed as a full-time teacher intern in a local school
3915 district. The TMI shall be implemented on a pilot program basis,
3916 with courses to be offered at up to four (4) locations in the
3917 state, with one (1) TMI site to be located in each of the three
3918 (3) Mississippi Supreme Court districts.

3919 2. The school sponsoring the teacher intern
3920 shall enter into a written agreement with the institution
3921 providing the Teach Mississippi Institute (TMI) program, under
3922 terms and conditions as agreed upon by the contracting parties,
3923 providing that the school district shall provide teacher interns
3924 seeking a nontraditional provisional teaching license with a
3925 one-year classroom teaching experience. The teacher intern shall
3926 successfully complete the one (1) semester three-hour intensive
3927 internship in the school district during the semester immediately
3928 following successful completion of the TMI and prior to the end of
3929 the one-year classroom teaching experience.

3930 3. Upon completion of the nine-semester-hour
3931 TMI or the fall or spring semester option, the individual shall
3932 submit his transcript to the commission for provisional licensure
3933 of the intern teacher, and the intern teacher shall be issued a
3934 provisional teaching license by the commission, which will allow
3935 the individual to legally serve as a teacher while the person
3936 completes a nontraditional teacher preparation internship program.



3937 4. During the semester of internship in the
3938 school district, the teacher preparation institution shall monitor
3939 the performance of the intern teacher. The school district that
3940 employs the provisional teacher shall supervise the provisional
3941 teacher during the teacher's intern year of employment under a
3942 nontraditional provisional license, and shall, in consultation
3943 with the teacher intern's mentor at the school district of
3944 employment, submit to the commission a comprehensive evaluation of
3945 the teacher's performance sixty (60) days prior to the expiration
3946 of the nontraditional provisional license. If the comprehensive
3947 evaluation establishes that the provisional teacher intern's
3948 performance fails to meet the standards of the approved
3949 nontraditional teacher preparation internship program, the
3950 individual shall not be approved for a standard license.

3951 5. An individual issued a provisional
3952 teaching license under this nontraditional route shall
3953 successfully complete, at a minimum, a one-year beginning teacher
3954 mentoring and induction program administered by the employing
3955 school district with the assistance of the State Department of
3956 Education.

3957 6. Upon successful completion of the TMI and
3958 the internship provisional license period, applicants for a
3959 Standard License - Nontraditional Route shall submit to the
3960 commission a transcript of successful completion of the twelve
3961 (12) semester hours required in the internship program, and the



3962 employing school district shall submit to the commission a
3963 recommendation for standard licensure of the intern. If the
3964 school district recommends licensure, the applicant shall be
3965 issued a Standard License - Nontraditional Route which shall be
3966 valid for a five-year period and be renewable.

3967 7. At the discretion of the teacher
3968 preparation institution, the individual shall be allowed to credit
3969 the twelve (12) semester hours earned in the nontraditional
3970 teacher internship program toward the graduate hours required for
3971 a Master of Arts in Teacher (MAT) Degree.

3972 8. The local school district in which the
3973 nontraditional teacher intern or provisional licensee is employed
3974 shall compensate such teacher interns at Step 1 of the required
3975 salary level during the period of time such individual is
3976 completing teacher internship requirements and shall compensate
3977 such Standard License - Nontraditional Route teachers at Step 3 of
3978 the required salary level when they complete license requirements.

3979 (iii) Implementation of the TMI program provided
3980 for under this paragraph (b) shall be contingent upon the
3981 availability of funds appropriated specifically for such purpose
3982 by the Legislature. Such implementation of the TMI program may
3983 not be deemed to prohibit the State Board of Education from
3984 developing and implementing additional alternative route teacher
3985 licensure programs, as deemed appropriate by the board. The



3986 emergency certification program in effect prior to July 1, 2002,
3987 shall remain in effect.

3988 (iv) A Standard License - Approved Program Route
3989 shall be issued for a five-year period, and may be renewed.
3990 Recognizing teaching as a profession, a hiring preference shall be
3991 granted to persons holding a Standard License - Approved Program
3992 Route or Standard License - Nontraditional Teaching Route over
3993 persons holding any other license.

3994 (c) **Special License - Expert Citizen.** In order to
3995 allow a school district to offer specialized or technical courses,
3996 the State Department of Education, in accordance with rules and
3997 regulations established by the State Board of Education, may grant
3998 a five-year expert citizen-teacher license to local business or
3999 other professional personnel to teach in a public school or
4000 nonpublic school accredited or approved by the state. Such person
4001 shall be required to have a high school diploma, an
4002 industry-recognized certification related to the subject area in
4003 which they are teaching and a minimum of five (5) years of
4004 relevant experience but shall not be required to hold an associate
4005 or bachelor's degree, provided that he or she possesses the
4006 minimum qualifications required for his or her profession, and may
4007 begin teaching upon his employment by the local school board and
4008 licensure by the Mississippi Department of Education. If a school
4009 board hires a career technical education pathway instructor who
4010 does not have an industry certification in his or her area of



4011 expertise but does have the required experience, the school board
4012 shall spread their decision on the minutes at their next meeting
4013 and provide a detailed explanation for why they hired the
4014 instructor. Such instructor shall present the minutes of the
4015 school board to the State Department of Education when he or she
4016 applies for an expert citizen license. The board shall adopt
4017 rules and regulations to administer the expert citizen-teacher
4018 license. A Special License - Expert Citizen may be renewed in
4019 accordance with the established rules and regulations of the State
4020 Department of Education.

4021 (d) **Special License - Nonrenewable.** The State Board of
4022 Education is authorized to establish rules and regulations to
4023 allow those educators not meeting requirements in paragraph (a),
4024 (b) or (c) of this subsection (6) to be licensed for a period of
4025 not more than three (3) years, except by special approval of the
4026 State Board of Education.

4027 (e) **Nonlicensed Teaching Personnel.** A nonlicensed
4028 person may teach for a maximum of three (3) periods per teaching
4029 day in a public school district or a nonpublic school
4030 accredited/approved by the state. Such person shall submit to the
4031 department a transcript or record of his education and experience
4032 which substantiates his preparation for the subject to be taught
4033 and shall meet other qualifications specified by the commission
4034 and approved by the State Board of Education. In no case shall
4035 any local school board hire nonlicensed personnel as authorized



4036 under this paragraph in excess of five percent (5%) of the total
4037 number of licensed personnel in any single school.

4038 (f) **Special License - Transitional Bilingual Education.**

4039 Beginning July 1, 2003, the commission shall grant special
4040 licenses to teachers of transitional bilingual education who
4041 possess such qualifications as are prescribed in this section.
4042 Teachers of transitional bilingual education shall be compensated
4043 by local school boards at not less than one (1) step on the
4044 regular salary schedule applicable to permanent teachers licensed
4045 under this section. The commission shall grant special licenses
4046 to teachers of transitional bilingual education who present the
4047 commission with satisfactory evidence that they (i) possess a
4048 speaking and reading ability in a language, other than English, in
4049 which bilingual education is offered and communicative skills in
4050 English; (ii) are in good health * * *; (iii) possess a bachelor's
4051 degree or an associate's degree in teacher education from an
4052 accredited institution of higher education; (iv) meet such
4053 requirements as to courses of study, semester hours therein,
4054 experience and training as may be required by the commission; and
4055 (v) are legally present in the United States and possess legal
4056 authorization for employment. A teacher of transitional bilingual
4057 education serving under a special license shall be under an
4058 exemption from standard licensure if he achieves the requisite
4059 qualifications therefor. Two (2) years of service by a teacher of
4060 transitional bilingual education under such an exemption shall be



4061 credited to the teacher in acquiring a Standard Educator License.
4062 Nothing in this paragraph shall be deemed to prohibit a local
4063 school board from employing a teacher licensed in an appropriate
4064 field as approved by the State Department of Education to teach in
4065 a program in transitional bilingual education.

4066 (g) In the event any school district meets the highest
4067 accreditation standards as defined by the State Board of Education
4068 in the accountability system, the State Board of Education, in its
4069 discretion, may exempt such school district from any restrictions
4070 in paragraph (e) relating to the employment of nonlicensed
4071 teaching personnel.

4072 (h) **Highly Qualified Teachers.** Beginning July 1, 2006,
4073 any teacher from any state meeting the federal definition of
4074 highly qualified, as described in the No Child Left Behind Act,
4075 must be granted a standard five-year license by the State
4076 Department of Education.

4077 (7) **Administrator License.** The State Board of Education is
4078 authorized to establish rules and regulations and to administer
4079 the licensure process of the school administrators in the State of
4080 Mississippi. There will be four (4) categories of administrator
4081 licensure with exceptions only through special approval of the
4082 State Board of Education.

4083 (a) **Administrator License - Nonpracticing.** Those
4084 educators holding administrative endorsement but having no



4085 administrative experience or not serving in an administrative
4086 position on January 15, 1997.

4087 (b) **Administrator License - Entry Level.** Those
4088 educators holding administrative endorsement and having met the
4089 department's qualifications to be eligible for employment in a
4090 Mississippi school district. Administrator License - Entry Level
4091 shall be issued for a five-year period and shall be nonrenewable.

4092 (c) **Standard Administrator License - Career Level.** An
4093 administrator who has met all the requirements of the department
4094 for standard administrator licensure.

4095 (d) **Administrator License - Nontraditional Route.** The
4096 board may establish a nontraditional route for licensing
4097 administrative personnel. Such nontraditional route for
4098 administrative licensure shall be available for persons holding,
4099 but not limited to, a master of business administration degree, a
4100 master of public administration degree, a master of public
4101 planning and policy degree or a doctor of jurisprudence degree
4102 from an accredited college or university, with five (5) years of
4103 administrative or supervisory experience. Successful completion
4104 of the requirements of alternate route licensure for
4105 administrators shall qualify the person for a standard
4106 administrator license.

4107 Individuals seeking school administrator licensure under
4108 paragraph (b), (c) or (d) shall successfully complete a training
4109 program and an assessment process prescribed by the State Board of



4110 Education. All applicants for school administrator licensure
4111 shall meet all requirements prescribed by the department under
4112 paragraph (b), (c) or (d), and the cost of the assessment process
4113 required shall be paid by the applicant.

4114 (8) **Reciprocity.** The department shall grant a standard
4115 five-year license to any individual who possesses a valid standard
4116 license from another state, or another country or political
4117 subdivision thereof, within a period of twenty-one (21) days from
4118 the date of a completed application. The issuance of a license by
4119 reciprocity to a military-trained applicant, military spouse or
4120 person who establishes residence in this state shall be subject to
4121 the provisions of Section 73-50-1 or 73-50-2, as applicable.

4122 (9) **Renewal and Reinstatement of Licenses.** The State Board
4123 of Education is authorized to establish rules and regulations for
4124 the renewal and reinstatement of educator and administrator
4125 licenses. Effective May 15, 1997, the valid standard license held
4126 by an educator shall be extended five (5) years beyond the
4127 expiration date of the license in order to afford the educator
4128 adequate time to fulfill new renewal requirements established
4129 pursuant to this subsection. An educator completing a master of
4130 education, educational specialist or doctor of education degree in
4131 May 1997 for the purpose of upgrading the educator's license to a
4132 higher class shall be given this extension of five (5) years plus
4133 five (5) additional years for completion of a higher degree. For
4134 all license types with a current valid expiration date of June 30,



4135 2021, the State Department of Education shall grant a one-year
4136 extension to June 30, 2022. Beginning July 1, 2022, and
4137 thereafter, applicants for licensure renewal shall meet all
4138 requirements in effect on the date that the complete application
4139 is received by the State Department of Education.

4140 (10) All controversies involving the issuance, revocation,
4141 suspension or any change whatsoever in the licensure of an
4142 educator required to hold a license shall be initially heard in a
4143 hearing de novo, by the commission or by a subcommittee
4144 established by the commission and composed of commission members,
4145 or by a hearing officer retained and appointed by the commission,
4146 for the purpose of holding hearings. Any complaint seeking the
4147 denial of issuance, revocation or suspension of a license shall be
4148 by sworn affidavit filed with the Commission on Teacher and
4149 Administrator Education, Certification and Licensure and
4150 Development. The decision thereon by the commission, its
4151 subcommittee or hearing officer, shall be final, unless the
4152 aggrieved party shall appeal to the State Board of Education,
4153 within ten (10) days, of the decision of the commission, its
4154 subcommittee or hearing officer. An appeal to the State Board of
4155 Education shall be perfected upon filing a notice of the appeal
4156 and by the prepayment of the costs of the preparation of the
4157 record of proceedings by the commission, its subcommittee or
4158 hearing officer. An appeal shall be on the record previously made
4159 before the commission, its subcommittee or hearing officer, unless



4160 otherwise provided by rules and regulations adopted by the board.
4161 The decision of the commission, its subcommittee or hearing
4162 officer shall not be disturbed on appeal if supported by
4163 substantial evidence, was not arbitrary or capricious, within the
4164 authority of the commission, and did not violate some statutory or
4165 constitutional right. The State Board of Education in its
4166 authority may reverse, or remand with instructions, the decision
4167 of the commission, its subcommittee or hearing officer. The
4168 decision of the State Board of Education shall be final.

4169 (11) (a) The State Board of Education, acting through the
4170 commission, may deny an application for any teacher or
4171 administrator license for one or more of the following:

4172 (i) Lack of qualifications which are prescribed by
4173 law or regulations adopted by the State Board of Education;

4174 (ii) The applicant has a physical, emotional or
4175 mental disability that renders the applicant unfit to perform the
4176 duties authorized by the license, as certified by a licensed
4177 psychologist or psychiatrist;

4178 (iii) The applicant is actively addicted to or
4179 actively dependent on alcohol or other habit-forming drugs or is a
4180 habitual user of narcotics, barbiturates, amphetamines,
4181 hallucinogens or other drugs having similar effect, at the time of
4182 application for a license;

4183 (iv) Fraud or deceit committed by the applicant in
4184 securing or attempting to secure such certification and license;



4185 (v) Failing or refusing to furnish reasonable
4186 evidence of identification;

4187 (vi) The applicant has been convicted, has pled
4188 guilty or entered a plea of nolo contendere to a * * *
4189 disqualifying crime as provided in the Fresh Start Act. For
4190 purposes of this subparagraph (vi) of this paragraph (a), a
4191 "guilty plea" includes a plea of guilty, entry of a plea of nolo
4192 contendere, or entry of an order granting pretrial or judicial
4193 diversion;

4194 (vii) The applicant or licensee is on probation or
4195 post-release supervision for a * * * disqualifying crime as
4196 provided in the Fresh Start Act. However, this disqualification
4197 expires upon the end of the probationary or post-release
4198 supervision period.

4199 (b) The State Board of Education, acting through the
4200 commission, shall deny an application for any teacher or
4201 administrator license, or immediately revoke the current teacher
4202 or administrator license, for one or more of the following:

4203 (i) If the applicant or licensee has been
4204 convicted, has pled guilty or entered a plea of nolo contendere to
4205 a sex offense as defined by federal or state law. For purposes of
4206 this subparagraph (i) of this paragraph (b), a "guilty plea"
4207 includes a plea of guilty, entry of a plea of nolo contendere, or
4208 entry of an order granting pretrial or judicial diversion;



4209 (ii) The applicant or licensee is on probation or
4210 post-release supervision for a sex offense conviction, as defined
4211 by federal or state law;

4212 (iii) The license holder has fondled a student as
4213 described in Section 97-5-23, or had any type of sexual
4214 involvement with a student as described in Section 97-3-95; or

4215 (iv) The license holder has failed to report
4216 sexual involvement of a school employee with a student as required
4217 by Section 97-5-24.

4218 (12) The State Board of Education, acting through the
4219 commission, may revoke, suspend or refuse to renew any teacher or
4220 administrator license for specified periods of time or may place
4221 on probation, reprimand a licensee, or take other disciplinary
4222 action with regard to any license issued under this chapter for
4223 one or more of the following:

4224 (a) Breach of contract or abandonment of employment may
4225 result in the suspension of the license for one (1) school year as
4226 provided in Section 37-9-57;

4227 (b) Obtaining a license by fraudulent means shall
4228 result in immediate suspension and continued suspension for one
4229 (1) year after correction is made;

4230 (c) Suspension or revocation of a certificate or
4231 license by another state shall result in immediate suspension or
4232 revocation and shall continue until records in the prior state
4233 have been cleared;



4234 (d) The license holder has been convicted, has pled
4235 guilty or entered a plea of nolo contendere to a * * *
4236 disqualifying crime as provided in the Fresh Start Act. For
4237 purposes of this paragraph, a "guilty plea" includes a plea of
4238 guilty, entry of a plea of nolo contendere, or entry of an order
4239 granting pretrial or judicial diversion;

4240 (e) The license holder knowingly and willfully
4241 committing any of the acts affecting validity of mandatory uniform
4242 test results as provided in Section 37-16-4(1);

4243 (f) The license holder has engaged in unethical conduct
4244 relating to an educator/student relationship as identified by the
4245 State Board of Education in its rules;

4246 (g) The license holder served as superintendent or
4247 principal in a school district during the time preceding and/or
4248 that resulted in the Governor declaring a state of emergency and
4249 the State Board of Education appointing a conservator;

4250 (h) The license holder submitted a false certification
4251 to the State Department of Education that a statewide test was
4252 administered in strict accordance with the Requirements of the
4253 Mississippi Statewide Assessment System; or

4254 (i) The license holder has failed to comply with the
4255 Procedures for Reporting Infractions as promulgated by the
4256 commission and approved by the State Board of Education pursuant
4257 to subsection (15) of this section.



4258 For purposes of this subsection, probation shall be defined
4259 as a length of time determined by the commission, its subcommittee
4260 or hearing officer, and based on the severity of the offense in
4261 which the license holder shall meet certain requirements as
4262 prescribed by the commission, its subcommittee or hearing officer.
4263 Failure to complete the requirements in the time specified shall
4264 result in immediate suspension of the license for one (1) year.

4265 (13) (a) Dismissal or suspension of a licensed employee by
4266 a local school board pursuant to Section 37-9-59 may result in the
4267 suspension or revocation of a license for a length of time which
4268 shall be determined by the commission and based upon the severity
4269 of the offense.

4270 (b) Any offense committed or attempted in any other
4271 state shall result in the same penalty as if committed or
4272 attempted in this state.

4273 (c) A person may voluntarily surrender a license. The
4274 surrender of such license may result in the commission
4275 recommending any of the above penalties without the necessity of a
4276 hearing. However, any such license which has voluntarily been
4277 surrendered by a licensed employee may only be reinstated by a
4278 majority vote of all members of the commission present at the
4279 meeting called for such purpose.

4280 (14) (a) A person whose license has been suspended or
4281 surrendered on any grounds except criminal grounds may petition
4282 for reinstatement of the license after one (1) year from the date



4283 of suspension or surrender, or after one-half (1/2) of the
4284 suspended or surrendered time has lapsed, whichever is greater. A
4285 person whose license has been suspended or revoked on any grounds
4286 or violations under subsection (12) of this section may be
4287 reinstated automatically or approved for a reinstatement hearing,
4288 upon submission of a written request to the commission. A license
4289 suspended, revoked or surrendered * * * because of a disqualifying
4290 crime as provided in the Fresh Start Act may be reinstated upon
4291 petition to the commission filed after expiration of the sentence
4292 and parole or probationary period imposed upon conviction. A
4293 revoked, suspended or surrendered license may be reinstated upon
4294 satisfactory showing of evidence of rehabilitation. The
4295 commission shall require all who petition for reinstatement to
4296 furnish evidence satisfactory to the commission of good * * *
4297 mental, emotional and physical health and such other evidence as
4298 the commission may deem necessary to establish the petitioner's
4299 rehabilitation and fitness to perform the duties authorized by the
4300 license.

4301 (b) A person whose license expires while under
4302 investigation by the Office of Educator Misconduct for an alleged
4303 violation may not be reinstated without a hearing before the
4304 commission if required based on the results of the investigation.

4305 (15) Reporting procedures and hearing procedures for dealing
4306 with infractions under this section shall be promulgated by the
4307 commission, subject to the approval of the State Board of



4308 Education. The revocation or suspension of a license shall be
4309 effected at the time indicated on the notice of suspension or
4310 revocation. The commission shall immediately notify the
4311 superintendent of the school district or school board where the
4312 teacher or administrator is employed of any disciplinary action
4313 and also notify the teacher or administrator of such revocation or
4314 suspension and shall maintain records of action taken. The State
4315 Board of Education may reverse or remand with instructions any
4316 decision of the commission, its subcommittee or hearing officer
4317 regarding a petition for reinstatement of a license, and any such
4318 decision of the State Board of Education shall be final.

4319 (16) An appeal from the action of the State Board of
4320 Education in denying an application, revoking or suspending a
4321 license or otherwise disciplining any person under the provisions
4322 of this section shall be filed in the Chancery Court of the First
4323 Judicial District of Hinds County, Mississippi, on the record
4324 made, including a verbatim transcript of the testimony at the
4325 hearing. The appeal shall be filed within thirty (30) days after
4326 notification of the action of the board is mailed or served and
4327 the proceedings in chancery court shall be conducted as other
4328 matters coming before the court. The appeal shall be perfected
4329 upon filing notice of the appeal and by the prepayment of all
4330 costs, including the cost of preparation of the record of the
4331 proceedings by the State Board of Education, and the filing of a
4332 bond in the sum of Two Hundred Dollars (\$200.00) conditioned that



4333 if the action of the board be affirmed by the chancery court, the
4334 applicant or license holder shall pay the costs of the appeal and
4335 the action of the chancery court.

4336 (17) All such programs, rules, regulations, standards and
4337 criteria recommended or authorized by the commission shall become
4338 effective upon approval by the State Board of Education as
4339 designated by appropriate orders entered upon the minutes thereof.

4340 (18) The granting of a license shall not be deemed a
4341 property right nor a guarantee of employment in any public school
4342 district. A license is a privilege indicating minimal eligibility
4343 for teaching in the public school districts of Mississippi. This
4344 section shall in no way alter or abridge the authority of local
4345 school districts to require greater qualifications or standards of
4346 performance as a prerequisite of initial or continued employment
4347 in such districts.

4348 (19) In addition to the reasons specified in subsections
4349 (12) and (13) of this section, the board shall be authorized to
4350 suspend the license of any licensee for being out of compliance
4351 with an order for support, as defined in Section 93-11-153. The
4352 procedure for suspension of a license for being out of compliance
4353 with an order for support, and the procedure for the reissuance or
4354 reinstatement of a license suspended for that purpose, and the
4355 payment of any fees for the reissuance or reinstatement of a
4356 license suspended for that purpose, shall be governed by Section
4357 93-11-157 or 93-11-163, as the case may be. Actions taken by the



4358 board in suspending a license when required by Section 93-11-157
4359 or 93-11-163 are not actions from which an appeal may be taken
4360 under this section. Any appeal of a license suspension that is
4361 required by Section 93-11-157 or 93-11-163 shall be taken in
4362 accordance with the appeal procedure specified in Section
4363 93-11-157 or 93-11-163, as the case may be, rather than the
4364 procedure specified in this section. If there is any conflict
4365 between any provision of Section 93-11-157 or 93-11-163 and any
4366 provision of this chapter, the provisions of Section 93-11-157 or
4367 93-11-163, as the case may be, shall control.

4368 (20) The Department of Education shall grant and renew all
4369 licenses and certifications of teachers and administrators within
4370 twenty-one (21) days from the date of a completed application if
4371 the applicant has otherwise met all established requirements for
4372 the license or certification.

4373 **SECTION 40.** Section 41-29-303, Mississippi Code of 1972, is
4374 amended as follows:

4375 41-29-303. No license shall be issued under Section
4376 41-29-301 * * * until the applicant therefor has furnished proof
4377 satisfactory to the State Board of Pharmacy that the applicant
4378 is * * * properly equipped as to land, buildings, and
4379 paraphernalia to carry on the business described in his
4380 application. No license shall be granted to any person who has
4381 within five (5) years been convicted of a willful violation of any
4382 law of the United States, or of any state, relating to opium, coca



4383 leaves, or other narcotic drugs, or to any person who is a
4384 narcotic drug addict. The state board of pharmacy may suspend or
4385 revoke any license for cause.

4386 **SECTION 41.** Section 51-5-3, Mississippi Code of 1972, is
4387 amended as follows:

4388 51-5-3. In order to be licensed as a water well contractor
4389 in the State of Mississippi, the applicant must be qualified as
4390 set out below:

4391 (a) Be at least twenty-one (21) years of age;

4392 * * *

4393 (* * *b) Demonstrate to the satisfaction of the
4394 commission a reasonable knowledge of this chapter and the rules
4395 and regulations adopted by the commission under the provisions of
4396 this chapter;

4397 (* * *c) Possess the necessary drilling equipment, or
4398 present to the commission sufficient evidence to show that he has
4399 access to the use of such equipment at any time he needs it; and

4400 (* * *d) Have not less than three (3) years'
4401 experience in the work for which he is applying for a license.

4402 **SECTION 42.** Section 67-3-19, Mississippi Code of 1972, is
4403 amended as follows:

4404 67-3-19. Where application is made for a permit to engage in
4405 the business of a retailer of light wine, light spirit product or
4406 beer, the applicant shall show in his application that he
4407 possesses the following qualifications:



4408 (a) Applicant must be a person at least twenty-one (21)
4409 years of age * * * and a resident of the State of Mississippi.

4410 (b) Applicant shall not have been convicted of a * * *
4411 disqualifying crime as provided in the Fresh Start Act, or of
4412 pandering or of keeping or maintaining a house of prostitution, or
4413 have been convicted within two (2) years of the date of his
4414 application of any violation of the laws of this state or the laws
4415 of the United States relating to alcoholic liquor.

4416 (c) Applicant shall not have had revoked, except for a
4417 violation of Section 67-3-52, within two (2) years next preceding
4418 his application, any license or permit issued to him pursuant to
4419 the laws of this state, or any other state, to sell alcoholic
4420 liquor of any kind.

4421 (d) Applicant shall be the owner of the premises for
4422 which the permit is sought or the holder of an existing lease
4423 thereon.

4424 (e) Applicant shall not be residentially domiciled with
4425 any person whose permit has been revoked for cause, except for a
4426 violation of Section 67-3-52, within two (2) years next preceding
4427 the date of the present application for a permit.

4428 (f) The applicant has not had any license or permit to
4429 sell beer, light spirit product or light wine at retail revoked,
4430 within five (5) years next preceding his application, due to a
4431 violation of Section 67-3-52.



4432 (g) Applicant shall not employ any person whose permit
4433 has been revoked when such person owned or operated the business
4434 on the premises for which a permit is sought or allow such person
4435 to have any financial interest in the business of the applicant,
4436 until such person is qualified to obtain a permit in his own name.

4437 (h) The applicant is not indebted to the State of
4438 Mississippi for any taxes.

4439 (i) If applicant is a partnership, all members of the
4440 partnership must be qualified to obtain a permit. Each member of
4441 the partnership must be a resident of the State of Mississippi.

4442 (j) If applicant is a corporation, all officers and
4443 directors thereof, and any stockholder owning more than five
4444 percent (5%) of the stock of such corporation, and the person or
4445 persons who shall conduct and manage the licensed premises for the
4446 corporation shall possess all the qualifications required herein
4447 for any individual permittee. However, the requirements as to
4448 residence shall not apply to officers, directors and stockholders
4449 of such corporation.

4450 Any misstatement or concealment of fact in an application
4451 shall be grounds for denial of the application or for revocation
4452 of the permit issued thereon.

4453 The commissioner may refuse to issue a permit to an applicant
4454 for a place that is frequented by known criminals, prostitutes, or
4455 other law violators or troublemakers who disturb the peace and
4456 quietude of the community and frequently require the assistance of



4457 peace officers to apprehend such law violators or to restore
4458 order. The burden of proof of establishing the foregoing shall
4459 rest upon the commissioner.

4460 **SECTION 43.** Section 73-2-7, Mississippi Code of 1972, is
4461 amended as follows:

4462 73-2-7. In order to qualify for a license as a landscape
4463 architect, an applicant must:

4464 (a) Submit evidence of his * * * integrity to the
4465 examining board.

4466 (b) Have received a degree in landscape architecture
4467 from a college or university having a minimum four-year curriculum
4468 in landscape architecture approved by the board or have completed
4469 seven (7) years of work in the practice of landscape architecture
4470 of a grade and character suitable to the board. Graduation in a
4471 curriculum other than landscape architecture from a college or
4472 university shall be equivalent to two (2) years' experience of the
4473 seven (7) specified above in this section, except that no
4474 applicant shall receive credit for more than two (2) years'
4475 experience for any scholastic training.

4476 (c) Pass such written examination as required in
4477 Section 73-2-9.

4478 Each application or filing made under this section shall
4479 include the social security number(s) of the applicant in
4480 accordance with Section 93-11-64, Mississippi Code of 1972.



4481 **SECTION 44.** Section 73-3-2, Mississippi Code of 1972, is
4482 amended as follows:

4483 73-3-2. (1) **Power to admit persons to practice.** The power
4484 to admit persons to practice as attorneys in the courts of this
4485 state is vested exclusively in the Supreme Court of Mississippi.

4486 (2) **Qualifications.** (a) Each applicant for admission to
4487 the bar, in order to be eligible for examination for admission,
4488 shall be at least twenty-one (21) years of age * * * and shall
4489 present to the Board of Bar Admissions satisfactory evidence:

4490 (i) That he has successfully completed, or is
4491 within sixty (60) days of completion of, a general course of study
4492 of law in a law school which is provisionally or fully approved by
4493 the section on legal education and admission to the bar of the
4494 American Bar Association, and that such applicant has received, or
4495 will receive within sixty (60) days, a diploma or certificate from
4496 such school evidencing the satisfactory completion of such course,
4497 but in no event shall any applicant under this paragraph be
4498 admitted to the bar until such applicant actually receives such
4499 diploma or certificate. However, an applicant who, as of November
4500 1, 1981, was previously enrolled in a law school in active
4501 existence in Mississippi for more than ten (10) years prior to the
4502 date of application shall be eligible for examination for
4503 admission; provided that such an applicant graduated prior to
4504 November 1, 1984;



4505 (ii) That he has notified the Board of Bar
4506 Admissions in writing of an intention to pursue a general course
4507 of study of law under the supervision of a Mississippi lawyer
4508 prior to July 1, 1979, and in fact began study prior to July 1,
4509 1979, and who completed the required course of study prior to
4510 November 1, 1984, in accordance with Sections 73-3-13(b) and
4511 73-3-15 as the same exist prior to November 1, 1979; or

4512 (iii) That in addition to complying with either of
4513 the above requirements, he has received a bachelor's degree from
4514 an accredited college or university or that he has received credit
4515 for the requirements of the first three (3) years of college work
4516 from a college or university offering an integrated six-year
4517 prelaw and law course, and has completed his law course at a
4518 college or university offering such an integrated six-year course.
4519 However, applicants who have already begun the general course of
4520 study of law as of November 1, 1979, either in a law school or
4521 under the supervision of a Mississippi lawyer shall submit proof
4522 they have successfully completed two (2) full years of college
4523 work.

4524 (b) The applicant shall bear the burden of establishing
4525 his or her qualifications for admission to the satisfaction of the
4526 Board of Bar Admissions. An applicant denied admission for
4527 failure to satisfy qualifications for admission shall have the
4528 right to appeal from the final order of the board to the Chancery



4529 Court of Hinds County, Mississippi, within thirty (30) days of
4530 entry of such order of denial.

4531 (3) **Creation of Board of Bar Admissions.** There is hereby
4532 created a board to be known as the "Board of Bar Admissions" which
4533 shall be appointed by the Supreme Court of Mississippi. The board
4534 shall consist of nine (9) members, who shall be members in good
4535 standing of the Mississippi State Bar and shall serve for terms of
4536 three (3) years. Three (3) members shall be appointed from each
4537 Supreme Court district, one (1) by each Supreme Court Justice from
4538 his district, with the original appointments to be as follows:
4539 Three (3) to be appointed for a term of one (1) year, three (3) to
4540 be appointed for a term of two (2) years, and three (3) to be
4541 appointed for a term of three (3) years, one (1) from each
4542 district to be appointed each year. No member of the Board of Bar
4543 Admissions may be a member of the Legislature. Vacancies during a
4544 term shall be filled by the appointing justice or his successor
4545 for the remainder of the unexpired term.

4546 The board shall promulgate the necessary rules for the
4547 administration of their duties, subject to the approval of the
4548 Chief Justice of the Supreme Court.

4549 (4) **Written examination as prerequisite to admission.** Every
4550 person desiring admission to the bar, shall be required to take
4551 and pass a written bar examination in a manner satisfactory to the
4552 Board of Bar Admissions. The Board of Bar Admissions shall
4553 conduct not less than two (2) bar examinations each year.



4554 (5) **Oath and compensation of board members.** The members of
4555 the Board of Bar Admissions shall take and subscribe an oath to be
4556 administered by one (1) of the judges of the Supreme Court to
4557 faithfully and impartially discharge the duties of the office.
4558 The members shall receive compensation as established by the
4559 Supreme Court for preparing, giving and grading the examination
4560 plus all reasonable and necessary travel expenses incurred in the
4561 performance of their duties under the provisions of this section.

4562 (6) **Procedure for applicants who have failed.** Any applicant
4563 who fails the examination shall be allowed to take the next
4564 scheduled examination. A failing applicant may request in writing
4565 from the board, within thirty (30) days after the results of the
4566 examination have been made public, copies of his answers and model
4567 answers used in grading the examination, at his expense. If a
4568 uniform, standardized examination is administered, the board shall
4569 only be required to provide the examination grade and such other
4570 information concerning the applicant's examination results which
4571 are available to the board. Any failing applicant shall have a
4572 right to a review of his failure by the board. The board shall
4573 enter an order on its minutes, prior to the administration of the
4574 next bar examination, either granting or denying the applicant's
4575 review, and shall notify the applicant of such order. The
4576 applicant shall have the right to appeal from this order to the
4577 Chancery Court of Hinds County, Mississippi, within thirty (30)
4578 days of entry of such order.



4579 (7) **Fees.** The board shall set and collect the fees for
4580 examination and for admission to the bar. The fees for
4581 examination shall be based upon the annual cost of administering
4582 the examinations. The fees for admission shall be based upon the
4583 cost of conducting an investigation of the applicant and the
4584 administrative costs of sustaining the board, which shall include,
4585 but shall not be limited to:

- 4586 (a) Expenses and travel for board members;
- 4587 (b) Office facilities, supplies and equipment; and
- 4588 (c) Clerical assistance.

4589 All fees collected by the board shall be paid to the State
4590 Treasurer, who shall issue receipts therefor and who shall deposit
4591 such funds in the State Treasury in a special fund to the credit
4592 of said board. All such funds shall be expended only in
4593 accordance with the provisions of Chapter 496, Laws of 1962, as
4594 amended, being Section 27-103-1 et seq., Mississippi Code of 1972.

4595 (8) The board, upon finding the applicant qualified for
4596 admission, shall issue to the applicant a certificate of
4597 admission. The applicant shall file the certificate and a
4598 petition for admission in the Chancery Court of Hinds County,
4599 Mississippi, or in the chancery court in the county of his
4600 residence, or, in the case of an applicant who is a nonresident of
4601 the State of Mississippi, in the chancery court of a county in
4602 which the applicant intends to practice. The chancery court
4603 shall, in termtime or in vacation, enter on the minutes of that



4604 court an order granting to the applicant license to practice in
4605 all courts in this state, upon taking by the applicant in the
4606 presence of the court, the oath prescribed by law, Section
4607 73-3-35, Mississippi Code of 1972.

4608 (9) Each application or filing made under this section shall
4609 include the social security number(s) of the applicant in
4610 accordance with Section 93-11-64, Mississippi Code of 1972.

4611 **SECTION 45.** Section 73-3-25, Mississippi Code of 1972, is
4612 amended as follows:

4613 73-3-25. Any lawyer from another state whose requirements
4614 for admission to the bar are equivalent to those of this state,
4615 who has practiced not less than five (5) years in a state where he
4616 was then admitted may be admitted to * * * practice in this state
4617 upon taking and passing such examination as to his knowledge of
4618 law as may be prescribed by rules adopted by the Board of Bar
4619 Admissions and approved by the Supreme Court and upon complying
4620 with the other requirements as set out in the laws and rules
4621 governing admission to the bar. Provided, however, the laws of
4622 the state from which the applicant comes grant similar privileges
4623 to the applicants from this state.

4624 Any lawyer from another state desiring to be admitted to
4625 practice in Mississippi must make application to the Board of Bar
4626 Admissions. Such applicant shall present to the bar evidence of
4627 his good standing in the state from which he came, including a
4628 certificate from the clerk of the highest appellate court of the



4629 state from which he came, and from two (2) members of the bar of
4630 such state, certifying to his qualifications * * * and good
4631 standing * * *, and may require the submission of additional
4632 evidence by the applicant. Upon satisfactory proof of the
4633 applicant's qualifications and upon the applicant's compliance
4634 with the requirements of this section, the board shall issue a
4635 certificate of admission to the applicant, as prescribed in
4636 Section 73-3-2(8). Each such applicant shall pay an application
4637 fee prescribed by the Board of Bar Admissions according to Section
4638 73-3-2(7).

4639 **SECTION 46.** Section 73-4-17, Mississippi Code of 1972, is
4640 amended as follows:

4641 73-4-17. There shall be two (2) classes of auctioneers'
4642 licenses, which shall be auctioneer and auction firm. All
4643 applicants for a license under this chapter shall possess the
4644 following minimum qualifications:

4645 (a) Applicants shall have attained the age of eighteen
4646 (18) years by the issuance date of the license.

4647 (b) Applicants shall have obtained at a minimum a high
4648 school diploma or G.E.D. equivalent and shall be graduates of an
4649 auctioneering school approved by the commission.

4650 (c) Each applicant for a license under this chapter
4651 shall demonstrate to the commission that he is * * * worthy of
4652 public trust through background information to be provided on his
4653 application form and two (2) letters of reference from persons not



4654 related to the applicant who have known the applicant at least
4655 three (3) years. The commission may require additional
4656 information or a personal interview with the applicant to
4657 determine if such applicant should be granted a license.

4658 (d) Each applicant for a license under this chapter
4659 shall take and successfully complete an examination as prescribed
4660 by the commission. The examination shall include questions on
4661 ethics, reading comprehension, writing, spelling, elementary
4662 arithmetic, elementary principals of land economics, general
4663 knowledge of bulk sales law, contracts of sale, agency, leases,
4664 brokerage, knowledge of various goods commonly sold at auction,
4665 ability to call bids, knowledge of sale preparation and proper
4666 sale advertising and sale summary, and knowledge of the provisions
4667 of this chapter and the commission's rules and regulations. There
4668 shall be separate examinations for auctioneer and auction firm
4669 each based upon relevant subject matter appropriate to the license
4670 classification as set forth herein. Examinations shall be
4671 administered at least once a year and may be administered
4672 quarterly at the commission's discretion provided there are at
4673 least twenty-five (25) examinees. The commission shall ensure
4674 that the various forms of the test remain secure.

4675 (e) In order to defray the cost of administration of
4676 the examinations, applicants for the examination shall pay fees as
4677 follows:

4678 (i) Auctioneer.....\$100.00.



4679 (ii) Auction firm.....\$100.00.

4680 (f) Each applicant desiring to sit for the examination
4681 for any license required under this chapter shall be required to
4682 furnish to the commission at least thirty (30) days prior to the
4683 examination evidence of a surety bond in the following minimum
4684 amounts:

4685 (i) Auctioneer.....\$10,000.00.

4686 (ii) Auction firm.....\$10,000.00.

4687 (g) In addition to the bond required herein, applicants
4688 for the auction firm license shall furnish the commission with all
4689 relevant information concerning the premises to be licensed, to
4690 include location, whether the premises are owned or leased, and an
4691 affidavit that the proposed use of the premises as an auction firm
4692 does not violate zoning or any other use restrictions. A separate
4693 license shall be required for each business location of the owner
4694 of multiple auction galleries.

4695 (h) Except as provided in Section 33-1-39, all licenses
4696 granted pursuant to this chapter shall be for a term of two (2)
4697 years and shall expire on the first day of March at the end of
4698 such two-year term. The biennial license fees shall be set from
4699 time to time by the commission with a maximum fee of Two Hundred
4700 Dollars (\$200.00). License fees shall not be prorated for any
4701 portion of a year but shall be paid for the entire biennial period
4702 regardless of the date of the application. Individuals failing to
4703 submit license renewal fees on or before March 1 of the year for



4704 renewal shall be required to successfully pass the next
4705 administration of the examination in order to renew a license.

4706 (i) Each application or filing made under this section
4707 shall include the social security number(s) of the applicant in
4708 accordance with Section 93-11-64, Mississippi Code of 1972.

4709 (j) A licensee shall keep such books, accounts and
4710 records as will enable the commission to determine whether such
4711 licensee is in compliance with the provisions of this chapter, and
4712 rules and regulations made pursuant thereto, and any other law,
4713 rule and regulation applicable to the conduct of such business.
4714 The commission and its employees or representatives shall have the
4715 right to enter and make inspections of any place where the auction
4716 business is carried on and inspect and copy any record pertaining
4717 to the auction business under this chapter. The commission may
4718 conduct or cause to be conducted an examination or audit of the
4719 books and records of any licensee at any time the commission deems
4720 proper, the cost of the examination or audit to be borne by the
4721 licensee. The refusal of access to the books and records shall be
4722 cause for the revocation of its license.

4723 **SECTION 47.** Section 73-5-1, Mississippi Code of 1972, is
4724 amended as follows:

4725 73-5-1. The State Board of Barber Examiners is continued and
4726 reconstituted as follows: The Board of Barber Examiners shall
4727 consist of five (5) members, to be appointed by the Governor, with
4728 the advice and consent of the Senate, one (1) member to be



4729 appointed from each of the congressional districts as existing on
4730 January 1, 1991. Each member shall be a practical barber and a
4731 qualified elector of this state. He shall have been engaged in
4732 the practice of barbering in the State of Mississippi for at least
4733 five (5) years immediately before the time of his
4734 appointment * * *. From and after July 1, 1983, the appointments
4735 to the board shall be made in the manner hereinafter provided, and
4736 the present members of the State Board of Barber Examiners whose
4737 terms have not expired by July 1, 1983, shall continue to serve
4738 until their successors have been appointed and qualified. The
4739 Governor shall appoint, with the advice and consent of the Senate,
4740 five (5) members from the congressional districts as follows: The
4741 member from the First Congressional District shall be appointed
4742 for a term of two (2) years to commence on July 1, 1983; the
4743 member from the Second Congressional District shall be appointed
4744 for a term of four (4) years to commence on July 1, 1984; the
4745 member from the Third Congressional District shall be appointed
4746 for a term of two (2) years to commence on July 1, 1983; the
4747 member from the Fourth Congressional District shall be appointed
4748 for a term of four (4) years to commence on July 1, 1984; and the
4749 member from the Fifth Congressional District shall be appointed
4750 for a term of one (1) year to commence on July 1, 1983. The
4751 members of the board as constituted on July 1, 2002, whose terms
4752 have not expired shall serve the balance of their terms, after
4753 which time the membership of the board shall be appointed as



4754 follows: There shall be appointed one (1) member of the board
4755 from each of the four (4) Mississippi congressional districts as
4756 they currently exist, and one (1) from the state at large, and the
4757 Governor shall make appointments from the congressional district
4758 having the smallest number of board members until the membership
4759 includes one (1) member from each district as required. From and
4760 after July 1, 2002, no member of the board who is connected in any
4761 way with any barbering school shall participate in the
4762 administration of examinations of barber applicants. From and
4763 after July 1, 2004, no member of the board shall be connected in
4764 any way with any school in which barbering is taught.

4765 All members of the board shall be appointed by the Governor,
4766 with the advice and consent of the Senate, for terms of four (4)
4767 years each from the expiration date of the previous term, until
4768 their successors have been appointed and qualified. No member of
4769 the board shall hold any elected office. Appointments made to
4770 fill a vacancy of a term shall be made by the Governor within
4771 sixty (60) days after the vacancy occurs.

4772 The Governor may remove any one or more members of the board
4773 for just cause. Members appointed to fill vacancies caused by
4774 death, resignation or removal of any member or members shall serve
4775 only for the unexpired term of their predecessors. Any member who
4776 does not attend two (2) consecutive meetings of the board for
4777 reasons other than illness of the member shall be subject to
4778 removal by the Governor. The president of the board shall notify



4779 the Governor in writing when any such member has failed to attend
4780 two (2) consecutive regular meetings.

4781 **SECTION 48.** Section 73-5-11, Mississippi Code of 1972, is
4782 amended as follows:

4783 73-5-11. (1) To be eligible for enrollment at a barbering
4784 school approved by the Board of Barber Examiners, a person shall
4785 have a high school education or its equivalent, and/or shall have
4786 satisfactorily passed the ability-to-benefit examinations approved
4787 by the U.S. Department of Education.

4788 (2) Any person is qualified to receive a certificate of
4789 registration to practice barbering:

4790 (a) Who is qualified under the provisions of this
4791 chapter;

4792 (b) Who is of * * * temperate habits;

4793 (c) Who has completed not less than fifteen hundred
4794 (1500) hours at a barbering school approved by the State Board of
4795 Barber Examiners; and

4796 (d) Who has passed a satisfactory examination conducted
4797 by the board of examiners to determine his fitness to practice
4798 barbering.

4799 (3) A temporary permit to practice barbering until the next
4800 examination is given may be issued to a student who has completed
4801 not less than fifteen hundred (1500) hours at a barbering school
4802 approved by the Board of Barber Examiners. In no event shall a
4803 person be allowed to practice barbering on a temporary permit



4804 beyond the date the next examination is given, except because of
4805 personal illness.

4806 **SECTION 49.** Section 73-5-21, Mississippi Code of 1972, is
4807 amended as follows:

4808 73-5-21. Any person possessed of the following
4809 qualifications shall, upon payment of the required fee, receive a
4810 certificate of registration as a registered barber:

4811 (a) Is at least eighteen (18) years old;

4812 (b) Is of * * * temperate habits; and

4813 (c) Either has a license or certificate of registration
4814 as a practicing barber in another state or country that has
4815 substantially the same requirements for licensing or registration
4816 of barbers as are contained in this chapter, or can prove by sworn
4817 affidavits that he has lawfully practiced as a barber in another
4818 state or country for at least five (5) years immediately before
4819 making application in this state, or can show to the satisfaction
4820 of the board that he had held a rating in a branch of the military
4821 service for two (2) or more years that required him to perform the
4822 duties of a barber. The issuance of a certificate of registration
4823 by reciprocity to a military-trained applicant, military spouse or
4824 person who establishes residence in this state shall be subject to
4825 the provisions of Section 73-50-1 or 73-50-2, as applicable.

4826 In addition to the above, the board may require the applicant
4827 to successfully demonstrate sufficient knowledge of the Barber Law
4828 of the State of Mississippi, as well as sufficient practical skill



4829 by requiring the applicant to take a practical examination
4830 approved by the board.

4831 **SECTION 50.** Section 73-6-13, Mississippi Code of 1972, is
4832 amended as follows:

4833 73-6-13. (1) Any adult * * * who has (a) graduated from a
4834 school or college of chiropractic recognized by the State Board of
4835 Chiropractic Examiners, preceded by the successful completion of
4836 at least two (2) academic years at an accredited institution of
4837 higher learning, or accredited junior college, and (b)
4838 successfully completed parts 1, 2, 3 and 4 and the physical
4839 modality section of the examination prepared by the National Board
4840 of Chiropractic Examiners, shall be entitled to take the
4841 examination for a license to practice chiropractic in Mississippi.
4842 The State Board of Chiropractic Examiners shall keep on file a
4843 list of schools or colleges of chiropractic which are so
4844 recognized. No chiropractic school shall be approved unless it is
4845 recognized and approved by the Council on Chiropractic Education,
4846 its successor or an equivalent accrediting agency, offers an
4847 accredited course of study of not less than four (4) academic
4848 years of at least nine (9) months in length, and requires its
4849 graduates to receive not less than forty (40) clock hours of
4850 instruction in the operation of x-ray machinery and not less than
4851 forty (40) clock hours of instruction in x-ray interpretation and
4852 diagnosis.



4853 (2) Except as otherwise provided in this section, the State
4854 Board of Health shall prescribe rules and regulations for the
4855 operation and use of x-ray machines.

4856 (3) The examination to practice chiropractic used by the
4857 board shall consist of testing on the statutes and the rules and
4858 regulations regarding the practice of chiropractic in the State of
4859 Mississippi.

4860 (4) Reciprocity privileges for a chiropractor from another
4861 state shall be granted at the board's option on an individual
4862 basis and by a majority vote of the State Board of Chiropractic
4863 Examiners to an adult * * * who (a) is currently an active
4864 competent practitioner for at least eight (8) years and holds an
4865 active chiropractic license in another state with no disciplinary
4866 proceeding or unresolved complaint pending anywhere at the time a
4867 license is to be issued by this state, (b) demonstrates having
4868 obtained licensure as a chiropractor in another state under the
4869 same education requirements which were equivalent to the education
4870 requirements in this state to obtain a chiropractic license at the
4871 time the applicant obtained the license in the other state, (c)
4872 satisfactorily passes the examination administered by the State
4873 Board of Chiropractic Examiners, and (d) meets the requirements of
4874 Section 73-6-1(3) pertaining to therapeutic modalities. The
4875 issuance of a license by reciprocity to a military-trained
4876 applicant, military spouse or person who establishes residence in



4877 this state shall be subject to the provisions of Section 73-50-1
4878 or 73-50-2, as applicable.

4879 **SECTION 51.** Section 73-9-23, Mississippi Code of 1972, is
4880 amended as follows:

4881 73-9-23. (1) No person who desires to practice dentistry or
4882 dental hygiene in the State of Mississippi shall be licensed until
4883 that person has passed an examination by the board. Applicants
4884 for examination shall apply in writing to the board for an
4885 examination at least thirty (30) days before the examination and
4886 shall upon application pay a nonrefundable fee as elsewhere
4887 provided in this chapter.

4888 (2) An applicant for licensure by examination as a dentist
4889 who is a graduate of a dental school accredited by the Commission
4890 on Dental Accreditation of the American Dental Association (ADA),
4891 or its successor commission, shall:

4892 (a) Be * * * possessed of a high school education, and
4893 have attained the age of twenty-one (21) years;

4894 (b) Exhibit with the application a diploma or
4895 certificate of graduation from the ADA accredited dental school;
4896 and

4897 (c) Have successfully completed Parts I and II of the
4898 National Board Examinations of the Joint Commission on National
4899 Dental Examinations, or its successor commission, unless the
4900 applicant graduated from an accredited dental school before 1960.



4901 (3) An applicant for licensure by examination as a dentist
4902 who is a graduate of a non-ADA accredited foreign country dental
4903 school shall:

4904 (a) * * * Have attained the age of twenty-one (21)
4905 years;

4906 (b) Be proficient in oral and written communications in
4907 the English language;

4908 (c) Have completed not less than six (6) academic years
4909 of postsecondary study and graduated from a foreign dental school
4910 that is recognized by the licensure authorities in that country;

4911 (d) Have been licensed as a dentist or admitted to the
4912 practice of dentistry in the foreign country in which the
4913 applicant received foreign dental school training;

4914 (e) Present documentation of having completed at least
4915 two (2) or more years of full-time postdoctoral dental education
4916 in a dental school accredited by the Commission on Dental
4917 Accreditation of the American Dental Association, or its successor
4918 commission, and has been certified by the dean of the accredited
4919 dental school as having achieved the same level of didactic and
4920 clinical competence as expected of a graduate of the school; and

4921 (f) Have successfully completed Parts I and II of the
4922 National Board Examinations of the Joint Commission on National
4923 Dental Examinations, or its successor commission, unless the
4924 applicant graduated from an approved dental school before 1960.



4925 (4) An applicant for licensure by examination as a dental
4926 hygienist who is a graduate of a dental hygiene school accredited
4927 by the Commission on Dental Accreditation of the American Dental
4928 Association (ADA), or its successor commission, shall:

4929 (a) Be * * * possessed of a high school education and
4930 have attained the age of eighteen (18) years;

4931 (b) Exhibit with the application a diploma or
4932 certificate of graduation from the ADA accredited dental hygiene
4933 school; and

4934 (c) Have successfully completed the National Board
4935 Dental Hygiene Examinations of the Joint Commission on National
4936 Dental Examinations, or its successor commission.

4937 (5) An applicant for licensure by examination as a dental
4938 hygienist who is a graduate of a non-ADA accredited foreign
4939 country dental hygiene school shall:

4940 (a) * * * Have attained the age of eighteen (18) years;

4941 (b) Be proficient in oral and written communications in
4942 the English language;

4943 (c) Have completed not less than two (2) academic years
4944 of postsecondary study and graduated from a foreign dental hygiene
4945 school that is recognized by the licensure authorities in that
4946 country;

4947 (d) Have been licensed as a dental hygienist or
4948 admitted to the practice of dental hygiene in the foreign country



4949 in which the applicant received foreign dental hygiene school
4950 training;

4951 (e) Present documentation of having completed at least
4952 one or more years of full-time postgraduate clinical education in
4953 a dental hygiene school accredited by the Commission on Dental
4954 Accreditation of the American Dental Association, or its successor
4955 commission, and has been certified by the dean of the accredited
4956 dental hygiene school as having achieved the same level of
4957 didactic and clinical competence as expected of a graduate of the
4958 school; and

4959 (f) Have successfully completed the National Board
4960 Dental Hygiene Examinations of the Joint Commission on National
4961 Dental Examinations, or its successor commission.

4962 (6) Applications shall be made in the form and content as
4963 required in this section and as shall be prescribed by the board,
4964 and each applicant shall submit upon request such proof as the
4965 board may require as to age * * * and qualifications.

4966 Applications must be signed by two (2) citizens of the state of
4967 which the applicant is a resident * * *. All applicants for
4968 licensure shall submit an endorsement from all states in which he
4969 or she is currently licensed or has ever been licensed to practice
4970 dentistry or dental hygiene. The board may disallow the licensure
4971 examination to any applicant who has been found guilty of any of
4972 the grounds for disciplinary action as enumerated in Section
4973 73-9-61.



4974 (7) Examination shall be as elsewhere provided in this
4975 chapter and the board may by its rules and regulations prescribe
4976 reasonable professional standards for oral, written, clinical and
4977 other examinations given to applicants, and, if deemed necessary
4978 by the board, include a requirement that licensure examinations of
4979 applicants be conducted utilizing live human subjects. Each
4980 applicant shall appear before the board and be examined to
4981 determine his or her learning and skill in dentistry or dental
4982 hygiene. If found by the members of the board conducting the
4983 examination to possess sufficient learning and skill
4984 therein * * *, the board shall, as early as practicable, grant to
4985 the person a license to practice dentistry or dental hygiene, as
4986 the case may be, which shall be signed by each member of the board
4987 who attended the examination and approved the issuance of a
4988 license.

4989 (8) The Board of Dental Examiners may, at its own
4990 discretion, accept certification of a licensure applicant, either
4991 dentist or dental hygienist, by the National Board Examinations of
4992 the Joint Commission on National Dental Examinations, or its
4993 successor commission, in lieu of the written examination.
4994 However, in all such instances the board shall retain the right to
4995 administer such further written and practical examinations and
4996 demonstrations as it deems necessary.



4997 (9) Each application or filing made under this section shall
4998 include the social security number(s) of the applicant in
4999 accordance with Section 93-11-64.

5000 **SECTION 52.** Section 73-11-51, Mississippi Code of 1972, is
5001 amended as follows:

5002 73-11-51. (1) No person shall engage in the business or
5003 practice of funeral service, including embalming, and/or funeral
5004 directing or hold himself out as transacting or practicing or
5005 being entitled to transact or practice funeral service, including
5006 embalming, and/or funeral directing in this state unless duly
5007 licensed under the provisions of this chapter.

5008 (2) The board is authorized and empowered to examine
5009 applicants for licenses for the practice of funeral service and
5010 funeral directing and shall issue the proper license to those
5011 persons who successfully pass the applicable examination and
5012 otherwise comply with the provisions of this chapter.

5013 (3) To be licensed for the practice of funeral directing
5014 under this chapter, a person must furnish satisfactory evidence to
5015 the board that he or she:

5016 (a) Is at least eighteen (18) years of age;

5017 (b) Has a high school diploma or the equivalent
5018 thereof;

5019 (c) Has served as a resident trainee for not less than
5020 twelve (12) months under the supervision of a person licensed for



5021 the practice of funeral service or funeral directing in this
5022 state; and

5023 (d) Has successfully passed a written and/or oral
5024 examination as prepared or approved by the board * * *.

5025 * * *

5026 (4) To be licensed for the practice of funeral service under
5027 this chapter, a person must furnish satisfactory evidence to the
5028 board that he or she:

5029 (a) Is at least eighteen (18) years of age;

5030 (b) Has a high school diploma or the equivalent
5031 thereof;

5032 (c) Has successfully completed twelve (12) months or
5033 more of academic and professional instruction from an institution
5034 accredited by the United States Department of Education for
5035 funeral service education and have a certificate of completion
5036 from an institution accredited by the American Board of Funeral
5037 Service Education or any other successor recognized by the United
5038 States Department of Education for funeral service education;

5039 (d) Has served as a resident trainee for not less than
5040 twelve (12) months, either before or after graduation from an
5041 accredited institution mentioned above, under the supervision of a
5042 person licensed for the practice of funeral service in this state
5043 and in an establishment licensed in this state; and



5044 (e) Has successfully passed the National Conference of
5045 Funeral Examiners examination and/or such other examination as
5046 approved by the board * * *.

5047 * * *

5048 (5) All applications for examination and license for the
5049 practice of funeral service or funeral directing shall be upon
5050 forms furnished by the board and shall be accompanied by an
5051 examination fee, a licensing fee and a nonrefundable application
5052 fee in amounts fixed by the board in accordance with Section
5053 73-11-56. The fee for an initial license, however, may be
5054 prorated in proportion to the period of time from the date of
5055 issuance to the date of biennial license renewal prescribed in
5056 subsection (8) of this section. All applications for examination
5057 shall be filed with the board office at least sixty (60) days
5058 before the date of examination. A candidate shall be deemed to
5059 have abandoned the application for examination if he does not
5060 appear on the scheduled date of examination unless such failure to
5061 appear has been approved by the board.

5062 (6) The practice of funeral service or funeral directing
5063 must be engaged in at a licensed funeral establishment, at least
5064 one (1) of which is listed as the licensee's place of business;
5065 and no person, partnership, corporation, association or other
5066 organization shall open or maintain a funeral establishment at
5067 which to engage in or conduct or hold himself or itself out as
5068 engaging in the practice of funeral service or funeral directing



5069 until such establishment has complied with the licensing
5070 requirements of this chapter. A license for the practice of
5071 funeral service or funeral directing shall be used only at
5072 licensed funeral establishments; however, this provision shall not
5073 prevent a person licensed for the practice of funeral service or
5074 funeral directing from conducting a funeral service at a church, a
5075 residence, public hall, lodge room or cemetery chapel, if such
5076 person maintains a fixed licensed funeral establishment of his own
5077 or is in the employ of or an agent of a licensed funeral
5078 establishment.

5079 (7) Any person holding a valid, unrevoked and unexpired
5080 nonreciprocal license in another state or territory having
5081 requirements greater than or equal to those of this state as
5082 determined by the board may apply for a license to practice in
5083 this state by filing with the board a certified statement from the
5084 secretary of the licensing board of the state or territory in
5085 which the applicant holds his license certifying to his
5086 qualifications and good standing with that board. He/she must
5087 also successfully pass a written and/or oral examination on the
5088 Mississippi Funeral Service licensing law and rules and
5089 regulations as prepared or approved by the board, and must pay a
5090 nonrefundable application fee set by the board. If the board
5091 finds that the applicant has fulfilled aforesaid requirements and
5092 has fulfilled substantially similar requirements of those required
5093 for a Mississippi licensee, the board shall grant such license



5094 upon receipt of a fee in an amount equal to the renewal fee set by
5095 the board for a license for the practice of funeral service or
5096 funeral directing, as the case may be, in this state. The board
5097 may issue a temporary funeral service or funeral directing work
5098 permit before a license is granted, before the next regular
5099 meeting of the board, if the applicant for a reciprocal license
5100 has complied with all requirements, rules and regulations of the
5101 board. The temporary permit will expire at the next regular
5102 meeting of the board. The issuance of a license or temporary
5103 permit by reciprocity to a military-trained applicant, military
5104 spouse or person who establishes residence in this state shall be
5105 subject to the provisions of Section 73-50-1 or 73-50-2, as
5106 applicable.

5107 (8) (a) Except as provided in Section 33-1-39, any person
5108 holding a license for the practice of funeral service or funeral
5109 directing may have the same renewed for a period of two (2) years
5110 by making and filing with the board an application on or before
5111 the due date. Payment of the renewal fee shall be in an amount
5112 set by the board in accordance with Section 73-11-56. The board
5113 shall mail the notice of renewal and the due date for the payment
5114 of the renewal fee to the last-known address of each licensee at
5115 least thirty (30) days before that date. It is the responsibility
5116 of the licensee to notify the board in writing of any change of
5117 address. An application will be considered late if the
5118 application and proper fees are not in the board's office or



5119 postmarked by the due date. Failure of a license holder to
5120 receive the notice of renewal shall not exempt or excuse a license
5121 holder from the requirement of renewing the license on or before
5122 the license expiration date.

5123 (b) If the renewal fee is not paid on or postmarked by
5124 the due date, the license of such person shall by operation of law
5125 automatically expire and become void without further action of the
5126 board. The board may reinstate such license if application for
5127 licensure is made within a period of five (5) years, upon payment
5128 of the renewal fee for the current year, all renewal fees in
5129 arrears, and a reinstatement fee. After a period of five (5)
5130 years, the licensee must make application, pay the current renewal
5131 fee, all fees in arrears, and pass a written and/or oral
5132 examination as prepared or approved by the board.

5133 (9) No license shall be assignable or valid for any person
5134 other than the original licensee.

5135 (10) The board may, in its discretion, if there is a major
5136 disaster or emergency where human death is likely to occur,
5137 temporarily authorize the practice of funeral directing and
5138 funeral service by persons licensed to practice in another state
5139 but not licensed to practice in this state. Only persons licensed
5140 in this state, however, may sign death certificates.

5141 (11) Any funeral service technology or mortuary science
5142 program accredited by the American Board of Funeral Service
5143 Education in the State of Mississippi, as well as students



5144 enrolled in such a program, shall be exempt from licensing under
5145 this chapter when embalming or otherwise preparing a deceased
5146 human body for disposition as part of a student practicum
5147 experience, when the student is directly supervised by an
5148 instructor or preceptor who holds a current funeral service
5149 license. This exemption shall apply to practicum experiences
5150 performed at an accredited institution of funeral service
5151 technology or mortuary science program or at a duly licensed
5152 funeral establishment or commercial mortuary service. Nothing in
5153 this subsection shall be construed to allow any funeral service
5154 technology or mortuary science program, or those students enrolled
5155 in such a program, to engage in practicum experiences for
5156 remuneration.

5157 (12) Each application or filing made under this section
5158 shall include the social security number(s) of the applicant in
5159 accordance with Section 93-11-64.

5160 **SECTION 53.** Section 73-13-23, Mississippi Code of 1972, is
5161 amended as follows:

5162 73-13-23. (1) (a) The following shall be considered as
5163 minimum evidence satisfactory to the board that the applicant is
5164 qualified for licensure as a professional engineer:

5165 Graduation in an engineering curriculum of four (4) years or
5166 more from a school or college approved by the board as of
5167 satisfactory standing or graduation in an engineering, engineering
5168 technology, or related science curriculum of four (4) scholastic



5169 years from a school or college other than those approved by the
5170 board plus a graduate degree in an engineering curriculum from a
5171 school or college wherein the same engineering curriculum at the
5172 undergraduate level is approved by the board as of satisfactory
5173 standing; a specific record of four (4) years of qualifying
5174 engineering experience indicating that the applicant is competent
5175 to practice engineering (in counting years of experience, the
5176 board at its discretion may give credit not in excess of three (3)
5177 years for satisfactory graduate study in engineering), and the
5178 successful passing of examinations in engineering as prescribed by
5179 the board.

5180 (b) In considering the qualifications of applicants,
5181 engineering teaching may be construed as engineering experience.

5182 (c) The mere execution, as a contractor, of work
5183 designed by a professional engineer, or the supervision of the
5184 construction of such work as a foreman or superintendent shall not
5185 be deemed to be the practice of engineering.

5186 (d) Any person having the necessary qualifications
5187 prescribed in Sections 73-13-1 through 73-13-45 to entitle him to
5188 licensure shall be eligible for such licensure although he may not
5189 be practicing his profession at the time of making his
5190 application.

5191 (e) No person shall be eligible for licensure as a
5192 professional engineer who * * * presents claims in support of his
5193 application which contain major discrepancies.



5194 (2) The following shall be considered as minimum evidence
5195 satisfactory to the board that the applicant is qualified for
5196 enrollment as an engineer intern:

5197 (a) Graduation in an engineering curriculum of four (4)
5198 scholastic years or more from a school or college approved by the
5199 board as of satisfactory standing or graduation in an engineering,
5200 engineering technology, or related science curriculum of four (4)
5201 scholastic years from a school or college other than those
5202 approved by the board plus a graduate degree in an engineering
5203 curriculum from a school or college wherein that same engineering
5204 curriculum at the undergraduate level is approved by the board as
5205 of satisfactory standing; and

5206 (b) Successfully passing a written examination in the
5207 fundamental engineering subjects.

5208 **SECTION 54.** Section 73-13-77, Mississippi Code of 1972, is
5209 amended as follows:

5210 73-13-77. (1) The following shall be considered as minimum
5211 evidence satisfactory to the board that the applicant is qualified
5212 for licensure as a professional surveyor:

5213 (a) (i) A bachelor's degree in geomatics, surveying or
5214 surveying technology approved by the board consisting of a minimum
5215 of one hundred twenty (120) semester hours, or the equivalent, in
5216 surveying curriculum subjects and a specific record of four (4)
5217 years of qualifying surveying experience; or



5218 (ii) A bachelor's degree in a related science
5219 curriculum defined by board rule, consisting of sixty-two (62)
5220 semester hours in surveying curriculum subjects as defined by
5221 board rule, and a specific record of five (5) years of qualifying
5222 surveying experience; or

5223 (iii) A bachelor's degree in a related science
5224 curriculum defined by board rule, and a specific record of six (6)
5225 years of qualifying surveying experience; or

5226 (iv) An associate degree, or its equivalent, in a
5227 curriculum approved by the board consisting of sixty-two (62)
5228 semester hours in surveying curriculum subjects as defined by
5229 board rule, and a specific record of seven (7) years or more of
5230 qualifying surveying experience; or

5231 (v) A high school diploma, or its equivalent, and
5232 a specific record of twelve (12) years or more of qualifying
5233 surveying experience; and

5234 (b) Successfully passing examinations in surveying
5235 prescribed by the board.

5236 (2) The following shall be considered as minimum evidence
5237 satisfactory to the board that the applicant is qualified for
5238 enrollment as a surveyor intern:

5239 (a) (i) A bachelor's degree in geomatics, surveying or
5240 surveying technology approved by the board consisting of a minimum
5241 of one hundred twenty (120) semester hours, or the equivalent, in
5242 surveying curriculum subjects; or



5243 (ii) A bachelor's degree in a related science
5244 curriculum defined by board rule consisting of sixty-two (62)
5245 semester hours in surveying curriculum subjects as defined by
5246 board rule; or

5247 (iii) A bachelor's degree in a related science
5248 curriculum defined by board rule; or

5249 (iv) An associate degree, or its equivalent, in a
5250 curriculum approved by the board consisting of sixty-two (62)
5251 semester hours in surveying curriculum subjects as defined by
5252 board rule; or

5253 (v) A high school diploma, or its equivalent, and
5254 a specific record of eight (8) years or more of qualifying
5255 surveying experience; and

5256 (b) Successfully passing examinations in surveying
5257 fundamentals prescribed by the board.

5258 * * *

5259 **SECTION 55.** Section 73-15-19, Mississippi Code of 1972, is
5260 amended as follows:

5261 73-15-19. (1) **Registered nurse applicant qualifications.**

5262 Any applicant for a license to practice as a registered nurse
5263 shall submit to the board:

5264 (a) An attested written application on a Board of
5265 Nursing form;

5266 (b) Written official evidence of completion of a
5267 nursing program approved by the Board of Trustees of State



5268 Institutions of Higher Learning, or one approved by a legal
5269 accrediting agency of another state, territory or possession of
5270 the United States, the District of Columbia, or a foreign country
5271 which is satisfactory to this board;

5272 (c) Evidence of competence in English related to
5273 nursing, provided the first language is not English;

5274 (d) Any other official records required by the board.

5275 In addition to the requirements specified in paragraphs (a)
5276 through (d) of this subsection, in order to qualify for a license
5277 to practice as a registered nurse, an applicant must have
5278 successfully been cleared for licensure through an investigation
5279 that shall consist of a * * * verification that the prospective
5280 licensee is not guilty of or in violation of any statutory ground
5281 for denial of licensure as set forth in Section 73-15-29 or guilty
5282 of any offense specified in Section 73-15-33. To assist the board
5283 in conducting its licensure investigation, all applicants shall
5284 undergo a fingerprint-based criminal history records check of the
5285 Mississippi central criminal database and the Federal Bureau of
5286 Investigation criminal history database. Each applicant shall
5287 submit a full set of his or her fingerprints in a form and manner
5288 prescribed by the board, which shall be forwarded to the
5289 Mississippi Department of Public Safety (department) and the
5290 Federal Bureau of Investigation Identification Division for this
5291 purpose.



5292 Any and all state or national criminal history records
5293 information obtained by the board that is not already a matter of
5294 public record shall be deemed nonpublic and confidential
5295 information restricted to the exclusive use of the board, its
5296 members, officers, investigators, agents and attorneys in
5297 evaluating the applicant's eligibility or disqualification for
5298 licensure, and shall be exempt from the Mississippi Public Records
5299 Act of 1983. Except when introduced into evidence in a hearing
5300 before the board to determine licensure, no such information or
5301 records related thereto shall, except with the written consent of
5302 the applicant or by order of a court of competent jurisdiction, be
5303 released or otherwise disclosed by the board to any other person
5304 or agency.

5305 The board shall provide to the department the fingerprints of
5306 the applicant, any additional information that may be required by
5307 the department, and a form signed by the applicant consenting to
5308 the check of the criminal records and to the use of the
5309 fingerprints and other identifying information required by the
5310 state or national repositories.

5311 The board shall charge and collect from the applicant, in
5312 addition to all other applicable fees and costs, such amount as
5313 may be incurred by the board in requesting and obtaining state and
5314 national criminal history records information on the applicant.

5315 The board may, in its discretion, refuse to accept the
5316 application of any person who has been convicted of a criminal



5317 offense under any provision of Title 97 of the Mississippi Code of
5318 1972, as now or hereafter amended, or any provision of this
5319 article.

5320 (2) **Licensure by examination.** (a) Upon the board being
5321 satisfied that an applicant for a license as a registered nurse
5322 has met the qualifications set forth in subsection (1) of this
5323 section, the board shall proceed to examine such applicant in such
5324 subjects as the board shall, in its discretion, determine. The
5325 subjects in which applicants shall be examined shall be in
5326 conformity with curricula in schools of nursing approved by the
5327 Board of Trustees of State Institutions of Higher Learning, or one
5328 approved by a legal accrediting agency of another state, territory
5329 or possession of the United States, the District of Columbia, or a
5330 foreign country which is satisfactory to the board.

5331 (b) The applicant shall be required to pass the written
5332 examination as selected by the board.

5333 (c) Upon successful completion of such examination, the
5334 board shall issue to the applicant a license to practice as a
5335 registered nurse.

5336 (d) The board may use any part or all of the state
5337 board test pool examination for registered nurse licensure, its
5338 successor examination, or any other nationally standardized
5339 examination identified by the board in its rules. The passing
5340 score shall be established by the board in its rules.



5341 (3) **Licensure by endorsement.** The board may issue a license
5342 to practice nursing as a registered nurse without examination to
5343 an applicant who has been duly licensed as a registered nurse
5344 under the laws of another state, territory or possession of the
5345 United States, the District of Columbia, or a foreign country if,
5346 in the opinion of the board, the applicant meets the
5347 qualifications required of licensed registered nurses in this
5348 state and has previously achieved the passing score or scores on
5349 the licensing examination required by this state, at the time of
5350 his or her graduation. The issuance of a license by endorsement
5351 to a military-trained applicant, military spouse or person who
5352 establishes residence in this state shall be subject to the
5353 provisions of Section 73-50-1 or 73-50-2, as applicable.

5354 (4) **Requirements for rewriting the examination.** The board
5355 shall establish in its rules the requirements for rewriting the
5356 examination for those persons failing the examination on the first
5357 writing or subsequent rewriting.

5358 (5) **Fee.** The applicant applying for a license by
5359 examination or by endorsement to practice as a registered nurse
5360 shall pay a fee not to exceed One Hundred Dollars (\$100.00) to the
5361 board.

5362 (6) **Temporary permit.** (a) The board may issue a temporary
5363 permit to practice nursing to a graduate of an approved school of
5364 nursing pending the results of the examination in Mississippi, and
5365 to a qualified applicant from another state, territory or



5366 possession of the United States, or District of Columbia, or
5367 pending licensure procedures as provided for elsewhere in this
5368 article. The fee shall not exceed Twenty-five Dollars (\$25.00).

5369 (b) The board may issue a temporary permit for a period
5370 of ninety (90) days to a registered nurse who is currently
5371 licensed in another state, territory or possession of the United
5372 States or the District of Columbia and who is an applicant for
5373 licensure by endorsement. Such permit is not renewable except by
5374 board action. The issuance of a temporary permit to a
5375 military-trained applicant, military spouse or person who
5376 establishes residence in this state shall be subject to the
5377 provisions of Section 73-50-1 or 73-50-2, as applicable.

5378 (c) The board may issue a temporary permit to a
5379 graduate of an approved school of nursing pending the results of
5380 the first licensing examination scheduled after application. Such
5381 permit is not renewable except by board action.

5382 (d) The board may issue a temporary permit for a period
5383 of thirty (30) days to any registered nurse during the time
5384 enrolled in a nursing reorientation program. This time period may
5385 be extended by board action. The fee shall not exceed Twenty-five
5386 Dollars (\$25.00).

5387 (e) The board may adopt such regulations as are
5388 necessary to limit the practice of persons to whom temporary
5389 permits are issued.



5390 (7) **Temporary license.** The board may issue a temporary
5391 license to practice nursing at a youth camp licensed by the State
5392 Board of Health to nonresident registered nurses and retired
5393 resident registered nurses under the provisions of Section
5394 75-74-8.

5395 (8) **Title and abbreviation.** Any person who holds a license
5396 or holds the privilege to practice as a registered nurse in this
5397 state shall have the right to use the title "registered nurse" and
5398 the abbreviation "R.N." No other person shall assume such title
5399 or use such abbreviation, or any words, letters, signs or devices
5400 to indicate that the person using the same is a registered nurse.

5401 (9) **Registered nurses licensed under a previous law.** Any
5402 person holding a license to practice nursing as a registered nurse
5403 issued by this board which is valid on July 1, 1981, shall
5404 thereafter be deemed to be licensed as a registered nurse under
5405 the provisions of this article upon payment of the fee provided in
5406 Section 73-15-27.

5407 (10) Each application or filing made under this section
5408 shall include the social security number(s) of the applicant in
5409 accordance with Section 93-11-64.

5410 **SECTION 56.** Section 73-15-21, Mississippi Code of 1972, is
5411 amended as follows:

5412 73-15-21. (1) **Licensed practical nurse applicant**
5413 **qualifications.** Any applicant for a license to practice practical
5414 nursing as a licensed practical nurse shall submit to the board:



5415 (a) An attested written application on a Board of
5416 Nursing form;

5417 (b) A diploma from an approved high school or the
5418 equivalent thereof, as determined by the appropriate educational
5419 agency;

5420 (c) Written official evidence of completion of a
5421 practical nursing program approved by the State Department of
5422 Education through its Division of Vocational Education, or one
5423 approved by a legal accrediting agency of another state, territory
5424 or possession of the United States, the District of Columbia, or a
5425 foreign country which is satisfactory to this board;

5426 (d) Evidence of competence in English related to
5427 nursing, provided the first language is not English;

5428 (e) Any other official records required by the board.

5429 In addition to the requirements specified in paragraphs (a)
5430 through (e) of this subsection, in order to qualify for a license
5431 to practice practical nursing as a licensed practical nurse, an
5432 applicant must have successfully been cleared for licensure
5433 through an investigation that shall consist of a * * *
5434 verification that the prospective licensee is not guilty of or in
5435 violation of any statutory ground for denial of licensure as set
5436 forth in Section 73-15-29 or guilty of any offense specified in
5437 Section 73-15-33. To assist the board in conducting its licensure
5438 investigation, all applicants shall undergo a fingerprint-based
5439 criminal history records check of the Mississippi central criminal



5440 database and the Federal Bureau of Investigation criminal history
5441 database. Each applicant shall submit a full set of his or her
5442 fingerprints in a form and manner prescribed by the board, which
5443 shall be forwarded to the Mississippi Department of Public Safety
5444 (department) and the Federal Bureau of Investigation
5445 Identification Division for this purpose.

5446 Any and all state or national criminal history records
5447 information obtained by the board that is not already a matter of
5448 public record shall be deemed nonpublic and confidential
5449 information restricted to the exclusive use of the board, its
5450 members, officers, investigators, agents and attorneys in
5451 evaluating the applicant's eligibility or disqualification for
5452 licensure, and shall be exempt from the Mississippi Public Records
5453 Act of 1983. Except when introduced into evidence in a hearing
5454 before the board to determine licensure, no such information or
5455 records related thereto shall, except with the written consent of
5456 the applicant or by order of a court of competent jurisdiction, be
5457 released or otherwise disclosed by the board to any other person
5458 or agency.

5459 The board shall provide to the department the fingerprints of
5460 the applicant, any additional information that may be required by
5461 the department, and a form signed by the applicant consenting to
5462 the check of the criminal records and to the use of the
5463 fingerprints and other identifying information required by the
5464 state or national repositories.



5465 The board shall charge and collect from the applicant, in
5466 addition to all other applicable fees and costs, such amount as
5467 may be incurred by the board in requesting and obtaining state and
5468 national criminal history records information on the applicant.

5469 The board may, in its discretion, refuse to accept the
5470 application of any person who has been convicted of a criminal
5471 offense under any provision of Title 97 of the Mississippi Code of
5472 1972, as now or hereafter amended, or any provision of this
5473 article.

5474 (2) **Licensure by examination.** (a) Upon the board being
5475 satisfied that an applicant for a license as a practical nurse has
5476 met the qualifications set forth in subsection (1) of this
5477 section, the board shall proceed to examine such applicant in such
5478 subjects as the board shall, in its discretion, determine. The
5479 subjects in which applicants shall be examined shall be in
5480 conformity with curricula in schools of practical nursing approved
5481 by the State Department of Education.

5482 (b) The applicant shall be required to pass the written
5483 examination selected by the board.

5484 (c) Upon successful completion of such examination, the
5485 board shall issue to the applicant a license to practice as a
5486 licensed practical nurse.

5487 (d) The board may use any part or all of the state
5488 board test pool examination for practical nurse licensure, its
5489 successor examination, or any other nationally standardized



5490 examination identified by the board in its rules. The passing
5491 score shall be established by the board in its rules.

5492 (3) **Licensure by endorsement.** The board may issue a license
5493 to practice practical nursing as a licensed practical nurse
5494 without examination to an applicant who has been duly licensed as
5495 a licensed practical nurse under the laws of another state,
5496 territory or possession of the United States, the District of
5497 Columbia, or a foreign country if, in the opinion of the board,
5498 the applicant meets the qualifications required of licensed
5499 practical nurses in this state and has previously achieved the
5500 passing score or scores on the licensing examination required by
5501 this state at the time of his or her graduation. The issuance of
5502 a license by endorsement to a military-trained applicant, military
5503 spouse or person who establishes residence in this state shall be
5504 subject to the provisions of Section 73-50-1 or 73-50-2, as
5505 applicable.

5506 (4) **Licensure by equivalent amount of theory and clinical**
5507 **experience.** In the discretion of the board, former students of a
5508 state-accredited school preparing students to become registered
5509 nurses may be granted permission to take the examination for
5510 licensure to practice as a licensed practical nurse, provided the
5511 applicant's record or transcript indicates the former student
5512 completed an equivalent amount of theory and clinical experiences
5513 as required of a graduate of a practical nursing program, and



5514 provided the school attended was, at the time of the student's
5515 attendance, an accredited school of nursing.

5516 (5) **Requirements for rewriting the examination.** The board
5517 shall establish in its rules the requirements for rewriting the
5518 examination for those persons failing the examination on the first
5519 writing or subsequent writing.

5520 (6) **Fee.** The applicant applying for a license by
5521 examination or by endorsement to practice as a licensed practical
5522 nurse shall pay a fee not to exceed Sixty Dollars (\$60.00) to the
5523 board.

5524 (7) **Temporary permit.** (a) The board may issue a temporary
5525 permit to practice practical nursing to a graduate of an approved
5526 school of practical nursing pending the results of the examination
5527 in Mississippi, and to a qualified applicant from another state,
5528 territory or possession of the United States, or the District of
5529 Columbia, pending licensing procedures as provided for elsewhere
5530 in this article. The fee shall not exceed Twenty-five Dollars
5531 (\$25.00).

5532 (b) The board may issue a temporary permit for a period
5533 of ninety (90) days to a licensed practical nurse who is currently
5534 licensed in another state, territory or possession of the United
5535 States or the District of Columbia and who is an applicant for
5536 licensure by endorsement. Such permit is not renewable except by
5537 board action. The issuance of a temporary permit to a
5538 military-trained applicant, military spouse or person who



5539 establishes residence in this state shall be subject to the
5540 provisions of Section 73-50-1 or 73-50-2, as applicable.

5541 (c) The board may issue a temporary permit to a
5542 graduate of an approved practical nursing education program or an
5543 equivalent program satisfactory to the board pending the results
5544 of the first licensing examination scheduled after application.
5545 Such permit is not renewable except by board action.

5546 (d) The board may issue a temporary permit for a period
5547 of thirty (30) days to any licensed practical nurse during the
5548 time enrolled in a nursing reorientation program. This time
5549 period may be extended by board action. The fee shall not exceed
5550 Twenty-five Dollars (\$25.00).

5551 (e) The board may adopt such regulations as are
5552 necessary to limit the practice of persons to whom temporary
5553 permits are issued.

5554 (8) **Title and abbreviation.** Any person who holds a license
5555 or holds the privilege to practice as a licensed practical nurse
5556 in this state shall have the right to use the title "licensed
5557 practical nurse" and the abbreviation "L.P.N." No other person
5558 shall assume such title or use such abbreviation, or any words,
5559 letters, signs or devices to indicate that a person using the same
5560 is a licensed practical nurse.

5561 (9) **Licensed practical nurses licensed under a previous law.**
5562 Any person holding a license to practice nursing as a practical
5563 nurse issued by this board which is valid on July 1, 1981, shall



5564 thereafter be deemed to be licensed as a practical nurse under the
5565 provisions of this article upon payment of the fee prescribed in
5566 Section 73-15-27.

5567 (10) Each application or filing made under this section
5568 shall include the social security number(s) of the applicant in
5569 accordance with Section 93-11-64.

5570 **SECTION 57.** Section 73-17-9, Mississippi Code of 1972, is
5571 amended as follows:

5572 73-17-9. It shall be the function and duty of the board to:

5573 (a) Develop, impose, and enforce standards which must
5574 be met by individuals in order to receive a license as a nursing
5575 home administrator, which standards shall be designed to * * *
5576 ensure that nursing home administrators will be individuals who
5577 are * * * suitable, and who, by training or experience in the
5578 field of institutional administration, are qualified to serve as
5579 nursing home administrators;

5580 (b) Develop and apply appropriate techniques, including
5581 examinations and investigations, for determining whether an
5582 individual meets such standards;

5583 (c) Issue licenses to individuals determined, after the
5584 application of such techniques, to meet such standards, and revoke
5585 or suspend licenses previously issued by the board in any case
5586 where the individual holding any such license is determined
5587 substantially to have failed to conform to the requirements of
5588 such standards;



5589 (d) Establish and carry out procedures designed
5590 to * * * ensure that individuals licensed as nursing home
5591 administrators will, during any period that they serve as such,
5592 comply with the requirements of such standards;

5593 (e) Receive, investigate, and take appropriate action
5594 with respect to any charge or complaint filed with the board to
5595 the effect that any individual licensed as a nursing home
5596 administrator has failed to comply with the requirements of such
5597 standards;

5598 (f) Conduct a continuing study and investigation of
5599 nursing homes and administrators of nursing homes within the state
5600 with a view to the improvement of the standards imposed for the
5601 licensing of such administrators and of procedures and methods for
5602 the enforcement of such standards with respect to administrators
5603 of nursing homes who have been licensed as such; and

5604 (g) To devise and implement an educational program
5605 designed to increase the professional proficiency of nursing home
5606 administrators and to assist otherwise qualified individuals to
5607 prepare for careers in nursing home administration.

5608 **SECTION 58.** Section 73-17-11, Mississippi Code of 1972, is
5609 amended as follows:

5610 73-17-11. (1) From and after July 1, 2011, in order to be
5611 eligible to be licensed as a nursing home administrator, an
5612 individual must submit evidence satisfactory to the board that he
5613 or she:



5614 (a) Is at least twenty-one (21) years of age;

5615 (b) * * * Has not been convicted of a disqualifying

5616 crime as provided in the Fresh Start Act, including evidence of a

5617 criminal background check within the last six (6) months, under

5618 Section 43-11-13 and Section G.407.3 of the Minimum Standards for

5619 Institutions for the Aged or Infirm;

5620 (c) Is in good health;

5621 (d) Has satisfied at least one (1) of the following

5622 requirements for education and experience:

5623 (i) Has sixty-four (64) hours of college work from

5624 an accredited institution and has worked in a supervisory capacity

5625 in a Mississippi-licensed nursing home for a minimum of two (2)

5626 years immediately before making application for the

5627 Administrator-in-Training Program established by board rule;

5628 (ii) Has an associate degree from an accredited

5629 institution and has worked in a supervisory capacity in a

5630 Mississippi-licensed nursing home for a minimum of two (2) years

5631 immediately before making application for the

5632 Administrator-in-Training Program established by board rule;

5633 (iii) Has a bachelor's degree in any other field

5634 of study from an accredited institution before making application

5635 for the Administrator-in-Training Program established by board

5636 rule; or

5637 (iv) Has a bachelor's degree in health care

5638 administration or a health care related field or business from an



5639 accredited institution before making application for the
5640 Administrator-in-Training Program established by board rule;

5641 (e) Has (i) completed a nursing home
5642 Administrator-in-Training Program and successfully completed the
5643 National Association of Long-Term Care Administrator Board (NAB)
5644 examination, or (ii) completed an Administrator-in-Training
5645 Program in Long-Term Care Administration from an academic
5646 institution during which time the institution held National
5647 Association of Long-Term Care Administrator Board (NAB) Program
5648 Approval through the academic approval process, to the
5649 satisfaction of the board;

5650 (f) Has successfully passed the National Association of
5651 Long-Term Care Administrator Board (NAB) examination and the
5652 Mississippi State Board of Nursing Home Administrators examination
5653 to test his or her proficiency and basic knowledge in the area of
5654 nursing home administration. The board may establish the
5655 frequency of the offering of those examinations and the contents
5656 thereof; and

5657 (g) Has met all of the requirements established by
5658 federal law.

5659 (2) The board is authorized to conduct a criminal history
5660 records check on applicants for licensure. In order to determine
5661 the applicant's suitability for licensing, the applicant shall be
5662 fingerprinted. The board shall submit the fingerprints to the
5663 Department of Public Safety for a check of the state criminal



5664 records and forward to the Federal Bureau of Investigation for a
5665 check of the national criminal records. The Department of Public
5666 Safety shall disseminate the results of the state check and the
5667 national check to the board for a suitability determination. The
5668 applicant shall not be charged any of the costs of requesting and
5669 obtaining the state and national criminal history records
5670 information on the applicant.

5671 (3) Reciprocity shall be extended to individuals holding
5672 licenses as nursing home administrators in other states, upon
5673 proper application and a finding on the part of the board that:

5674 (a) The applicant possesses the basic qualifications
5675 listed in this chapter and in the rules and regulations adopted
5676 under federal law;

5677 (b) The applicant has met all of the requirements
5678 established by federal law; and

5679 (c) The standards for licensure in the other states are
5680 at least the substantial equivalent of those in this state,
5681 including education and experience, and the applicant has passed
5682 both the National Association of Long-Term Care Administrator
5683 Board (NAB) and the state exams.

5684 The issuance of a license by reciprocity to a
5685 military-trained applicant, military spouse or person who
5686 establishes residence in this state shall be subject to the
5687 provisions of Section 73-50-1 or 73-50-2, as applicable.



5688 (4) The board may prescribe appropriate fees for the taking
5689 of those examinations and for the issuance of licenses. Those
5690 fees shall be not more than the cost of the examinations and Five
5691 Hundred Fifty Dollars (\$550.00) for the issuance of a license.
5692 However, the fee for an initial license may be prorated in
5693 proportion to the period of time from the date of issuance and the
5694 date of biennial license renewal prescribed in subsection (5).
5695 All licenses issued under this chapter shall be for a maximum
5696 period of two (2) years.

5697 (5) Except as provided in Section 33-1-39, the board may
5698 renew licenses biennially upon the payment of a fee to be
5699 established by the board, which shall be not more than Five
5700 Hundred Fifty Dollars (\$550.00), plus any administrative costs for
5701 late payment.

5702 (6) Any person who is not licensed under this chapter on
5703 July 1, 2011, who makes application with the board on or before
5704 June 30, 2012, may qualify for a license under this chapter
5705 provided that on or before January 31, 2014, he or she
5706 demonstrates to the satisfaction of the board that he or she (a)
5707 meets the eligibility requirements for a nursing home
5708 administrator's license prescribed in this section as those
5709 requirements existed on June 30, 2011; (b) has successfully
5710 completed the Administrator-in-Training Program requirements
5711 existing on June 30, 2011; and (c) has paid all required fees for
5712 licensure.



5713 (7) Current licensure by the Department of Mental Health
5714 under Section 41-4-7(r) as a mental health/intellectual disability
5715 program administrator shall exempt the licensee from the
5716 requirement of licensure as a nursing home administrator if the
5717 licensee is employed in the state mental health system as
5718 Administrator of Intermediate Care Facility or Facilities for
5719 Persons with Intellectual Disabilities (ICF/ID) no larger than
5720 sixteen (16) beds.

5721 (8) Any member of the Legislature who serves on the Public
5722 Health and/or Medicaid Committee who is a licensed nursing home
5723 administrator shall be exempt from continuing education
5724 requirements for license renewal.

5725 **SECTION 59.** Section 73-19-17, Mississippi Code of 1972, is
5726 amended as follows:

5727 73-19-17. Any person over the age of twenty-one (21)
5728 years * * * who has graduated from a reputable school or college
5729 of optometry, shall be entitled to stand for the examination for
5730 license to practice optometry in Mississippi. The examining Board
5731 of Optometry shall keep on file a list of schools or colleges of
5732 optometry which are recognized by said board. The examination to
5733 practice optometry shall consist of tests in practical,
5734 theoretical and physiological optics, in theoretical and practical
5735 optometry and in anatomy and physiology of the eye and in
5736 pathology as applied to optometry. The State Board of Optometry
5737 shall not examine or certify any optometrist in any therapeutic



5738 procedures unless the optometrist has successfully completed the
5739 proper didactic education and supervised clinical training taught
5740 by an institution accredited by a regional or professional
5741 accreditation organization that is recognized or approved by the
5742 Council on Postsecondary Accreditation of the United States
5743 Department of Education, or its successor, and approved by the
5744 State Board of Optometry with the advice and consultation of the
5745 designated members of the State Board of Medical Licensure and the
5746 State Board of Pharmacy.

5747 **SECTION 60.** Section 73-21-85, Mississippi Code of 1972, is
5748 amended as follows:

5749 73-21-85. (1) To obtain a license to engage in the practice
5750 of pharmacy by examination, or by score transfer, the applicant
5751 shall:

5752 (a) Have submitted a written application on the form
5753 prescribed by the board;

5754 * * *

5755 (* * *b) Have graduated from a school or college of
5756 pharmacy accredited by the American Council of Pharmaceutical
5757 Education and have been granted a pharmacy degree therefrom;

5758 (* * *c) Have successfully passed an examination
5759 approved by the board;

5760 (* * *d) Have paid all fees specified by the board for
5761 examination, not to exceed the cost to the board of administering
5762 the examination;



5763 (* * *e) Have paid all fees specified by the board for
5764 licensure; and

5765 (* * *f) Have submitted evidence of externship and/or
5766 internship as specified by the board.

5767 (2) To obtain a license to engage in the practice of
5768 pharmacy, a foreign pharmacy graduate applicant shall obtain the
5769 National Association of Boards of Pharmacy's Foreign Pharmacy
5770 Graduate Examination Committee's certification, which shall
5771 include, but not be limited to, successfully passing the Foreign
5772 Pharmacy Graduate Equivalency Examination and attaining a total
5773 score of at least five hundred fifty (550) on the Test of English
5774 as a Foreign Language (TOEFL), and shall:

5775 (a) Have submitted a written application on the form
5776 prescribed by the board;

5777 * * *

5778 (* * *b) Have graduated and been granted a pharmacy
5779 degree from a college or school of pharmacy recognized and
5780 approved by the National Association of Boards of Pharmacy's
5781 Foreign Pharmacy Graduate Examination Committee;

5782 (* * *c) Have paid all fees specified by the board for
5783 examination, not to exceed the cost to the board of administering
5784 the examination;

5785 (* * *d) Have successfully passed an examination
5786 approved by the board;



5787 (* * *e) Have completed the number of internship hours
5788 as set forth by regulations of the board; and

5789 (* * *f) Have paid all fees specified by the board for
5790 licensure.

5791 (3) Each application or filing made under this section shall
5792 include the social security number(s) of the applicant in
5793 accordance with Section 93-11-64.

5794 (4) * * * The board shall conduct a criminal history records
5795 check on all applicants for a license. In order to determine the
5796 applicant's suitability for licensing, the applicant shall be
5797 fingerprinted. The board shall submit the fingerprints to the
5798 Department of Public Safety for a check of the state criminal
5799 records and forward to the Federal Bureau of Investigation for a
5800 check of the national criminal records. The Department of Public
5801 Safety shall disseminate the results of the state check and the
5802 national check to the board for a suitability determination. The
5803 board shall be authorized to collect from the applicant the amount
5804 of the fee that the Department of Public Safety charges the board
5805 for the fingerprinting, whether manual or electronic, and the
5806 state and national criminal history records checks.

5807 (5) * * * The board, upon request of the Dean of the
5808 University of Mississippi School of Pharmacy, shall be authorized
5809 to conduct a criminal history records check on all applicants for
5810 enrollment into the School of Pharmacy. In order to determine the
5811 applicant's suitability for enrollment and licensing, the



5812 applicant shall be fingerprinted. The board shall submit the
5813 fingerprints to the Department of Public Safety for a check of the
5814 state criminal records and forward to the Federal Bureau of
5815 Investigation for a check of the national criminal records. The
5816 Department of Public Safety shall disseminate the results of the
5817 state check and the national check to the board for a suitability
5818 determination and the board shall forward the results to the Dean
5819 of the School of Pharmacy. The board shall be authorized to
5820 collect from the applicant the amount of the fee that the
5821 Department of Public Safety charges the board for the
5822 fingerprinting, whether manual or electronic, and the state and
5823 national criminal history records checks.

5824 **SECTION 61.** Section 73-21-87, Mississippi Code of 1972, is
5825 amended as follows:

5826 73-21-87. (1) To obtain a license to engage in the practice
5827 of pharmacy by reciprocity or license transfer, the applicant
5828 shall:

5829 (a) Have submitted a written application on the form
5830 prescribed by the board;

5831 * * *

5832 (* * *b) Have possessed at the time of initial
5833 licensure as a pharmacist such other qualifications necessary to
5834 have been eligible for licensure at that time in that state;

5835 (* * *c) Have presented to the board proof that any
5836 license or licenses granted to the applicant by any other states



5837 have not been suspended, revoked, cancelled or otherwise
5838 restricted for any reason except nonrenewal or the failure to
5839 obtain required continuing education credits; and

5840 (* * *d) Have paid all fees specified by the board for
5841 licensure.

5842 (2) No applicant shall be eligible for licensure by
5843 reciprocity or license transfer unless the state in which the
5844 applicant was initially licensed also grants a reciprocal license
5845 or transfer license to pharmacists licensed by this state under
5846 like circumstances and conditions.

5847 (3) The issuance of a license by reciprocity to a
5848 military-trained applicant, military spouse or person who
5849 establishes residence in this state shall be subject to the
5850 provisions of Section 73-50-1 or 73-50-2, as applicable.

5851 (4) Each application or filing made under this section shall
5852 include the social security number(s) of the applicant in
5853 accordance with Section 93-11-64.

5854 **SECTION 62.** Section 73-21-111, Mississippi Code of 1972, is
5855 amended as follows:

5856 73-21-111. (1) The board shall make, adopt, amend and
5857 repeal, from time to time, such rules and regulations for the
5858 regulation of supportive personnel as may be deemed necessary by
5859 the board.

5860 (2) Every person who acts or serves as a pharmacy technician
5861 in a pharmacy that is located in this state and permitted by the



5862 board shall obtain a registration from the board. To obtain a
5863 pharmacy technician registration the applicant must:

5864 (a) Have submitted a written application on a form(s)
5865 prescribed by the board; and

5866 * * *

5867 (* * *b) Have paid the initial registration fee not to
5868 exceed One Hundred Dollars (\$100.00).

5869 (3) Each pharmacy technician shall renew his or her
5870 registration annually. To renew his or her registration, a
5871 technician must:

5872 (a) Submit an application on a form prescribed by the
5873 board; and

5874 (b) Pay a renewal fee not to exceed One Hundred Dollars
5875 (\$100.00) for each annual registration period. The board may add
5876 a surcharge of not more than Five Dollars (\$5.00) to the
5877 registration renewal fee to assist in funding a program that
5878 assists impaired pharmacists, pharmacy students and pharmacy
5879 technicians.

5880 (4) * * * The board shall conduct a criminal history records
5881 check on all applicants for a license. In order to determine the
5882 applicant's suitability for licensing, the applicant shall be
5883 fingerprinted. The board shall submit the fingerprints to the
5884 Department of Public Safety for a check of the state criminal
5885 records and forward to the Federal Bureau of Investigation for a
5886 check of the national criminal records. The Department of Public



5887 Safety shall disseminate the results of the state check and the
5888 national check to the board for a suitability determination. The
5889 board shall be authorized to collect from the applicant the amount
5890 of the fee that the Department of Public Safety charges the board
5891 for the fingerprinting, whether manual or electronic, and the
5892 state and national criminal history records checks.

5893 **SECTION 63.** Section 73-23-47, Mississippi Code of 1972, is
5894 amended as follows:

5895 73-23-47. (1) Any person who desires to be licensed under
5896 this chapter must: (a) * * * have graduated from a physical
5897 therapy or physical therapist assistant program, as the case may
5898 be, accredited by an agency recognized by the United States
5899 Department of Education, Office on Postsecondary Education; and
5900 (* * *b) pay a nonrefundable examination fee as set by the board;
5901 (* * *c) pay an application fee, no part of which shall be
5902 refunded; (* * *d) be examined for licensure by the board; and
5903 meet the requirements established by the rules of the board. The
5904 licensure examination for physical therapists and for physical
5905 therapist assistants shall be selected by the board and may also
5906 include an oral examination or practical examination or both at
5907 the discretion of the board.

5908 (2) Any person who desires to exercise the privilege to
5909 practice under the Physical Therapy Licensure Compact must
5910 complete the terms and provisions of the compact as prescribed in
5911 Section 73-23-101.



5912 (3) Each application or filing made under this section shall
5913 include the social security number(s) of the applicant in
5914 accordance with Section 93-11-64.

5915 **SECTION 64.** Section 73-23-51, Mississippi Code of 1972, is
5916 amended as follows:

5917 73-23-51. (1) The board may license as a physical therapist
5918 or as a physical therapist assistant, and furnish a certificate of
5919 licensure without examination to, any applicant who presents
5920 evidence, satisfactory to the board, of having passed an
5921 examination before a similar lawfully authorized examining agency
5922 or board in physical therapy of another state or the District of
5923 Columbia, if the standards for registration in physical therapy or
5924 for licensure as a physical therapist assistant in such other
5925 state or district are determined by the board to be as high as
5926 those of this state. The issuance of a license by reciprocity to
5927 a military-trained applicant, military spouse or person who
5928 establishes residence in this state shall be subject to the
5929 provisions of Section 73-50-1 or 73-50-2, as applicable.

5930 (2) Any person who has been trained as a physical therapist
5931 in a foreign country and desires to be licensed under this chapter
5932 and who: (a) * * * holds a diploma from an educational program
5933 for physical therapists approved by the board; (* * *b) submits
5934 documentary evidence to the board that he has completed a course
5935 of professional instruction substantially equivalent to that
5936 obtained by an applicant for licensure; (* * *c) demonstrates



5937 satisfactory proof of proficiency in the English language; and
5938 (* * *d) meets other requirements established by rules of the
5939 board, may make application on a form furnished by the board for
5940 examination as a foreign-trained physical therapist. At the time
5941 of making such application, the applicant shall pay the fee
5942 prescribed by the board, no portion of which shall be returned.

5943 Any person who desires to be licensed under this subsection
5944 shall take an examination approved by the board and shall obtain a
5945 permanent license. If this requirement is not met, the license of
5946 the foreign-trained therapist may be revoked.

5947 **SECTION 65.** Section 73-24-19, Mississippi Code of 1972, is
5948 amended as follows:

5949 73-24-19. (1) An applicant applying for a license as an
5950 occupational therapist or as an occupational therapy assistant
5951 shall file a written application on forms provided by the board,
5952 showing to the satisfaction of the board that he or she meets the
5953 following requirements:

5954 * * *

5955 (* * *a) Has been awarded a degree from an education
5956 program in occupational therapy recognized by the board, with a
5957 concentration of instruction in basic human sciences, the human
5958 development process, occupational tasks and activities, the
5959 health-illness-health continuum, and occupational therapy theory
5960 and practice:



5961 (i) For an occupational therapist, such program
5962 shall be accredited by the Accreditation Council for Occupational
5963 Therapy Education of the American Occupational Therapy Association
5964 or the board-recognized accrediting body;

5965 (ii) For an occupational therapy assistant, such a
5966 program shall be accredited by the Accreditation Council for
5967 Occupational Therapy Education of the American Occupational
5968 Therapy Association or the board-recognized accrediting body;

5969 (* * *b) Has successfully completed a period of
5970 supervised fieldwork experience at a recognized educational
5971 institution or a training program approved by the educational
5972 institution where he or she met the academic requirements:

5973 (i) For an occupational therapist, the required
5974 supervised fieldwork experience shall meet current national
5975 standards that are published annually by the board;

5976 (ii) For an occupational therapy assistant, the
5977 required supervised fieldwork experience shall meet national
5978 standards that are published annually by the board.

5979 (2) The board shall approve an examination for occupational
5980 therapists and an examination for occupational therapy assistants
5981 that will be used as the examination for licensure.

5982 (3) Any person applying for licensure shall, in addition to
5983 demonstrating his or her eligibility in accordance with the
5984 requirements of this section, make application to the board for
5985 review of proof of his or her eligibility for certification by the



5986 National Board for Certification in Occupational Therapy, Inc.
5987 (NBCOT), or its successor organization, on a form and in such a
5988 manner as the board shall prescribe. The application shall be
5989 accompanied by the fee fixed in accordance with the provisions of
5990 Section 73-24-29. The board shall establish standards for
5991 acceptable performance on the examination. A person who fails an
5992 examination may apply for reexamination upon payment of the
5993 prescribed fee.

5994 (4) Applicants for licensure shall be examined at a time and
5995 place and under such supervision as the board may require. The
5996 board shall give reasonable public notice of these examinations in
5997 accordance with its rules and regulations.

5998 (5) An applicant may be licensed as an occupational
5999 therapist if he or she: (a) has practiced as an occupational
6000 therapy assistant for four (4) years, (b) has completed the
6001 requirements of a period of six (6) months of supervised fieldwork
6002 experience at a recognized educational institution or a training
6003 program approved by a recognized accredited educational
6004 institution before January 1, 1988, and (c) has passed the
6005 examination for occupational therapists.

6006 (6) An applicant applying for a compact privilege to
6007 practice as an occupational therapist or as an occupational
6008 therapy assistant must meet the requirements set out in the
6009 Occupational Therapy Licensure Compact provided for in Section
6010 73-24-51.



6011 (7) Each application or filing made under this section shall
6012 include the social security number(s) of the applicant in
6013 accordance with Section 93-11-64.

6014 **SECTION 66.** Section 73-24-21, Mississippi Code of 1972, is
6015 amended as follows:

6016 73-24-21. (1) The board shall grant a license to any person
6017 certified prior to July 1, 1988, as an Occupational Therapist
6018 Registered (OTR) or a Certified Occupational Therapy Assistant
6019 (COTA) by the American Occupational Therapy Association (AOTA).
6020 The board may waive the examination, education or experience
6021 requirements and grant a license to any person certified by AOTA
6022 after July 1, 1988, if the board determines the requirements for
6023 such certification are equivalent to the requirements for
6024 licensure in this article.

6025 (2) The board may waive the examination, education or
6026 experience requirements and grant a license to any applicant who
6027 shall present proof of current licensure as an occupational
6028 therapist or occupational therapy assistant in another state, the
6029 District of Columbia or territory of the United States which
6030 requires standards for licensure considered by the board to be
6031 equivalent to the requirements for licensure of this article. The
6032 issuance of a license by reciprocity to a military-trained
6033 applicant, military spouse or person who establishes residence in
6034 this state shall be subject to the provisions of Section 73-50-1
6035 or 73-50-2, as applicable.



6036 (3) Foreign-trained occupational therapists and occupational
6037 therapy assistants shall satisfy the examination requirements of
6038 Section 73-24-19. The board shall require foreign-trained
6039 applicants to furnish proof of * * * completion of educational and
6040 supervised fieldwork requirements substantially equal to those
6041 contained in Section 73-24-19 before taking the examination.

6042 **SECTION 67.** Section 73-25-3, Mississippi Code of 1972, is
6043 amended as follows:

6044 73-25-3. Every person who desires to obtain a license to
6045 practice medicine must apply therefor, in writing, to the State
6046 Board of Medical Licensure at least ten (10) days before the date
6047 of the examination and must be examined by the board according to
6048 the methods deemed by it to be the most practical and expeditious
6049 to test the applicants' qualifications. If the applicant is found
6050 by the board, upon examination, to possess sufficient learning in
6051 those branches * * *, the board shall issue him a license to
6052 practice medicine; however, no applicant shall be granted a
6053 license unless the applicant holds a diploma from a reputable
6054 medical college or college of osteopathic medicine that requires a
6055 four-year course of at least thirty-two (32) weeks for each
6056 session, or its equivalent.

6057 To qualify for a Mississippi medical license, an applicant
6058 must have successfully been cleared for licensure through an
6059 investigation that shall consist of a * * * verification that the
6060 prospective licensee is not guilty of or in violation of any



6061 statutory ground for denial of licensure as set forth in Sections
6062 73-25-29 and 73-25-83. To assist the board in conducting its
6063 licensure investigation, all applicants shall undergo a
6064 fingerprint-based criminal history records check of the
6065 Mississippi central criminal database and the Federal Bureau of
6066 Investigation criminal history database. Each applicant shall
6067 submit a full set of the applicant's fingerprints in a form and
6068 manner prescribed by the board, which shall be forwarded to the
6069 Mississippi Department of Public Safety (department) and the
6070 Federal Bureau of Investigation Identification Division for this
6071 purpose.

6072 Any and all state or national criminal history records
6073 information obtained by the board that is not already a matter of
6074 public record shall be deemed nonpublic and confidential
6075 information restricted to the exclusive use of the board, its
6076 members, officers, investigators, agents and attorneys in
6077 evaluating the applicant's eligibility or disqualification for
6078 licensure, and shall be exempt from the Mississippi Public Records
6079 Act of 1983. Except when introduced into evidence in a hearing
6080 before the board to determine licensure, no such information or
6081 records related thereto shall, except with the written consent of
6082 the applicant or by order of a court of competent jurisdiction, be
6083 released or otherwise disclosed by the board to any other person
6084 or agency.



6085 The board shall provide to the department the fingerprints of
6086 the applicant, any additional information that may be required by
6087 the department, and a form signed by the applicant consenting to
6088 the check of the criminal records and to the use of the
6089 fingerprints and other identifying information required by the
6090 state or national repositories.

6091 The board shall charge and collect from the applicant, in
6092 addition to all other applicable fees and costs, such amount as
6093 may be incurred by the board in requesting and obtaining state and
6094 national criminal history records information on the applicant.

6095 This section shall not apply to applicants for a special
6096 volunteer medical license authorized under Section 73-25-18.

6097 **SECTION 68.** Section 73-25-14, Mississippi Code of 1972, is
6098 amended as follows:

6099 73-25-14. (1) Except as provided in Section 33-1-39, the
6100 license of every person licensed to practice medicine or
6101 osteopathy in the State of Mississippi shall be renewed annually.

6102 On or before May 1 of each year, the State Board of Medical
6103 Licensure shall mail a notice of renewal of license to every
6104 physician or osteopath to whom a license was issued or renewed
6105 during the current licensing year. The notice shall provide
6106 instructions for obtaining and submitting applications for
6107 renewal. The State Board of Medical Licensure is authorized to
6108 make applications for renewal available via electronic means. The
6109 applicant shall obtain and complete the application and submit it



6110 to the board in the manner prescribed by the board in the notice
6111 before June 30 with the renewal fee of an amount established by
6112 the board, but not to exceed Three Hundred Dollars (\$300.00), a
6113 portion of which fee shall be used to support a program to aid
6114 impaired physicians and osteopaths. The payment of the annual
6115 license renewal fee shall be optional with all physicians over the
6116 age of seventy (70) years. Upon receipt of the application and
6117 fee, the board shall verify the accuracy of the application and
6118 issue to applicant a certificate of renewal for the ensuing year,
6119 beginning July 1 and expiring June 30 of the succeeding calendar
6120 year. That renewal shall render the holder thereof a legal
6121 practitioner as stated on the renewal form.

6122 (2) Any physician or osteopath practicing in Mississippi who
6123 allows his or her license to lapse by failing to renew the license
6124 as provided in subsection (1) may be reinstated by the board on
6125 satisfactory explanation for the failure to renew, by completion
6126 of a reinstatement form, and upon payment of the renewal fee for
6127 the current year, and shall be assessed a fine of Twenty-five
6128 Dollars (\$25.00) plus an additional fine of Five Dollars (\$5.00)
6129 for each month thereafter that the license renewal remains
6130 delinquent.

6131 (3) Any physician or osteopath not practicing in Mississippi
6132 who allows his or her license to lapse by failing to renew the
6133 license as provided in subsection (1) may be reinstated by the
6134 board on satisfactory explanation for the failure to renew, by



6135 completion of a reinstatement form and upon payment of the
6136 arrearages for the previous five (5) years and the renewal fee for
6137 the current year.

6138 (4) Any physician or osteopath who allows his or her license
6139 to lapse shall be notified by the board within thirty (30) days of
6140 that lapse.

6141 (5) Any person practicing as a licensed physician or
6142 osteopath during the time his or her license has lapsed shall be
6143 considered an illegal practitioner and shall be subject to
6144 penalties provided for violation of the Medical Practice Act, if
6145 he or she had not submitted the required reinstatement form and
6146 fee within fifteen (15) days after notification by the board of
6147 the lapse.

6148 (6) Any physician or osteopath practicing in the State of
6149 Mississippi whose license has lapsed and is deemed an illegal
6150 practitioner under subsection (5) of this section may petition the
6151 board for reinstatement of his or her license on a retroactive
6152 basis, if the physician or osteopath was unable to meet the June
6153 30 deadline due to extraordinary or other legitimate reasons, and
6154 retroactive reinstatement of licensure shall be granted or may be
6155 denied by the board only for good cause. Failure to advise the
6156 board of change of address shall not be considered a basis of
6157 reinstatement.



6158 (7) None of the fees or fines provided for in this section
6159 shall be applicable to the renewal of a special volunteer medical
6160 license authorized under Section 73-25-18.

6161 (8) Fees collected under the provisions of this section
6162 shall be used by the board to defray expenses of administering the
6163 licensure provisions of the Medical Practice Act (Title 73,
6164 Chapter 25, Mississippi Code of 1972) and to support a program to
6165 aid impaired physicians and osteopaths in an amount determined by
6166 the board.

6167 (9) In order for a physician or osteopath whose medical
6168 license has been expired for five (5) years or more to qualify for
6169 reinstatement of license, the physician or osteopath must have
6170 successfully been cleared for reinstatement through an
6171 investigation that shall consist of a * * * verification that the
6172 prospective licensee is not guilty of or in violation of any
6173 statutory ground for denial of licensure as set forth in Sections
6174 73-25-29 and 73-25-83. To assist the board in conducting its
6175 licensure investigation, all applicants shall undergo a
6176 fingerprint-based criminal history records check of the
6177 Mississippi central criminal database and the Federal Bureau of
6178 Investigation criminal history database. Each applicant shall
6179 submit a full set of the applicant's fingerprints in a form and
6180 manner prescribed by the board, which shall be forwarded to the
6181 Mississippi Department of Public Safety (department) and the



6182 Federal Bureau of Investigation Identification Division for this
6183 purpose.

6184 Any and all state or national criminal history records
6185 information obtained by the board that is not already a matter of
6186 public record shall be deemed nonpublic and confidential
6187 information restricted to the exclusive use of the board, its
6188 members, officers, investigators, agents and attorneys in
6189 evaluating the applicant's eligibility or disqualification for
6190 licensure, and shall be exempt from the Mississippi Public Records
6191 Act of 1983. Except when introduced into evidence in a hearing
6192 before the board to determine licensure, no such information or
6193 records related thereto shall, except with the written consent of
6194 the applicant or by order of a court of competent jurisdiction, be
6195 released or otherwise disclosed by the board to any other person
6196 or agency.

6197 The board shall provide to the department the fingerprints of
6198 the applicant, any additional information that may be required by
6199 the department, and a form signed by the applicant consenting to
6200 the check of the criminal records and to the use of the
6201 fingerprints and other identifying information required by the
6202 state or national repositories.

6203 The board shall charge and collect from the applicant, in
6204 addition to all other applicable fees and costs, such amount as
6205 may be incurred by the board in requesting and obtaining state and
6206 national criminal history records information on the applicant.



6207 **SECTION 69.** Section 73-25-32, Mississippi Code of 1972, is
6208 amended as follows:

6209 73-25-32. (1) A person whose license to practice medicine
6210 or osteopathy has been revoked or suspended may petition the
6211 Mississippi State Board of Medical Licensure to reinstate this
6212 license after a period of not less than one (1) year has elapsed
6213 from the date of the revocation or suspension. The procedure for
6214 the reinstatement of a license that is suspended for being out of
6215 compliance with an order for support, as defined in Section
6216 93-11-153, shall be governed by Section 93-11-157 or 93-11-163, as
6217 the case may be.

6218 (2) The petition shall be accompanied by two (2) or more
6219 verified recommendations from physicians or osteopaths licensed by
6220 the Board of Medical Licensure to which the petition is addressed
6221 and by two (2) or more recommendations from citizens each having
6222 personal knowledge of the activities of the petitioner since the
6223 disciplinary penalty was imposed and such facts as may be required
6224 by the Board of Medical Licensure.

6225 The petition may be heard at the next regular meeting of the
6226 Board of Medical Licensure but not earlier than thirty (30) days
6227 after the petition was filed. No petition shall be considered
6228 while the petitioner is under sentence for any criminal offense,
6229 including any period during which he is under probation or parole.
6230 The hearing may be continued from time to time as the Board of
6231 Medical Licensure finds necessary.



6232 (3) In determining whether the disciplinary penalty should
6233 be set aside and the terms and conditions, if any, that should be
6234 imposed if the disciplinary penalty is set aside, the Board of
6235 Medical Licensure may investigate and consider all activities of
6236 the petitioner since the disciplinary action was taken against
6237 him, the offense for which he was disciplined, his activity during
6238 the time his certificate was in good standing, his general
6239 reputation for truth * * * and professional ability * * *; and it
6240 may require the petitioner to pass an oral examination.

6241 (4) The investigation shall require the petitioner to
6242 undergo a fingerprint-based criminal history records check of the
6243 Mississippi central criminal database and the Federal Bureau of
6244 Investigation criminal history database. Each petitioner shall
6245 submit a full set of the petitioner's fingerprints in a form and
6246 manner prescribed by the board, which shall be forwarded to the
6247 Mississippi Department of Public Safety (department) and the
6248 Federal Bureau of Investigation Identification Division for this
6249 purpose.

6250 Any and all state or national criminal history records
6251 information obtained by the board that is not already a matter of
6252 public record shall be deemed nonpublic and confidential
6253 information restricted to the exclusive use of the board, its
6254 members, officers, investigators, agents and attorneys in
6255 evaluating the applicant's eligibility or disqualification for
6256 licensure, and shall be exempt from the Mississippi Public Records



6257 Act of 1983. Except when introduced into evidence in a hearing
6258 before the board to determine licensure, no such information or
6259 records related thereto shall, except with the written consent of
6260 the applicant or by order of a court of competent jurisdiction, be
6261 released or otherwise disclosed by the board to any other person
6262 or agency.

6263 The board shall provide to the department the fingerprints of
6264 the petitioner, any additional information that may be required by
6265 the department, and a form signed by the petitioner consenting to
6266 the check of the criminal records and to the use of the
6267 fingerprints and other identifying information required by the
6268 state or national repositories.

6269 The board shall charge and collect from the petitioner, in
6270 addition to all other applicable fees and costs, such amount as
6271 may be incurred by the board in requesting and obtaining state and
6272 national criminal history records information on the applicant.

6273 (5) The Secretary-Treasurer of the Board of Medical
6274 Licensure shall enter into his records of the case all actions of
6275 the board in setting aside a disciplinary penalty under this
6276 section and he shall certify notices to the proper court clerk.
6277 The clerk shall make such changes on his records as may be
6278 necessary.

6279 **SECTION 70.** Section 73-26-3, Mississippi Code of 1972, is
6280 amended as follows:



6281 73-26-3. (1) The State Board of Medical Licensure shall
6282 license and regulate the practice of physician assistants in
6283 accordance with the provisions of this chapter.

6284 (2) All physician assistants who are employed as physician
6285 assistants by a Department of Veterans Affairs health care
6286 facility, a branch of the United States military or the Federal
6287 Bureau of Prisons, and who are practicing as physician assistants
6288 in a federal facility in Mississippi on July 1, 2000, and those
6289 physician assistants who trained in a Mississippi physician
6290 assistant program and have been continuously practicing as a
6291 physician assistant in Mississippi since 1976, shall be eligible
6292 for licensure if they submit an application for licensure to the
6293 board by December 31, 2000. Physician assistants licensed under
6294 this subsection will be eligible for license renewal so long as
6295 they meet standard renewal requirements.

6296 (3) Before December 31, 2004, applicants for physician
6297 assistant licensure, except those licensed under subsection (2) of
6298 this section, must be graduates of physician assistant educational
6299 programs accredited by the Commission on Accreditation of Allied
6300 Health Educational Programs or its predecessor or successor
6301 agency, have passed the certification examination administered by
6302 the National Commission on Certification of Physician Assistants
6303 (NCCPA), have current NCCPA certification, and possess a minimum
6304 of a baccalaureate degree. Physician assistants meeting these



6305 licensure requirements will be eligible for license renewal so
6306 long as they meet standard renewal requirements.

6307 (4) On or after December 31, 2004, applicants for physician
6308 assistant licensure must meet all of the requirements in
6309 subsection (3) of this section and, in addition, must have
6310 obtained a minimum of a master's degree in a health-related or
6311 science field.

6312 (5) Applicants for licensure who meet all licensure
6313 requirements except for the master's degree may be granted a
6314 temporary license by the board so long as they can show proof of
6315 enrollment in a master's program that will, when completed, meet
6316 the master's degree requirement. The temporary license will be
6317 valid for no longer than one (1) year, and may not be renewed.

6318 (6) For new graduate physician assistants and all physician
6319 assistants receiving initial licenses in the state, except those
6320 licensed under subsection (2) of this section, supervision shall
6321 require the on-site presence of a supervising physician for one
6322 hundred twenty (120) days.

6323 (7) To qualify for a Mississippi physician assistant
6324 license, an applicant must have successfully been cleared for
6325 licensure through an investigation that shall consist of a * * *
6326 verification that the prospective licensee is not guilty of or in
6327 violation of any statutory ground for denial of licensure. To
6328 assist the board in conducting its licensure investigation, all
6329 applicants shall undergo a fingerprint-based criminal history



6330 records check of the Mississippi central criminal database and the
6331 Federal Bureau of Investigation criminal history database. Each
6332 applicant shall submit a full set of the applicant's fingerprints
6333 in a form and manner prescribed by the board, which shall be
6334 forwarded to the Mississippi Department of Public Safety
6335 (department) and the Federal Bureau of Investigation
6336 Identification Division for this purpose.

6337 Any and all state or national criminal history records
6338 information obtained by the board that is not already a matter of
6339 public record shall be deemed nonpublic and confidential
6340 information restricted to the exclusive use of the board, its
6341 members, officers, investigators, agents and attorneys in
6342 evaluating the applicant's eligibility or disqualification for
6343 licensure, and shall be exempt from the Mississippi Public Records
6344 Act of 1983. Except when introduced into evidence in a hearing
6345 before the board to determine licensure, no such information or
6346 records related thereto shall, except with the written consent of
6347 the applicant or by order of a court of competent jurisdiction, be
6348 released or otherwise disclosed by the board to any other person
6349 or agency.

6350 The board shall provide to the department the fingerprints of
6351 the applicant, any additional information that may be required by
6352 the department, and a form signed by the applicant consenting to
6353 the check of the criminal records and to the use of the



6354 fingerprints and other identifying information required by the
6355 state or national repositories.

6356 The board shall charge and collect from the applicant, in
6357 addition to all other applicable fees and costs, such amount as
6358 may be incurred by the board in requesting and obtaining state and
6359 national criminal history records information on the applicant.

6360 **SECTION 71.** Section 73-27-5, Mississippi Code of 1972, is
6361 amended as follows:

6362 73-27-5. All applicants for license shall have attained the
6363 age of twenty-one (21) years, and shall * * * have had at least
6364 four (4) years high school and be graduates of same; they shall
6365 have at least one (1) year prepodiatry college education and be
6366 graduates of some college of podiatry recognized as being in good
6367 standing by the State Board of Medical Licensure. No college of
6368 podiatry or chiropody shall be accredited by the board as a
6369 college of good standing that does not require for graduation a
6370 course of study of at least four (4) years (eight and one-half
6371 (8-1/2) months each) and be recognized by the Council on Education
6372 of the American Podiatry Association. However, all podiatrists
6373 actively engaged in the practice of podiatry in the State of
6374 Mississippi, prior to January 1, 1938, whether graduates or not,
6375 shall, upon furnishing proof thereof by displaying their state
6376 privilege tax license to the Secretary of the State Board of
6377 Medical Licensure, and upon payment of fee of Ten Dollars and
6378 Twenty-five Cents (\$10.25), be entitled to a license without an



6379 examination, and applications for the license shall be filed not
6380 later than sixty (60) days after February 17, 1938. Upon payment
6381 of a fee prescribed by the State Board of Medical Licensure, not
6382 to exceed Five Hundred Dollars (\$500.00), a license without
6383 examination may be issued to podiatrists of other states
6384 maintaining equal statutory requirements for the practice of
6385 podiatry and extending the same reciprocal privileges to this
6386 state. The State Board of Medical Licensure may affiliate with
6387 the National Board of Chiropractic or Podiatry Licensure in granting
6388 licenses to practice podiatry in Mississippi, provided the written
6389 examination covers at least two-thirds (2/3) of the subjects set
6390 forth in Section 73-27-9. The issuance of a license by
6391 reciprocity to a military-trained applicant, military spouse or
6392 person who establishes residence in this state shall be subject to
6393 the provisions of Section 73-50-1 or 73-50-2, as applicable.

6394 To qualify for a Mississippi podiatry license, an applicant
6395 must have successfully been cleared for licensure through an
6396 investigation that shall consist of a * * * verification that the
6397 prospective licensee is not guilty of or in violation of any
6398 statutory ground for denial of licensure as set forth in Section
6399 73-27-13. To assist the board in conducting its licensure
6400 investigation, all applicants shall undergo a fingerprint-based
6401 criminal history records check of the Mississippi central criminal
6402 database and the Federal Bureau of Investigation criminal history
6403 database. Each applicant shall submit a full set of the



6404 applicant's fingerprints in a form and manner prescribed by the
6405 board, which shall be forwarded to the Mississippi Department of
6406 Public Safety (department) and the Federal Bureau of Investigation
6407 Identification Division for this purpose.

6408 Any and all state or national criminal history records
6409 information obtained by the board that is not already a matter of
6410 public record shall be deemed nonpublic and confidential
6411 information restricted to the exclusive use of the board, its
6412 members, officers, investigators, agents and attorneys in
6413 evaluating the applicant's eligibility or disqualification for
6414 licensure, and shall be exempt from the Mississippi Public Records
6415 Act of 1983. Except when introduced into evidence in a hearing
6416 before the board to determine licensure, no such information or
6417 records related thereto shall, except with the written consent of
6418 the applicant or by order of a court of competent jurisdiction, be
6419 released or otherwise disclosed by the board to any other person
6420 or agency.

6421 The board shall provide to the department the fingerprints of
6422 the applicant, any additional information that may be required by
6423 the department, and a form signed by the applicant consenting to
6424 the check of the criminal records and to the use of the
6425 fingerprints and other identifying information required by the
6426 state or national repositories.

6427 The board shall charge and collect from the applicant, in
6428 addition to all other applicable fees and costs, such amount as



6429 may be incurred by the board in requesting and obtaining state and
6430 national criminal history records information on the applicant.

6431 Each application or filing made under this section shall
6432 include the social security number(s) of the applicant in
6433 accordance with Section 93-11-64.

6434 **SECTION 72.** Section 73-27-12, Mississippi Code of 1972, is
6435 amended as follows:

6436 73-27-12. (1) Except as provided in Section 33-1-39, the
6437 license of every person licensed to practice podiatry in the State
6438 of Mississippi shall be renewed annually.

6439 On or before May 1 of each year, the board shall mail a
6440 notice of renewal of license to every podiatrist to whom a license
6441 was issued or renewed during the current licensing year. The
6442 notice shall provide instructions for obtaining and submitting
6443 applications for renewal. The State Board of Medical Licensure is
6444 authorized to make applications for renewal available via
6445 electronic means. The applicant shall obtain and complete the
6446 application and submit it to the board in the manner prescribed by
6447 the board in the notice before June 30 with the renewal fee of an
6448 amount established by the board, but not to exceed Three Hundred
6449 Dollars (\$300.00), a portion of which fee shall be used to support
6450 a program to aid impaired podiatrists. Upon receipt of the
6451 application and fee, the board shall verify the accuracy of the
6452 application and issue to applicant a certificate of renewal for
6453 the ensuing year, beginning July 1 and expiring June 30 of the



6454 succeeding calendar year. That renewal shall render the holder
6455 thereof a legal practitioner as stated on the renewal form.

6456 (2) Any podiatrist practicing in Mississippi who allows his
6457 or her license to lapse by failing to renew the license as
6458 provided in subsection (1) may be reinstated by the board on
6459 satisfactory explanation for the failure to renew, by completion
6460 of a reinstatement form, and upon payment of the renewal fee for
6461 the current year, and shall be assessed a fine of Twenty-five
6462 Dollars (\$25.00) plus an additional fine of Five Dollars (\$5.00)
6463 for each month thereafter that the license renewal remains
6464 delinquent.

6465 (3) Any podiatrist not practicing in Mississippi who allows
6466 his or her license to lapse by failing to renew the license as
6467 provided in subsection (1) may be reinstated by the board on
6468 satisfactory explanation for the failure to renew, by completion
6469 of a reinstatement form and upon payment of the arrearages for the
6470 previous five (5) years and the renewal fee for the current year.

6471 (4) Any podiatrist who allows his or her license to lapse
6472 shall be notified by the board within thirty (30) days of that
6473 lapse.

6474 (5) Any person practicing as a licensed podiatrist during
6475 the time his or her license has lapsed shall be considered an
6476 illegal practitioner and shall be subject to penalties set forth
6477 in Section 73-27-17, provided that he or she has not submitted the



6478 required reinstatement form and fee within fifteen (15) days after
6479 notification by the board of the lapse.

6480 (6) Any podiatrist practicing in the State of Mississippi
6481 whose license has lapsed and is deemed an illegal practitioner
6482 under subsection (5) of this section may petition the board for
6483 reinstatement of his or her license on a retroactive basis, if the
6484 podiatrist was unable to meet the June 30 deadline due to
6485 extraordinary or other legitimate reasons, and retroactive
6486 reinstatement of licensure shall be granted or may be denied by
6487 the board only for good cause. Failure to advise the board of
6488 change of address shall not be considered a basis for
6489 reinstatement.

6490 (7) Fees collected under the provisions of this section
6491 shall be used by the board to defray expenses of administering the
6492 licensure provisions of Title 73, Chapter 27, Mississippi Code of
6493 1972, and to support a program to aid impaired podiatrists in an
6494 amount determined by the board.

6495 (8) In order for a podiatrist whose podiatric medical
6496 license has been expired for five (5) years or more to qualify for
6497 reinstatement of license, the podiatrist must have successfully
6498 been cleared for reinstatement through an investigation that shall
6499 consist of a * * * verification that the prospective licensee is
6500 not guilty of or in violation of any statutory ground for denial
6501 of licensure as set forth in Section 73-27-13. To assist the
6502 board in conducting its licensure investigation, all applicants



6503 shall undergo a fingerprint-based criminal history records check
6504 of the Mississippi central criminal database and the Federal
6505 Bureau of Investigation criminal history database. Each applicant
6506 shall submit a full set of the applicant's fingerprints in a form
6507 and manner prescribed by the board, which shall be forwarded to
6508 the Mississippi Department of Public Safety (department) and the
6509 Federal Bureau of Investigation Identification Division for this
6510 purpose.

6511 Any and all state or national criminal history records
6512 information obtained by the board that is not already a matter of
6513 public record shall be deemed nonpublic and confidential
6514 information restricted to the exclusive use of the board, its
6515 members, officers, investigators, agents and attorneys in
6516 evaluating the applicant's eligibility or disqualification for
6517 licensure, and shall be exempt from the Mississippi Public Records
6518 Act of 1983. Except when introduced into evidence in a hearing
6519 before the board to determine licensure, no such information or
6520 records related thereto shall, except with the written consent of
6521 the applicant or by order of a court of competent jurisdiction, be
6522 released or otherwise disclosed by the board to any other person
6523 or agency.

6524 The board shall provide to the department the fingerprints of
6525 the applicant, any additional information that may be required by
6526 the department, and a form signed by the applicant consenting to
6527 the check of the criminal records and to the use of the



6528 fingerprints and other identifying information required by the
6529 state or national repositories.

6530 The board shall charge and collect from the applicant, in
6531 addition to all other applicable fees and costs, such amount as
6532 may be incurred by the board in requesting and obtaining state and
6533 national criminal history records information on the applicant.

6534 **SECTION 73.** Section 73-27-16, Mississippi Code of 1972, is
6535 amended as follows:

6536 73-27-16. (1) A person whose license to practice podiatry
6537 has been revoked or suspended may petition the Mississippi State
6538 Board of Medical Licensure to reinstate this license after a
6539 period of not less than one (1) year has elapsed from the date of
6540 the revocation or suspension. The procedure for the reinstatement
6541 of a license that is suspended for being out of compliance with an
6542 order for support, as defined in Section 93-11-153, shall be
6543 governed by Section 93-11-157 or 93-11-163, as the case may be.

6544 (2) The petition shall be accompanied by two (2) or more
6545 verified recommendations from podiatrists licensed by the Board of
6546 Medical Licensure to which the petition is addressed and by two
6547 (2) or more recommendations from citizens each having personal
6548 knowledge of the activities of the petitioner since the
6549 disciplinary penalty was imposed and such facts as may be required
6550 by the board.

6551 The petition may be heard at the next regular meeting of the
6552 Board of Medical Licensure but not earlier than thirty (30) days



6553 after the petition was filed. No petition shall be considered
6554 while the petitioner is under sentence for any criminal offense,
6555 including any period during which he is under probation or parole.
6556 The hearing may be continued from time to time as the Board of
6557 Medical Licensure finds necessary. Any final action by the board
6558 on a petition under this section shall be made with the advice of
6559 the advisory committee.

6560 (3) In determining whether the disciplinary penalty should
6561 be set aside and the terms and conditions, if any, which should be
6562 imposed if the disciplinary penalty is set aside, the Board of
6563 Medical Licensure may investigate and consider all activities of
6564 the petitioner since the disciplinary action was taken against
6565 him, the offense for which he was disciplined, his activity during
6566 the time his certificate was in good standing, his general
6567 reputation for truth * * * and professional ability * * *; and it
6568 may require the petitioner to pass an oral examination.

6569 (4) The Secretary-Treasurer of the Board of Medical
6570 Licensure shall enter into his records of the case all actions of
6571 the Board of Medical Licensure in setting aside a disciplinary
6572 penalty under this section and he shall certify notices to the
6573 proper court clerk. The clerk shall make such changes on his
6574 records as may be necessary.

6575 **SECTION 74.** Section 73-29-19, Mississippi Code of 1972, is
6576 amended as follows:



6577 73-29-19. An applicant who is a polygraph examiner licensed
6578 under the laws of another state or territory of the United States
6579 may be issued a license upon payment of a fee of Fifty Dollars
6580 (\$50.00) and the production of satisfactory proof that:

6581 (1) He is at least twenty-one (21) years of age;

6582 (2) He is a citizen of the United States;

6583 * * *

6584 (* * *3) The requirements for the licensing of
6585 polygraph examiners in such particular state or territory of the
6586 United States were, at the date of the applicant's licensing
6587 therein, substantially equivalent to the requirements now in force
6588 in this state;

6589 (* * *4) The applicant had lawfully engaged in the
6590 administration of polygraph examinations under the laws of such
6591 state or territory for at least two (2) years prior to his
6592 application for license hereunder;

6593 (* * *5) Such other state or territory grants similar
6594 reciprocity to license holders of this state; and

6595 (* * *6) He has complied with Section 73-29-17.

6596 The issuance of a license by reciprocity to a
6597 military-trained applicant, military spouse or person who
6598 establishes residence in this state shall be subject to the
6599 provisions of Section 73-50-1 or 73-50-2, as applicable.

6600 **SECTION 75.** Section 73-30-9, Mississippi Code of 1972, is
6601 amended as follows:



6602 73-30-9. (1) The board shall issue a license as a
6603 provisional licensed professional counselor, without regard to
6604 race, religion, sex or national origin, to each applicant who
6605 furnishes satisfactory evidence of the following:

6606 (a) The applicant has completed an application on a
6607 form prescribed by the board accompanied by a nonrefundable
6608 application fee of Fifty Dollars (\$50.00).

6609 (b) The applicant is at least twenty-one (21) years of
6610 age.

6611 * * *

6612 (* * *c) The applicant is a citizen of the United
6613 States, or has an immigration document to verify legal alien work
6614 status in the United States. The immigration document must be
6615 current and issued by the United States Immigration Bureau.

6616 (* * *d) The applicant is not in violation of any of
6617 the provisions of this article and the rules and regulations
6618 adopted hereunder.

6619 (* * *e) The applicant shall have a minimum acceptable
6620 graduate semester hour or acceptable quarter-hour master's degree
6621 as determined by the board primarily in counseling or a related
6622 counseling field from a regionally or nationally accredited
6623 college or university program in counselor education or a related
6624 counseling program subject to board approval. All applicants
6625 shall provide official transcripts of all graduate work.



6626 (* * *f) The applicant must pass the examination
6627 approved by the board, as set forth in Section 73-30-7(5).

6628 (* * *g) A provisional license issued under this
6629 section shall require that the individual confine one's practice
6630 to a board-approved site and accrue counseling experience under
6631 the supervision of a board-qualified supervisor.

6632 (* * *h) The limited license shall be renewable for
6633 not more than four (4) years, with a nonrefundable license fee in
6634 the amount provided in Section 73-30-29. Licensees may appeal to
6635 the board for an extension of the renewal period.

6636 (* * *i) Each applicant for licensure shall apply to
6637 undergo a fingerprint-based criminal history records check of the
6638 Mississippi central criminal database and the Federal Bureau of
6639 Investigation criminal history database. Each applicant shall
6640 submit a full set of the applicant's fingerprints in a form and
6641 manner prescribed by the board, which shall be forwarded to the
6642 Mississippi Department of Public Safety and the Federal Bureau of
6643 Investigation Identification Division for this purpose.

6644 (2) The board shall issue a license or the privilege to
6645 practice as a licensed professional counselor, without regard to
6646 race, religion, sex or national origin, to each applicant who
6647 furnishes satisfactory evidence of the following:

6648 (a) The applicant has completed an application on a
6649 form prescribed by the board accompanied by a nonrefundable full
6650 application fee of Fifty Dollars (\$50.00).



6651 (b) The applicant is at least twenty-one (21) years of
6652 age.

6653 * * *

6654 (* * *c) The applicant is a citizen of the United
6655 States, or has an immigration document to verify legal alien work
6656 status in the United States. The immigration document must be
6657 current and issued by the United States Immigration Bureau.

6658 (* * *d) The applicant is not in violation of any of
6659 the provisions of this article and the rules and regulations
6660 adopted hereunder.

6661 (* * *e) The applicant shall have a minimum acceptable
6662 graduate semester hour or acceptable quarter-hour master's degree
6663 as determined by the board primarily in counseling or a related
6664 counseling field from a regionally or nationally accredited
6665 college or university program in counselor education or a related
6666 counseling program subject to board approval. All applicants
6667 shall provide official transcripts of all graduate work.

6668 (* * *f) The applicant for licensure must pass the
6669 examination approved by the board, as set forth in Section
6670 73-30-7(5).

6671 (* * *g) The applicant has had post graduate
6672 supervised experience in professional counseling acceptable to the
6673 board. Applicant shall submit verification of supervised
6674 experience.



6675 Each application or filing made under this section shall
6676 include the social security number(s) of the applicant in
6677 accordance with Section 93-11-64.

6678 (* * *h) The board shall require each first-time
6679 applicant for licensure or the initial privilege to practice and
6680 may require applicants for license renewal to undergo a
6681 fingerprint-based criminal history records check of the
6682 Mississippi central criminal database and the Federal Bureau of
6683 Investigation criminal history database. Each applicant for
6684 licensure and each renewal applicant as required by the board
6685 shall apply to undergo a fingerprint-based criminal history
6686 records check of the Mississippi central criminal database and the
6687 Federal Bureau of Investigation criminal history database. Each
6688 applicant shall submit a full set of the applicant's fingerprints
6689 in a form and manner prescribed by the board, which shall be
6690 forwarded to the Mississippi Department of Public Safety and the
6691 Federal Bureau of Investigation Identification Division for this
6692 purpose.

6693 (3) The board shall administer the privilege to practice in
6694 accordance with the Professional Counseling Compact.

6695 **SECTION 76.** Section 73-31-13, Mississippi Code of 1972, is
6696 amended as follows:

6697 73-31-13. The board shall issue a license as a psychologist
6698 to each applicant who files an application upon a form and in the
6699 manner as the board prescribes, accompanied by the fee as is



6700 required by this chapter; and who furnishes evidence satisfactory
6701 to the board that he or she:

6702 (a) Is at least twenty-one (21) years of age; and

6703 (b) * * * Has not been convicted of a disqualifying
6704 crime as provided in the Fresh Start Act. Applicants shall
6705 undergo a fingerprint-based criminal history records check of the
6706 Mississippi central criminal database and the Federal Bureau of
6707 Investigation criminal history database. Each applicant shall
6708 submit a full set of the applicant's fingerprints in a form and
6709 manner prescribed by the board, which shall be forwarded to the
6710 Mississippi Department of Public Safety (department) and the
6711 Federal Bureau of Investigation Identification Division for this
6712 purpose; and

6713 (c) Is not in violation of any of the provisions of
6714 this chapter and the rules and regulations adopted under this
6715 chapter, and is not currently under investigation by another
6716 licensure board; and

6717 (d) Holds a doctoral degree in psychology from an
6718 institution of higher education that is: regionally accredited by
6719 an accrediting body recognized by the United States Department of
6720 Education, or authorized by Provincial statute or Royal Charter to
6721 grant doctoral degrees. From a program accredited by the American
6722 Psychological Association, or the Canadian Psychological
6723 Association, and from a program that requires at least one (1)
6724 year of continuous, full-time residence at the educational



6725 institution granting the doctoral degree. For graduates from
6726 newly established programs seeking accreditation or in areas where
6727 no accreditation exists, applicants for licensure shall have
6728 completed a doctoral program in psychology that meets recognized
6729 acceptable professional standards as determined by the board. For
6730 applicants graduating from doctoral level psychology training
6731 programs outside of the United States of America or Canada,
6732 applicants for licensure shall have completed a doctoral program
6733 in psychology that meets recognized acceptable professional
6734 standards as determined by the board; and

6735 (e) Has completed a supervised internship from a
6736 program accredited by the American Psychological Association or
6737 the Canadian Psychological Association that meet the standards of
6738 training as defined by the board. The internship shall be
6739 comprised of at least one thousand eight hundred (1,800) hours of
6740 actual work, to include direct service, training and supervisory
6741 time; and

6742 (f) Demonstrates professional knowledge by passing
6743 written (as used in this paragraph, the term "written" means
6744 either paper and pencil or computer-administered or computerized
6745 testing) and oral examinations in psychology prescribed by the
6746 board; except that upon examination of credentials, the board may,
6747 by unanimous consent, consider these credentials adequate evidence
6748 of professional knowledge.



6749 Upon investigation of the application and other evidence
6750 submitted, the board shall, not less than thirty (30) days before
6751 the examination, notify each applicant that the application and
6752 evidence submitted is satisfactory and accepted or unsatisfactory
6753 and rejected; if rejected, the notice shall state the reasons for
6754 the rejection.

6755 The place of examination shall be designated in advance by
6756 the board, and the examination shall be given at such time and
6757 place and under such supervision as the board may determine. The
6758 examination used by the board shall consist of written tests and
6759 oral tests, and shall fairly test the applicant's knowledge and
6760 application thereof in those areas deemed relevant by the
6761 board. All examinations serve the purpose of verifying that a
6762 candidate for licensure has acquired a basic core of knowledge in
6763 the discipline of psychology and can apply that knowledge to the
6764 problems confronted in the practice of psychology within the
6765 applicant's area of practice.

6766 The board shall evaluate the results from both the written
6767 and oral examinations. The passing scores for the written and
6768 oral examinations shall be established by the board in its rules
6769 and regulations. If an applicant fails to receive a passing score
6770 on the entire examination, he or she may reapply and shall be
6771 allowed to take a later examination. An applicant who has failed
6772 two (2) successive examinations by the board may not reapply until
6773 after two (2) years from the date of the last examination failed.



6774 The board shall keep the written examination scores, and an
6775 accurate transcript of the questions and answers relating to the
6776 oral examinations, and the grade assigned to each answer thereof,
6777 as part of its records for at least two (2) years after the date
6778 of examination.

6779 Each application or filing made under this section shall
6780 include the social security number(s) of the applicant in
6781 accordance with Section 93-11-64.

6782 **SECTION 77.** Section 73-33-1, Mississippi Code of 1972, is
6783 amended as follows:

6784 73-33-1. (1) Any person residing or having a place for the
6785 regular transaction of business in the State of Mississippi * * *,
6786 and who shall have received from the State Board of Public
6787 Accountancy a license certifying his qualifications as a certified
6788 public accountant as hereinafter provided, shall be styled or
6789 known as a certified public accountant, and it shall be unlawful
6790 for any other person or persons to assume such title or use any
6791 letters, abbreviations or words to indicate that such person using
6792 same is a certified public accountant, unless such person
6793 qualifies for a practice privilege under Section 73-33-17, or at
6794 the discretion of the board, such person has been granted use of
6795 the title of "certified public accountant retired" by the
6796 Mississippi State Board of Public Accountancy or has received a
6797 reciprocal certified public accountant license from the State
6798 Board of Public Accountancy.



6799 (2) A certified public accountant practicing public
6800 accounting under a Mississippi license must be associated and
6801 registered with a certified public accountant firm.

6802 (3) The State Board of Public Accountancy shall grant and
6803 renew permits to practice as a CPA firm to applicants that
6804 demonstrate their qualifications in accordance with this section.

6805 (a) The following shall hold a permit issued under this
6806 section: any firm with an office in this state that practices
6807 public accountancy or that uses the title "CPA" or "CPA firm," and
6808 any firm that does not have an office in this state but performs
6809 the services described in Section 73-33-17(4) for a client having
6810 its home office in this state.

6811 (b) A firm that does not have an office in this state
6812 may perform a review of a financial statement to be performed in
6813 accordance with Statements on Standards for Accounting and Review
6814 Services, or a compilation as defined in Section 73-33-2(d), for a
6815 client having its home office in this state and may use the title
6816 "CPA" and "CPA firm" without a permit issued under this section
6817 only if such firm has the qualifications described in subsection
6818 (4), complies with the peer review requirements set forth by board
6819 rule, and performs such services through an individual with
6820 practice privileges under Section 73-33-17.

6821 (c) A firm that is not subject to the requirements of
6822 paragraph (a) or (b) of this subsection may perform other
6823 professional services within the practice of public accountancy



6824 while using the title "CPA" and "CPA firm" in this state without a
6825 permit issued under this section only if such firm performs such
6826 services through an individual with practice privileges under
6827 Section 73-33-17 and such firm can lawfully do so in the state
6828 where the individuals with practice privileges have their
6829 principal place of business.

6830 (4) In order to obtain and maintain a firm permit, a
6831 certified public accountant firm shall be required to show the
6832 following:

6833 (a) It is wholly owned by natural persons and not owned
6834 in whole or in part by business entities; and

6835 (b) A simple majority of the ownership of the firm in
6836 terms of financial interests and/or voting rights hold certified
6837 public accountant licenses in any state; however, the individuals
6838 whose principal place of business is in Mississippi and who
6839 perform professional services in this state shall hold a
6840 Mississippi certified public accountant license, and that
6841 individuals who qualify for practice privileges under Section
6842 73-33-17 who perform services for which a firm permit is required
6843 under Section 73-33-17(4) shall not be required to obtain a
6844 certificate pursuant to Section 73-33-3 or 73-33-9.

6845 (5) Any certified public accountant firm may include
6846 nonlicensee owners, provided that:

6847 (a) The firm designates a licensee of this state who is
6848 responsible for the proper registration of the firm and identifies



6849 that individual to the board; or in the case of a firm without a
6850 Mississippi office which must have a permit pursuant to subsection
6851 (3) (a), the firm designates a licensee of another state who meets
6852 the requirements provided in Section 73-33-17;

6853 (b) All nonlicensee owners are active individual
6854 participants in the certified public accountant firm or affiliated
6855 entities; and

6856 (c) The firm complies with such other requirements as
6857 the board may impose by rule.

6858 (6) Unless exempt from the firm permit requirement under
6859 Section 73-33-1(3), no person or persons shall engage in the
6860 practice of public accounting as defined herein as a partnership,
6861 joint venture or professional corporation, sole proprietor, or
6862 other business organization allowed by law, unless and until each
6863 business organization or office thereof located inside the State
6864 of Mississippi has registered with and been issued a firm permit
6865 by the State Board of Public Accountancy.

6866 **SECTION 78.** Section 73-38-9, Mississippi Code of 1972, is
6867 amended as follows:

6868 73-38-9. (1) To be eligible for licensure by the board as a
6869 speech-language pathologist or audiologist and to be eligible for
6870 registration as a speech-language pathology aide or audiology
6871 aide, a person shall:

6872 * * *



6873 (* * *a) (* * *i) For speech-language pathologists
6874 or audiologists, possess at least a master's degree or its
6875 equivalent in the area of speech-language pathology or audiology,
6876 as the case may be, from an educational institution recognized by
6877 the board;

6878 (* * *ii) For speech-language pathology aide or
6879 audiology aide, the board shall set minimum educational standards
6880 which shall be less than a bachelor's degree;

6881 (* * *b) For speech-language pathologists and
6882 audiologists, submit evidence of the completion of the
6883 educational, clinical experience and employment requirements,
6884 which requirements shall be based on appropriate national
6885 standards and prescribed by the rules and regulations adopted
6886 pursuant to this article;

6887 (* * *c) For speech-language pathologists and
6888 audiologists licensure applicants, pass an examination approved by
6889 the board. This examination may be taken either before or after
6890 the completion of the employment requirement specified pursuant to
6891 paragraph (c) of this subsection;

6892 (* * *d) For speech-language pathology aides and
6893 audiology aides, no examination shall be required.

6894 (2) To be eligible for the privilege to practice, applicants
6895 must meet the requirements set out in the Audiology and
6896 Speech-Language Pathology Interstate Compact.



6897 **SECTION 79.** Section 73-39-67, Mississippi Code of 1972, is
6898 amended as follows:

6899 73-39-67. (1) To obtain a license to practice veterinary
6900 medicine, a person shall file a written application and
6901 application fee with the board. The application shall show that
6902 the applicant is a graduate of an accredited college of veterinary
6903 medicine or has the educational equivalence as set by the board.
6904 The application shall also show * * * any other information and
6905 proof as the board may require.

6906 (2) If the board determines that the applicant possesses the
6907 proper qualifications, it shall admit the applicant to the next
6908 examination, or if the applicant is eligible for license by
6909 endorsement, the board may grant him a license. If an applicant
6910 is found not qualified to take the examination or for a license by
6911 endorsement, the board shall notify the applicant in writing
6912 within thirty (30) days of its finding and the grounds for its
6913 findings. An applicant found unqualified may request a hearing
6914 before the board.

6915 (3) The board may grant a temporary license to an applicant
6916 to practice veterinary medicine until the scheduled state board
6917 examination, if the applicant pays the application fee, provides
6918 sufficient evidence that he meets the qualifications for
6919 licensure, and provides evidence that he resides in the State of
6920 Mississippi. The board may grant a second temporary permit, but



6921 the board may not grant more than two (2) temporary permits to any
6922 one (1) person.

6923 (4) A person licensed by the board shall display the license
6924 in the facility in which the licensee practices.

6925 **SECTION 80.** Section 73-39-71, Mississippi Code of 1972, is
6926 amended as follows:

6927 73-39-71. (1) The board may issue a license by endorsement
6928 to an applicant who furnishes satisfactory proof that he is a
6929 graduate of an accredited college of veterinary medicine or the
6930 educational equivalence. The applicant must also show that
6931 he * * * is licensed to practice veterinary medicine in at least
6932 one (1) state, territory or district of the United States and has
6933 practiced veterinary medicine in one or more of those states
6934 without disciplinary action by any state or federal agency for at
6935 least the three (3) years immediately before filing the
6936 application.

6937 (2) The board may examine any person qualifying for
6938 licensing under this section.

6939 (3) The issuance of a license by endorsement to a
6940 military-trained applicant, military spouse or person who
6941 establishes residence in this state shall be subject to the
6942 provisions of Section 73-50-1 or 73-50-2, as applicable.

6943 **SECTION 81.** Section 73-53-13, Mississippi Code of 1972, is
6944 amended as follows:



6945 73-53-13. The board shall issue the appropriate license to
6946 applicants who meet the qualifications of this section.

6947 (a) A license as a "licensed social worker" shall be
6948 issued to an applicant who demonstrates to the satisfaction of the
6949 board that he or she meets the following qualifications:

6950 (i) Has a baccalaureate degree in social work from
6951 a college or university accredited by the Council on Social Work
6952 Education or Southern Association of Colleges and Schools and has
6953 satisfactorily completed the Association for Social Work Boards
6954 (ASWB) examination for this license; or

6955 (ii) Has a comparable license or registration from
6956 another state or territory of the United States of America that
6957 imposes qualifications substantially similar to those of this
6958 chapter.

6959 (b) A license as a "licensed master's social worker"
6960 shall be issued to an applicant who demonstrates to the
6961 satisfaction of the board that he or she meets the following
6962 qualifications:

6963 (i) Has a doctorate or master's degree from a
6964 school of social work accredited by the Council on Social Work
6965 Education; and

6966 (ii) Has satisfactorily completed the ASWB
6967 examination for this license; or

6968 (iii) Has a comparable license or registration
6969 from another state or territory of the United States of America



6970 that imposes qualifications substantially similar to those of this
6971 chapter.

6972 (c) A license as a "licensed certified social worker"
6973 shall be issued to an applicant who demonstrates to the
6974 satisfaction of the board that he or she meets the following
6975 qualifications:

6976 (i) Is licensed under this section as a "master's
6977 social worker"; and

6978 (ii) Has twenty-four (24) months of professional
6979 supervision and clinical or macro social work practice experience
6980 acceptable to the board, under appropriate supervision; and

6981 (iii) Has satisfactorily completed the ASWB
6982 examination for this license; or

6983 (iv) Has a comparable license or registration from
6984 another state or territory of the United States of America that
6985 imposes qualifications substantially similar to those of this
6986 chapter.

6987 (d) In addition to the above qualifications, an
6988 applicant for any of the above licenses must prove to the board's
6989 satisfaction:

6990 (i) Age of at least twenty-one (21) years, and

6991 * * *

6992 (* * * ii) United States of America citizenship or
6993 status as a legal resident alien, and



6994 (* * *iii) Absence of conviction of a * * *
6995 disqualifying crime as provided in the Fresh Start Act.
6996 Conviction, as used in this subparagraph, includes a deferred
6997 conviction, deferred prosecution, deferred sentence, finding or
6998 verdict of guilt, an admission of guilty, or a plea of nolo
6999 contendere, and

7000 (* * *iv) That the applicant has not been
7001 declared mentally incompetent by any court, and if any such decree
7002 has ever been rendered, that the decree has since been changed,
7003 and

7004 (* * *y) Freedom from dependency on alcohol or
7005 drugs, and

7006 (* * *vi) Complete criminal history records
7007 check, including a fingerprint and an acceptable sex offender
7008 check, by appropriate governmental authorities as prescribed by
7009 the board.

7010 (e) Only individuals licensed as "certified social
7011 workers" shall be permitted to call themselves "clinical social
7012 workers."

7013 The issuance of a license by reciprocity to a
7014 military-trained applicant, military spouse or person who
7015 establishes residence in this state shall be subject to the
7016 provisions of Section 73-50-1 or 73-50-2, as applicable.



7017 Each application or filing made under this section shall
7018 include the social security number(s) of the applicant in
7019 accordance with Section 93-11-64.

7020 **SECTION 82.** Section 73-54-13, Mississippi Code of 1972, is
7021 amended as follows:

7022 73-54-13. Each person desiring to obtain a license as
7023 a marriage and family therapist or marriage and family therapy
7024 associate shall make application thereof to the board in such
7025 manner as the board prescribes and with required application fees
7026 and shall furnish evidence satisfactory to the board that he or
7027 she:

7028 * * *

7029 (* * *a) Has not engaged or is not engaged in any
7030 practice or conduct which would be a ground for refusing to issue
7031 a license under Section 73-54-29 or Section 73-53-17;

7032 (* * *b) Is qualified for licensure pursuant to the
7033 requirements of this chapter; and

7034 (* * *c) Is at least twenty-one (21) years of age.

7035 **SECTION 83.** Section 73-63-27, Mississippi Code of 1972, is
7036 amended as follows:

7037 73-63-27. (1) (a) Except as provided in subsections (2)
7038 and (3) of this section, the following shall be considered as
7039 minimum evidence satisfactory to the board that the applicant is
7040 qualified for registration as a registered professional geologist:



7041 (i) Graduation from a course of study in geology
7042 satisfactory to the board from an accredited college or
7043 university, or from a program accredited by an organization
7044 recognized by the board, of four (4) or more years and which
7045 includes at least thirty (30) semester or forty-five (45) quarter
7046 hours of credit, with a major in geology or a geological
7047 specialty;

7048 (ii) Demonstration through a specific record of a
7049 minimum of four (4) years of qualifying experience, after
7050 completion of the academic requirements, in geology or a specialty
7051 indicating that the applicant is competent to practice geology or
7052 a specialty. The board may require the experience be gained under
7053 the supervision of a geologist registered in this state or any
7054 other state with at least as stringent geologic registration
7055 requirements, or under the supervision of others who, in the
7056 opinion of the board, are qualified to have responsible charge of
7057 geological work;

7058 (iii) Successful passage of at least one (1)
7059 examination in geology as determined and prescribed by the board;
7060 and

7061 (iv) Other requirements as may be established in
7062 rules and regulations by the board.

7063 (b) In addition to the qualifications named in
7064 paragraph (a) of this subsection, applicants for registration as a
7065 registered professional geologist shall include with their



7066 application at least three (3) letters of reference from
7067 geologists having personal knowledge of the applicant's geologic
7068 experience.

7069 (c) The board may give credit for a master's degree in
7070 the geological sciences or in a specialty as one (1) year of
7071 professional experience and an earned doctorate degree in the
7072 geological sciences or in a specialty as two (2) years of
7073 professional experience. The board shall not give more than two
7074 (2) years of professional experience credit for the completion of
7075 all graduate degrees.

7076 (d) The board may give credit for geological research
7077 or teaching of persons studying geology or a specialty at an
7078 accredited college or university level as qualifying experience,
7079 if the research or teaching, in the opinion of the board, is
7080 comparable to experience obtained in the practice of geology or a
7081 specialty.

7082 (e) The board may adopt qualifications which, in its
7083 judgment, are equivalent to the educational and experience
7084 requirements in subsection (1)(a) of this section.

7085 * * *

7086 (2) Before December 31, 1998, any applicant who applies for
7087 registration or enrollment shall be considered qualified, without
7088 written examination, if the applicant possesses the qualifications
7089 prescribed in subsection (1) or (3) of this section, as the case
7090 may be.



7091 (3) An applicant who applies for registration before July 1,
7092 1998, shall be qualified without written examination, if the
7093 applicant possesses the following qualifications:

7094 (a) A bachelor's degree from an accredited college or
7095 university in civil engineering with a minimum of fifteen (15)
7096 semester hours or an equivalent number of quarter hours of credit
7097 in geology or a geologically-related course, as determined by the
7098 board;

7099 (b) A certificate of registration as a professional
7100 engineer in the State of Mississippi; and

7101 (c) A minimum of ten (10) years of qualifying
7102 experience in geotechnical or geological engineering work
7103 demonstrated by a specific record.

7104 If the board determines after review of the academic and
7105 experience qualifications required by this subsection that the
7106 applicant is competent to practice geology, the board may issue a
7107 certificate of registration under this chapter.

7108 (4) Applicants for enrollment as a geologist-in-training
7109 shall meet the qualifications for a registered professional
7110 geologist, except the requirement for four (4) years of
7111 experience.

7112 (5) The board may adopt requirements for the issuance of
7113 temporary registrations. Qualifications for temporary
7114 registrations shall be consistent with those required under this
7115 chapter.



7116 (6) Upon written request of an applicant, the board may
7117 waive, on a case-by-case basis, any requirement for registration
7118 or enrollment, except payment of the applicable fees. The request
7119 shall state the reasons a waiver should be granted. The
7120 requirements waived and the basis for that waiver shall be
7121 recorded in the applicant's record and in the proceedings of the
7122 board, and any waiver may be subject to repeal or suspension as
7123 determined by the board.

7124 **SECTION 84.** Section 73-67-21, Mississippi Code of 1972, is
7125 amended as follows:

7126 73-67-21. (1) It shall be the responsibility of a massage
7127 therapy establishment to verify the current license of any and all
7128 persons practicing massage therapy at the location of or on behalf
7129 of the establishment. Failure to comply is subject to penalty
7130 assessed by the board of not less than Five Hundred Dollars
7131 (\$500.00) and not more than One Thousand Dollars (\$1,000.00) per
7132 offense.

7133 (2) No person may advertise massage or practice massage for
7134 compensation in this state unless he is licensed as a massage
7135 therapist by the board. No person may use the title of or
7136 represent himself to be a massage therapist or use any other
7137 title, abbreviations, letters, figures, signs or devices that
7138 indicate that the person is a massage therapist unless he is
7139 licensed to practice massage therapy under the provisions of this
7140 chapter. A current massage therapy license issued by the board



7141 shall at all times be prominently displayed in any place where
7142 massage therapy is being practiced.

7143 (3) The following are requirements for licensure:

7144 (a) An applicant must be eighteen (18) years of age, or
7145 older, on the date the application is submitted.

7146 (b) An application must provide proof of high school
7147 graduate equivalency.

7148 (c) An applicant must be of legal status not only to
7149 receive a license, but also to work in the State of Mississippi
7150 with that license.

7151 (d) An applicant must supply proof of current
7152 certification in cardiopulmonary resuscitation (CPR) and first aid
7153 of at least eight (8) hours of training, including practical
7154 testing, and supply documentation of familiarity with the
7155 Americans with Disabilities Act.

7156 (e) All required fees for licensure must be submitted
7157 by the applicant.

7158 (f) Any and all requirements regarding * * *
7159 competency, as provided for in this chapter and in accepted codes
7160 of ethics, shall be met.

7161 (g) An applicant must have completed an approved course
7162 on communicable diseases, including HIV/AIDS information and
7163 prevention.

7164 (h) The applicant's official and certified
7165 transcript(s) from the applicant's massage therapy school. The



7166 transcript must verify that the applicant has completed a
7167 board-approved training program of no less than the minimum
7168 requirement for massage therapy instruction and student clinic,
7169 with a minimum grade requirement of "C" or better in every course
7170 of instruction, as stated for school requirements.

7171 (4) The following pre-act practitioners are exempt from
7172 having to take any examination for licensure, but must fulfill all
7173 other requirements as stated in this chapter, except for the
7174 requirements in subsection (3) (h) of this section:

7175 (a) Those having more than three hundred (300)
7176 documented, board-accepted hours of massage therapy education
7177 before January 1, 2001.

7178 (b) Those having more than five (5) years of
7179 professional massage therapy experience and a minimum of one
7180 hundred fifty (150) hours of approved massage therapy education.

7181 (c) Those having no formal training, but who have
7182 successfully passed the National Certification Examination for
7183 Therapeutic Massage and Bodywork.

7184 (d) All grandfathering exemption allowances as stated
7185 in this subsection (4) shall end on July 1, 2002, for nonstudents,
7186 and on June 1, 2003, for students who were enrolled in a part-time
7187 massage school curriculum on July 1, 2001. Individuals may apply
7188 for a license until the grandfathering exemption ends, but may not
7189 practice massage beyond the allowed grace period as provided for
7190 in Section 73-67-37 unless a valid massage therapy license or



7191 provisional permit is obtained. Except as provided in subsection
7192 (5) of this section, all other pre-act practitioners and anyone
7193 not practicing massage therapy before January 1, 2001, must take
7194 and pass the licensure examination and follow the requirements in
7195 this chapter to practice massage therapy for compensation in
7196 Mississippi.

7197 (e) Students enrolled in a massage therapy curriculum
7198 of at least five hundred (500) hours on July 1, 2001, who complete
7199 graduation from the same curriculum.

7200 (5) Any person who has practiced massage therapy for a
7201 period of more than twenty-five (25) years before March 14, 2005,
7202 who is employed as a massage therapist by a YMCA or YWCA
7203 authorized and existing as a nonprofit corporation under the laws
7204 of this state on March 14, 2005, is exempt from having to take any
7205 examination for licensure, but must fulfill all other requirements
7206 as stated in this chapter, except for the requirements in
7207 subsection (3)(b), (d), (g) and (h) of this section. Persons
7208 exempt under this subsection may apply for a massage therapy
7209 license until January 1, 2006, but may not practice massage
7210 therapy after January 1, 2006, unless a valid license is obtained.

7211 (6) Certificates of registration issued by the board before
7212 July 1, 2008, shall remain valid as licenses until the next
7213 renewal period.

7214 (7) An applicant must have successfully been cleared for
7215 licensure through an investigation that shall consist of a * * *



7216 verification that the prospective licensee is not guilty of or in
7217 violation of any statutory ground for denial of licensure as set
7218 forth in Section 73-67-27.

7219 (a) To assist the board in conducting its licensure
7220 investigation, all applicants shall undergo a fingerprint-based
7221 criminal history records check of the Mississippi central criminal
7222 database and the Federal Bureau of Investigation criminal history
7223 database. Each applicant shall submit a full set of the
7224 applicant's fingerprints in a form and manner prescribed by the
7225 board, which shall be forwarded to the Mississippi Department of
7226 Public Safety (department) and the Federal Bureau of Investigation
7227 Identification Division for this purpose.

7228 (b) Any and all state or national criminal history
7229 records information obtained by the board that is not already a
7230 matter of public record shall be deemed nonpublic and confidential
7231 information restricted to the exclusive use of the board, its
7232 members, officers, investigators, agents and attorneys in
7233 evaluating the applicant's eligibility or disqualification for
7234 licensure, and shall be exempt from the Mississippi Public Records
7235 Act of 1983. Except when introduced into evidence in a hearing
7236 before the board to determine licensure, no such information or
7237 records related thereto shall, except with the written consent of
7238 the applicant or by order of a court of competent jurisdiction, be
7239 released or otherwise disclosed by the board to any other person
7240 or agency.



7241 (c) The board shall provide to the department the
7242 fingerprints of the applicant, any additional information that may
7243 be required by the department, and a form signed by the applicant
7244 consenting to the check of the criminal records and to the use of
7245 the fingerprints and other identifying information required by the
7246 state or national repositories.

7247 (d) The board shall charge and collect from the
7248 applicant, in addition to all other applicable fees and costs,
7249 such amount as may be incurred by the board in requesting and
7250 obtaining state and national criminal history records information
7251 on the applicant.

7252 **SECTION 85.** Section 73-71-19, Mississippi Code of 1972, is
7253 amended as follows:

7254 73-71-19. (1) No person shall be licensed to practice
7255 acupuncture unless he or she has passed an examination and/or has
7256 been found to have the necessary qualifications as prescribed in
7257 the regulations adopted by the board.

7258 (2) Before any applicant is eligible for an examination or
7259 qualification, he or she shall furnish satisfactory proof that he
7260 or she:

7261 (a) Is a citizen or permanent resident of the United
7262 States;

7263 (b) Has demonstrated proficiency in the English
7264 language;

7265 (c) Is at least twenty-one (21) years of age;



7266 * * *

7267 (* * *d) Has completed a program of acupuncture and
7268 has received a certificate or diploma from an institute approved
7269 by the board, according to the provisions of this chapter;

7270 (* * *e) Has completed a clinical internship training
7271 as approved by the board; and

7272 (* * *f) Has received training in cardiopulmonary
7273 resuscitation (CPR).

7274 (3) The board may hold an examination at least once a year,
7275 and all applicants shall be notified in writing of the date and
7276 time of all examinations. The board may use a NCCAOM examination
7277 if it deems that national examination to be sufficient to qualify
7278 a practitioner for licensure in this state. In no case shall the
7279 state's own examination be less rigorous than the nationally
7280 recognized examination.

7281 (4) In addition to the written examination, if the
7282 nationally recognized examination does not provide a suitable
7283 practical examination comparable to board standards, the board
7284 shall examine each applicant in the practical application of
7285 Oriental medical diagnostic and treatment techniques in a manner
7286 and by methods that reveal the applicant's skill and knowledge.

7287 (5) The board shall require all qualified applicants to be
7288 examined in the following subjects:

7289 (a) Anatomy and physiology;

7290 (b) Pathology;



- 7291 (c) Diagnosis;
- 7292 (d) Hygiene, sanitation and sterilization techniques;
- 7293 (e) All major acupuncture principles, practices and
- 7294 techniques; and
- 7295 (f) Clean Needle Technique Exam.

7296 (6) To assist the board in conducting its licensure

7297 investigation, all applicants shall undergo a fingerprint-based

7298 criminal history records check of the Mississippi central criminal

7299 database and the Federal Bureau of Investigation criminal history

7300 database. Each applicant shall submit a full set of the

7301 applicant's fingerprints in a form and manner prescribed by the

7302 board, which shall be forwarded to the Mississippi Department of

7303 Public Safety (department) and the Federal Bureau of Investigation

7304 Identification Division for this purpose. Any and all state or

7305 national criminal history records information obtained by the

7306 board that is not already a matter of public record shall be

7307 deemed nonpublic and confidential information restricted to the

7308 exclusive use of the board, its members, officers, investigators,

7309 agents and attorneys in evaluating the applicant's eligibility or

7310 disqualification for licensure, and shall be exempt from the

7311 Mississippi Public Records Act of 1983. Except when introduced

7312 into evidence in a hearing before the board to determine

7313 licensure, no such information or records related thereto shall,

7314 except with the written consent of the applicant or by order of a

7315 court of competent jurisdiction, be released or otherwise



7316 disclosed by the board to any other person or agency. The board
7317 shall provide to the department the fingerprints of the applicant,
7318 any additional information that may be required by the department,
7319 and a form signed by the applicant consenting to the check of the
7320 criminal records and to the use of the fingerprints and other
7321 identifying information required by the state or national
7322 repositories. The board shall charge and collect from the
7323 applicant, in addition to all other applicable fees and costs,
7324 such amount as may be incurred by the board in requesting and
7325 obtaining state and national criminal history records information
7326 on the applicant.

7327 (7) The board shall issue a license to every applicant whose
7328 application has been filed with and approved by the board and who
7329 has paid the required fees and who either:

7330 (a) Has passed the board's written examination and
7331 practical examination, with a score of not less than seventy
7332 percent (70%) on each examination; or

7333 (b) Has achieved a passing score on a board approved
7334 nationally recognized examination, which examination includes a
7335 written and practical portion, as determined by the board; or

7336 (c) Has received certification from a board approved
7337 national certification process; or

7338 (d) Has achieved a passing score on a board approved
7339 nationally recognized written examination and has passed the



7340 board's practical examination with a score of not less than
7341 seventy percent (70%).

7342 (8) The board shall keep a record of all examinations held,
7343 together with the names and addresses of all persons taking
7344 examinations, and the examination results. Within forty-five (45)
7345 days after the examination, the board shall give written notice of
7346 the results of the examination to each applicant.

7347 **SECTION 86.** Section 75-27-305, Mississippi Code of 1972, is
7348 amended as follows:

7349 75-27-305. (1) A citizen of the United States or a person
7350 who has declared his or her intention of becoming such a citizen,
7351 who is a resident of the State of Mississippi, not less than
7352 twenty-one (21) years of age, * * * who has the ability to weigh
7353 accurately and to make correct weight certificates, and who has
7354 received from the commissioner a license as a bonded weighmaster,
7355 shall be styled and authorized to act as a bonded weighmaster.

7356 (2) The commissioner may adopt rules and regulations for
7357 determining the qualifications of the applicant for license as a
7358 bonded weighmaster. The commissioner may pass upon the
7359 qualifications of the applicant upon the basis of the information
7360 supplied in the application, may examine such applicant orally or
7361 in writing, or both, for the purpose of determining his or her
7362 qualifications. The commissioner shall grant licenses to such
7363 applicants as may be found to possess the qualifications required



7364 herein. The commissioner shall keep a record of all such
7365 applications and of all licenses issued thereon.

7366 **SECTION 87.** Section 75-57-49, Mississippi Code of 1972, is
7367 amended as follows:

7368 75-57-49. (1) Before any person shall be granted a permit
7369 to, or shall engage in or continue in the business of the
7370 distributing, either wholesale or retail, installing, altering,
7371 extending, changing or repairing of any liquefied compressed gas
7372 system, appliance or container, or in the business of distributing
7373 and selling liquefied compressed gas, either at wholesale or
7374 retail, whether from trucks or other vessels, in cylinders or in
7375 any other manner, such person shall satisfy the State Liquefied
7376 Compressed Gas Board that he or she is * * * competent to transact
7377 business so as to safeguard the interest of the public, and is
7378 financially responsible; and this provision as to financial
7379 responsibility shall be met by such person by filing with the
7380 State Liquefied Compressed Gas Board evidence that he or she has
7381 in force such of the hereinafter listed insurance policies on
7382 standard contract forms and written by an insurance company, or
7383 companies, qualified to do business in the State of Mississippi,
7384 as the State Liquefied Compressed Gas Board shall require, based
7385 upon those activities listed above in which such person is
7386 engaged, to wit:

7387 **ANY PERSON THAT ENGAGES IN FILLING CYLINDERS AND MOTOR FUEL**
7388 **TANKS WITH LIQUEFIED COMPRESSED GAS ON THEIR PREMISES OR ANY**



7389 **PERSON WHO IS IN THE BUSINESS OF INSTALLING LC GAS CARBURETION OR**

7390 **APPLIANCES:**

7391		Limits of Liability	
7392		Each	
7393		Occasion	Aggregate
7394	Manufacturers and Contractors		
7395	Public Liability	\$100,000	\$300,000
7396	Products Liability	\$100,000	\$300,000
7397	Workers' Compensation and		
7398	Employers' Liability		
7399	Insurance	State Statute	

7400 **ANY PERSON THAT ENGAGES IN ANY PHASE OF THE LIQUEFIED**

7401 **COMPRESSED GAS BUSINESS OTHER THAN CYLINDER-FILLING LOCATIONS:**

7402		Limits of Liability		
7403		Bodily Injury		Property
7404		Each	Each	Damage Each
7405		Person	Accident	Accident
7406	Automobile Public Liability	\$500,000	\$1,000,000	\$1,000,000
7407		Each		
7408		Occasion	Aggregate	
7409	Manufacturers and Contractors			
7410	Public Liability	\$1,000,000	\$1,000,000	
7411	Products Liability	\$1,000,000	\$1,000,000	
7412	Workers' Compensation and			
7413	Employers' Liability			



7414 Insurance State Statute

7415 (2) The State Liquefied Compressed Gas Board shall not
7416 require insurance coverage as specified above unless the hazard of
7417 liquefied compressed gases is involved.

7418 (3) No policy issued under the provisions of this chapter
7419 may be cancelled before thirty (30) days from the date of receipt
7420 by the Commissioner of Insurance of written notice of intention to
7421 cancel the policy.

7422 (4) It is expressly provided, however, that in lieu of
7423 filing with the State Liquefied Compressed Gas Board evidence that
7424 such insurance, as outlined above, is in force, any such person
7425 may file with the State Liquefied Compressed Gas Board a good and
7426 sufficient surety bond executed by a surety company licensed to do
7427 business in this state in the amount of One Million Dollars
7428 (\$1,000,000.00), which such bond shall be payable to the State of
7429 Mississippi and shall be conditioned to guarantee the payment of
7430 all damages which proximately result from any act of negligence on
7431 the part of such person, or their agents or employees, while
7432 engaged in any of the activities herein specified. In lieu of the
7433 surety bond, any such person may execute and file a good and
7434 sufficient personal bond in the amount and conditioned as
7435 specified above, which such personal bond shall be secured by
7436 bonds or other obligations of the State of Mississippi or the
7437 United States government, of equal value.



7438 (5) Upon compliance with the provisions of this section,
7439 where such compliance is required, and upon compliance with all
7440 other provisions of this chapter, the State Liquefied Compressed
7441 Gas Board shall issue to such dealer a permit to engage in such
7442 business, but not before. All such permits shall be valid until
7443 voluntarily surrendered, or until suspended, revoked or cancelled
7444 by the State Liquefied Compressed Gas Board, the Commissioner of
7445 Insurance or the chancery or circuit court. All permits issued
7446 under the provisions of Chapter 170, Laws of 1940, as amended, or
7447 Chapter 265, Laws of 1946, shall remain in full force and effect
7448 until the expiration date thereof at which time they must be
7449 renewed under the terms and conditions of this chapter.

7450 **SECTION 88.** Section 75-60-31, Mississippi Code of 1972, is
7451 amended as follows:

7452 75-60-31. No agent permit shall be issued pursuant to
7453 Section 75-60-25 to any person found by the Commission on
7454 Proprietary School and College Registration * * * to have been
7455 convicted of a disqualifying crime as provided in the Fresh Start
7456 Act.

7457 **SECTION 89.** Section 75-60-33, Mississippi Code of 1972, is
7458 amended as follows:

7459 75-60-33. Any agent permit issued may be revoked by the
7460 Commission on Proprietary School and College Registration if the
7461 holder of the permit solicits or enrolls students through fraud,
7462 deception or misrepresentation * * *.



7463 The Commission on Proprietary School and College Registration
7464 shall hold informal conferences pursuant to Section 75-60-19 with
7465 an agent believed to be in violation of one or more of the above
7466 conditions. If these conferences fail to eliminate the agent's
7467 objectionable practices or procedures, the commission shall hold a
7468 public hearing. A record of such proceedings shall be taken and
7469 appeals to the commission shall be upon such record, except as may
7470 be provided by rules and regulations to be adopted by the
7471 commission. Nothing said or done in the informal conferences
7472 shall be disclosed by the staff of the commission nor be used as
7473 evidence in any subsequent proceedings.

7474 **SECTION 90.** Section 75-76-67, Mississippi Code of 1972, is
7475 amended as follows:

7476 75-76-67. (1) Any person who the commission determines is
7477 qualified to receive a license or be found suitable under the
7478 provisions of this chapter, having due consideration for the
7479 proper protection of the health, safety, morals, good order and
7480 general welfare of the inhabitants of the State of Mississippi and
7481 the declared policy of this state, may be issued a state gaming
7482 license or found suitable. The burden of proving his
7483 qualification to receive any license or be found suitable is on
7484 the applicant.

7485 (2) An application to receive a license or be found suitable
7486 shall not be granted unless the commission is satisfied that the
7487 applicant is:



7488 (a) A person of * * * honesty and integrity;

7489 (b) A person whose prior activities, criminal record,
7490 if any, reputation, habits and associations do not pose a threat
7491 to the public interest of this state or to the effective
7492 regulation and control of gaming, or create or enhance the dangers
7493 of unsuitable, unfair or illegal practices, methods and activities
7494 in the conduct of gaming or the carrying on of the business and
7495 financial arrangements incidental thereto; and

7496 (c) In all other respects qualified to be licensed or
7497 found suitable consistent with the declared laws of the state.

7498 (3) No person shall be granted a license or found suitable
7499 under the provisions of this chapter who has been convicted of
7500 a * * * disqualifying crime as provided in the Fresh Start Act in
7501 any court of this state, another state, or the United States; and
7502 no person shall be granted a license or found suitable hereunder
7503 who has been convicted of a * * * disqualifying crime as provided
7504 in the Fresh Start Act in any court of another state or the United
7505 States which, if committed in this state, would be a * * *
7506 disqualifying crime; and no person shall be granted a license or
7507 found suitable under the provisions of this chapter who has been
7508 convicted of a misdemeanor in any court of this state or of
7509 another state, when such conviction was for gambling, sale of
7510 alcoholic beverages to minors, prostitution, or procuring or
7511 inducing individuals to engage in prostitution.



7512 (4) A license to operate a gaming establishment shall not be
7513 granted unless the applicant has satisfied the commission that:

7514 (a) He has adequate business probity, competence and
7515 experience, in gaming or generally; and

7516 (b) The proposed financing of the entire operation is:

7517 (i) Adequate for the nature of the proposed
7518 operation; and

7519 (ii) From a suitable source. Any lender or other
7520 source of money or credit which the commission finds does not meet
7521 the standards set forth in subsection (2) may be deemed
7522 unsuitable.

7523 (5) An application to receive a license or be found suitable
7524 constitutes a request for a determination of the applicant's
7525 general * * * integrity and ability to participate or engage in,
7526 or be associated with gaming. Any written or oral statement made
7527 in the course of an official proceeding of the commission or the
7528 executive director or any witness testifying under oath which is
7529 relevant to the purpose of the proceeding is absolutely privileged
7530 and does not impose liability for defamation or constitute a
7531 ground for recovery in any civil action.

7532 (6) The commission may, in its discretion, grant a license
7533 to a corporation which has complied with the provisions of this
7534 chapter.



7535 (7) The commission may, in its discretion, grant a license
7536 to a limited partnership which has complied with the provisions of
7537 this chapter.

7538 (8) No limited partnership, except one whose sole limited
7539 partner is a publicly traded corporation which has registered with
7540 the commission, or business trust or organization or other
7541 association of a quasi-corporate character is eligible to receive
7542 or hold any license under this chapter unless all persons having
7543 any direct or indirect interest therein of any nature whatsoever,
7544 whether financial, administrative, policymaking or supervisory,
7545 are individually qualified to be licensed under the provisions of
7546 this chapter.

7547 (9) The commission may, by regulation, limit the number of
7548 persons who may be financially interested and the nature of their
7549 interest in any corporation or other organization or association
7550 licensed under this chapter, and may establish such other
7551 qualifications of licenses as the commission, in its discretion,
7552 deems to be in the public interest and consistent with the
7553 declared policy of the state.

7554 **SECTION 91.** Section 81-18-9, Mississippi Code of 1972, is
7555 amended as follows:

7556 81-18-9. (1) Applicants for a license shall apply in a form
7557 as prescribed by the commissioner. Each such form shall contain
7558 content as set forth by rule, regulation, instruction or procedure
7559 of the commissioner and may be changed or updated as necessary by



7560 the commissioner in order to carry out the purposes of this
7561 chapter.

7562 (2) The mortgage broker and mortgage lender application
7563 through the Nationwide Mortgage Licensing System and Registry
7564 shall include, but is not limited to, the following:

7565 (a) The legal name, residence and business address of
7566 the applicant and, if applicable, the legal name, residence and
7567 business address of every principal and executive officer,
7568 together with the résumé of the applicant and of every principal
7569 and executive officer of the applicant. In addition, an
7570 independent credit report obtained from a consumer-reporting
7571 agency described in Section 603(p) of the Fair Credit Reporting
7572 Act and information related to any administrative, civil or
7573 criminal findings by any governmental jurisdiction of every
7574 principal and executive officer.

7575 (b) The legal name of the mortgage broker or mortgage
7576 lender in addition to the name under which the applicant will
7577 conduct business in the state, neither of which may be already
7578 assigned to a licensed mortgage broker or mortgage lender.

7579 (c) The complete address of the applicant's principal
7580 place of business, branch office(s) and any other locations at
7581 which the applicant will engage in any business activity covered
7582 by this chapter. All locations shall be within the United States
7583 of America or a territory of the United States of America,
7584 including Puerto Rico and the U.S. Virgin Islands.



7585 (d) A copy of the certificate of incorporation, if a
7586 Mississippi corporation.

7587 (e) Documentation satisfactory to the department as to
7588 a certificate of existence of authority to transact business
7589 lawfully in Mississippi from the Mississippi Secretary of State's
7590 office, if a limited liability company, partnership, trust or any
7591 other group of persons, however organized. This paragraph does
7592 not pertain to applicants organized as an individual or as a sole
7593 proprietorship.

7594 (f) If a foreign entity, a copy of a certificate of
7595 authority to conduct business in Mississippi and the address of
7596 the principal place of business of the foreign entity.

7597 (g) Documentation of a minimum of two (2) years'
7598 experience directly related to mortgage activities by a person
7599 named as the qualifying individual of the company. The qualifying
7600 individual shall be primarily responsible for the operations of
7601 the licensed mortgage broker or mortgage lender. Only one (1)
7602 qualifying individual shall be named for Mississippi and this
7603 person shall be the qualifying individual for only one (1)
7604 licensee. Evidence of experience shall include, where applicable:

7605 (i) Copies of business licenses issued by
7606 governmental agencies.

7607 (ii) Employment history of the person filing the
7608 application for at least two (2) years before the date of the
7609 filing of an application, including, but not limited to, job



7610 descriptions, length of employment, names, addresses and phone
7611 numbers for past employers.

7612 (iii) Any other data and pertinent information as
7613 the department may require with respect to the applicant, its
7614 directors, principals, trustees, officers, members, contractors or
7615 agents. A résumé alone shall not be sufficient proof of
7616 employment history.

7617 (3) The mortgage broker and mortgage lender applications
7618 shall be filed on the Nationwide Mortgage Licensing System and
7619 Registry together with the following:

7620 (a) The license fee specified in Section 81-18-15;

7621 (b) An original or certified copy of a surety bond in
7622 favor of the State of Mississippi for the use, benefit and
7623 indemnity of any person who suffers any damage or loss as a result
7624 of the company's breach of contract or of any obligation arising
7625 therefrom or any violation of law;

7626 (c) A set of fingerprints from any local law
7627 enforcement agency from the following applicants:

7628 (i) All persons operating as a sole proprietorship
7629 that plan to conduct a mortgage-brokering or lending business in
7630 the State of Mississippi;

7631 (ii) Partners in a partnership or principal owners
7632 of a limited liability company that own at least ten percent (10%)
7633 of the voting shares of the company;



7634 (iii) Any shareholders owning ten percent (10%) or
7635 more of the outstanding shares of the corporation;

7636 (iv) All executive officers of the applicant;

7637 (v) All loan originators; and

7638 (vi) The named qualifying individual of the
7639 company as required in Section 81-18-9(2)(g). The applicant shall
7640 name only one (1) individual as the qualifying individual for the
7641 State of Mississippi; and

7642 (d) At least one (1) employee shall be licensed as a
7643 loan originator at a licensed location.

7644 (4) In connection with an application for licensing as a
7645 mortgage broker or lender under this chapter, the required
7646 stockholders, owners, directors and executive officers of the
7647 applicant shall, at a minimum, furnish to the Nationwide Mortgage
7648 Licensing System and Registry information concerning the
7649 individual's identity, including:

7650 (a) Fingerprints from any local law enforcement agency
7651 for submission to the Federal Bureau of Investigation and any
7652 governmental entity authorized to receive that information for a
7653 state, national and/or international criminal history background
7654 check; and

7655 (b) Personal history and experience in a form
7656 prescribed by the Nationwide Mortgage Licensing System and
7657 Registry, including the submission of authorization for the



7658 Nationwide Mortgage Licensing System and Registry and the
7659 commissioner to obtain:

7660 (i) An independent credit report obtained from a
7661 consumer-reporting agency described in Section 603(p) of the Fair
7662 Credit Reporting Act; and

7663 (ii) Information related to any administrative,
7664 civil or criminal findings by any governmental jurisdiction.

7665 (5) Upon receipt of an application for licensure, the
7666 department or designated third party shall conduct an
7667 investigation as it deems necessary to determine that the
7668 applicant and its officers, directors and principals are of
7669 good * * * ethical reputation; that the applicant demonstrates
7670 reasonable financial responsibility; and that the applicant has
7671 reasonable policies and procedures to receive and process customer
7672 grievances and inquiries promptly and fairly.

7673 (6) The commissioner shall not license an applicant unless
7674 he is satisfied that the applicant will operate its mortgage
7675 activities in compliance with the laws, rules and regulations of
7676 this state and the United States.

7677 (7) If an applicant satisfies the requirements of this
7678 chapter for a mortgage broker or mortgage lender license, the
7679 commissioner shall issue the license unless the commissioner finds
7680 any of the following:

7681 (a) The applicant has had a mortgage lender, mortgage
7682 broker or mortgage servicer license revoked in any governmental



7683 jurisdiction, except that a subsequent formal vacation of the
7684 revocation shall not be deemed a revocation; or

7685 (b) The applicant or its controlling persons has been
7686 convicted of, or pled guilty or nolo contendere to, (i) a * * *
7687 disqualifying crime as provided in the Fresh Start Act; or (ii) at
7688 any time preceding the date of application if such * * * crime
7689 involved an act of fraud, dishonesty, a breach of trust, or money
7690 laundering. However, any pardon or expungement of a conviction
7691 shall not be a conviction for purposes of this subsection.

7692 (8) Applicants for a mortgage loan originator license shall
7693 apply in a form as prescribed by the commissioner and shall be
7694 filed on the Nationwide Mortgage Licensing System and Registry.
7695 Each such form shall contain content as set forth by rules,
7696 regulations, instructions or procedures of the commissioner and
7697 may be changed or updated as necessary by the commissioner in
7698 order to carry out the purposes of this chapter. The initial
7699 license of a mortgage loan originator shall be accompanied by a
7700 fee of Two Hundred Dollars (\$200.00), to be paid to the Nationwide
7701 Mortgage Licensing System and Registry, and any additional fees as
7702 required by the Nationwide Mortgage Licensing System and Registry.
7703 The commissioner shall not issue a mortgage loan originator
7704 license unless the commissioner makes at a minimum the following
7705 findings:

7706 (a) The applicant has never had a mortgage loan
7707 originator license revoked in any governmental jurisdiction,



7708 except that a later formal vacation of that revocation shall not
7709 be deemed a revocation.

7710 (b) The applicant has not been convicted of, or pled
7711 guilty or nolo contendere to, (i) a * * * disqualifying crime as
7712 provided in the Fresh Start Act; or (ii) at any time preceding the
7713 date of application if such * * * crime involved an act of fraud,
7714 dishonesty, a breach of trust or money laundering. However, any
7715 pardon or expungement of a conviction shall not be a conviction
7716 for purposes of this subsection.

7717 (c) The applicant has demonstrated financial
7718 responsibility, character and general fitness such as to command
7719 the confidence of the community and to warrant a determination
7720 that the mortgage loan originator will operate honestly, fairly
7721 and efficiently within the purposes of this chapter.

7722 (d) The applicant has completed the prelicensing
7723 education requirement described in Section 81-18-14(1).

7724 (e) The applicant has passed a written test that meets
7725 the test requirement described in Section 81-18-14(7).

7726 (f) The applicant has met the surety bond requirement
7727 as provided in Section 81-18-11.

7728 (g) This individual must work for a Mississippi
7729 licensed company and work from the location licensed with the
7730 department. The licensed location that he or she is assigned to
7731 must be within one hundred twenty-five (125) miles of his or her
7732 residency. If the licensed loan originator resides and works in



7733 Mississippi, then he or she may work from any licensed location of
7734 the licensed company within the State of Mississippi. However, an
7735 owner of a minimum of ten percent (10%) of a licensed company or
7736 the named qualifying individual on file with the department, who
7737 is a licensed loan originator with the department, may work from
7738 any licensed location of the licensed company within the State of
7739 Mississippi in the capacity of a loan originator as described in
7740 this chapter.

7741 (9) In order to fulfill the purposes of this chapter, the
7742 commissioner is authorized to establish relationships or contracts
7743 with the Nationwide Mortgage Licensing System and Registry or
7744 other entities designated by the Nationwide Mortgage Licensing
7745 System and Registry to collect and maintain records and process
7746 transaction fees or other fees related to licensees or other
7747 persons subject to this chapter.

7748 (10) In connection with an application for licensing as a
7749 mortgage loan originator, the applicant shall, at a minimum,
7750 furnish to the Nationwide Mortgage Licensing System and Registry
7751 information concerning the applicant's identity, including:

7752 (a) Fingerprints for submission to the Federal Bureau
7753 of Investigation, and any governmental agency or entity authorized
7754 to receive that information for a state, national and/or
7755 international criminal history background check; and

7756 (b) Personal history and experience in a form
7757 prescribed by the Nationwide Mortgage Licensing System and



7758 Registry, including the submission of authorization for the
7759 Nationwide Mortgage Licensing System and Registry and the
7760 commissioner to obtain:

7761 (i) An independent credit report obtained from a
7762 consumer-reporting agency described in Section 603(p) of the Fair
7763 Credit Reporting Act; and

7764 (ii) Information related to any administrative,
7765 civil or criminal findings by any governmental jurisdiction.

7766 (11) For the purposes of this section and in order to reduce
7767 the points of contact which the Federal Bureau of Investigation
7768 may have to maintain for purposes of subsection (10)(a) and
7769 (b)(ii) of this section, the commissioner may use the Nationwide
7770 Mortgage Licensing System and Registry as a channeling agent for
7771 requesting information from and distributing information to the
7772 Department of Justice or any governmental agency.

7773 (12) For the purposes of this section and in order to reduce
7774 the points of contact which the commissioner may have to maintain
7775 for purposes of subsection (10)(b)(i) and (ii) of this section,
7776 the commissioner may use the Nationwide Mortgage Licensing System
7777 and Registry as a channeling agent for requesting and distributing
7778 information to and from any source so directed by the
7779 commissioner.

7780 **SECTION 92.** Section 83-17-75, Mississippi Code of 1972, is
7781 amended as follows:



7782 83-17-75. (1) An insurance producer shall not act as an
7783 agent of an insurer unless the insurance producer becomes an
7784 appointed agent of that insurer. An insurance producer who is not
7785 acting as an agent of an insurer is not required to become
7786 appointed.

7787 (2) To appoint a producer as its agent, the appointing
7788 insurer shall file, in a format approved by the commissioner, a
7789 notice of appointment within fifteen (15) days from the date the
7790 agency contract is executed or the first insurance application is
7791 submitted. An insurer may also elect to appoint a producer to all
7792 or some insurers within the insurer's holding company system or
7793 group by the filing of a single appointment request.

7794 (3) Upon receipt of the notice of appointment, the
7795 commissioner shall verify within a reasonable time not to exceed
7796 thirty (30) days that the insurance producer is eligible for
7797 appointment. If the insurance producer is determined to be
7798 ineligible for appointment, the commissioner shall notify the
7799 insurer within five (5) days of its determination.

7800 (4) An insurer shall pay an appointment fee, in the amount
7801 and method of payment set forth in Section 83-5-73 for each
7802 insurance producer appointed by the insurer.

7803 (5) An insurer shall remit, in a manner prescribed by the
7804 commissioner, a renewal appointment fee in the amount set forth in
7805 Section 83-5-73.



7806 (6) Before the issuance of a license or certificate of
7807 authority, the commissioner shall require the company requesting
7808 appointment of the applicant as producer for the first time to
7809 furnish a certificate to the commissioner, verified by an
7810 executive officer or managing general or special agent of such
7811 company, that the company has duly investigated the * * * record
7812 of such person and has satisfied itself that such person is * * *
7813 qualified, fit and trustworthy to act as its producer. The
7814 Commissioner of Insurance may at any time require any company to
7815 obtain a credit report on a producer if the commissioner deems
7816 such request advisable. Should such credit report reflect
7817 information regarding an offense or violation in relation to which
7818 the Department of Insurance has taken action, such information
7819 shall not render the applicant ineligible for a license if
7820 applicant has complied with the order of the commissioner
7821 regarding such offense.

7822 **SECTION 93.** Section 83-39-9, Mississippi Code of 1972, is
7823 amended as follows:

7824 83-39-9. The department upon receipt of the license
7825 application, the required fee * * * and, in the case of a
7826 professional bail agent, an approved qualification bond in the
7827 required amount, shall issue to the applicant a license to do
7828 business as a professional bail agent, soliciting bail agent or
7829 bail enforcement agent as the case may be.



7830 No licensed professional bail agent shall have in his employ
7831 in the bail bond business any person who could not qualify for a
7832 license under this chapter, nor shall any licensed professional
7833 bail agent have as a partner or associate in such business any
7834 person who could not so qualify.

7835 **SECTION 94.** Section 73-34-14, Mississippi Code of 1972, is
7836 amended as follows:

7837 73-34-14. (1) (a) To qualify for a Mississippi real estate
7838 appraiser license, an applicant must have successfully been
7839 cleared for licensure through an investigation that shall consist
7840 of a determination that the applicant does not possess a
7841 background which calls into question public trust, as set forth
7842 below in subsection (2), and verification that the prospective
7843 licensee is not guilty of or in violation of any statutory ground
7844 for denial of licensure as set forth in Section 73-34-35.

7845 (b) To assist the board in conducting its licensure
7846 investigation, on and after January 1, 2015, all applicants for a
7847 real estate appraiser license as a licensed real estate appraiser
7848 (license), licensed certified residential real estate appraiser
7849 (certification), or a licensed certified general real estate
7850 appraiser (certification), and all applicants for renewal of any
7851 real estate appraiser license or certification shall undergo a
7852 fingerprint-based criminal history records check of the
7853 Mississippi central criminal database and the Federal Bureau of
7854 Investigation criminal history database. Each applicant shall



7855 submit a full set of the applicant's fingerprints in a form and
7856 manner prescribed by the board, which shall be forwarded to the
7857 Mississippi Department of Public Safety (department) and the
7858 Federal Bureau of Investigation Identification Division for this
7859 purpose.

7860 (c) Any and all state or national criminal history
7861 records information obtained by the board that is not already a
7862 matter of public record shall be deemed nonpublic and confidential
7863 information restricted to the exclusive use of the board, its
7864 members, officers, investigators, agents and attorneys in
7865 evaluating the applicant's eligibility or disqualification for
7866 licensure, and shall be exempt from the Mississippi Public Records
7867 Act of 1983. Except when introduced into evidence in a hearing
7868 before the board to determine licensure, no such information or
7869 records related thereto shall, except with the written consent of
7870 the applicant or by order of a court of competent jurisdiction, be
7871 released or otherwise disclosed by the board to any other person
7872 or agency.

7873 (d) The board shall provide to the department the
7874 fingerprints of the applicant, any additional information that may
7875 be required by the department, and a form signed by the applicant
7876 consenting to the check of the criminal records and to the use of
7877 the fingerprints and other identifying information required by the
7878 state or national repositories.



7879 (e) The board shall charge and collect from the
7880 applicant, in addition to all other applicable fees and costs,
7881 such amount as may be incurred by the board in requesting and
7882 obtaining state and national criminal history records information
7883 on the applicant.

7884 (2) (a) The board must ensure that applicants for a real
7885 estate appraiser license or certification do not possess a
7886 background that could call into question public trust. An
7887 applicant found by the board to possess a background which calls
7888 into question the applicant's ability to maintain public trust
7889 shall not be issued a real estate appraiser license or
7890 certification.

7891 (b) The board shall not issue a real estate appraiser
7892 license or certification if:

7893 (i) The applicant has had an appraiser license or
7894 certification revoked in any governmental jurisdiction within the
7895 five (5) year period immediately preceding the date of the
7896 application;

7897 (ii) The applicant has been convicted of, or pled
7898 guilty or nolo contendere to, a * * * disqualifying crime as
7899 provided in the Fresh Start Act:

7900 1. During the five-year period immediately
7901 preceding the date of the application for licensing or
7902 certification; or



7903 2. At any time preceding the date of the
7904 application, if such felony involved an act of fraud, dishonesty,
7905 or a breach of trust, or money laundering.

7906 (iii) The applicant has failed to demonstrate
7907 character and general fitness such as to command the confidence of
7908 the community and to warrant a determination that the appraiser
7909 will operate honestly, fairly and efficiently within the purpose
7910 of these criteria.

7911 (c) The board shall evaluate and consider, by rules and
7912 regulations, additional background issues, including, but not
7913 limited to, those required by the Appraiser Qualifications Board
7914 of the Appraisal Foundation in compliance with federal
7915 requirements, prior to issuing (or taking disciplinary action
7916 against) a real estate appraiser.

7917 (d) The board shall adopt rules and regulations
7918 necessary to implement, administer and enforce the provisions of
7919 this section.

7920 **SECTION 95.** Section 73-35-10, Mississippi Code of 1972, is
7921 amended as follows:

7922 73-35-10. (1) (a) To qualify for a Mississippi real estate
7923 broker's license or a Mississippi resident license as a real
7924 estate salesperson, or a nonresident's license in Mississippi, an
7925 applicant must have successfully been cleared for licensure
7926 through an investigation that shall consist of a determination
7927 that the applicant does not possess a background which calls into



7928 question public trust, as set forth below in subsection (2), and
7929 verification that the prospective licensee is not guilty of or in
7930 violation of any statutory ground for denial of licensure as set
7931 forth in Section 73-35-21.

7932 (b) To assist the commission in conducting its
7933 licensure investigation, from and after July 1, 2016, all
7934 applicants for a Mississippi real estate broker's license, or a
7935 Mississippi resident license as a real estate salesperson, or a
7936 nonresident's license in Mississippi, and all applicants for
7937 renewal of any real estate license shall undergo a
7938 fingerprint-based criminal history records check of the
7939 Mississippi central criminal database and the Federal Bureau of
7940 Investigation criminal history database. Each applicant shall
7941 submit a full set of the applicant's fingerprints in a form and
7942 manner prescribed by the commission, which shall be forwarded to
7943 the Mississippi Department of Public Safety (department) and the
7944 Federal Bureau of Investigation Identification Division for this
7945 purpose.

7946 (c) Any and all state or national criminal history
7947 records information obtained by the commission that is not already
7948 a matter of public record shall be deemed nonpublic and
7949 confidential information restricted to the exclusive use of the
7950 commission, its members, officers, investigators, agents and
7951 attorneys in evaluating the applicant's eligibility or
7952 disqualification for licensure, and shall be exempt from the



7953 Mississippi Public Records Act of 1983. Except when introduced
7954 into evidence in a hearing before the commission to determine
7955 licensure, no such information or records related thereto shall,
7956 except with the written consent of the applicant or by order of a
7957 court of competent jurisdiction, be released or otherwise
7958 disclosed by the commission to any other person or agency.

7959 (d) The commission shall provide to the department the
7960 fingerprints of the applicant, any additional information that may
7961 be required by the department, and a form signed by the applicant
7962 consenting to the check of the criminal records and to the use of
7963 the fingerprints and other identifying information required by the
7964 state or national repositories.

7965 (e) The commission shall charge and collect from the
7966 applicant, in addition to all other applicable fees and costs,
7967 such amount as may be incurred by the commission in requesting and
7968 obtaining state and national criminal history records information
7969 on the applicant.

7970 (2) (a) The commission must ensure that applicants for real
7971 estate licenses do not possess a background that could call into
7972 question public trust. An applicant found by the commission to
7973 possess a background which calls into question the applicant's
7974 ability to maintain public trust shall not be issued a real estate
7975 license.

7976 (b) The commission shall not issue a real estate
7977 license if:



7978 (i) The applicant has had a real estate license
7979 revoked in any governmental jurisdiction within the five-year
7980 period immediately preceding the date of the application;

7981 (ii) The applicant has been convicted of, or pled
7982 guilty or nolo contendere to, a * * * disqualifying crime as
7983 provided in the Fresh Start Act:

7984 1. During the five-year period immediately
7985 preceding the date of the application for licensing; or

7986 2. At any time preceding the date of the
7987 application, if such felony involved an act of fraud, dishonesty
7988 or a breach of trust, or money laundering.

7989 (c) The commission shall adopt rules and regulations
7990 necessary to implement, administer and enforce the provisions of
7991 this section.

7992 (d) The requirement of a criminal background check
7993 provided in this section shall not apply to persons who have held
7994 a broker's or salesperson's license in this state for at least
7995 twenty-five (25) years and who are older than seventy (70) years
7996 of age.

7997 **SECTION 96.** Section 73-69-7, Mississippi Code of 1972, is
7998 amended as follows:

7999 73-69-7. (1) The State Fire Marshal shall administer and
8000 enforce the provisions of this chapter and shall have the
8001 authority to promulgate and adopt such rules and regulations as
8002 may be necessary for such proper administration and enforcement.



8003 The Electronic Protection Advisory Licensing Board created in
8004 Section 73-69-21 shall advise the State Fire Marshal with respect
8005 to the rules and regulations of the provisions of this chapter.
8006 The State Fire Marshal shall have the authority to approve written
8007 training programs or acceptable equivalents for meeting the
8008 training requirements of this licensing law. The State Fire
8009 Marshal may also accept, as such an equivalent, licensure of a
8010 company or person by a jurisdiction outside this state, which has
8011 standards and requirements of practice which substantially conform
8012 to the provisions of this chapter. The State Fire Marshal shall
8013 also establish continuing education requirements.

8014 (2) Application for a Class A license. In order to engage
8015 in alarm contracting, a company shall apply for and obtain a Class
8016 A license for each operating location doing business in the state.
8017 A Class A license shall authorize a company to engage in any type
8018 of alarm contracting. An applicant for a Class A license shall
8019 submit the following to the State Fire Marshal:

8020 (a) Documentation that the company is an entity duly
8021 authorized to conduct business within this state.

8022 (b) Documentation that the company holds a general
8023 liability and errors and omissions insurance policy, or a surety
8024 bond, in an amount not less than Three Hundred Thousand Dollars
8025 (\$300,000.00).



8026 (c) Documentation that the company carries a current
8027 and valid workers' compensation insurance policy as required by
8028 state law.

8029 (d) The name of the person who will serve as the
8030 designated agent of the company.

8031 (e) For a company applying for a Class A license,
8032 evidence that the company has at least one (1) employee who holds
8033 a Class B license at each of its operating locations.

8034 (f) A statement that no officer or principal has been
8035 convicted of a * * * disqualifying crime as provided in the Fresh
8036 Start Act, has received a first-time offender pardon for a * * *
8037 disqualifying crime as provided in the Fresh Start Act, or has
8038 entered a plea of guilty or nolo contendere to a * * *
8039 disqualifying crime as provided in the Fresh Start Act.

8040 (g) The application fee authorized by this chapter.

8041 (h) Documentation that the company is located within
8042 the physical boundaries of the state.

8043 (i) Beginning on July 1, 2014, in order to assist the
8044 Office of the State Fire Marshal in determining an applicant's
8045 suitability for a license under this chapter, a Class A applicant,
8046 upon request from the State Fire Marshal, shall submit a set of
8047 fingerprints for all officers and principals with the submission
8048 of an application for license or at such time as deemed necessary
8049 by the State Fire Marshal. The Office of the State Fire Marshal
8050 shall forward the fingerprints to the Department of Public Safety



8051 for the purpose of conducting a criminal history record check. If
8052 no disqualifying record is identified at the state level, the
8053 fingerprints shall be forwarded by the Department of Public Safety
8054 to the Federal Bureau of Investigation for a national criminal
8055 history record check. Fees related to the criminal history record
8056 check shall be paid by the applicant to the State Fire Marshal and
8057 the monies from such fees shall be deposited in the special fund
8058 in the State Treasury designated as the Electronic Protection
8059 Licensing Fund.

8060 (j) The name of each company providing monitoring
8061 services.

8062 (3) If the action by the State Fire Marshal is to nonrenew
8063 or to deny an application for license, the State Fire Marshal
8064 shall notify the applicant or licensee and advise, in writing, the
8065 applicant or licensee of the reason for the denial or nonrenewal
8066 of the applicant's or licensee's license. The applicant or
8067 licensee may make written demand upon the State Fire Marshal
8068 within ten (10) days for a hearing before the State Fire Marshal
8069 to determine the reasonableness of the State Fire Marshal's
8070 action. The hearing shall be held within thirty (30) days.

8071 **SECTION 97.** Section 73-69-11, Mississippi Code of 1972, is
8072 amended as follows:

8073 73-69-11. (1) Any person employed by an alarm contracting
8074 company shall hold an individual license issued by the State Fire
8075 Marshal. Such license shall authorize its holder to engage in



8076 alarm contracting, only to the extent of the terms as further
8077 provided in this chapter.

8078 (2) Such application shall be accompanied by:

8079 (a) Two (2) suitable photographs of the applicant
8080 acceptable to the State Fire Marshal. The State Fire Marshal
8081 shall keep one (1) photograph on file and shall make the other
8082 photograph a part of any license subsequently issued to the
8083 applicant.

8084 (b) Documentation that the applicant meets educational
8085 requirements applicable to the type of license for which he is
8086 applying, as follows:

8087 (i) For a Class B license: a minimum of
8088 Electronic Security Association, Level 2 A and Level 2 B Burglar
8089 Alarm training course or the Electronic Security Association, Fire
8090 Alarm Installation Methods and Advanced Intrusion Systems training
8091 courses, or equivalent training approved by the State Fire
8092 Marshal, and documentation proving residency within a radius of
8093 one hundred fifty (150) miles of the office to which he is
8094 assigned.

8095 (ii) For a Class C license: a minimum of
8096 Electronic Security Association Level 1 Certified Alarm/Security
8097 Technician training course, or equivalent training approved by the
8098 State Fire Marshal.

8099 (iii) For a Class D license: a minimum of
8100 Electronic Security Association, Understanding Electronic Security



8101 Systems training course, or equivalent training approved by the
8102 State Fire Marshal.

8103 (iv) For a Class H license: application by a
8104 Class B or Class C license holder that they will provide direct
8105 supervision of the Class H licensee.

8106 (c) (i) A statement by the applicant that he has not
8107 been convicted of a * * * disqualifying crime as provided in the
8108 Fresh Start Act, received a first-time offender pardon for a * * *
8109 disqualifying crime as provided in the Fresh Start Act, or entered
8110 a plea of guilty or nolo contendere to a * * * disqualifying crime
8111 as provided in the Fresh Start Act. * * *

8112 (ii) A conviction or a plea of guilty or nolo
8113 contendere to a * * * disqualifying crime as provided in the Fresh
8114 Start or receipt of a first-time offender pardon shall not
8115 constitute an automatic disqualification as otherwise required
8116 pursuant to subparagraph (i) if ten (10) or more years have
8117 elapsed between the date of application and the successful
8118 completion or service of any sentence, deferred adjudication or
8119 period of probation or parole.

8120 (iii) Subparagraph (ii) shall not apply to any
8121 person convicted of a felony crime of violence or a sex offense as
8122 defined within the Mississippi Criminal Code.

8123 (d) The State Fire Marshal shall have the authority to
8124 conduct criminal history verification on a local, state or
8125 national level. Beginning on July 1, 2014, in order to assist the



8126 Office of the State Fire Marshal in determining an applicant's
8127 suitability for a license under this chapter, an applicant shall
8128 submit a set of fingerprints with the submission of an application
8129 for license. The Office of the State Fire Marshal shall forward
8130 the fingerprints to the Department of Public Safety for the
8131 purpose of conducting a criminal history record check. If no
8132 disqualifying record is identified at the state level, the
8133 fingerprints shall be forwarded by the Department of Public Safety
8134 to the Federal Bureau of Investigation for a national criminal
8135 history record check. Fees related to the criminal history record
8136 check shall be paid by the applicant to the State Fire Marshal and
8137 the monies from such fees shall be deposited in the special fund
8138 in the State Treasury designated as the Electronic Protection
8139 Licensing Fund.

8140 (e) The application fee authorized by this chapter.

8141 (3) The State Fire Marshal shall have the authority to
8142 determine if information submitted by an applicant is in a form
8143 acceptable to him. The State Fire Marshal shall verify or have
8144 another entity verify information submitted by each applicant.

8145 (4) If the State Fire Marshal finds that an applicant has
8146 met the applicable requirements of the alarm licensing law, he
8147 shall issue the appropriate type of license to the applicant upon
8148 payment of the license fee authorized by this chapter.

8149 (5) Each individual license holder shall maintain his
8150 license on his person while engaging in any type of alarm



8151 contracting as applicable. Each such license holder shall present
8152 his license for inspection upon demand by an employee of the
8153 Office of the State Fire Marshal or a law enforcement officer.

8154 (6) Each individual license holder shall notify the State
8155 Fire Marshal, on a form specified and provided by the State Fire
8156 Marshal, within ten (10) days of the following:

8157 (a) Any change in business or home address.

8158 (b) Any separation from an employer or change in
8159 employer.

8160 (c) Any conviction for a * * * disqualifying crime as
8161 provided in the Fresh Start Act.

8162 (7) No individual licensed under this chapter shall contract
8163 for his services as an independent contractor or agent without
8164 applying for and being issued a Class A license per Section
8165 73-69-9. No alarm contracting company shall contract for the
8166 independent services of a holder of an individual license under
8167 this section.

8168 (8) The State Fire Marshal may enter into reciprocal
8169 agreements with other states for mutual recognition of individual
8170 license holders, if the State Fire Marshal has established the
8171 criteria for acceptance of reciprocal agreements by rule or
8172 regulation. The issuance of a license by reciprocity to a
8173 military-trained applicant, military spouse or person who
8174 establishes residence in this state shall be subject to the
8175 provisions of Section 73-50-1 or 73-50-2, as applicable.



8176 (9) If the action by the State Fire Marshal is to nonrenew
8177 or to deny an application for license, the State Fire Marshal
8178 shall notify the applicant or licensee and advise, in writing, the
8179 applicant or licensee of the reason for the denial or nonrenewal
8180 of the applicant's or licensee's license. The applicant or
8181 licensee may make written demand upon the State Fire Marshal
8182 within ten (10) days for a hearing before the State Fire Marshal
8183 to determine the reasonableness of the State Fire Marshal's
8184 action. The hearing shall be held within thirty (30) days.

8185 **SECTION 98.** Section 75-15-11, Mississippi Code of 1972, is
8186 amended as follows:

8187 75-15-11. Each application for a license shall be
8188 accompanied by:

8189 (a) Certified financial statements, reasonably
8190 satisfactory to the commissioner, showing that the applicant has a
8191 net worth of at least Twenty-five Thousand Dollars (\$25,000.00)
8192 plus Fifteen Thousand Dollars (\$15,000.00) for each location in
8193 excess of one (1) at which the applicant proposes to conduct money
8194 transmissions in this state, computed according to generally
8195 accepted accounting principles, but in no event shall the net
8196 worth be required to be in excess of Two Hundred Fifty Thousand
8197 Dollars (\$250,000.00).

8198 (b) A surety bond issued by a bonding company or
8199 insurance company authorized to do business in this state, in the
8200 principal sum of Twenty-five Thousand Dollars (\$25,000.00) or in



8201 an amount equal to outstanding money transmissions in Mississippi,
8202 whichever is greater, but in no event shall the bond be required
8203 to be in excess of Five Hundred Thousand Dollars (\$500,000.00).
8204 However, the commissioner may increase the required amount of the
8205 bond upon the basis of the impaired financial condition of a
8206 licensee as evidenced by a reduction in net worth, financial
8207 losses or other relevant criteria. The bond shall be in form
8208 satisfactory to the commissioner and shall run to the state for
8209 the use and benefit of the Department of Banking and Consumer
8210 Finance and any claimants against the applicant or his agents to
8211 secure the faithful performance of the obligations of the
8212 applicant and his agents with respect to the receipt, handling,
8213 transmission and payment of money in connection with money
8214 transmissions in Mississippi. The aggregate liability of the
8215 surety in no event shall exceed the principal sum of the bond.
8216 The surety on the bond shall have the right to cancel the bond
8217 upon giving sixty (60) days' notice in writing to the commissioner
8218 and thereafter shall be relieved of liability for any breach of
8219 condition occurring after the effective date of the cancellation.
8220 Any claimants against the applicant or his agents may themselves
8221 bring suit directly on the bond, or the Attorney General may bring
8222 suit thereon in behalf of those claimants, either in one (1)
8223 action or successive actions.

8224 (c) In lieu of the corporate surety bond, the applicant
8225 may deposit with the State Treasurer bonds or other obligations of



8226 the United States or guaranteed by the United States or bonds or
8227 other obligations of this state or of any municipal corporation,
8228 county, or other political subdivision or agency of this state, or
8229 certificates of deposit of national or state banks doing business
8230 in Mississippi, having an aggregate market value at least equal to
8231 that of the corporate surety bond otherwise required. Those bonds
8232 or obligations or certificates of deposit shall be deposited with
8233 the State Treasurer to secure the same obligations as would a
8234 corporate surety bond, but the depositor shall be entitled to
8235 receive all interest and dividends thereon and shall have the
8236 right to substitute other bonds or obligations or certificates of
8237 deposit for those deposited, with the approval of the
8238 commissioner, and shall be required so to do on order of the
8239 commissioner made for good cause shown. The State Treasurer shall
8240 provide for custody of the bonds or obligations or certificates of
8241 deposits by a qualified trust company or bank located in the State
8242 of Mississippi or by any Federal Reserve Bank. The compensation,
8243 if any, of the custodian for acting as such under this section
8244 shall be paid by the depositing licensee.

8245 (d) Proof of registration as a money service business
8246 per 31 CFR Section 103.41, if applicable.

8247 (e) A set of fingerprints from any local law
8248 enforcement agency for each owner of a sole proprietorship,
8249 partners in a partnership or principal owners of a limited
8250 liability company that own at least ten percent (10%) of the



8251 voting shares of the company, shareholders owning ten percent
8252 (10%) or more of the outstanding shares of the corporation, except
8253 publically traded corporations and their subsidiaries, and any
8254 other executive officer with significant oversight duties of the
8255 business. In order to determine the applicant's suitability for
8256 license, the commissioner shall forward the fingerprints to the
8257 Department of Public Safety for a state criminal history records
8258 check, and the fingerprints shall be forwarded by the Department
8259 of Public Safety to the FBI for a national criminal history
8260 records check. The department shall not issue a license if it
8261 finds that the applicant, or any person who is an owner, partner,
8262 director or executive officer of the applicant, has been convicted
8263 of: (i) a * * * disqualifying crime as provided in the Fresh
8264 Start Act; or (ii) a crime that, if committed within the state,
8265 would constitute a * * * disqualifying crime as provided in the
8266 Fresh Start Act; or (iii) a misdemeanor of fraud, theft, forgery,
8267 bribery, embezzlement or making a fraudulent or false statement in
8268 any jurisdiction. For the purposes of this chapter, a person
8269 shall be deemed to have been convicted of a crime if the person
8270 has pleaded guilty to a crime before a court or federal
8271 magistrate, or plea of nolo contendere, or has been found guilty
8272 of a crime by the decision or judgment of a court or federal
8273 magistrate or by the verdict of a jury, irrespective of the
8274 pronouncement of sentence or the suspension of a sentence, unless
8275 the person convicted of the crime has received a pardon from the



8276 President of the United States or the Governor or other pardoning
8277 authority in the jurisdiction where the conviction was obtained.

8278 **SECTION 99.** Section 75-67-323, Mississippi Code of 1972, is
8279 amended as follows:

8280 75-67-323. (1) To be eligible for a pawnbroker license, an
8281 applicant shall:

8282 (a) Operate lawfully and fairly within the purposes of
8283 this article;

8284 (b) Not have been convicted of a * * * disqualifying
8285 crime as provided in the Fresh Start Act or be active as a
8286 beneficial owner for someone who has been convicted of a * * *
8287 disqualifying crime as provided in the Fresh Start Act;

8288 (c) File with the commissioner a bond with good
8289 security in the penal sum of Ten Thousand Dollars (\$10,000.00),
8290 payable to the State of Mississippi for the faithful performance
8291 by the licensee of the duties and obligations pertaining to the
8292 business so licensed and the prompt payment of any judgment which
8293 may be recovered against such licensee on account of damages or
8294 other claim arising directly or collaterally from any violation of
8295 the provisions of this article; such bond shall not be valid until
8296 it is approved by the commissioner; such applicant may file, in
8297 lieu thereof, cash, a certificate of deposit, or government bonds
8298 in the amount of Ten Thousand Dollars (\$10,000.00); such deposit
8299 shall be filed with the commissioner and is subject to the same
8300 terms and conditions as are provided for in the surety bond



8301 required herein; any interest or earnings on such deposits are
8302 payable to the depositor;

8303 (d) File with the commissioner an application
8304 accompanied by the initial license fee required in this article;

8305 (e) Submit a set of fingerprints from any local law
8306 enforcement agency. In order to determine the applicant's
8307 suitability for license, the commissioner shall forward the
8308 fingerprints to the Department of Public Safety; and if no
8309 disqualifying record is identified at the state level, the
8310 fingerprints shall be forwarded by the Department of Public Safety
8311 to the FBI for a national criminal history record check.

8312 (2) Every licensee shall post his license in a conspicuous
8313 place at each place of business.

8314 (3) Every licensee shall post and display a sign which
8315 measures at least twenty (20) inches by twenty (20) inches in a
8316 conspicuous place and in easy view of all persons who enter the
8317 place of business. The sign shall display bold, blocked letters,
8318 easily readable, with the following information: "This pawnshop
8319 is licensed and regulated by the Mississippi Department of Banking
8320 and Consumer Finance. If you encounter any unresolved problem
8321 with a transaction at this location, you are entitled to
8322 assistance. Please call or write: Mississippi Department of
8323 Banking and Consumer Finance, Post Office Drawer 23729, Jackson,
8324 MS 39225-3729; Phone 1-800-844-2499."



8325 (4) From and after December 1, 2010, each application for an
8326 initial license shall include evidence of the satisfactory
8327 completion of at least six (6) hours of approved prelicensing
8328 education, and each application for renewal shall include evidence
8329 of the satisfactory completion of at least six (6) hours of
8330 approved continuing education, by the owners or designated
8331 representative in pawnbroker transactions. Two (2) of the six (6)
8332 hours shall consist of instruction on the Mississippi Pawnshop Act
8333 and shall be approved by the department once the course is
8334 approved by the Mississippi Pawnbrokers Association or the
8335 National Pawnbrokers Association.

8336 **SECTION 100.** Section 75-67-421, Mississippi Code of 1972, is
8337 amended as follows:

8338 75-67-421. (1) To be eligible for a title pledge lender
8339 license, an applicant shall:

8340 (a) Operate lawfully and fairly within the purposes of
8341 this article;

8342 (b) Not have been convicted of a * * * disqualifying
8343 crime as provided in the Fresh Start Act or be active as a
8344 beneficial owner for someone who has been convicted of a * * *
8345 disqualifying crime as provided in the Fresh Start Act;

8346 (c) File with the commissioner a bond with good
8347 security in the penal sum of Fifty Thousand Dollars (\$50,000.00)
8348 for each location at which the applicant proposes to engage in the
8349 business of title pledge lending, but in no event shall the



8350 aggregate amount of the bond for all locations per applicant
8351 exceed Two Hundred Fifty Thousand Dollars (\$250,000.00) and no
8352 more than Fifty Thousand Dollars (\$50,000.00) shall be payable or
8353 recoverable on the bond for each location; the bond shall be
8354 payable to the State of Mississippi for the faithful performance
8355 by the licensee of the duties and obligations pertaining to the
8356 business so licensed and the prompt payment of any judgment which
8357 may be recovered against the licensee on account of damages or
8358 other claim arising directly or collaterally from any violation of
8359 the provisions of this article; the bond shall not be valid until
8360 it is approved by the commissioner; the applicant may file, in
8361 lieu thereof, cash, a certificate of deposit or government bonds
8362 in the amount of Twenty-five Thousand Dollars (\$25,000.00) for
8363 each location at which the applicant proposes to engage in the
8364 business of title pledge lending, but in no event shall the
8365 aggregate amount of the cash, certificate of deposit or government
8366 bonds for all locations per applicant exceed Two Hundred Fifty
8367 Thousand Dollars (\$250,000.00) and no more than Twenty-five
8368 Thousand Dollars (\$25,000.00) shall be payable or recoverable on
8369 the cash, certificate of deposit or government bonds for each
8370 location; the deposit of the cash, certificate of deposit or
8371 government bonds shall be filed with the commissioner and is
8372 subject to the same terms and conditions as are provided for in
8373 the surety bond required herein; any interest or earnings on such
8374 deposits are payable to the depositor * * *;



8375 (d) File with the commissioner an application
8376 accompanied by a set of fingerprints from any local law
8377 enforcement agency, and the initial license fee required in this
8378 article. In order to determine the applicant's suitability for
8379 license, the commissioner shall forward the fingerprints to the
8380 Department of Public Safety; and if no disqualifying record is
8381 identified at the state level, the fingerprints shall be forwarded
8382 by the Department of Public Safety to the FBI for a national
8383 criminal history record check.

8384 (2) Upon the filing of an application in a form prescribed
8385 by the commissioner, accompanied by the fee and documents required
8386 in this article, the department shall investigate to ascertain
8387 whether the qualifications prescribed by this article have been
8388 satisfied. If the commissioner finds that the qualifications have
8389 been satisfied and, if he approves the documents so filed by the
8390 applicant, he shall issue to the applicant a license to engage in
8391 the business of title pledge lending in this state.

8392 (3) Complete and file with the commissioner an annual
8393 renewal application accompanied by the renewal fee required in
8394 this article.

8395 (4) The license shall be kept conspicuously posted in the
8396 place of business of the licensee.

8397 **SECTION 101.** Section 75-67-509, Mississippi Code of 1972, is
8398 amended as follows:



8399 75-67-509. To be eligible for a check casher license, an
8400 applicant shall:

8401 (a) Operate lawfully and fairly within the purposes of
8402 this article.

8403 (b) Not have been convicted of a * * * disqualifying
8404 crime as provided in the Fresh Start Act or be active as a
8405 beneficial owner for someone who has been convicted of a * * *
8406 disqualifying crime as provided in the Fresh Start Act.

8407 (c) File with the commissioner a bond with good
8408 security in the penal sum of Ten Thousand Dollars (\$10,000.00),
8409 payable to the State of Mississippi for the faithful performance
8410 by the licensee of the duties and obligations pertaining to the
8411 business so licensed and the prompt payment of any judgment which
8412 may be recovered against the licensee on account of charges or
8413 other claims arising directly or collectively from any violation
8414 of the provisions of this article. The bond shall not be valid
8415 until it is approved by the commissioner. The applicant may file,
8416 in lieu of the bond, cash, a certificate of deposit or government
8417 bonds in the amount of Ten Thousand Dollars (\$10,000.00). Those
8418 deposits shall be filed with the commissioner and are subject to
8419 the same terms and conditions as are provided for in the surety
8420 bond required in this paragraph. Any interest or earnings on
8421 those deposits are payable to the depositor.

8422 (d) File with the commissioner an application for a
8423 license and the initial license fee required in this article. If



8424 applicant's application is approved, a check casher license will
8425 be issued within thirty (30) days.

8426 (e) Submit a set of fingerprints from any local law
8427 enforcement agency. In order to determine the applicant's
8428 suitability for license, the commissioner shall forward the
8429 fingerprints to the Department of Public Safety; and if no
8430 disqualifying record is identified at the state level, the
8431 fingerprints shall be forwarded by the Department of Public Safety
8432 to the FBI for a national criminal history record check.

8433 (f) Complete and file with the commissioner an annual
8434 renewal application for a license accompanied by the renewal fee
8435 required in this article.

8436 **SECTION 102.** Section 75-67-609, Mississippi Code of 1972, is
8437 amended as follows:

8438 75-67-609. To be eligible for a credit availability license,
8439 an applicant shall:

8440 (a) Operate lawfully and fairly within the purposes of
8441 this article.

8442 (b) Not have been convicted in the last ten (10) years
8443 or be active as a beneficial owner for someone who has been
8444 convicted in the last ten (10) years of a disqualifying
8445 crime * * * as provided in the Fresh Start Act.

8446 (c) File with the commissioner a bond with good
8447 security in the penal sum of Ten Thousand Dollars (\$10,000.00),
8448 payable to the State of Mississippi, for the faithful performance



8449 by the licensee of the duties and obligations pertaining to the
8450 business so licensed and the prompt payment of any judgment which
8451 may be recovered against the licensee on account of charges or
8452 other claims arising directly or collectively from any violation
8453 of the provisions of this article. The bond shall not be valid
8454 until the commissioner approves it. The applicant may file, in
8455 lieu of the bond, cash, a certificate of deposit or government
8456 bonds in the amount of Ten Thousand Dollars (\$10,000.00). Those
8457 deposits shall be filed with the commissioner and are subject to
8458 the same terms and conditions as are provided for in the surety
8459 bond required in this paragraph. Any interest or earnings on
8460 those deposits are payable to the depositor. Applicants applying
8461 for multiple licenses may submit a single bond for all licenses,
8462 provided that the total value of the bond is equal to Ten Thousand
8463 Dollars (\$10,000.00) per license applied for.

8464 (d) File with the commissioner an application for a
8465 license and the initial license fee required in this article. If
8466 applicant's application is approved, a credit availability license
8467 will be issued within thirty (30) days.

8468 (e) File with the commissioner a set of fingerprints
8469 from any local law enforcement agency for each owner of a sole
8470 proprietorship, partners in a partnership or principal owners of a
8471 limited liability company that own at least ten percent (10%) of
8472 the voting shares of the company, shareholders owning ten percent
8473 (10%) or more of the outstanding shares of the corporation, except



8474 publically traded corporations and their subsidiaries, and any
8475 other executive officer with significant oversight duties of the
8476 business. In order to determine the applicant's suitability for
8477 license, the commissioner shall forward the fingerprints to the
8478 Department of Public Safety; and if no disqualifying record is
8479 identified at the state level, the Department of Public Safety
8480 shall forward the fingerprints to the FBI for a national criminal
8481 history record check.

8482 (f) Complete and file with the commissioner an annual
8483 renewal application for a license accompanied by the renewal fee
8484 required in this article.

8485 **SECTION 103.** Section 27-115-55, Mississippi Code of 1972, is
8486 amended as follows:

8487 27-115-55. (1) The Legislature hereby recognizes that to
8488 conduct a successful lottery, the corporation must develop and
8489 maintain a statewide network of lottery retailers that will serve
8490 the public convenience and promote the sale of tickets, while
8491 ensuring the integrity of the lottery operations, games and
8492 activities.

8493 (2) To govern the selection of lottery retailers, the board
8494 shall, by administrative rules and regulations, develop a list of
8495 objective criteria upon which the selection of lottery retailers
8496 shall be based. In developing these criteria, the board shall
8497 consider such factors as the applicant's financial responsibility,
8498 location and security of the applicant's place of business or



8499 activity, integrity, and reputation; however, the board shall not
8500 consider political affiliation, activities or monetary
8501 contributions to political organizations or candidates for any
8502 public office. The criteria shall include, but not be limited to,
8503 the following:

8504 (a) The applicant shall be current in payment of all
8505 taxes, interest and penalties owed to any taxing political
8506 subdivision where the lottery retailer will sell lottery tickets.

8507 (b) The applicant shall be current in filing all
8508 applicable tax returns and in payment of all taxes, interest and
8509 penalties owed to the State of Mississippi, excluding items under
8510 formal appeal pursuant to applicable statutes, before a license is
8511 issued and before each renewal.

8512 (c) No person shall be selected as a lottery retailer
8513 for the sale of lottery tickets who:

8514 (i) Has been convicted of a criminal offense
8515 related to the security or integrity of the lottery in this or any
8516 other jurisdiction.

8517 (ii) Has been convicted of any illegal gambling
8518 activity, false statements, false swearing or perjury in this or
8519 any other jurisdiction, or convicted of a * * * disqualifying
8520 crime as provided in the Fresh Start Act.

8521 (iii) Has been found to have violated the
8522 provisions of this chapter or any administrative rules and
8523 regulations adopted under this chapter, unless either ten (10)



8524 years have passed since the violation, or the president and the
8525 board find the violation both minor and unintentional in nature.

8526 (iv) Is a vendor or an employee or agent of any
8527 vendor doing business with the corporation.

8528 (v) Resides in the same household as an officer or
8529 board member of the corporation.

8530 (vi) Has made a statement of material fact to the
8531 corporation, knowing such statement to be false.

8532 **SECTION 104.** Section 37-13-89, Mississippi Code of 1972, is
8533 amended as follows:

8534 37-13-89. (1) In each school district within the state,
8535 there shall be employed the number of school attendance officers
8536 determined by the Office of Compulsory School Attendance
8537 Enforcement to be necessary to adequately enforce the provisions
8538 of the Mississippi Compulsory School Attendance Law; however, this
8539 number shall not exceed one hundred fifty-three (153) school
8540 attendance officers at any time. From and after July 1, 1998, all
8541 school attendance officers employed pursuant to this section shall
8542 be employees of the State Department of Education. The State
8543 Department of Education shall employ all persons employed as
8544 school attendance officers by district attorneys before July 1,
8545 1998, and shall assign them to school attendance responsibilities
8546 in the school district in which they were employed before July 1,
8547 1998. The first twelve (12) months of employment for each school



8548 attendance officer shall be the probationary period of state
8549 service.

8550 (2) (a) The State Department of Education shall obtain
8551 current criminal records background checks and current child abuse
8552 registry checks on all persons applying for the position of school
8553 attendance officer after July 2, 2002. The criminal records
8554 information and registry checks must be kept on file for any new
8555 hires. In order to determine an applicant's suitability for
8556 employment as a school attendance officer, the applicant must be
8557 fingerprinted. If no disqualifying record is identified at the
8558 state level, the Department of Public Safety shall forward the
8559 fingerprints to the Federal Bureau of Investigation (FBI) for a
8560 national criminal history record check. The applicant shall pay
8561 the fee, not to exceed Fifty Dollars (\$50.00), for the
8562 fingerprinting and criminal records background check; however, the
8563 State Department of Education, in its discretion, may pay the fee
8564 for the fingerprinting and criminal records background check on
8565 behalf of any applicant. Under no circumstances may a member of
8566 the State Board of Education, employee of the State Department of
8567 Education or any person other than the subject of the criminal
8568 records background check disseminate information received through
8569 any such checks except insofar as required to fulfill the purposes
8570 of this subsection.

8571 (b) If the fingerprinting or criminal records check
8572 discloses a * * * disqualifying crime as provided in the Fresh



8573 Start Act, the applicant is not eligible to be employed as a
8574 school attendance officer. Any employment of an applicant pending
8575 the results of the fingerprinting and criminal records check is
8576 voidable if the new hire receives a disqualifying criminal records
8577 check. However, the State Board of Education, in its discretion,
8578 may allow an applicant aggrieved by an employment decision under
8579 this subsection to appear before the board, or before a hearing
8580 officer designated for that purpose, to show mitigating
8581 circumstances that may exist and allow the new hire to be employed
8582 as a school attendance officer. The State Board of Education may
8583 grant waivers for mitigating circumstances, which may include, but
8584 are not necessarily limited to: (i) age at which the crime was
8585 committed; (ii) circumstances surrounding the crime; (iii) length
8586 of time since the conviction and criminal history since the
8587 conviction; (iv) work history; (v) current employment and
8588 character references; and (vi) other evidence demonstrating the
8589 ability of the person to perform the responsibilities of a school
8590 attendance officer competently and that the person does not pose a
8591 threat to the health or safety of children.

8592 (c) A member of the State Board of Education or
8593 employee of the State Department of Education may not be held
8594 liable in any employment discrimination suit in which an
8595 allegation of discrimination is made regarding an employment
8596 decision authorized under this section.



8597 (3) Each school attendance officer shall possess a college
8598 degree with a major in a behavioral science or a related field or
8599 shall have no less than three (3) years combined actual experience
8600 as a school teacher, school administrator, law enforcement officer
8601 possessing such degree, and/or social worker; however, these
8602 requirements shall not apply to persons employed as school
8603 attendance officers before January 1, 1987. School attendance
8604 officers also shall satisfy any additional requirements that may
8605 be established by the State Personnel Board for the position of
8606 school attendance officer.

8607 (4) It shall be the duty of each school attendance officer
8608 to:

8609 (a) Cooperate with any public agency to locate and
8610 identify all compulsory-school-age children who are not attending
8611 school;

8612 (b) Cooperate with all courts of competent
8613 jurisdiction;

8614 (c) Investigate all cases of nonattendance and unlawful
8615 absences by compulsory-school-age children not enrolled in a
8616 nonpublic school;

8617 (d) Provide appropriate counseling to encourage all
8618 school-age children to attend school until they have completed
8619 high school;



8620 (e) Attempt to secure the provision of social or
8621 welfare services that may be required to enable any child to
8622 attend school;

8623 (f) Contact the home or place of residence of a
8624 compulsory-school-age child and any other place in which the
8625 officer is likely to find any compulsory-school-age child when the
8626 child is absent from school during school hours without a valid
8627 written excuse from school officials, and when the child is found,
8628 the officer shall notify the parents and school officials as to
8629 where the child was physically located;

8630 (g) Contact promptly the home of each
8631 compulsory-school-age child in the school district within the
8632 officer's jurisdiction who is not enrolled in school or is not in
8633 attendance at public school and is without a valid written excuse
8634 from school officials; if no valid reason is found for the
8635 nonenrollment or absence from the school, the school attendance
8636 officer shall give written notice to the parent, guardian or
8637 custodian of the requirement for the child's enrollment or
8638 attendance;

8639 (h) Collect and maintain information concerning
8640 absenteeism, dropouts and other attendance-related problems, as
8641 may be required by law or the Office of Compulsory School
8642 Attendance Enforcement; and



8643 (i) Perform all other duties relating to compulsory
8644 school attendance established by the State Department of Education
8645 or district school attendance supervisor, or both.

8646 (5) While engaged in the performance of his duties, each
8647 school attendance officer shall carry on his person a badge
8648 identifying him as a school attendance officer under the Office of
8649 Compulsory School Attendance Enforcement of the State Department
8650 of Education and an identification card designed by the State
8651 Superintendent of Public Education and issued by the school
8652 attendance officer supervisor. Neither the badge nor the
8653 identification card shall bear the name of any elected public
8654 official.

8655 (6) The State Personnel Board shall develop a salary scale
8656 for school attendance officers as part of the variable
8657 compensation plan. The various pay ranges of the salary scale
8658 shall be based upon factors including, but not limited to,
8659 education, professional certification and licensure, and number of
8660 years of experience. School attendance officers shall be paid in
8661 accordance with this salary scale. The minimum salaries under the
8662 scale shall be no less than the following:

8663 (a) For school attendance officers holding a bachelor's
8664 degree or any other attendance officer who does not hold such a
8665 degree, the annual salary shall be based on years of experience as
8666 a school attendance officer or related field of service or
8667 employment, no less than as follows:



8668	Years of Experience	Salary
8669	0 - 4 years	\$24,528.29
8670	5 - 8 years	26,485.29
8671	9 - 12 years	28,050.89
8672	13 - 16 years	29,616.49
8673	Over 17 years	31,182.09

8674 (b) For school attendance officers holding a license as
8675 a social worker, the annual salary shall be based on years of
8676 experience as a school attendance officer or related field of
8677 service or employment, no less than as follows:

8678	Years of Experience	Salary
8679	0 - 4 years	\$25,558.29
8680	5 - 8 years	27,927.29
8681	9 - 12 years	29,822.49
8682	13 - 16 years	31,717.69
8683	17 - 20 years	33,612.89
8684	Over 21 years	35,415.39

8685 (c) For school attendance officers holding a master's
8686 degree in a behavioral science or a related field, the annual
8687 salary shall be based on years of experience as a school
8688 attendance officer or related field of service or employment, no
8689 less than as follows:

8690	Years of Experience	Salary
8691	0 - 4 years	\$26,382.29
8692	5 - 8 years	29,008.79



8693	9 - 12 years	31,109.99
8694	13 - 16 years	33,211.19
8695	17 - 20 years	35,312.39
8696	Over 21 years	37,413.59

8697 (7) (a) Each school attendance officer employed by a
8698 district attorney on June 30, 1998, who became an employee of the
8699 State Department of Education on July 1, 1998, shall be awarded
8700 credit for personal leave and major medical leave for his
8701 continuous service as a school attendance officer under the
8702 district attorney, and if applicable, the youth or family court or
8703 a state agency. The credit for personal leave shall be in an
8704 amount equal to one-third (1/3) of the maximum personal leave the
8705 school attendance officer could have accumulated had he been
8706 credited with such leave under Section 25-3-93 during his
8707 employment with the district attorney, and if applicable, the
8708 youth or family court or a state agency. The credit for major
8709 medical leave shall be in an amount equal to one-half (1/2) of the
8710 maximum major medical leave the school attendance officer could
8711 have accumulated had he been credited with such leave under
8712 Section 25-3-95 during his employment with the district attorney,
8713 and if applicable, the youth or family court or a state agency.
8714 However, if a district attorney who employed a school attendance
8715 officer on June 30, 1998, certifies, in writing, to the State
8716 Department of Education that the school attendance officer had
8717 accumulated, pursuant to a personal leave policy or major medical



8718 leave policy lawfully adopted by the district attorney, a number
8719 of days of unused personal leave or major medical leave, or both,
8720 which is greater than the number of days to which the school
8721 attendance officer is entitled under this paragraph, the State
8722 Department of Education shall authorize the school attendance
8723 officer to retain the actual unused personal leave or major
8724 medical leave, or both, certified by the district attorney,
8725 subject to the maximum amount of personal leave and major medical
8726 leave the school attendance officer could have accumulated had he
8727 been credited with such leave under Sections 25-3-93 and 25-3-95.

8728 (b) For the purpose of determining the accrual rate for
8729 personal leave under Section 25-3-93 and major medical leave under
8730 Section 25-3-95, the State Department of Education shall give
8731 consideration to all continuous service rendered by a school
8732 attendance officer before July 1, 1998, in addition to the service
8733 rendered by the school attendance officer as an employee of the
8734 department.

8735 (c) In order for a school attendance officer to be
8736 awarded credit for personal leave and major medical leave or to
8737 retain the actual unused personal leave and major medical leave
8738 accumulated by him before July 1, 1998, the district attorney who
8739 employed the school attendance officer must certify, in writing,
8740 to the State Department of Education the hire date of the school
8741 attendance officer. For each school attendance officer employed
8742 by the youth or family court or a state agency before being



8743 designated an employee of the district attorney who has not had a
8744 break in continuous service, the hire date shall be the date that
8745 the school attendance officer was hired by the youth or family
8746 court or state agency. The department shall prescribe the date by
8747 which the certification must be received by the department and
8748 shall provide written notice to all district attorneys of the
8749 certification requirement and the date by which the certification
8750 must be received.

8751 (8) (a) School attendance officers shall maintain regular
8752 office hours on a year-round basis; however, during the school
8753 term, on those days that teachers in all of the school districts
8754 served by a school attendance officer are not required to report
8755 to work, the school attendance officer also shall not be required
8756 to report to work. (For purposes of this subsection, a school
8757 district's school term is that period of time identified as the
8758 school term in contracts entered into by the district with
8759 licensed personnel.) A school attendance officer shall be
8760 required to report to work on any day recognized as an official
8761 state holiday if teachers in any school district served by that
8762 school attendance officer are required to report to work on that
8763 day, regardless of the school attendance officer's status as an
8764 employee of the State Department of Education, and compensatory
8765 leave may not be awarded to the school attendance officer for
8766 working during that day. However, a school attendance officer may



8767 be allowed by the school attendance officer's supervisor to use
8768 earned leave on such days.

8769 (b) The State Department of Education annually shall
8770 designate a period of six (6) consecutive weeks in the summer
8771 between school years during which school attendance officers shall
8772 not be required to report to work. A school attendance officer
8773 who elects to work at any time during that period may not be
8774 awarded compensatory leave for such work and may not opt to be
8775 absent from work at any time other than during the six (6) weeks
8776 designated by the department unless the school attendance officer
8777 uses personal leave or major medical leave accrued under Section
8778 25-3-93 or 25-3-95 for such absence.

8779 (9) The State Department of Education shall provide all
8780 continuing education and training courses that school attendance
8781 officers are required to complete under state law or rules and
8782 regulations of the department.

8783 **SECTION 105.** Section 37-9-17, Mississippi Code of 1972, is
8784 amended as follows:

8785 37-9-17. (1) On or before April 1 of each year, the
8786 principal of each school shall recommend to the superintendent of
8787 the local school district the licensed employees or
8788 noninstructional employees to be employed for the school involved
8789 except those licensed employees or noninstructional employees who
8790 have been previously employed and who have a contract valid for
8791 the ensuing scholastic year. If such recommendations meet with



8792 the approval of the superintendent, the superintendent shall
8793 recommend the employment of such licensed employees or
8794 noninstructional employees to the local school board, and, unless
8795 good reason to the contrary exists, the board shall elect the
8796 employees so recommended. If, for any reason, the local school
8797 board shall decline to elect any employee so recommended,
8798 additional recommendations for the places to be filled shall be
8799 made by the principal to the superintendent and then by the
8800 superintendent to the local school board as provided above. The
8801 school board of any local school district shall be authorized to
8802 designate a personnel supervisor or another principal employed by
8803 the school district to recommend to the superintendent licensed
8804 employees or noninstructional employees; however, this
8805 authorization shall be restricted to no more than two (2)
8806 positions for each employment period for each school in the local
8807 school district. Any noninstructional employee employed upon the
8808 recommendation of a personnel supervisor or another principal
8809 employed by the local school district must have been employed by
8810 the local school district at the time the superintendent was
8811 elected or appointed to office; a noninstructional employee
8812 employed under this authorization may not be paid compensation in
8813 excess of the statewide average compensation for such
8814 noninstructional position with comparable experience, as
8815 established by the State Department of Education. The school
8816 board of any local school district shall be authorized to



8817 designate a personnel supervisor or another principal employed by
8818 the school district to accept the recommendations of principals or
8819 their designees for licensed employees or noninstructional
8820 employees and to transmit approved recommendations to the local
8821 school board; however, this authorization shall be restricted to
8822 no more than two (2) positions for each employment period for each
8823 school in the local school district.

8824 When the licensed employees have been elected as provided in
8825 the preceding paragraph, the superintendent of the district shall
8826 enter into a contract with such persons in the manner provided in
8827 this chapter.

8828 If, at the commencement of the scholastic year, any licensed
8829 employee shall present to the superintendent a license of a higher
8830 grade than that specified in such individual's contract, such
8831 individual may, if funds are available from adequate education
8832 program funds of the district, or from district funds, be paid
8833 from such funds the amount to which such higher grade license
8834 would have entitled the individual, had the license been held at
8835 the time the contract was executed.

8836 (2) Superintendents/directors of schools under the purview
8837 of the State Board of Education, the superintendent of the local
8838 school district and any private firm under contract with the local
8839 public school district to provide substitute teachers to teach
8840 during the absence of a regularly employed schoolteacher shall
8841 require, through the appropriate governmental authority, that



8842 current criminal records background checks and current child abuse
8843 registry checks are obtained, and that such criminal record
8844 information and registry checks are on file for any new hires
8845 applying for employment as a licensed or nonlicensed employee at a
8846 school and not previously employed in such school under the
8847 purview of the State Board of Education or at such local school
8848 district prior to July 1, 2000. In order to determine the
8849 applicant's suitability for employment, the applicant shall be
8850 fingerprinted. If no disqualifying record is identified at the
8851 state level, the fingerprints shall be forwarded by the Department
8852 of Public Safety to the Federal Bureau of Investigation for a
8853 national criminal history record check. The fee for such
8854 fingerprinting and criminal history record check shall be paid by
8855 the applicant, not to exceed Fifty Dollars (\$50.00); however, the
8856 State Board of Education, the school board of the local school
8857 district or a private firm under contract with a local school
8858 district to provide substitute teachers to teach during the
8859 temporary absence of the regularly employed schoolteacher, in its
8860 discretion, may elect to pay the fee for the fingerprinting and
8861 criminal history record check on behalf of any applicant. Under
8862 no circumstances shall a member of the State Board of Education,
8863 superintendent/director of schools under the purview of the State
8864 Board of Education, local school district superintendent, local
8865 school board member or any individual other than the subject of
8866 the criminal history record checks disseminate information



8867 received through any such checks except insofar as required to
8868 fulfill the purposes of this section. Any nonpublic school which
8869 is accredited or approved by the State Board of Education may
8870 avail itself of the procedures provided for herein and shall be
8871 responsible for the same fee charged in the case of local public
8872 schools of this state. The determination whether the applicant
8873 has a disqualifying crime, as set forth in subsection (3) of this
8874 section, shall be made by the appropriate governmental authority,
8875 and the appropriate governmental authority shall notify the
8876 private firm whether a disqualifying crime exists.

8877 (3) If such fingerprinting or criminal record checks
8878 disclose a * * * disqualifying crime as provided in the Fresh
8879 Start Act, the new hire shall not be eligible to be employed at
8880 such school. Any employment contract for a new hire executed by
8881 the superintendent of the local school district or any employment
8882 of a new hire by a superintendent/director of a new school under
8883 the purview of the State Board of Education or by a private firm
8884 shall be voidable if the new hire receives a disqualifying
8885 criminal record check. However, the State Board of Education or
8886 the school board may, in its discretion, allow any applicant
8887 aggrieved by the employment decision under this section to appear
8888 before the respective board, or before a hearing officer
8889 designated for such purpose, to show mitigating circumstances
8890 which may exist and allow the new hire to be employed at the
8891 school. The State Board of Education or local school board may



8892 grant waivers for such mitigating circumstances, which shall
8893 include, but not be limited to: (a) age at which the crime was
8894 committed; (b) circumstances surrounding the crime; (c) length of
8895 time since the conviction and criminal history since the
8896 conviction; (d) work history; (e) current employment and character
8897 references; (f) other evidence demonstrating the ability of the
8898 person to perform the employment responsibilities competently and
8899 that the person does not pose a threat to the health or safety of
8900 the children at the school.

8901 (4) No local school district, local school district
8902 employee, member of the State Board of Education or employee of a
8903 school under the purview of the State Board of Education shall be
8904 held liable in any employment discrimination suit in which an
8905 allegation of discrimination is made regarding an employment
8906 decision authorized under this Section 37-9-17.

8907 (5) The provisions of this section shall be fully applicable
8908 to licensed employees of the Mississippi School of the Arts (MSA),
8909 established in Section 37-140-1 et seq.

8910 **SECTION 106.** Section 37-29-232, Mississippi Code of 1972, is
8911 amended as follows:

8912 37-29-232. (1) For the purposes of this section:

8913 (a) "Health care professional/vocational technical
8914 academic program" means an academic program in medicine, nursing,
8915 dentistry, occupational therapy, physical therapy, social
8916 services, nutrition services, speech therapy, or other



8917 allied-health professional whose purpose is to prepare
8918 professionals to render patient care services.

8919 (b) "Health care professional/vocational technical
8920 student" means a student enrolled in a health care
8921 professional/vocational technical academic program.

8922 (2) The dean or director of the health care
8923 professional/vocational technical academic program is authorized
8924 to ensure that criminal history record checks and fingerprinting
8925 are obtained on their students before the students begin any
8926 clinical rotation in a licensed health care entity and that the
8927 criminal history record check information and registry checks are
8928 on file at the academic institution. In order to determine the
8929 student's suitability for the clinical rotation, the student shall
8930 be fingerprinted. If no disqualifying record is identified at the
8931 state level, the fingerprints shall be forwarded by the Department
8932 of Public Safety, the Department of Health, or any other legally
8933 authorized entity to the FBI for a national criminal history
8934 record check. The fee for the fingerprinting and criminal history
8935 record check shall be paid by the applicant, not to exceed Fifty
8936 Dollars (\$50.00); however, the academic institution in which the
8937 student is enrolled, in its discretion, may elect to pay the fee
8938 for the fingerprinting and criminal history record check on behalf
8939 of any applicant. Under no circumstances shall the academic
8940 institution representative or any individual other than the
8941 subject of the criminal history record checks disseminate



8942 information received through any such checks except insofar as
8943 required to fulfill the purposes of this section.

8944 (3) If the fingerprinting or criminal history record checks
8945 disclose a * * * disqualifying crime as provided in the Fresh
8946 Start Act, the student shall not be eligible to be admitted to the
8947 health care professional/vocational technical academic program of
8948 study. Any preadmission agreement executed by the health care
8949 professional/vocational technical academic program shall be
8950 voidable if the student receives a disqualifying criminal history
8951 record check. However, the administration of the health care
8952 professional/vocational technical academic program may, in its
8953 discretion, allow any applicant aggrieved by the admissions
8954 decision under this section to appear before an appeals committee
8955 or before a hearing officer designated for that purpose, to show
8956 mitigating circumstances that may exist and allow the student to
8957 be admitted to or continue in the program of study. The health
8958 care professional/vocational technical academic program may grant
8959 waivers for those mitigating circumstances, which shall include,
8960 but not be limited to: (a) age at which the crime was committed;
8961 (b) circumstances surrounding the crime; (c) length of time since
8962 the conviction and criminal history since the conviction; (d) work
8963 history; (e) current employment and character references; (f)
8964 other evidence demonstrating the ability of the student to perform
8965 the clinical responsibilities competently and that the student
8966 does not pose a threat to the health or safety of patients in the



8967 licensed health care entities in which they will be conducting
8968 clinical experiences. The health care professional/vocational
8969 technical academic program shall provide assurance to the licensed
8970 health care entity in which the clinical rotation is planned that
8971 the results of a health care professional/vocational technical
8972 student's criminal history record check would not prohibit the
8973 student from being able to conduct his or her clinical activities
8974 in the facility, institution, or organization. The criminal
8975 history record check shall be valid for the course of academic
8976 study, provided that annual disclosure statements are provided to
8977 the health care professional/vocational technical academic program
8978 regarding any criminal activity that may have occurred during the
8979 student's tenure with the health care professional/vocational
8980 technical academic program. The criminal history record check may
8981 be repeated at the discretion of the health care
8982 professional/vocational technical academic program based on
8983 information obtained during the annual disclosure statements. In
8984 extenuating circumstances, if a criminal history record check is
8985 initiated and the results are not available at the time the
8986 clinical rotation begins, the academic institution in which the
8987 student is enrolled, at its discretion, may require a signed
8988 affidavit from the student assuring compliance with this section.
8989 The affidavit will be considered void within sixty (60) days of
8990 its signature.



8991 (4) Criminal history record checks that are done as part of
8992 the requirements for participation in the health care
8993 professional/vocational technical academic program may not be used
8994 for any other purpose than those activities associated with their
8995 program of study. Students who may be employed as health care
8996 professionals outside of their program of study may be required to
8997 obtain additional criminal history record checks as part of their
8998 employment agreement.

8999 (5) No health care professional/vocational technical
9000 academic program or academic program employee shall be held liable
9001 in any admissions discrimination suit in which an allegation of
9002 discrimination is made regarding an admissions decision authorized
9003 under this section.

9004 **SECTION 107.** Section 73-3-41, Mississippi Code of 1972, is
9005 amended as follows:

9006 73-3-41. Every person who has been or shall hereafter be
9007 convicted of * * * a disqualifying crime as provided in the Fresh
9008 Start Act in a court of this or any other state or a court of the
9009 United States, manslaughter or a violation of the Internal Revenue
9010 Code excepted, shall be incapable of obtaining a license to
9011 practice law. Any court of the State of Mississippi in which a
9012 licensed attorney shall have been convicted of a * * *
9013 disqualifying crime as provided in the Fresh Start Act, other than
9014 manslaughter or a violation of the Internal Revenue Code, shall
9015 enter an order disbaring the attorney.



9016 **SECTION 108.** Section 73-4-25, Mississippi Code of 1972, is
9017 amended as follows:

9018 73-4-25. (1) The commission may refuse to issue or renew a
9019 license, place a licensee on probation or administrative
9020 supervision, suspend or revoke any license, or may reprimand or
9021 take any other action in relation to a license, including the
9022 imposition of a fine not to exceed Five Thousand Dollars
9023 (\$5,000.00) for each violation upon a licensee, or applicant for
9024 licensure, under this chapter for any of the following reasons:

9025 (a) Knowingly filing or causing to be filed a false
9026 application.

9027 (b) Failure to enter into a written contract with a
9028 seller or consignor prior to placing or permitting advertising for
9029 an auction sale to be placed.

9030 (c) Failure by the licensee to give the seller or
9031 consignor a signed receipt for items received for sale at auction,
9032 either by item or lot number at the time the goods are received,
9033 unless the goods are to remain in the possession of the seller or
9034 consignor.

9035 (d) Failure to give the seller or consignor a statement
9036 or lot description, selling price, purchaser's identity and the
9037 net proceeds due to the seller or consignor.

9038 (e) Failure to place funds received from an auction
9039 sale in an escrow or trust account, and failure to make timely
9040 settlement on escrowed funds. Absent a written agreement to the



9041 contrary, five (5) business days shall be deemed timely for
9042 settlement on personal property.

9043 (f) Permitting an unlicensed auctioneer to call for
9044 bids in an auction sale.

9045 (g) Having been convicted of or pled guilty to a * * *
9046 disqualifying crime as provided in the Fresh Start Act in the
9047 courts of this state or any other state, territory or country.
9048 Conviction, as used in this paragraph, shall include a deferred
9049 conviction, deferred prosecution, deferred sentence, finding or
9050 verdict of guilt, an admission of guilt or a plea of nolo
9051 contendere.

9052 (h) Any course of intentional, willful or wanton
9053 conduct by a licensee or such licensee's employees which misleads
9054 or creates a false impression among the seller, buyer, bidders and
9055 the auctioneer in the advertising, conducting and closing of an
9056 auction sale.

9057 (i) A continued and flagrant course of
9058 misrepresentation or making false promises, either by the
9059 licensee, an employee of the licensee, or by someone acting on
9060 behalf of and with the licensee's consent.

9061 (j) Any failure to account for or to pay over within a
9062 reasonable time funds belonging to another which have come into
9063 the licensee's possession through an auction sale.

9064 (k) Any false, misleading or untruthful advertising.



9065 (l) Any act of conduct in connection with a sales
9066 transaction which demonstrates bad faith or dishonesty.

9067 (m) Knowingly using false bidders, cappers or pullers,
9068 or knowingly making a material false statement or representation.

9069 (n) Commingling the funds or property of a client with
9070 the licensee's own or failing to maintain and deposit in a trust
9071 or escrow account in an insured bank or savings and loan
9072 association located in Mississippi funds received for another
9073 person through sale at auction.

9074 (o) Failure to give full cooperation to the commission
9075 and/or its designees, agents or other representatives in the
9076 performance of official duties of the commission. Such failure to
9077 cooperate includes, but is not limited to:

9078 (i) Failure to properly make any disclosures or to
9079 provide documents or information required by this chapter or by
9080 the commission;

9081 (ii) Not furnishing, in writing, a full and
9082 complete explanation covering the matter contained in a complaint
9083 filed with the commission;

9084 (iii) Failure, without good cause, to cooperate
9085 with any request by the board to appear before it;

9086 (iv) Not providing access, as directed by the
9087 commission, for its authorized agents or representatives seeking
9088 to perform reviews, audits or inspections at facilities or places
9089 utilized by the license holder in the auction business;



9090 (v) Failure to provide information within the
9091 specified time allotted and as required by the board and/or its
9092 representatives or designees;

9093 (vi) Failure to cooperate with the board or its
9094 designees or representatives in the investigation of any alleged
9095 misconduct or willfully interfering with a board investigation.

9096 (p) A demonstrated lack of financial responsibility.

9097 (q) Having had a license for the practice of
9098 auctioneering or the auction business suspended or revoked in any
9099 jurisdiction, having voluntarily surrendered a license in any
9100 jurisdiction, having been placed on probation in any jurisdiction,
9101 having been placed under disciplinary order(s) or other
9102 restriction in any manner for auctioneering or the auction
9103 business (a certified copy of the order of suspension, revocation,
9104 probation or disciplinary action shall be prima facie evidence of
9105 such action).

9106 (r) Any violation of this chapter or any violation of a
9107 rule or regulation duly adopted by the commission.

9108 (2) In addition to the acts specified in subsection (1) of
9109 this section, the commission shall be authorized to suspend the
9110 license of any licensee for being out of compliance with an order
9111 for support, as defined in Section 93-11-153. The procedure for
9112 suspension of a license for being out of compliance with an order
9113 for support, and the procedure for the reissuance or reinstatement
9114 of a license suspended for that purpose, and the payment of any



9115 fees for the reissuance or reinstatement of a license suspended
9116 for that purpose, shall be governed by Section 93-11-157 or
9117 93-11-163. If there is any conflict between any provision of
9118 Section 93-11-157 or 93-11-163 and any provision of this chapter,
9119 the provisions of Section 93-11-157 or 93-11-163, as the case may
9120 be, shall control.

9121 **SECTION 109.** Section 73-5-25, Mississippi Code of 1972, is
9122 amended as follows:

9123 73-5-25. (1) The Board of Barber Examiners may refuse to
9124 issue, or may suspend definitely or indefinitely, or revoke any
9125 certificate of registration or license for any one (1) or a
9126 combination of the following causes:

9127 (a) Conviction of a * * * disqualifying crime as
9128 provided in the Fresh Start Act shown by a certified copy of the
9129 judgment of court in which such conviction is had, unless upon a
9130 full and unconditional pardon of such convict, and upon
9131 satisfactory showing that such convict will in the future conduct
9132 himself in a law-abiding way.

9133 (b) Gross malpractice or gross incompetency.

9134 (c) Continued practice by a person knowingly having an
9135 infectious or contagious disease.

9136 (d) Advertising, practicing or attempting to practice
9137 under a trade name or name other than one's own.



9138 (e) Habitual drunkenness or habitual addiction to the
9139 use of morphine, cocaine or habit-forming drug, or any other
9140 illegal controlled substances.

9141 (f) Immoral or unprofessional conduct.

9142 (g) Violation of regulations that may be prescribed as
9143 provided for in Sections 73-5-7 through 73-5-43.

9144 (2) In addition to the causes specified in subsection (1) of
9145 this section, the board shall be authorized to suspend the
9146 certificate of registration of any person for being out of
9147 compliance with an order for support, as defined in Section
9148 93-11-153. The procedure for suspension of a certificate for
9149 being out of compliance with an order for support, and the
9150 procedure for the reissuance or reinstatement of a certificate
9151 suspended for that purpose, and the payment of any fees for the
9152 reissuance or reinstatement of a certificate suspended for that
9153 purpose, shall be governed by Section 93-11-157 or 93-11-163. If
9154 there is any conflict between any provision of Section 93-11-157
9155 or 93-11-163 and any provision of this chapter, the provisions of
9156 Section 93-11-157 or 93-11-163, as the case may be, shall control.

9157 **SECTION 110.** Section 73-6-19, Mississippi Code of 1972, is
9158 amended as follows:

9159 73-6-19. (1) The board shall refuse to grant a certificate
9160 of licensure to any applicant or may cancel, revoke or suspend the
9161 certificate upon the finding of any of the following facts
9162 regarding the applicant or licensed practitioner:



- 9163 (a) Failure to comply with the rules and regulations
9164 adopted by the State Board of Chiropractic Examiners;
- 9165 (b) Violation of any of the provisions of this chapter
9166 or any of the rules and regulations of the State Board of Health
9167 pursuant to this chapter with regard to the operation and use of
9168 x-rays;
- 9169 (c) Fraud or deceit in obtaining a license;
- 9170 (d) Addiction to the use of alcohol, narcotic drugs, or
9171 anything which would seriously interfere with the competent
9172 performance of his professional duties;
- 9173 (e) Conviction by a court of competent jurisdiction of
9174 a * * * disqualifying crime as provided in the Fresh Start Act;
- 9175 (f) Unprofessional and unethical conduct;
- 9176 (g) Contraction of a contagious disease which may be
9177 carried for a prolonged period;
- 9178 (h) Failure to report to the Mississippi Department of
9179 Human Services or the county attorney any case wherein there are
9180 reasonable grounds to believe that a child or vulnerable adult has
9181 been abused by its parent or person responsible for such person's
9182 welfare;
- 9183 (i) Advising a patient to use drugs, prescribing or
9184 providing drugs for a patient, or advising a patient not to use a
9185 drug prescribed by a licensed physician or dentist;
- 9186 (j) Professional incompetency in the practice of
9187 chiropractic;



9188 (k) Having disciplinary action taken by his peers
9189 within any professional chiropractic association or society;

9190 (l) Offering to accept or accepting payment for
9191 services rendered by assignment from any third-party payor after
9192 offering to accept or accepting whatever the third-party payor
9193 covers as payment in full, if the effect of the offering or
9194 acceptance is to eliminate or give the impression of eliminating
9195 the need for payment by an insured of any required deductions
9196 applicable in the policy of the insured;

9197 (m) Associating his practice with any chiropractor who
9198 does not hold a valid chiropractic license in Mississippi, or
9199 teach chiropractic manipulation to nonqualified persons under
9200 Section 73-6-13;

9201 (n) Failure to make payment on chiropractic student
9202 loans;

9203 (o) Failure to follow record keeping requirements
9204 prescribed in Section 73-6-18;

9205 (p) If the practitioner is certified to provide animal
9206 chiropractic treatment, failure to follow guidelines approved by
9207 the Mississippi Board of Veterinary Medicine; or

9208 (q) Violation(s) of the provisions of Sections 41-121-1
9209 through 41-121-9 relating to deceptive advertisement by health
9210 care practitioners. This paragraph shall stand repealed on July
9211 1, 2025.



9212 (2) Any holder of such certificate or any applicant therefor
9213 against whom is preferred any of the designated charges shall be
9214 furnished a copy of the complaint and shall receive a formal
9215 hearing in Jackson, Mississippi, before the board, at which time
9216 he may be represented by counsel and examine witnesses. The board
9217 is authorized to administer oaths as may be necessary for the
9218 proper conduct of any such hearing. In addition, the board is
9219 authorized and empowered to issue subpoenas for the attendance of
9220 witnesses and the production of books and papers. The process
9221 issued by the board shall extend to all parts of the state. Where
9222 in any proceeding before the board any witness shall fail or
9223 refuse to attend upon subpoena issued by the board, shall refuse
9224 to testify, or shall refuse to produce any books and papers, the
9225 production of which is called for by the subpoena, the attendance
9226 of such witness and the giving of his testimony and the production
9227 of the books and papers shall be enforced by any court of
9228 competent jurisdiction of this state in the manner provided for
9229 the enforcement of attendance and testimony of witnesses in civil
9230 cases in the courts of this state.

9231 (3) In addition to any other investigators the board
9232 employs, the board shall appoint one or more licensed
9233 chiropractors to act for the board in investigating the conduct
9234 relating to the competency of a chiropractor, whenever
9235 disciplinary action is being considered for professional
9236 incompetence and unprofessional conduct.



9237 (4) Whenever the board finds any person unqualified to
9238 practice chiropractic because of any of the grounds set forth in
9239 subsection (1) of this section, after a hearing has been conducted
9240 as prescribed by this section, the board may enter an order
9241 imposing one or more of the following:

9242 (a) Deny his application for a license or other
9243 authorization to practice chiropractic;

9244 (b) Administer a public or private reprimand;

9245 (c) Suspend, limit or restrict his license or other
9246 authorization to practice chiropractic for up to five (5) years;

9247 (d) Revoke or cancel his license or other authorization
9248 to practice chiropractic;

9249 (e) Require him to submit to care, counseling or
9250 treatment by physicians or chiropractors designated by the board,
9251 as a condition for initial, continued or renewal of licensure or
9252 other authorization to practice chiropractic;

9253 (f) Require him to participate in a program of
9254 education prescribed by the board; or

9255 (g) Require him to practice under the direction of a
9256 chiropractor designated by the board for a specified period of
9257 time.

9258 (5) Any person whose application for a license or whose
9259 license to practice chiropractic has been cancelled, revoked or
9260 suspended by the board within thirty (30) days from the date of
9261 such final decision shall have the right of a de novo appeal to



9262 the circuit court of his county of residence or the Circuit Court
9263 of the First Judicial District of Hinds County, Mississippi. If
9264 there is an appeal, such appeal may, in the discretion of and on
9265 motion to the circuit court, act as a supersedeas. The circuit
9266 court shall dispose of the appeal and enter its decision promptly.
9267 The hearing on the appeal may, in the discretion of the circuit
9268 judge, be tried in vacation. Either party shall have the right of
9269 appeal to the Supreme Court as provided by law from any decision
9270 of the circuit court.

9271 (6) In a proceeding conducted under this section by the
9272 board for the revocation, suspension or cancellation of a license
9273 to practice chiropractic, after a hearing has been conducted as
9274 prescribed by this section, the board shall have the power and
9275 authority for the grounds stated in subsection (1) of this
9276 section, with the exception of paragraph (c) thereof, to assess
9277 and levy upon any person licensed to practice chiropractic in the
9278 state a monetary penalty in lieu of such revocation, suspension or
9279 cancellation, as follows:

9280 (a) For the first violation, a monetary penalty of not
9281 less than Five Hundred Dollars (\$500.00) nor more than One
9282 Thousand Dollars (\$1,000.00) for each violation.

9283 (b) For the second and each subsequent violation, a
9284 monetary penalty of not less than One Thousand Dollars (\$1,000.00)
9285 nor more than Two Thousand Five Hundred Dollars (\$2,500.00) for
9286 each violation.



9287 The power and authority of the board to assess and levy such
9288 monetary penalties under this section shall not be affected or
9289 diminished by any other proceeding, civil or criminal, concerning
9290 the same violation or violations. A licensee shall have the right
9291 of appeal from the assessment and levy of a monetary penalty as
9292 provided in this section to the circuit court under the same
9293 conditions as a right of appeal is provided for in this section
9294 for appeals from an adverse ruling, or order, or decision of the
9295 board. Any monetary penalty assessed and levied under this
9296 section shall not take effect until after the time for appeal has
9297 expired, and an appeal of the assessment and levy of such a
9298 monetary penalty shall act as a supersedeas.

9299 (7) In addition to the grounds specified in subsection (1)
9300 of this section, the board shall be authorized to suspend the
9301 license of any licensee for being out of compliance with an order
9302 for support, as defined in Section 93-11-153. The procedure for
9303 suspension of a license for being out of compliance with an order
9304 for support, and the procedure for the reissuance or reinstatement
9305 of a license suspended for that purpose, and the payment of any
9306 fees for the reissuance or reinstatement of a license suspended
9307 for that purpose, shall be governed by Section 93-11-157 or
9308 93-11-163, as the case may be. Actions taken by the board in
9309 suspending a license when required by Section 93-11-157 or
9310 93-11-163 are not actions from which an appeal may be taken under
9311 this section. Any appeal of a license suspension that is required



9312 by Section 93-11-157 or 93-11-163 shall be taken in accordance
9313 with the appeal procedure specified in Section 93-11-157 or
9314 93-11-163, as the case may be, rather than the procedure specified
9315 in this section. If there is any conflict between any provision
9316 of Section 93-11-157 or 93-11-163 and any provision of this
9317 chapter, the provisions of Section 93-11-157 or 93-11-163, as the
9318 case may be, shall control.

9319 **SECTION 111.** Section 73-7-27, Mississippi Code of 1972, is
9320 amended as follows:

9321 73-7-27. (1) Any complaint may be filed with the board by a
9322 member or agent of the board or by any person charging any
9323 licensee of the board with the commission of any of the offenses
9324 enumerated in subsection (2) of this section. Such complaint
9325 shall be in writing, signed by the accuser or accusers, and
9326 verified under oath, and such complaints shall be investigated as
9327 set forth in Section 73-7-7. If, after the investigation, the
9328 board through its administrative review agents determines that
9329 there is not substantial justification to believe that the accused
9330 licensee has committed any of the offenses enumerated, it may
9331 dismiss the complaint or may prepare a formal complaint proceeding
9332 against the licensee as hereinafter provided. When used with
9333 reference to any complaint filed against a licensee herein, the
9334 term "not substantial justification" means a complaint that is
9335 frivolous, groundless in fact or law, or vexatious, as determined
9336 by unanimous vote of the board. In the event of a dismissal, the



9337 person filing the accusation and the accused licensee shall be
9338 given written notice of the board's determination. If the board
9339 determines there is reasonable cause to believe the accused has
9340 committed any of those offenses, the secretary of the board shall
9341 give written notice of such determination to the accused licensee
9342 and set a day for a hearing as provided in subsection (3) of this
9343 section.

9344 (2) The board shall have the power to revoke, suspend or
9345 refuse to issue or renew any license or certificate provided for
9346 in this chapter, and to fine, place on probation and/or otherwise
9347 discipline a student or licensee or holder of a certificate, upon
9348 proof that such person: (a) has not complied with or has violated
9349 any of the rules and regulations promulgated by the board; (b) has
9350 not complied with or has violated any of the sections of this
9351 chapter; (c) has committed fraud or dishonest conduct in the
9352 taking of the examination herein provided for; (d) has been
9353 convicted of a * * * disqualifying crime as provided in the Fresh
9354 Start Act; (e) has committed grossly unprofessional or dishonest
9355 conduct; (f) is addicted to the excessive use of intoxicating
9356 liquors or to the use of drugs to such an extent as to render him
9357 or her unfit to practice in any of the practices or occupations
9358 set forth in this chapter; (g) has advertised by means of
9359 knowingly false or deceptive statements; or (h) has failed to
9360 display the license or certificate issued to him or her as
9361 provided for in this chapter; or (i) has been convicted of



9362 violating any of the provisions of this chapter. A conviction of
9363 violating any of the provisions of this chapter shall be grounds
9364 for automatic suspension of the license or certificate of such
9365 person.

9366 (3) The board shall not revoke, suspend or refuse to issue
9367 or renew any license or certificate, or fine, place on probation
9368 or otherwise discipline any person in a disciplinary matter except
9369 after a hearing of which the applicant or licensee or holder of
9370 the certificate affected shall be given at least twenty (20) days'
9371 notice in writing, specifying the reason or reasons for denying
9372 the applicant a license or certificate of registration, or in the
9373 case of any other disciplinary action, the offense or offenses of
9374 which the licensee or holder of a certificate of registration is
9375 charged. Such notice may be served by mailing a copy thereof by
9376 United States first-class certified mail, postage prepaid, to the
9377 last-known residence or business address of such applicant,
9378 licensee or holder of a certificate. The hearing on such charges
9379 shall be at such time and place as the board may prescribe.

9380 (4) At such hearings, all witnesses shall be sworn by a
9381 member of the board, and stenographic notes of the proceedings
9382 shall be taken. Any party to the proceedings desiring it shall be
9383 furnished with a copy of such stenographic notes upon payment to
9384 the board of such fees as it shall prescribe, not exceeding,
9385 however, the actual costs of transcription.



9386 (5) The board is hereby authorized and empowered to issue
9387 subpoenas for the attendance of witnesses and the production of
9388 books and papers. The process issued by the board shall extend to
9389 all parts of the state and such process shall be served by any
9390 person designated by the board for such service. The person
9391 serving such process shall receive such compensation as may be
9392 allowed by the board, not to exceed the fee prescribed by law for
9393 similar services. All witnesses who shall be subpoenaed, and who
9394 shall appear in any proceedings before the board, shall receive
9395 the same fees and mileage as allowed by law.

9396 (6) Where in any proceeding before the board any witness
9397 shall fail or refuse to attend upon subpoena issued by the board,
9398 shall refuse to testify, or shall refuse to produce any books and
9399 papers, the production of which is called for by the subpoena, the
9400 attendance of such witness and the giving of his testimony and the
9401 production of the books and papers shall be enforced by any court
9402 of competent jurisdiction of this state, in the same manner as are
9403 enforced for the attendance and testimony of witnesses in civil
9404 cases in the courts of this state.

9405 (7) The board shall conduct the hearing in an orderly and
9406 continuous manner, granting continuances only when the ends of
9407 justice may be served. The board shall, within sixty (60) days
9408 after conclusion of the hearing, reduce its decision to writing
9409 and forward an attested true copy thereof to the last-known
9410 residence or business address of such applicant, licensee or



9411 holder of a certificate, by way of United States first-class
9412 certified mail, postage prepaid. Such applicant, licensee, holder
9413 of a certificate, or person aggrieved shall have the right of
9414 appeal from an adverse ruling, or order, or decision of the board
9415 to the Chancery Court of the First Judicial District of Hinds
9416 County, Mississippi, upon forwarding notice of appeal to the board
9417 within thirty (30) days after the decision of the board is mailed
9418 in the manner here contemplated. An appeal will not be allowed in
9419 the event notice of appeal, together with the appeal bond
9420 hereinafter required, shall not have been forwarded to the board
9421 within the thirty-day period. Appeal shall be to the Chancery
9422 Court of the First Judicial District of Hinds County, Mississippi.
9423 The appeal shall thereupon be heard in due course by the court
9424 which shall review the record and make its determination thereon.

9425 (8) The appellant shall, together with the notice of appeal,
9426 forward to and post with the board a satisfactory bond in the
9427 amount of Five Hundred Dollars (\$500.00) for the payment of any
9428 costs which may be adjudged against him.

9429 (9) In the event of an appeal, the court shall dispose of
9430 the appeal and enter its decision promptly. The hearing on the
9431 appeal may, in the discretion of the chancellor, be tried in
9432 vacation. If there is an appeal, such appeal may, in the
9433 discretion of and on motion to the chancery court, act as a
9434 supersedeas. However, any fine imposed by the board under the
9435 provisions of this chapter shall not take effect until after the



9436 time for appeal has expired, and an appeal of the imposition of
9437 such a fine shall act as a supersedeas.

9438 (10) Any fine imposed by the board upon a licensee or holder
9439 of a certificate shall be in accordance with the following
9440 schedule:

9441 (a) For the first violation, a fine of not less than
9442 Fifty Dollars (\$50.00) nor more than One Hundred Dollars (\$100.00)
9443 for each violation.

9444 (b) For the second and each subsequent violation, a
9445 fine of not less than One Hundred Dollars (\$100.00) nor more than
9446 Four Hundred Dollars (\$400.00) for each violation.

9447 The power and authority of the board to impose such fines
9448 under this section shall not be affected or diminished by any
9449 other proceeding, civil or criminal, concerning the same violation
9450 or violations.

9451 (11) In addition to the reasons specified in subsection (2)
9452 of this section, the board shall be authorized to suspend the
9453 license of any licensee for being out of compliance with an order
9454 for support, as defined in Section 93-11-153. The procedure for
9455 suspension of a license for being out of compliance with an order
9456 for support, and the procedure for the reissuance or reinstatement
9457 of a license suspended for that purpose, and the payment of any
9458 fees for the reissuance or reinstatement of a license suspended
9459 for that purpose, shall be governed by Section 93-11-157 or
9460 93-11-163, as the case may be. Actions taken by the board in



9461 suspending a license when required by Section 93-11-157 or
9462 93-11-163 are not actions from which an appeal may be taken under
9463 this section. Any appeal of a license suspension that is required
9464 by Section 93-11-157 or 93-11-163 shall be taken in accordance
9465 with the appeal procedure specified in Section 93-11-157 or
9466 93-11-163, as the case may be, rather than the procedure specified
9467 in this section. If there is any conflict between any provision
9468 of Section 93-11-157 or 93-11-163 and any provision of this
9469 chapter, the provisions of Section 93-11-157 or 93-11-163, as the
9470 case may be, shall control.

9471 **SECTION 112.** Section 73-17-15, Mississippi Code of 1972, is
9472 amended as follows:

9473 73-17-15. (1) (a) The board is authorized to investigate,
9474 either on the basis of complaints filed with it or on its own
9475 initiative, instances of suspected violations of this chapter of
9476 any nature, including, but not limited to: performing the duties
9477 of a nursing home administrator without a license; the providing
9478 of false information to the board either incident to an
9479 application for a license, incident to a hearing, or otherwise;
9480 maladministration; unethical conduct; incompetence; the conviction
9481 of a licensee of a * * * disqualifying crime as provided in the
9482 Fresh Start Act; the misappropriation of funds; or of any other
9483 matter reflecting unfavorably upon the holder of a license under
9484 this chapter or an applicant therefor. On the basis of
9485 information developed during such an investigation, the board may



9486 (i) revoke, suspend, or refuse to renew any license issued by the
9487 board, (ii) deny an application for a license, or (iii) reprimand,
9488 place on probation, and/or take any other action in relation to a
9489 license, as the board may deem proper under the circumstances.
9490 Whenever the results of such an investigation are filed, the
9491 executive director of the board shall set a day for a hearing and
9492 shall notify the licensee that on the day fixed for hearing he or
9493 she may appear and show cause, if any, why his or her license
9494 should not be revoked, suspended, or other action taken in
9495 relation to his or her license. The notice shall be transmitted
9496 to the licensee by certified United States mail to the address of
9497 the licensee appearing of record with the board.

9498 (b) In cases where violations of this chapter have been
9499 substantiated, the board may assess a monetary penalty for those
9500 reasonable costs that are expended by the board in the
9501 investigation and conduct of a proceeding for licensure
9502 revocation, suspension or restriction, including, but not limited
9503 to, the cost of process service, court reporters, expert witnesses
9504 and investigations.

9505 (2) The board, upon finding and determining that any person
9506 represents himself or herself to be a nursing home administrator
9507 or performs any or all of the services, acts or duties of a
9508 nursing home administrator as defined in this chapter without a
9509 license, is authorized to petition the chancery court of the
9510 county in which the unauthorized acts have been, are being or may



9511 be committed, for writ or writs of injunction prohibiting the
9512 unauthorized acts. This provision is supplemental and in addition
9513 to the penal provisions set forth in Section 73-17-13.

9514 (3) Any licensee whose license has been revoked or
9515 suspended, or who has been placed on probation or reprimanded
9516 after a contested hearing, may appeal that action of the board to
9517 the chancery court of the county in which the nursing home
9518 administrator is practicing, which appeal shall not be a de novo
9519 appeal but shall be determined upon an official transcript of the
9520 record of the contested hearing. Appeals to the chancery court
9521 shall be taken within ten (10) days from the date of the board's
9522 order and shall be taken, perfected, heard and determined either
9523 in termtime or in vacation, and the appeals shall be heard and
9524 disposed of promptly by the court. Appeals from the board shall
9525 be taken and perfected by the filing of a bond in the sum of Two
9526 Hundred Fifty Dollars (\$250.00) with two (2) sureties, or with a
9527 surety company qualified to do business in Mississippi as surety,
9528 conditioned to pay the costs of the appeal. The bond shall be
9529 payable to the state and shall be approved by the clerk of the
9530 chancery court. The bond may be enforced in its name as other
9531 judicial bonds filed in the chancery court, and judgment may be
9532 entered upon those bonds and process and execution shall issue
9533 upon those judgments as provided by law in other cases. Upon
9534 approval of the bond by the clerk of the chancery court, the clerk
9535 shall give notice to the board of the appeal from the decision of



9536 the board. It thereupon shall be the duty of the board through
9537 its duly authorized representative to promptly transmit to the
9538 clerk of the chancery court in which the appeal is pending a
9539 certified copy of the order of the board and all documents filed
9540 relating to the board's action against the licensee, together with
9541 a transcript of the testimony, both oral and documentary,
9542 introduced for consideration by the board both in support of and
9543 in opposition to the action, which appeal shall be docketed by the
9544 clerk and shall be determined by the court based upon the record.
9545 If there is an appeal, the appeal may, in the discretion of and on
9546 motion to the chancery court, act as a supersedeas. The chancery
9547 court shall dispose of the appeal and enter its decision promptly.
9548 The hearing on the appeal may, in the discretion of the
9549 chancellor, be tried in vacation.

9550 (4) Appeals from the decision of the chancery court may be
9551 taken by either the board or the licensee to the Supreme Court as
9552 in the case of appeals generally from the chancery court to the
9553 Supreme Court.

9554 (5) In addition to the reasons specified in subsection (1)
9555 of this section, the board shall be authorized to suspend the
9556 license of any licensee for being out of compliance with an order
9557 for support, as defined in Section 93-11-153. The procedure for
9558 suspension of a license for being out of compliance with an order
9559 for support, and the procedure for the reissuance or reinstatement
9560 of a license suspended for that purpose, and the payment of any



9561 fees for the reissuance or reinstatement of a license suspended
9562 for that purpose, shall be governed by Section 93-11-157 or
9563 93-11-163, as the case may be. Actions taken by the board in
9564 revoking a license when required by Section 93-11-157 or 93-11-163
9565 are not actions from which an appeal may be taken under this
9566 section. Any appeal of a license suspension that is required by
9567 Section 93-11-157 or 93-11-163 shall be taken in accordance with
9568 the appeal procedure specified in Section 93-11-157 or 93-11-163,
9569 as the case may be, rather than the procedure specified in this
9570 section. If there is any conflict between any provision of
9571 Section 93-11-157 or 93-11-163 and any provision of this chapter,
9572 the provisions of Section 93-11-157 or 93-11-163, as the case may
9573 be, shall control.

9574 **SECTION 113.** Section 73-23-59, Mississippi Code of 1972, is
9575 amended as follows:

9576 73-23-59. (1) Licensees subject to this chapter shall
9577 conduct their activities, services and practice in accordance with
9578 this chapter and any rules promulgated pursuant hereto. The
9579 board, upon satisfactory proof and in accordance with the
9580 provisions of this chapter and the regulations of the board, may
9581 suspend, revoke, or refuse to issue or renew any license
9582 hereunder, or revoke or suspend any privilege to practice,
9583 censure or reprimand any licensee, restrict or limit a license,
9584 and take any other action in relation to a license or privilege to



9585 practice as the board may deem proper under the circumstances upon
9586 any of the following grounds:

9587 (a) Negligence in the practice or performance of
9588 professional services or activities;

9589 (b) Engaging in dishonorable, unethical or
9590 unprofessional conduct of a character likely to deceive, defraud
9591 or harm the public in the course of professional services or
9592 activities;

9593 (c) Perpetrating or cooperating in fraud or material
9594 deception in obtaining or renewing a license or attempting the
9595 same or obtaining a privilege to practice;

9596 (d) Being convicted of any crime which has a
9597 substantial relationship to the licensee's activities and services
9598 or an essential element of which is misstatement, fraud or
9599 dishonesty;

9600 (e) Having been convicted of or pled guilty to a * * *
9601 disqualifying crime as provided in the Fresh Start Act in the
9602 courts of this state or any other state, territory or country.
9603 Conviction, as used in this paragraph, shall include a deferred
9604 conviction, deferred prosecution, deferred sentence, finding or
9605 verdict of guilt, an admission of guilty, or a plea of nolo
9606 contendere;

9607 (f) Engaging in or permitting the performance of
9608 unacceptable services personally or by others working under the
9609 licensee's supervision due to the licensee's deliberate or



9610 negligent act or acts or failure to act, regardless of whether
9611 actual damage or damages to the public is established;

9612 (g) Continued practice although the licensee has become
9613 unfit to practice as a physical therapist or physical therapist
9614 assistant due to: (i) failure to keep abreast of current
9615 professional theory or practice; or (ii) physical or mental
9616 disability; the entry of an order or judgment by a court of
9617 competent jurisdiction that a licensee is in need of mental
9618 treatment or is incompetent shall constitute mental disability; or
9619 (iii) addiction or severe dependency upon alcohol or other drugs
9620 which may endanger the public by impairing the licensee's ability
9621 to practice;

9622 (h) Having disciplinary action taken against the
9623 licensee's license in another state;

9624 (i) Making differential, detrimental treatment against
9625 any person because of race, color, creed, sex, religion or
9626 national origin;

9627 (j) Engaging in lewd conduct in connection with
9628 professional services or activities;

9629 (k) Engaging in false or misleading advertising;

9630 (l) Contracting, assisting or permitting unlicensed
9631 persons to perform services for which a license is required under
9632 this chapter or privilege to practice is required under Section
9633 73-23-101;



9634 (m) Violation of any probation requirements placed on a
9635 license or privilege to practice by the board;

9636 (n) Revealing confidential information except as may be
9637 required by law;

9638 (o) Failing to inform clients of the fact that the
9639 client no longer needs the services or professional assistance of
9640 the licensee;

9641 (p) Charging excessive or unreasonable fees or engaging
9642 in unreasonable collection practices;

9643 (q) For treating or attempting to treat ailments or
9644 other health conditions of human beings other than by physical
9645 therapy as authorized by this chapter;

9646 (r) Except as authorized in Section 73-23-35(3), for
9647 applying or offering to apply physical therapy, exclusive of
9648 initial evaluation or screening and exclusive of education or
9649 consultation for the prevention of physical and mental disability
9650 within the scope of physical therapy, other than upon the referral
9651 of a licensed physician, dentist, osteopath, podiatrist,
9652 chiropractor, physician assistant or nurse practitioner; or for
9653 acting as a physical therapist assistant other than under the
9654 direct, on-site supervision of a licensed physical therapist;

9655 (s) Failing to adhere to the recognized standards of
9656 ethics of the physical therapy profession as established by rules
9657 of the board;



9658 (t) Failing to complete continuing competence
9659 requirements as established by board rule;

9660 (u) Failing to supervise physical therapist assistants
9661 in accordance with this chapter and/or board rules;

9662 (v) Engaging in sexual misconduct. For the purpose of
9663 this paragraph, sexual misconduct includes, but is not necessarily
9664 limited to:

9665 (i) Engaging in or soliciting sexual
9666 relationships, whether consensual or nonconsensual, while a
9667 physical therapist or physical therapist assistant/patient
9668 relationship exists.

9669 (ii) Making sexual advances, requesting sexual
9670 favors or engaging in other verbal conduct or physical contact of
9671 a sexual nature with patients or clients.

9672 (iii) Intentionally viewing a completely or
9673 partially disrobed patient in the course of treatment if the
9674 viewing is not related to patient diagnosis or treatment under
9675 current practice standards;

9676 (w) The erroneous issuance of a license or privilege to
9677 practice to any person;

9678 (x) Violations of any provisions of this chapter, board
9679 rules or regulations or a written order or directive of the board;

9680 (y) Failing to maintain adequate patient records. For
9681 the purposes of this paragraph, "adequate patient records" means
9682 legible records that contain at minimum sufficient information to



9683 identify the patient, an evaluation of objective findings, a
9684 diagnosis, a plan of care, a treatment record and a discharge
9685 plan;

9686 (z) Failing to report to the board any unprofessional,
9687 incompetent or illegal acts that appear to be in violation of this
9688 law or any rules established by the board.

9689 (2) The board may order a licensee to submit to a reasonable
9690 physical or mental examination if the licensee's physical or
9691 mental capacity to practice safely is at issue in a disciplinary
9692 proceeding.

9693 (3) Failure to comply with a board order to submit to a
9694 physical or mental examination shall render a licensee subject to
9695 the summary suspension procedures described in Section 73-23-64.

9696 (4) In addition to the reasons specified in subsection (1)
9697 of this section, the board shall be authorized to suspend the
9698 license or privilege to practice of any licensee for being out of
9699 compliance with an order for support, as defined in Section
9700 93-11-153. The procedure for suspension of a license or privilege
9701 to practice for being out of compliance with an order for support,
9702 and the procedure for the reissuance or reinstatement of a license
9703 or privilege to practice suspended for that purpose, and the
9704 payment of any fees for the reissuance or reinstatement of a
9705 license or privilege to practice suspended for that purpose, shall
9706 be governed by Section 93-11-157 or 93-11-163, as the case may be.
9707 If there is any conflict between any provision of Section



9708 93-11-157 or 93-11-163 and any provision of this chapter, the
9709 provisions of Section 93-11-157 or 93-11-163, as the case may be,
9710 shall control.

9711 **SECTION 114.** Section 73-30-21, Mississippi Code of 1972, is
9712 amended as follows:

9713 73-30-21. (1) The board may, after notice and opportunity
9714 for a hearing, suspend, revoke or refuse to issue or renew a
9715 license or the privilege to practice or may reprimand the license
9716 holder or holder of the privilege to practice, upon a
9717 determination by the board that such license holder or holder of
9718 the privilege to practice or applicant for licensure or the
9719 privilege to practice has:

9720 (a) Been adjudged by any court to be mentally
9721 incompetent or have had a guardian of person appointed;

9722 (b) Been convicted of a * * * disqualifying crime as
9723 provided in the Fresh Start Act;

9724 (c) Sworn falsely under oath or affirmation;

9725 (d) Obtained a license or certificate or the privilege
9726 to practice by fraud, deceit or other misrepresentation;

9727 (e) Engaged in the conduct of professional counseling
9728 in a grossly negligent or incompetent manner;

9729 (f) Intentionally violated any provision of this
9730 article;

9731 (g) Violated any rules or regulations of the board; or



9732 (h) Aided or assisted another in falsely obtaining a
9733 license or the privilege to practice under this article.

9734 With regard to a refusal to issue a privilege to practice,
9735 such refusal by the board shall be in accordance with the terms of
9736 the Professional Counseling Compact instead of this subsection
9737 (1).

9738 (2) Appeals from disciplinary action are to be brought in
9739 the circuit court in the county of residence of the practitioner.
9740 In the event the practitioner resides out of state the appeal
9741 should be brought in Hinds County Circuit Court.

9742 (3) The board may assess and levy upon any licensee,
9743 practitioner or applicant for licensure or the privilege to
9744 practice the costs incurred or expended by the board in the
9745 investigation and prosecution of any licensure, privilege to
9746 practice or disciplinary action, including, but not limited to,
9747 the costs of process service, court reporters, expert witnesses,
9748 investigators and attorney's fees.

9749 (4) No revoked license or privilege to practice may be
9750 reinstated within twelve (12) months after such revocation.
9751 Reinstatement thereafter shall be upon such conditions as the
9752 board may prescribe, which may include, without being limited to,
9753 successful passing of the examination required by this article.

9754 (5) A license or privilege to practice certificate issued by
9755 the board is the property of the board and must be surrendered on
9756 demand.



9757 (6) The chancery court is hereby vested with the
9758 jurisdiction and power to enjoin the unlawful practice of
9759 counseling and/or the false representation as a licensed counselor
9760 in a proceeding brought by the board or any members thereof or by
9761 any citizen of this state.

9762 (7) In addition to the reasons specified in subsection (1)
9763 of this section, the board shall be authorized to suspend the
9764 license of any licensee for being out of compliance with an order
9765 for support, as defined in Section 93-11-153. The procedure for
9766 suspension of a license for being out of compliance with an order
9767 for support, and the procedure for the reissuance or reinstatement
9768 of a license suspended for that purpose, and the payment of any
9769 fees for the reissuance or reinstatement of a license suspended
9770 for that purpose, shall be governed by Section 93-11-157 or
9771 93-11-163, as the case may be. If there is any conflict between
9772 any provision of Section 93-11-157 or 93-11-163 and any provision
9773 of this article, the provisions of Section 93-11-157 or 93-11-163,
9774 as the case may be, shall control.

9775 **SECTION 115.** Section 73-35-21, Mississippi Code of 1972, is
9776 amended as follows:

9777 73-35-21. (1) Except as otherwise provided in this section,
9778 the commission may, upon its own motion and shall upon the
9779 verified complaint in writing of any person, hold a hearing
9780 pursuant to Section 73-35-23 for the refusal of license or for the
9781 suspension or revocation of a license previously issued, or for



9782 such other action as the commission deems appropriate. The
9783 commission shall have full power to refuse a license for cause or
9784 to revoke or suspend a license where it has been obtained by false
9785 or fraudulent representation, or where the licensee in performing
9786 or attempting to perform any of the acts mentioned herein, is
9787 deemed to be guilty of:

9788 (a) Making any substantial misrepresentation in
9789 connection with a real estate transaction;

9790 (b) Making any false promises of a character likely to
9791 influence, persuade or induce;

9792 (c) Pursuing a continued and flagrant course of
9793 misrepresentation or making false promises through agents or
9794 salespersons or any medium of advertising or otherwise;

9795 (d) Any misleading or untruthful advertising;

9796 (e) Acting for more than one (1) party in a transaction
9797 or receiving compensation from more than one (1) party in a
9798 transaction, or both, without the knowledge of all parties for
9799 whom he acts;

9800 (f) Failing, within a reasonable time, to account for
9801 or to remit any monies coming into his possession which belong to
9802 others, or commingling of monies belonging to others with his own
9803 funds. Every responsible broker procuring the execution of an
9804 earnest money contract or option or other contract who shall take
9805 or receive any cash or checks shall deposit, within a reasonable
9806 period of time, the sum or sums so received in a trust or escrow



9807 account in a bank or trust company pending the consummation or
9808 termination of the transaction. "Reasonable time" in this context
9809 means by the close of business of the next banking day;

9810 (g) Entering a guilty plea or conviction in a court of
9811 competent jurisdiction of this state, or any other state or the
9812 United States of any * * * disqualifying crime as provided in the
9813 Fresh Start Act;

9814 (h) Displaying a "for sale" or "for rent" sign on any
9815 property without the owner's consent;

9816 (i) Failing to furnish voluntarily, at the time of
9817 signing, copies of all listings, contracts and agreements to all
9818 parties executing the same;

9819 (j) Paying any rebate, profit or commission to any
9820 person other than a real estate broker or salesperson licensed
9821 under the provisions of this chapter;

9822 (k) Inducing any party to a contract, sale or lease to
9823 break such contract for the purpose of substituting in lieu
9824 thereof a new contract, where such substitution is motivated by
9825 the personal gain of the licensee;

9826 (l) Accepting a commission or valuable consideration as
9827 a real estate salesperson for the performance of any of the acts
9828 specified in this chapter from any person, except his employer who
9829 must be a licensed real estate broker;



9830 (m) Failing to successfully pass the commission's
9831 background investigation for licensure or renewal as provided in
9832 Section 73-35-10; or

9833 (n) Any act or conduct, whether of the same or a
9834 different character than hereinabove specified, which constitutes
9835 or demonstrates bad faith, incompetency or untrustworthiness, or
9836 dishonest, fraudulent or improper dealing. However, simple
9837 contact and/or communication with any mortgage broker or lender by
9838 a real estate licensee about any professional, including, but not
9839 limited to, an appraiser, home inspector, contractor, and/or
9840 attorney regarding a listing and/or a prospective or pending
9841 contract for the lease, sale and/or purchase of real estate shall
9842 not constitute conduct in violation of this section.

9843 (2) No real estate broker shall practice law or give legal
9844 advice directly or indirectly unless said broker be a duly
9845 licensed attorney under the laws of this state. He shall not act
9846 as a public conveyancer nor give advice or opinions as to the
9847 legal effect of instruments nor give opinions concerning the
9848 validity of title to real estate; nor shall he prevent or
9849 discourage any party to a real estate transaction from employing
9850 the services of an attorney; nor shall a broker undertake to
9851 prepare documents fixing and defining the legal rights of parties
9852 to a transaction. However, when acting as a broker, he may use an
9853 earnest money contract form. A real estate broker shall not
9854 participate in attorney's fees, unless the broker is a duly



9855 licensed attorney under the laws of this state and performs legal
9856 services in addition to brokerage services.

9857 (3) It is expressly provided that it is not the intent and
9858 purpose of the Mississippi Legislature to prevent a license from
9859 being issued to any person who is found to be of good reputation,
9860 is able to give bond, and who has lived in the State of
9861 Mississippi for the required period or is otherwise qualified
9862 under this chapter.

9863 (4) In addition to the reasons specified in subsection (1)
9864 of this section, the commission shall be authorized to suspend the
9865 license of any licensee for being out of compliance with an order
9866 for support, as defined in Section 93-11-153. The procedure for
9867 suspension of a license for being out of compliance with an order
9868 for support, and the procedure for the reissuance or reinstatement
9869 of a license suspended for that purpose, and the payment of any
9870 fees for the reissuance or reinstatement of a license suspended
9871 for that purpose, shall be governed by Section 93-11-157 or
9872 93-11-163, as the case may be. If there is any conflict between
9873 any provision of Section 93-11-157 or 93-11-163 and any provision
9874 of this chapter, the provisions of Section 93-11-157 or 93-11-163,
9875 as the case may be, shall control.

9876 (5) Nothing in this chapter shall prevent an associate
9877 broker or salesperson from owning any lawfully constituted
9878 business organization, including, but not limited to, a
9879 corporation, limited liability company or limited liability



9880 partnership, for the purpose of receiving payments contemplated in
9881 this chapter. The business organization shall not be required to
9882 be licensed under this chapter and shall not engage in any other
9883 activity requiring a real estate license.

9884 (6) The Mississippi Real Estate Commission shall not
9885 promulgate any rule or regulation, nor make any administrative or
9886 other interpretation, whereby any real estate licensee may be held
9887 responsible or subject to discipline or other actions by the
9888 commission relating to the provisions of this section or the
9889 information required to be disclosed by Sections 89-1-501 through
9890 89-1-523 or delivery of information required to be disclosed by
9891 Sections 89-1-501 through 89-1-523.

9892 **SECTION 116.** Section 73-38-27, Mississippi Code of 1972, is
9893 amended as follows:

9894 73-38-27. (1) With regard to a refusal to issue a privilege
9895 to practice, such refusal by the board shall be in accordance with
9896 terms of the Audiology and Speech-Language Pathology Interstate
9897 Compact. The board may refuse to issue or renew a license, or may
9898 suspend or revoke a license where the licensee or applicant for a
9899 license has been guilty of unprofessional conduct which has
9900 endangered or is likely to endanger the health, welfare or safety
9901 of the public. Such unprofessional conduct may result from:

9902 (a) Negligence in the practice or performance of
9903 professional services or activities;



9904 (b) Engaging in dishonorable, unethical or
9905 unprofessional conduct of a character likely to deceive, defraud
9906 or harm the public in the course of professional services or
9907 activities;

9908 (c) Perpetrating or cooperating in fraud or material
9909 deception in obtaining or renewing a license or attempting the
9910 same;

9911 (d) Being convicted of any crime which has a
9912 substantial relationship to the licensee's activities and services
9913 or an essential element of which is misstatement, fraud or
9914 dishonesty;

9915 (e) Being convicted of any crime which is a * * *
9916 disqualifying crime as provided in the Fresh Start Act;

9917 (f) Engaging in or permitting the performance of
9918 unacceptable services personally or by others working under the
9919 licensee's supervision due to the licensee's deliberate or
9920 negligent act or acts or failure to act, regardless of whether
9921 actual damage or damages to the public is established;

9922 (g) Continued practice although the licensee has become
9923 unfit to practice as a speech-language pathologist or audiologist
9924 due to: (i) failure to keep abreast of current professional
9925 theory or practice; or (ii) physical or mental disability; the
9926 entry of an order or judgment by a court of competent jurisdiction
9927 that a licensee is in need of mental treatment or is incompetent
9928 shall constitute mental disability; or (iii) addiction or severe



9929 dependency upon alcohol or other drugs which may endanger the
9930 public by impairing the licensee's ability to practice;

9931 (h) Having disciplinary action taken against the
9932 licensee's license in another state;

9933 (i) Making differential, detrimental treatment against
9934 any person because of race, color, creed, sex, religion or
9935 national origin;

9936 (j) Engaging in lewd conduct in connection with
9937 professional services or activities;

9938 (k) Engaging in false or misleading advertising;

9939 (l) Contracting, assisting or permitting unlicensed
9940 persons to perform services for which a license is required under
9941 this article;

9942 (m) Violation of any probation requirements placed on a
9943 license by the board;

9944 (n) Revealing confidential information except as may be
9945 required by law;

9946 (o) Failing to inform clients of the fact that the
9947 client no longer needs the services or professional assistance of
9948 the licensee;

9949 (p) Charging excessive or unreasonable fees or engaging
9950 in unreasonable collection practices;

9951 (q) For treating or attempting to treat ailments or
9952 other health conditions of human beings other than by speech or
9953 audiology therapy as authorized by this article;



9954 (r) For applying or offering to apply speech or
9955 audiology therapy, exclusive of initial evaluation or screening
9956 and exclusive of education or consultation for the prevention of
9957 physical and mental disability within the scope of speech or
9958 audiology therapy, or for acting as a speech-language pathologist
9959 or audiologist, or speech-language pathologist or audiologist aide
9960 other than under the direct, on-site supervision of a licensed
9961 speech-language pathologist or audiologist;

9962 (s) Violations of the current codes of conduct for
9963 speech-language pathologists or audiologists, and speech-language
9964 pathologist or audiologist assistants adopted by the American
9965 Speech-Language-Hearing Association;

9966 (t) Violations of any rules or regulations promulgated
9967 pursuant to this article.

9968 (2) The board may order a licensee to submit to a reasonable
9969 physical or mental examination if the licensee's physical or
9970 mental capacity to practice safely is at issue in a disciplinary
9971 proceeding.

9972 (3) In addition to the reasons specified in subsection (1)
9973 of this section, the board shall be authorized to suspend the
9974 license of any licensee for being out of compliance with an order
9975 for support, as defined in Section 93-11-153. The procedure for
9976 suspension of a license for being out of compliance with an order
9977 for support, and the procedure for the reissuance or reinstatement
9978 of a license suspended for that purpose, and the payment of any



9979 fees for the reissuance or reinstatement of a license suspended
9980 for that purpose, shall be governed by Section 93-11-157 or
9981 93-11-163, as the case may be. If there is any conflict between
9982 any provision of Section 93-11-157 or 93-11-163 and any provision
9983 of this article, the provisions of Section 93-11-157 or 93-11-163,
9984 as the case may be, shall control.

9985 **SECTION 117.** Section 73-53-17, Mississippi Code of 1972, is
9986 amended as follows:

9987 73-53-17. (1) Individuals licensed by the board shall
9988 conduct their activities, services and practice in accordance with
9989 the laws governing their professional practice and any rules
9990 promulgated by the board. Licensees and applicants may be subject
9991 to the exercise of the sanctions enumerated in Section 73-53-23 if
9992 the board finds that a licensee or applicant has committed any of
9993 the following:

9994 (a) Negligence in the practice or performance of
9995 professional services or activities;

9996 (b) Engaging in dishonorable, unethical or
9997 unprofessional conduct of a character likely to deceive, defraud
9998 or harm the public in the course of professional services or
9999 activities;

10000 (c) Perpetrating or cooperating in fraud or material
10001 deception in obtaining or renewing a license or attempting the
10002 same;



10003 (d) Violating the rules and regulations established by
10004 the board;

10005 (e) Violating the National Association of Social
10006 Workers Code of Ethics or the American Association for Marriage
10007 and Family Therapy Code of Ethics;

10008 (f) Being convicted of any crime which has a
10009 substantial relationship to the licensee's activities and services
10010 or an essential element of which is misstatement, fraud or
10011 dishonesty;

10012 (g) Being convicted of any crime which is a * * *
10013 disqualifying crime as provided in the Fresh Start Act under the
10014 laws of this state or of the United States of America;

10015 (h) Engaging in or permitting the performance of
10016 unacceptable services personally due to the licensee's deliberate
10017 or grossly negligent act or acts or failure to act, regardless of
10018 whether actual damage or damages to the public is established, or
10019 assuming responsibility for another's work by signing documents
10020 without personal knowledge of the work as established by board
10021 rule;

10022 (i) Continued practice although the licensee has become
10023 unfit to practice social work due to: (i) failure to keep abreast
10024 of current professional theory or practice; or (ii) physical or
10025 mental disability; the entry of an order or judgment by a court of
10026 competent jurisdiction that a licensee is in need of mental
10027 treatment or is incompetent shall constitute mental disability; or



10028 (iii) addiction or severe dependency upon alcohol or other drugs
10029 which may endanger the public by impairing the licensee's ability
10030 to practice;

10031 (j) Continued practice although the individual failed
10032 to renew and has a lapsed license;

10033 (k) Having disciplinary action taken against the
10034 licensee's license in another state;

10035 (l) Making differential, detrimental treatment against
10036 any person because of race, color, creed, sex, religion or
10037 national origin;

10038 (m) Engaging in lewd conduct in connection with
10039 professional services or activities;

10040 (n) Engaging in false or misleading advertising;

10041 (o) Contracting, assisting or permitting unlicensed
10042 persons to perform services for which a license is required under
10043 this chapter;

10044 (p) Violation of any probation requirements placed on a
10045 licensee by the board;

10046 (q) Revealing confidential information except as may be
10047 required by law;

10048 (r) Failing to inform clients of the fact that the
10049 client no longer needs the services or professional assistance of
10050 the licensee;

10051 (s) Charging excessive or unreasonable fees or engaging
10052 in unreasonable collection practices.



10053 (2) The board may order a licensee to submit to a reasonable
10054 physical or mental examination if the licensee's physical or
10055 mental capacity to practice safely is at issue in a disciplinary
10056 proceeding.

10057 (3) Failure to comply with a board order to submit to a
10058 physical or mental examination shall render a licensee subject to
10059 the summary suspension procedures described in Section 73-53-23.

10060 (4) In addition to the reasons specified in subsection (1)
10061 of this section, the board shall be authorized to suspend the
10062 license of any licensee for being out of compliance with an order
10063 for support, as defined in Section 93-11-153. The procedure for
10064 suspension of a license for being out of compliance with an order
10065 for support, and the procedure for the reissuance or reinstatement
10066 of a license suspended for that purpose, and the payment of any
10067 fees for the reissuance or reinstatement of a license suspended
10068 for that purpose, shall be governed by Section 93-11-157 or
10069 93-11-163, as the case may be. If there is any conflict between
10070 any provision of Section 93-11-157 or 93-11-163 and any provision
10071 of this chapter, the provisions of Section 93-11-157 or 93-11-163,
10072 as the case may be, shall control.

10073 **SECTION 118.** Section 73-60-31, Mississippi Code of 1972, is
10074 amended as follows:

10075 73-60-31. The commission may refuse to issue or to renew or
10076 may revoke or suspend a license or may place on probation,
10077 censure, reprimand, or take other disciplinary action with regard



10078 to any license issued under this chapter, including the issuance
10079 of fines for each violation, for any one (1) or combination of the
10080 following causes:

10081 (a) Violations of this chapter or the commission's
10082 rules promulgated pursuant hereto;

10083 (b) Violation of terms of license probation;

10084 (c) Conviction of a * * * disqualifying crime as
10085 provided in the Fresh Start Act or making a plea of guilty or nolo
10086 contendere within five (5) years prior to the date of application;

10087 (d) Operating without adequate insurance coverage
10088 required for licensees;

10089 (e) Fraud in the procurement or performance of a
10090 contract to conduct a home inspection; and

10091 (f) Failure to submit to or pass a background
10092 investigation pursuant to Section 73-60-47.

10093 **SECTION 119.** Section 73-67-27, Mississippi Code of 1972, is
10094 amended as follows:

10095 73-67-27. (1) The board may refuse to issue or renew or may
10096 deny, suspend or revoke any license held or applied for under this
10097 chapter upon finding that the holder of a license or applicant:

10098 (a) Is guilty of fraud, deceit or misrepresentation in
10099 procuring or attempting to procure any license provided for in
10100 this chapter;

10101 (b) Attempted to use as his own the license of another;

10102 (c) Allowed the use of his license by another;



10103 (d) Has been adjudicated as mentally incompetent by
10104 regularly constituted authorities;

10105 (e) Has been convicted of a crime, or has charges or
10106 disciplinary action pending that directly relates to the practice
10107 of massage therapy or to the ability to practice massage therapy.
10108 Any plea of nolo contendere shall be considered a conviction for
10109 the purposes of this section;

10110 (f) Is guilty of unprofessional or unethical conduct as
10111 defined by the code of ethics;

10112 (g) Is guilty of false, misleading or deceptive
10113 advertising, or is guilty of aiding or assisting in the
10114 advertising or practice of any unlicensed or unpermitted person in
10115 the practice of massage therapy;

10116 (h) Is grossly negligent or incompetent in the practice
10117 of massage therapy;

10118 (i) Has had rights, credentials or one or more
10119 license(s) to practice massage therapy revoked, suspended or
10120 denied in any jurisdiction, territory or possession of the United
10121 States or another country for acts of the licensee similar to acts
10122 described in this section. A certified copy of the record of the
10123 jurisdiction making such a revocation, suspension or denial shall
10124 be conclusive evidence thereof; or

10125 (j) Has been convicted of any * * * disqualifying crime
10126 as provided in the Fresh Start Act.



10127 (2) Investigative proceedings may be implemented by a
10128 complaint by any person, including members of the board.

10129 (3) (a) Any person(s) found guilty of prostitution using as
10130 any advertisement, claim or insignia of being an actual licensed
10131 massage therapist or to be practicing massage therapy by using the
10132 word "massage" or any other description indicating the same,
10133 whether or not the person(s) have one or more license for the
10134 person(s) or establishment(s), shall be guilty of a misdemeanor,
10135 and upon conviction, shall be punished by a fine of not less than
10136 One Thousand Dollars (\$1,000.00), nor more than Five Thousand
10137 Dollars (\$5,000.00), or imprisonment of up to six (6) months, or
10138 both, per offense, per person.

10139 (b) Any person who knowingly participates in receiving
10140 illegal service(s) of any person found guilty as described in
10141 paragraph (a) of this subsection, upon conviction, shall be
10142 punished by a fine not exceeding Five Hundred Dollars (\$500.00),
10143 or imprisonment for up to one (1) month, or both. Persons
10144 officially designated to investigate complaints are exempt.

10145 (c) Any person who violates any provision of this
10146 chapter, other than violation(s) of paragraph (a) of this
10147 subsection, is guilty of a misdemeanor, and upon conviction, shall
10148 be punished by a fine not exceeding Five Hundred Dollars
10149 (\$500.00), or imprisonment for up to one (1) month in jail, or
10150 both, per offense.



10151 (d) The board, in its discretion, may assess and tax
10152 any part or all of the costs of any disciplinary proceedings
10153 conducted against either the accused, the charging party, or both,
10154 as it may elect.

10155 **SECTION 120.** Section 73-75-13, Mississippi Code of 1972, is
10156 amended as follows:

10157 73-75-13. **Eligibility for license.** To be eligible for
10158 licensure by the board as a behavior analyst or assistant behavior
10159 analyst, a person shall:

10160 (a) Submit to the board an application, upon such form
10161 and in such manner as the board shall prescribe, along with the
10162 applicable fee and personal references;

10163 (b) Certify that the applicant has not been convicted
10164 of a * * * disqualifying crime as provided in the Fresh Start Act
10165 as defined by the laws of the State of Mississippi;

10166 (c) Undergo a fingerprint-based criminal history
10167 records check of the Mississippi central criminal database and the
10168 Federal Bureau of Investigation criminal history database. Each
10169 applicant shall submit a full set of the applicant's fingerprints
10170 in a form and manner prescribed by the board, which shall be
10171 forwarded to the Mississippi Department of Public Safety and the
10172 Federal Bureau of Investigation Identification Division for this
10173 purpose; and

10174 (d) For a behavior analyst:



10175 (i) Possess at least a master's degree, or its
10176 equivalent, from an educational institution recognized by the
10177 board;

10178 (ii) Have current and active certification by the
10179 Behavior Analyst Certification Board as a Board Certified Behavior
10180 Analyst (BCBA) or Board Certified Behavior Analyst-Doctoral
10181 (BCBA-D), verified by the board; and

10182 (iii) Comply with such other requirements of the
10183 board.

10184 (e) For an assistant behavior analyst:

10185 (i) Possess a bachelor's degree, or its
10186 equivalent, from an educational institution recognized by the
10187 board;

10188 (ii) Have current and active certification by the
10189 Behavior Analyst Certification Board as a Board Certified
10190 Assistant Behavior Analyst (BCABA), verified by the board; and

10191 (iii) Provide proof of ongoing supervision by a
10192 licensed behavior analyst.

10193 (f) All licenses issued pursuant to this section shall
10194 be for a term of three (3) years, but shall not exceed the
10195 expiration of the licensee's certification by the Behavior Analyst
10196 Certification Board.

10197 **SECTION 121.** Section 75-15-9, Mississippi Code of 1972, is
10198 amended as follows:



10199 75-15-9. Each application for a license to engage in the
10200 business of money transmission shall be made in writing and under
10201 oath to the commissioner in such form as he may prescribe. The
10202 application shall state the full name and business address of:

10203 (a) The proprietor, if the applicant is an individual;
10204 (b) Every member, if the applicant is a partnership or
10205 association;
10206 (c) The corporation and each executive officer and
10207 director thereof, if the applicant is a corporation;
10208 (d) Every trustee and officer if the applicant is a
10209 trust;
10210 (e) The applicant shall have a net worth of at least
10211 Twenty-five Thousand Dollars (\$25,000.00) plus Fifteen Thousand
10212 Dollars (\$15,000.00) for each location in excess of one (1) at
10213 which the applicant proposes to conduct money transmissions in
10214 this state, computed according to generally accepted accounting
10215 principles, but in no event shall the net worth be required to be
10216 in excess of Two Hundred Fifty Thousand Dollars (\$250,000.00);
10217 (f) The financial responsibility, financial condition,
10218 business experience and character and general fitness of the
10219 applicant shall be such as reasonably to warrant the belief that
10220 applicant's business will be conducted honestly, carefully and
10221 efficiently;
10222 (g) Each application for a license shall be accompanied
10223 by an investigation fee of Fifty Dollars (\$50.00) and license fee



10224 in the amount required by Section 75-15-15. All fees collected by
10225 the commissioner under the provisions of this chapter shall be
10226 deposited into the Consumer Finance Fund of the Department of
10227 Banking and Consumer Finance;

10228 (h) An applicant shall not have been convicted of
10229 a * * * disqualifying crime as provided in the Fresh Start Act.

10230 **SECTION 122.** Section 75-60-19, Mississippi Code of 1972, is
10231 amended as follows:

10232 75-60-19. (1) The Commission on Proprietary School and
10233 College Registration may suspend, revoke or cancel a certificate
10234 of registration for any one (1) or any combination of the
10235 following causes:

10236 (a) Violation of any provision of the sections of this
10237 chapter or any regulation made by the commission;

10238 (b) The furnishing of false, misleading or incomplete
10239 information requested by the commission;

10240 (c) The signing of an application or the holding of a
10241 certificate of registration by a person who has pleaded guilty or
10242 has been found guilty of a * * * disqualifying crime as provided
10243 in the Fresh Start Act or has pleaded guilty or been found guilty
10244 of any other * * * disqualifying crime;

10245 (d) The signing of an application or the holding of a
10246 certificate of registration by a person who is addicted to the use
10247 of any narcotic drug, or who is found to be mentally incompetent;



10248 (e) Violation of any commitment made in an application
10249 for a certificate of registration;

10250 (f) Presentation to prospective students of misleading,
10251 false or fraudulent information relating to the course of
10252 instruction, employment opportunity, or opportunities for
10253 enrollment in accredited institutions of higher education after
10254 entering or completing courses offered by the holder of a
10255 certificate of registration;

10256 (g) Failure to provide or maintain premises or
10257 equipment for offering courses of instruction in a safe and
10258 sanitary condition;

10259 (h) Refusal by an agent to display his agent permit
10260 upon demand of a prospective student or other interested person;

10261 (i) Failure to maintain financial resources adequate
10262 for the satisfactory conduct of courses of study as presented in
10263 the plan of operation or to retain a sufficient number and
10264 qualified staff of instruction; however nothing in this chapter
10265 shall require an instructor to be certificated by the Commission
10266 on Proprietary School and College Registration or to hold any type
10267 of post-high school degree;

10268 (j) Offering training or courses of instruction other
10269 than those presented in the application; however, schools may
10270 offer special courses adapted to the needs of individual students
10271 where the special courses are in the subject field specified in
10272 the application;



10273 (k) Accepting the services of an agent not licensed in
10274 accordance with Sections 75-60-23 through 75-60-37, inclusive;

10275 (l) Conviction or a plea of nolo contendere on the part
10276 of any owner, operator or director of a registered school of
10277 any * * * disqualifying crime as provided in the Fresh Start Act
10278 under Mississippi law or the law of another jurisdiction;

10279 (m) Continued employment of a teacher or instructor who
10280 has been convicted of or entered a plea of nolo contendere to
10281 any * * * disqualifying crime as provided in the Fresh Start Act
10282 under Mississippi law or the law of another jurisdiction;

10283 (n) Incompetence of any owner or operator to operate a
10284 school.

10285 (2) (a) Any person who believes he has been aggrieved by a
10286 violation of this section shall have the right to file a written
10287 complaint within two (2) years of the alleged violation. The
10288 commission shall maintain a written record of each complaint that
10289 is made. The commission shall also send to the complainant a form
10290 acknowledging the complaint and requesting further information if
10291 necessary and shall advise the director of the school that a
10292 complaint has been made and, where appropriate, the nature of the
10293 complaint.

10294 (b) The commission shall within twenty (20) days of
10295 receipt of such written complaint commence an investigation of the
10296 alleged violation and shall, within ninety (90) days of the
10297 receipt of such written complaint, issue a written finding. The



10298 commission shall furnish such findings to the person who filed the
10299 complaint and to the chief operating officer of the school cited
10300 in the complaint. If the commission finds that there has been a
10301 violation of this section, the commission shall take appropriate
10302 action.

10303 (c) Schools shall disclose in writing to all
10304 prospective and current students their right to file a complaint
10305 with the commission.

10306 (d) The existence of an arbitration clause in no way
10307 negates the student's right to file a complaint with the
10308 commission.

10309 (e) The commission may initiate an investigation
10310 without a complaint.

10311 (3) **Hearing procedures.** (a) Upon a finding that there is
10312 good cause to believe that a school, or an officer, agent,
10313 employee, partner or teacher, has committed a violation of
10314 subsection (1) of this section, the commission shall initiate
10315 proceedings by serving a notice of hearing upon each and every
10316 such party subject to the administrative action. The school or
10317 such party shall be given reasonable notice of hearing, including
10318 the time, place and nature of the hearing and a statement
10319 sufficiently particular to give notice of the transactions or
10320 occurrences intended to be proved, the material elements of each
10321 cause of action and the civil penalties and/or administrative
10322 sanctions sought.



10323 (b) Opportunity shall be afforded to the party to
10324 respond and present evidence and argument on the issues involved
10325 in the hearing including the right of cross-examination. In a
10326 hearing, the school or such party shall be accorded the right to
10327 have its representative appear in person or by or with counsel or
10328 other representative. Disposition may be made in any hearing by
10329 stipulation, agreed settlement, consent order, default or other
10330 informal method.

10331 (c) The commission shall designate an impartial hearing
10332 officer to conduct the hearing, who shall be empowered to:

10333 (i) Administer oaths and affirmations; and

10334 (ii) Regulate the course of the hearings, set the
10335 time and place for continued hearings, and fix the time for filing
10336 of briefs and other documents; and

10337 (iii) Direct the school or such party to appear
10338 and confer to consider the simplification of the issues by
10339 consent; and

10340 (iv) Grant a request for an adjournment of the
10341 hearing only upon good cause shown.

10342 The strict legal rules of evidence shall not apply, but the
10343 decision shall be supported by substantial evidence in the record.

10344 (4) The commission, acting by and through its hearing
10345 officer, is hereby authorized and empowered to issue subpoenas for
10346 the attendance of witnesses and the production of books and papers
10347 at such hearing. Process issued by the commission shall extend to



10348 all parts of the state and shall be served by any person
10349 designated by the commission for such service. Where, in any
10350 proceeding before the hearing officer, any witness fails or
10351 refuses to attend upon a subpoena issued by the commission,
10352 refuses to testify, or refuses to produce any books and papers the
10353 production of which is called for by a subpoena, the attendance of
10354 such witness, the giving of his testimony or the production of the
10355 books and papers shall be enforced by any court of competent
10356 jurisdiction of this state in the manner provided for the
10357 enforcement of attendance and testimony of witnesses in civil
10358 cases in the courts of this state.

10359 (5) **Decision after hearing.** The hearing officer shall make
10360 written findings of fact and conclusions of law, and shall also
10361 recommend in writing to the commission a final decision, including
10362 penalties. The hearing officer shall mail a copy of his findings
10363 of fact, conclusions of law and recommended penalty to the party
10364 and his attorney, or representative. The commission shall make
10365 the final decision, which shall be based exclusively on evidence
10366 and other materials introduced at the hearing. If it is
10367 determined that a party has committed a violation, the commission
10368 shall issue a final order and shall impose penalties in accordance
10369 with this section. The commission shall send by certified mail,
10370 return receipt requested, a copy of the final order to the party
10371 and his attorney, or representative. The commission shall, at the



10372 request of the school or such party, furnish a copy of the
10373 transcript or any part thereof upon payment of the cost thereof.

10374 (6) **Civil penalties and administrative sanctions.** (a) A
10375 hearing officer may recommend, and the commission may impose, a
10376 civil penalty not to exceed Two Thousand Five Hundred Dollars
10377 (\$2,500.00) for any violation of this section. In the case of a
10378 second or further violation committed within the previous five (5)
10379 years, the liability shall be a civil penalty not to exceed Five
10380 Thousand Dollars (\$5,000.00) for each such violation.

10381 (b) Notwithstanding the provisions of paragraph (a) of
10382 this subsection, a hearing officer may recommend and the
10383 commission may impose a civil penalty not to exceed Twenty-five
10384 Thousand Dollars (\$25,000.00) for any of the following violations:
10385 (i) operation of a school without a registration in violation of
10386 this chapter; (ii) operation of a school knowing that the school's
10387 registration has been suspended or revoked; (iii) use of false,
10388 misleading, deceptive or fraudulent advertising; (iv) employment
10389 of recruiters on the basis of a commission, bonus or quota, except
10390 as authorized by the commission; (v) directing or authorizing
10391 recruiters to offer guarantees of jobs upon completion of a
10392 course; (vi) failure to make a tuition refund when such failure is
10393 part of a pattern of misconduct; or (vii) violation of any other
10394 provision of this chapter, or any rule or regulation promulgated
10395 pursuant thereto, when such violation constitutes part of a
10396 pattern of misconduct which significantly impairs the educational



10397 quality of the program or programs being offered by the school.
10398 For each enumerated offense, a second or further violation
10399 committed within the previous five (5) years shall be subject to a
10400 civil penalty not to exceed Fifty Thousand Dollars (\$50,000.00)
10401 for each such violation.

10402 (c) In addition to the penalties authorized in
10403 paragraphs (a) and (b) of this subsection, a hearing officer may
10404 recommend and the commission may impose any of the following
10405 administrative sanctions: (i) a cease and desist order; (ii) a
10406 mandatory direction; (iii) a suspension or revocation of a
10407 certificate of registration; (iv) a probation order; or (v) an
10408 order of restitution.

10409 (d) The commission may suspend a registration upon the
10410 failure of a school to pay any fee, fine or penalty as required by
10411 this chapter unless such failure is determined by the commission
10412 to be for good cause.

10413 (e) All civil penalties, fines and settlements received
10414 shall accrue to the credit of the Commission on Proprietary School
10415 and College Registration.

10416 (7) Any penalty or administrative sanction imposed by the
10417 commission under this section may be appealed by the school,
10418 college or other person affected to the Mississippi Community
10419 College Board as provided in Section 75-60-4(3), which appeal
10420 shall be on the record previously made before the commission's
10421 hearing officer. All appeals from the Mississippi Community



10422 College Board shall be on the record and shall be filed in the
10423 Chancery Court of the First Judicial District of Hinds County,
10424 Mississippi.

10425 **SECTION 123.** Section 75-76-137, Mississippi Code of 1972, is
10426 amended as follows:

10427 75-76-137. (1) If any gaming employee is convicted of any
10428 violation of this chapter or if in investigating an alleged
10429 violation of this chapter by any licensee the executive director
10430 or the commission finds that a gaming employee employed by the
10431 licensee has been guilty of cheating, the commission shall, after
10432 a hearing as provided in Sections 75-76-103 through 75-76-119,
10433 inclusive, revoke the employee's work permit.

10434 (2) The commission may revoke a work permit if it finds
10435 after a hearing as provided in Sections 75-76-103 through
10436 75-76-119, inclusive, that the gaming employee has failed to
10437 disclose, misstated or otherwise misled the commission with
10438 respect to any fact contained within any application for a work
10439 permit, or subsequent to being issued a work permit:

10440 (a) Committed, attempted or conspired to do any of the
10441 acts prohibited by this chapter;

10442 (b) Knowingly possessed or permitted to remain in or
10443 upon any licensed premises any cards, dice, mechanical device or
10444 any other cheating device whatever the use of which is prohibited
10445 by statute or ordinance;



10446 (c) Concealed or refused to disclose any material fact
10447 in any investigation by the executive director or the commission;

10448 (d) Committed, attempted or conspired to commit larceny
10449 or embezzlement against a gaming licensee or upon the premises of
10450 a licensed gaming establishment;

10451 (e) Been convicted in any jurisdiction other than
10452 Mississippi of any offense involving or relating to gambling;

10453 (f) Accepted employment without prior commission
10454 approval in a position for which he or she could be required to be
10455 licensed under this chapter after having been denied a license for
10456 a reason involving personal unsuitability or after failing to
10457 apply for licensing when requested to do so by the commission or
10458 the executive director;

10459 (g) Been refused the issuance of any license, permit or
10460 approval to engage in or be involved with gaming in any
10461 jurisdiction other than Mississippi, or had any such license,
10462 permit or approval revoked or suspended;

10463 (h) Been prohibited under color of governmental
10464 authority from being present upon the premises of any gaming
10465 establishment for any reason relating to improper gambling
10466 activities or any illegal act;

10467 (i) Contumaciously defied any legislative investigative
10468 committee or other officially constituted bodies acting on behalf
10469 of the United States or any state, county or municipality which



10470 seeks to investigate crimes relating to gaming, corruption of
10471 public officials, or any organized criminal activities; or

10472 (j) Been convicted of any * * * disqualifying crime as
10473 provided in the Fresh Start Act.

10474 (3) A work permit shall not be issued to a person whose work
10475 permit has previously been revoked pursuant to this section or to
10476 whom the issuance or renewal of a work permit has been denied,
10477 except with the unanimous approval of the commission members.

10478 (4) A gaming employee whose work permit has been revoked
10479 pursuant to this section is entitled to judicial review of the
10480 commission's action in the manner prescribed by Sections 75-76-121
10481 through 75-76-127, inclusive.

10482 **SECTION 124.** Section 77-8-25, Mississippi Code of 1972, is
10483 amended as follows:

10484 77-8-25. (1) Before allowing an individual to accept trip
10485 requests through a transportation network company's digital
10486 platform as a transportation network company driver:

10487 (a) The individual shall submit an application to the
10488 transportation network company, which includes information
10489 regarding his or her address, age, driver's license, motor vehicle
10490 registration, automobile liability insurance, and other
10491 information required by the transportation network company;

10492 (b) The transportation network company shall conduct,
10493 or have a third party conduct, a local and national criminal
10494 background check for each applicant that shall include:



10495 (i) Multistate/multijurisdiction criminal records
10496 locator or other similar commercial nationwide database with
10497 validation (primary source search); and

10498 (ii) United States Department of Justice National
10499 Sex Offender Public Website * * *.

10500 (2) The transportation network company shall review, or have
10501 a third party review, a driving history research report for such
10502 individual.

10503 (3) The transportation network company shall not permit an
10504 individual to act as a transportation network company driver on
10505 its digital platform who:

10506 (a) Has had more than three (3) moving violations in
10507 the prior three-year period, or one (1) of the following major
10508 violations in the prior three-year period:

10509 (i) Attempting to evade the police;

10510 (ii) Reckless driving; or

10511 (iii) Driving on a suspended or revoked license;

10512 (b) Has been convicted, within the past seven (7)
10513 years, of

10514 (i) Any * * * disqualifying crime as provided in
10515 the Fresh Start Act; or

10516 (ii) Misdemeanor driving under the influence,
10517 reckless driving, hit and run, or any other driving-related
10518 offense or any misdemeanor violent offense or sexual offense;



- 10519 (c) Is a match in the United States Department of
10520 Justice National Sex Offender Public Website;
- 10521 (d) Does not possess a valid driver's license;
- 10522 (e) Does not possess proof of registration for the
10523 motor vehicle used to provide prearranged rides;
- 10524 (f) Does not possess proof of automobile liability
10525 insurance for the motor vehicle used to provide prearranged rides;
10526 or
- 10527 (g) Is not at least nineteen (19) years of age.

10528 **SECTION 125.** Section 83-1-191, Mississippi Code of 1972, is
10529 amended as follows:

10530 83-1-191. (1) There is established within the Department of
10531 Insurance a Comprehensive Hurricane Damage Mitigation Program.
10532 This section does not create an entitlement for property owners or
10533 obligate the state in any way to fund the inspection or
10534 retrofitting of residential property or commercial property in
10535 this state. Implementation of this program is subject to the
10536 availability of funds that may be appropriated by the Legislature
10537 for this purpose. The program may develop and implement a
10538 comprehensive and coordinated approach for hurricane damage
10539 mitigation that may include the following:

10540 (a) **Cost-benefit study on wind hazard mitigation**
10541 **construction measures.** The performance of a cost-benefit study to
10542 establish the most appropriate wind hazard mitigation construction
10543 measures for both new construction and the retrofitting of



10544 existing construction for both residential and commercial
10545 facilities within the wind-borne debris regions of Mississippi as
10546 defined by the International Building Code. The recommended wind
10547 construction techniques shall be based on both the newly adopted
10548 Mississippi building code sections for wind load design and the
10549 wind-borne debris region. The list of construction measures to be
10550 considered for evaluation in the cost-benefit study shall be based
10551 on scientifically established and sound, but common, construction
10552 techniques that go above and beyond the basic recommendations in
10553 the adopted building codes. This allows residents to utilize
10554 multiple options that will further reduce risk and loss and still
10555 be awarded for their endeavors with appropriate wind insurance
10556 discounts. It is recommended that existing accepted scientific
10557 studies that validate the wind hazard construction techniques
10558 benefits and effects be taken into consideration when establishing
10559 the list of construction techniques that homeowners and business
10560 owners can employ. This will ensure that only established
10561 construction measures that have been studied and modeled as
10562 successful mitigation measures will be considered to reduce the
10563 chance of including risky or unsound data that will cost both the
10564 property owner and state unnecessary losses. The cost-benefit
10565 study shall be based on actual construction cost data collected
10566 for several types of residential construction and commercial
10567 construction materials, building techniques and designs that are
10568 common to the region. The study shall provide as much information



10569 as possible that will enhance the data and options provided to the
10570 public, so that homeowners and business owners can make informed
10571 and educated decisions as to their level of involvement. Based on
10572 the construction data, modeling shall be performed on a variety of
10573 residential and commercial designs, so that a broad enough
10574 representative spectrum of data can be obtained. The data from
10575 the study will be utilized in a report to establish tables
10576 reflecting actuarially appropriate levels of wind insurance
10577 discounts (in percentages) for each mitigation construction
10578 technique/combination of techniques. This report will be utilized
10579 as a guide for the Department of Insurance and the insurance
10580 industry for developing actuarially appropriate discounts, credits
10581 or other rate differentials, or appropriate reductions in
10582 deductibles, for properties on which fixtures or construction
10583 techniques demonstrated to reduce the amount of loss in a
10584 windstorm have been installed or implemented. Additional data
10585 that will enhance the program, such as studies to reflect property
10586 value increases for retrofitting or building to the established
10587 wind hazard mitigation construction techniques and cost comparison
10588 data collected to establish the value of this program against the
10589 investment required to include the mitigation measures, also may
10590 be provided.

10591 (b) **Wind certification and hurricane mitigation**
10592 **inspections.**



10593 (i) Home-retrofit inspections of site-built,
10594 residential property, including single-family, two-family,
10595 three-family or four-family residential units, and a set of
10596 representative commercial facilities may be offered to determine
10597 what mitigation measures are needed and what improvements to
10598 existing residential properties are needed to reduce the
10599 property's vulnerability to hurricane damage. A state program may
10600 be established within the Department of Insurance to provide
10601 homeowners and business owners wind certification and hurricane
10602 mitigation inspections. The inspections provided to homeowners
10603 and business owners, at a minimum, must include:

10604 1. A home inspection and report that
10605 summarizes the results and identifies corrective actions a
10606 homeowner may take to mitigate hurricane damage.

10607 2. A range of cost estimates regarding the
10608 mitigation features.

10609 3. Insurer-specific information regarding
10610 premium discounts correlated to recommended mitigation features
10611 identified by the inspection.

10612 4. A hurricane resistance rating scale
10613 specifying the home's current as well as projected wind resistance
10614 capabilities.

10615 This data may be provided by trained and certified inspectors
10616 in standardized reporting formats and forms to ensure all data
10617 collected during inspections is equivalent in style and content



10618 that allows construction data, estimates and discount information
10619 to be easily assimilated into a database. Data pertaining to the
10620 number of inspections and inspection reports may be stored in a
10621 state database for evaluation of the program's success and review
10622 of state goals in reducing wind hazard loss in the state.

10623 (ii) To qualify for selection by the department as
10624 a provider of wind certification and hurricane mitigation
10625 inspections services, the entity shall, at a minimum, and on a
10626 form and in the manner prescribed by the commissioner:

10627 1. Use wind certification and hurricane
10628 mitigation inspectors who:

10629 a. Have prior experience in residential
10630 and/or commercial construction or inspection and have received
10631 specialized training in hurricane mitigation procedures through
10632 the state certified program. In order to qualify for training in
10633 the inspection process, the individual should be either a licensed
10634 building code official, a licensed contractor or inspector in the
10635 State of Mississippi, or a civil engineer.

10636 b. Have undergone drug testing and
10637 background checks.

10638 c. Have been certified through a state
10639 mandated training program, in a manner satisfactory to the
10640 department, to conduct the inspections.

10641 d. Have not been convicted of a * * *
10642 disqualifying crime as provided in the Fresh Start Act; have not



10643 received a first-time offender pardon or nonadjudication order for
10644 a * * * disqualifying crime as provided in the Fresh Start Act; or
10645 have not entered a plea of guilty or nolo contendere to a * * *
10646 disqualifying crime as provided in the Fresh Start Act.

10647 e. Submit a statement authorizing the
10648 Commissioner of Insurance to order fingerprint analysis or any
10649 other analysis or documents deemed necessary by the commissioner
10650 for the purpose of verifying the criminal history of the
10651 individual. The commissioner shall have the authority to conduct
10652 criminal history verification on a local, state or national level,
10653 and shall have the authority to require the individual to pay for
10654 the costs of such criminal history verification.

10655 2. Provide a quality assurance program
10656 including a reinspection component.

10657 3. Have data collection equipment and
10658 computer systems, so that data can be submitted electronically to
10659 the state's database of inspection reports, insurance
10660 certificates, and other industry information related to this
10661 program. It is mandatory that all inspectors provide original
10662 copies to the property owner of any inspection reports, estimates,
10663 etc., pertaining to the inspection and keep a copy of all
10664 inspection materials on hand for state audits.

10665 (c) **Financial grants to retrofit properties.** Financial
10666 grants may be used to encourage single-family, site-built,
10667 owner-occupied, residential property owners or commercial property



10668 owners to retrofit their properties to make them less vulnerable
10669 to hurricane damage.

10670 (d) **Education and consumer awareness.** Multimedia
10671 public education, awareness and advertising efforts designed to
10672 specifically address mitigation techniques may be employed, as
10673 well as a component to support ongoing consumer resources and
10674 referral services. In addition, all insurance companies shall
10675 provide notification to their clients regarding the availability
10676 of this program, participation details, and directions to the
10677 state website promoting the program, along with appropriate
10678 contact phone numbers to the state agency administrating the
10679 program. The notification to the clients must be sent by the
10680 insurance company within thirty (30) days after filing their
10681 insurance discount schedules with the Department of Insurance.

10682 (e) **Advisory council.** There is created an advisory
10683 council to provide advice and assistance to the program
10684 administrator with regard to his or her administration of the
10685 program. The advisory council shall consist of:

10686 (i) An agent, selected by the Independent
10687 Insurance Agents of Mississippi.

10688 (ii) Two (2) representatives of residential
10689 property insurers, selected by the Department of Insurance.

10690 (iii) One (1) representative of homebuilders,
10691 selected by the Home Builders Association of Mississippi.



10692 (iv) The Chairman of the House Insurance
10693 Committee, or his designee.

10694 (v) The Chairman of the Senate Insurance
10695 Committee, or his designee.

10696 (vi) The Executive Director of the Mississippi
10697 Windstorm Underwriting Association, or his designee.

10698 (vii) The Director of the Mississippi Emergency
10699 Management Agency, or his designee.

10700 Members appointed under subparagraphs (i) and (ii) shall
10701 serve at the pleasure of the Department of Insurance. All other
10702 members shall serve as voting ex officio members. Members of the
10703 advisory council who are not legislators, state officials or state
10704 employees shall be compensated at the per diem rate authorized by
10705 Section 25-3-69, and shall be reimbursed in accordance with
10706 Section 25-3-41, for mileage and actual expenses incurred in the
10707 performance of their duties. Legislative members of the advisory
10708 council shall be paid from the contingent expense funds of their
10709 respective houses in the same manner as provided for committee
10710 meetings when the Legislature is not in session; however, no per
10711 diem or expense for attending meetings of the advisory council may
10712 be paid while the Legislature is in session. No advisory council
10713 member may incur per diem, travel or other expenses unless
10714 previously authorized by vote, at a meeting of the council, which
10715 action shall be recorded in the official minutes of the meeting.



10716 Nonlegislative members shall be paid from any funds made available
10717 to the advisory council for that purpose.

10718 (f) **Rules and regulations.** The Department of Insurance
10719 may adopt rules and regulations governing the Comprehensive
10720 Hurricane Damage Mitigation Program. The department also may
10721 adopt rules and regulations establishing priorities for grants
10722 provided under this section based on objective criteria that gives
10723 priority to reducing the state's probable maximum loss from
10724 hurricanes. However, pursuant to this overall goal, the
10725 department may further establish priorities based on the insured
10726 value of the dwelling, whether or not the dwelling is insured by
10727 the Mississippi Windstorm Underwriting Association and whether or
10728 not the area under consideration has sufficient resources and the
10729 ability to perform the retrofitting required.

10730 (2) Nothing in this section shall prohibit the Department of
10731 Insurance from entering into an agreement with any other
10732 appropriate state agency to assist with or perform any of the
10733 duties set forth hereunder.

10734 (3) This section shall stand repealed from and after July 1,
10735 2025.

10736 **SECTION 126.** Section 83-17-71, Mississippi Code of 1972, is
10737 amended as follows:

10738 83-17-71. (1) The commissioner may place on probation,
10739 suspend, revoke or refuse to issue or renew an insurance
10740 producer's license or may levy a civil penalty in an amount not to



10741 exceed One Thousand Dollars (\$1,000.00) per violation and such
10742 penalty shall be deposited into the special fund of the State
10743 Treasury designated as the "Insurance Department Fund" for any one
10744 or more of the following causes:

10745 (a) Providing incorrect, misleading, incomplete or
10746 materially untrue information in the license application;

10747 (b) Violating any insurance laws, or violating any
10748 regulation, subpoena or order of the commissioner or of another
10749 state's commissioner;

10750 (c) Obtaining or attempting to obtain a license through
10751 misrepresentation or fraud;

10752 (d) Improperly withholding, misappropriating or
10753 converting any monies or properties received in the course of
10754 doing insurance business;

10755 (e) Intentionally misrepresenting the terms of an
10756 actual or proposed insurance contract or application for
10757 insurance;

10758 (f) Having been convicted of a * * * disqualifying
10759 crime as provided in the Fresh Start Act;

10760 (g) Having admitted or been found to have committed any
10761 insurance unfair trade practice or fraud;

10762 (h) Using fraudulent, coercive or dishonest practices
10763 or demonstrating incompetence, untrustworthiness or financial
10764 irresponsibility in the conduct of business in this state or
10765 elsewhere;



10766 (i) Having an insurance producer license, or its
10767 equivalent, denied, suspended or revoked in any other state,
10768 province, district or territory;

10769 (j) Forging another's name to an application for
10770 insurance or to any document related to an insurance transaction;

10771 (k) Improperly using notes or any other reference
10772 material to complete an examination for an insurance license;

10773 (l) Knowingly accepting insurance business from an
10774 individual who is not licensed;

10775 (m) Failing to comply with an administrative or court
10776 order imposing a child support obligation; or

10777 (n) Failing to pay state income tax or comply with any
10778 administrative or court order directing payment of state income
10779 tax.

10780 (2) If the action by the commissioner is to nonrenew or to
10781 deny an application for a license, the commissioner shall notify
10782 the applicant or licensee and advise, in writing, the applicant or
10783 licensee of the reason for the denial or nonrenewal of the
10784 applicant's or licensee's license. The applicant or licensee may
10785 make written demand upon the commissioner within ten (10) days for
10786 a hearing before the commissioner to determine the reasonableness
10787 of the commissioner's action. The hearing shall be held within
10788 thirty (30) days.

10789 (3) The license of a business entity may be suspended,
10790 revoked or refused if the commissioner finds, after hearing, that



10791 an individual licensee's violation was known or should have been
10792 known by one or more of the partners, officers or managers acting
10793 on behalf of the partnership or corporation and the violation was
10794 neither reported to the commissioner nor corrective action taken.

10795 (4) In addition to, or in lieu of, any applicable denial,
10796 suspension or revocation of a license, a person may, after
10797 hearing, be subject to a civil fine not to exceed One Thousand
10798 Dollars (\$1,000.00) per violation and such fine shall be deposited
10799 into the special fund in the State Treasury designated as the
10800 "Insurance Department Fund."

10801 (5) The commissioner shall retain the authority to enforce
10802 the provisions of and impose any penalty or remedy authorized by
10803 this article and Title 83, Mississippi Code of 1972, against any
10804 person who is under investigation for or charged with a violation
10805 of this article or Title 83, Mississippi Code of 1972, even if the
10806 person's license or registration has been surrendered or has
10807 lapsed by operation of law.

10808 (6) No licensee whose license has been revoked hereunder
10809 shall be entitled to file another application for a license as a
10810 producer within one (1) year from the effective date of such
10811 revocation or, if judicial review of such revocation is sought,
10812 within one (1) year from the date of final court order or decree
10813 affirming such revocation. Such application, when filed, may be
10814 refused by the commissioner unless the applicant shows good cause



10815 why the revocation of his license shall not be deemed a bar to the
10816 issuance of a new license.

10817 (7) Notwithstanding any other provision of this article to
10818 the contrary, a person licensed in this state as a nonresident
10819 producer whose license is denied, suspended or revoked in his or
10820 her home state shall also have his or her nonresident license
10821 denied, suspended or revoked in this state without prior notice or
10822 hearing.

10823 (8) From and after July 1, 2016, the expenses of this agency
10824 shall be defrayed by appropriation from the State General Fund and
10825 all user charges and fees authorized under this section shall be
10826 deposited into the State General Fund as authorized by law.

10827 (9) From and after July 1, 2016, no state agency shall
10828 charge another state agency a fee, assessment, rent or other
10829 charge for services or resources received by authority of this
10830 section.

10831 **SECTION 127.** Section 83-17-421, Mississippi Code of 1972, is
10832 amended as follows:

10833 83-17-421. (1) A license may be refused, or a license duly
10834 issued may be suspended or revoked or the renewal thereof refused
10835 by the commissioner if, after notice and hearing as hereinafter
10836 provided, he or she finds that the applicant for, or holder of,
10837 such license:

10838 (a) Has * * * willfully violated any provision of the
10839 insurance laws of this state; or



10840 (b) Has intentionally made a material misstatement in
10841 the application for such license; or
10842 (c) Has obtained, or attempted to obtain, such license
10843 by fraud or misrepresentation; or
10844 (d) Has misappropriated or converted to his or her own
10845 use or illegally withheld money belonging to an insurer or
10846 beneficiary; or
10847 (e) Has otherwise demonstrated lack of trustworthiness
10848 or competence to act as an adjuster; or
10849 (f) Has been guilty of fraudulent or dishonest
10850 practices or has been convicted of a * * * disqualifying crime as
10851 provided in the Fresh Act; or
10852 (g) Has materially misrepresented the terms and
10853 conditions of insurance policies or contracts; or * * * willfully
10854 exaggerated prospective returns on investment features of policies
10855 or fails to identify himself or herself as an adjuster and in so
10856 doing receives a compensation for his or her participation in the
10857 sale of insurance; or
10858 (h) Has made or issued, or caused to be made or issued,
10859 any statement misrepresenting or making incomplete comparisons
10860 regarding the terms or conditions of any insurance or annuity
10861 contract legally issued by any insurer, for the purpose of
10862 inducing or attempting to induce the owner of such contract to
10863 forfeit or surrender such contract or allow it to lapse for the
10864 purpose of replacing such contract with another; or



10865 (i) Has obtained or attempted to obtain such license,
10866 not for the purpose of holding himself or herself out to the
10867 general public as an adjuster, but primarily for the purpose of
10868 soliciting, negotiating or procuring insurance or annuity
10869 contracts covering himself or herself or members of his or her
10870 family.

10871 (2) Before any license shall be refused (except for failure
10872 to pass a required written examination) or suspended or revoked or
10873 the renewal thereof refused hereunder, the commissioner shall give
10874 notice of his or her intention so to do, by registered mail, to
10875 the applicant for or holder of such license and the insurer whom
10876 he or she represents or who desires that he or she be licensed,
10877 and shall set a date not less than twenty (20) days from the date
10878 of mailing such notice when the applicant or licensee and a duly
10879 authorized representative of the insurer may appear to be heard
10880 and produce evidence. Such notice shall constitute automatic
10881 suspension of license if the person involved is a licensed
10882 adjuster. In the conduct of such hearing, the commissioner or any
10883 regular salaried employee specially designated by him or her for
10884 such purpose shall have power to administer oaths, to require the
10885 appearance of and examine any person under oath and to require the
10886 production of books, records or papers relevant to the inquiry
10887 upon his or her own initiative or upon the request of the
10888 applicant or licensee. Upon the termination of such hearing,
10889 findings shall be reduced to writing and, upon approval by the



10890 commissioner, shall be filed in his or her office; and notice of
10891 the findings shall be sent by registered mail to the applicant or
10892 licensee and the insurer concerned.

10893 (3) Where the grounds set out in subsection (1)(d) or (1)(g)
10894 are the grounds for any hearing, the commissioner may, in his or
10895 her discretion in lieu of the hearing provided for in subsection
10896 (2) of this section, file a petition to suspend or revoke any
10897 license authorized hereunder in a court of competent jurisdiction
10898 of the county or district in which the alleged offense occurred.
10899 In such cases, subpoenas may be issued for witnesses, and mileage
10900 and witness fees paid as in other cases. All costs of such cause
10901 shall be paid by the defendant, if found guilty, and if costs
10902 cannot be made and collected from the defendant, such costs shall
10903 be assessed against the company issuing the contract involved in
10904 such cause.

10905 (4) No licensee whose license has been revoked hereunder
10906 shall be entitled to file another application for a license as an
10907 adjuster within one (1) year from the effective date of such
10908 revocation or, if judicial review of such revocation is sought,
10909 within one (1) year from the date of final court order or decree
10910 affirming such revocation. Such application, when filed, may be
10911 refused by the commissioner unless the applicant shows good cause
10912 why the revocation of his or her license shall not be deemed a bar
10913 to the issuance of a new license.



10914 **SECTION 128.** Section 83-17-519, Mississippi Code of 1972, is
10915 amended as follows:

10916 83-17-519. (1) A license may be refused, or a license duly
10917 issued may be suspended or revoked or the renewal thereof refused
10918 by the commissioner, or the commissioner may levy a civil penalty
10919 in an amount not to exceed Five Thousand Dollars (\$5,000.00) per
10920 violation, or both, and any such penalty shall be deposited into
10921 the special fund of the State Treasury designated as the
10922 "Insurance Department Fund," if, after notice and hearing as
10923 hereinafter provided, he finds that the applicant for, or holder
10924 of, such license:

10925 (a) Has intentionally made a material misstatement in
10926 the application for such license; or

10927 (b) Has obtained, or attempted to obtain, such license
10928 by fraud or misrepresentation; or

10929 (c) Has misappropriated or converted to his own use or
10930 illegally withheld money belonging to another person or entity; or

10931 (d) Has otherwise demonstrated lack of trustworthiness
10932 or competence to act as a public adjuster; or

10933 (e) Has been guilty of fraudulent or dishonest
10934 practices or has been convicted of a * * * disqualifying crime as
10935 provided in the Fresh Start Act; or

10936 (f) Has materially misrepresented the terms and
10937 conditions of insurance policies or contracts or failed to
10938 identify himself as a public adjuster; or



10939 (g) Has obtained or attempted to obtain such license
10940 for a purpose other than holding himself out to the general public
10941 as a public adjuster; or

10942 (h) Has violated any insurance laws, or any regulation,
10943 subpoena or order of the commissioner or of another state's
10944 commissioner of insurance.

10945 (2) Before any license shall be refused (except for failure
10946 to pass a required written examination) or suspended or revoked or
10947 the renewal thereof refused hereunder, the commissioner shall give
10948 notice of his intention so to do, by certified mail, return
10949 receipt requested, to the applicant for or holder of such license,
10950 and shall set a date not less than twenty (20) days from the date
10951 of mailing such notice when the applicant or licensee may appear
10952 to be heard and produce evidence in opposition to such refusal,
10953 suspension or revocation. Such notice shall constitute automatic
10954 suspension of license if the person involved is a licensed public
10955 adjuster. In the conduct of such hearing, the commissioner or any
10956 regular salaried employee of the department specially designated
10957 by him for such purpose shall have the power to administer oaths,
10958 to require the appearance of and examine any person under oath,
10959 and to require the production of books, records or papers relevant
10960 to the inquiry upon his own initiative or upon the request of the
10961 applicant or licensee. Upon the termination of such hearing,
10962 findings shall be reduced to writing and, upon approval by the
10963 commissioner, shall be filed in his office; and notice of the



10964 findings shall be sent by certified mail, return receipt
10965 requested, to the applicant or licensee.

10966 (3) Where the grounds set out in subsection (1)(c) or (1)(f)
10967 of this section are the grounds for any hearing, the commissioner
10968 may, in his discretion in lieu of the hearing provided for in
10969 subsection (2) of this section, file a petition requesting the
10970 court to suspend or revoke any license authorized hereunder in a
10971 court of competent jurisdiction of the county or district in which
10972 the alleged offense occurred. In such cases, subpoenas may be
10973 issued for witnesses, and mileage and witness fees paid as in
10974 other cases. All costs of such cause shall be paid by the
10975 defendant, if the finding of the court be against him.

10976 (4) No licensee whose license has been revoked hereunder
10977 shall be entitled to file another application for a license as a
10978 public adjuster within one (1) year from the effective date of
10979 such revocation or, if judicial review of such revocation is
10980 sought, within one (1) year from the date of final court order or
10981 decree affirming such revocation. An application filed after such
10982 one-year period shall be refused by the commissioner unless the
10983 applicant shows good cause why the revocation of his license shall
10984 not be deemed a bar to the issuance of a new license.

10985 (5) From and after July 1, 2016, the expenses of this agency
10986 shall be defrayed by appropriation from the State General Fund and
10987 all user charges and fees authorized under this section shall be
10988 deposited into the State General Fund as authorized by law.



10989 (6) From and after July 1, 2016, no state agency shall
10990 charge another state agency a fee, assessment, rent or other
10991 charge for services or resources received by authority of this
10992 section.

10993 **SECTION 129.** Section 83-21-19, Mississippi Code of 1972, is
10994 amended as follows:

10995 83-21-19. (1) Surplus lines insurance may be placed by a
10996 surplus lines insurance producer if:

10997 (a) Each insurer is an eligible surplus lines insurer;

10998 (b) Each insurer is authorized to write the line of
10999 insurance in its domiciliary jurisdiction; and

11000 (c) All other requirements as set forth by law are met.

11001 (2) The Commissioner of Insurance, upon the biennial payment
11002 of a fee of One Hundred Dollars (\$100.00) and submission of a
11003 completed license application on a form approved by the
11004 commissioner, may issue a surplus lines insurance producer license
11005 to a qualified holder of an insurance producer license with a
11006 property, casualty and/or personal lines line of authority, who is
11007 regularly commissioned to represent a fire and casualty insurance
11008 company licensed to do business in the state.

11009 (3) The privilege license shall continue from the date of
11010 issuance until the last day of the month of the licensee's
11011 birthday in the second year following issuance or renewal of the
11012 license, with a minimum term of twelve (12) months.



11013 (4) A nonresident person shall receive a surplus lines
11014 insurance producer license if:

11015 (a) The person is currently licensed as a surplus lines
11016 insurance producer or equivalent and in good standing in his or
11017 her home state;

11018 (b) The person has submitted the proper request for
11019 licensure and has paid the biennial fee of One Hundred Dollars
11020 (\$100.00); and

11021 (c) The person's home state awards nonresident surplus
11022 lines licenses to residents of this state on the same basis.

11023 (5) The commissioner may verify a person's licensing status
11024 through the National Producer Database maintained by the National
11025 Association of Insurance Commissioners, its affiliates or
11026 subsidiaries.

11027 (6) A nonresident surplus lines insurance producer licensee
11028 who moves from one (1) state to another state, or a resident
11029 surplus lines licensee who moves from this state to another state,
11030 shall file a change of address and provide certification from the
11031 new resident state within thirty (30) days of the change of legal
11032 residence. No fee or license application is required.

11033 (7) The commissioner may deny, suspend, revoke or refuse the
11034 license of a surplus lines insurance producer licensee and/or levy
11035 a civil penalty in an amount not to exceed Two Thousand Five
11036 Hundred Dollars (\$2,500.00) per violation, after notice and



11037 hearing as provided hereunder, for one or more of the following
11038 grounds:

11039 (a) Providing incorrect, misleading, incomplete or
11040 materially untrue information in the license application;

11041 (b) Violating any insurance laws, or violating any
11042 regulation, subpoena or order of the commissioner or of another
11043 state's commissioner;

11044 (c) Obtaining or attempting to obtain a license through
11045 misrepresentation or fraud;

11046 (d) Improperly withholding, misappropriating or
11047 converting any monies or properties received in the course of
11048 doing the business of insurance;

11049 (e) Intentionally misrepresenting the terms of an
11050 actual or proposed insurance contract or application for
11051 insurance;

11052 (f) Having been convicted of a * * * disqualifying
11053 crime as provided in the Fresh Start Act;

11054 (g) Having admitted or been found to have committed any
11055 insurance unfair trade practice or fraud;

11056 (h) Using fraudulent, coercive or dishonest practices
11057 or demonstrating incompetence, untrustworthiness or financial
11058 irresponsibility in the conduct of business in this state or
11059 elsewhere;



11060 (i) Having an insurance producer license, or its
11061 equivalent, denied, suspended or revoked in any other state,
11062 province, district or territory;

11063 (j) Forging another's name to an application for
11064 insurance or to any document related to an insurance transaction;

11065 (k) Improperly using notes or any other reference
11066 material to complete an examination for an insurance license;

11067 (l) Knowingly accepting insurance business from an
11068 individual who is not licensed;

11069 (m) Failing to comply with an administrative or court
11070 order imposing a child support obligation; or

11071 (n) Failing to pay state income tax or comply with any
11072 administrative or court order directing payment of state income
11073 tax.

11074 (8) If the action by the commissioner is to nonrenew,
11075 suspend, revoke or to deny an application for a license, the
11076 commissioner shall notify the applicant or licensee and advise, in
11077 writing, the applicant or licensee of the reason for the denial or
11078 nonrenewal of the applicant's or licensee's license. The
11079 applicant or licensee may make written demand upon the
11080 commissioner within ten (10) days for a hearing before the
11081 commissioner to determine the reasonableness of the commissioner's
11082 action. The hearing shall be held within thirty (30) days.

11083 (9) Every surplus lines insurance contract procured and
11084 delivered according to Sections 83-21-17 through 83-21-31 shall



11085 have stamped upon it in bold ten-point type, and bear the name of
11086 the surplus lines insurance producer who procured it, the
11087 following: "NOTE: This insurance policy is issued pursuant to
11088 Mississippi law covering surplus lines insurance. The company
11089 issuing the policy is not licensed by the State of Mississippi,
11090 but is authorized to do business in Mississippi as a nonadmitted
11091 company. The policy is not protected by the Mississippi Insurance
11092 Guaranty Association in the event of the insurer's insolvency."
11093 No diminution of the license fee herein provided shall occur as to
11094 any license effective after January 1 of any year.

11095 **SECTION 130.** Section 83-49-11, Mississippi Code of 1972, is
11096 amended as follows:

11097 83-49-11. The commissioner may revoke or suspend or refuse
11098 to renew the license of any sponsor or representative of such
11099 sponsor when and if after investigation the commissioner finds
11100 that:

11101 (a) Any license issued to such sponsor or
11102 representative of such sponsor was obtained by fraud;

11103 (b) There was any misrepresentation in the application
11104 for the license;

11105 (c) The sponsor or representative of such sponsor has
11106 otherwise shown itself untrustworthy or incompetent to act as a
11107 sponsor or representative of such sponsor;



11108 (d) Such sponsor or representative of such sponsor has
11109 violated any of the provisions of this chapter or of the rules and
11110 regulations of the commissioner;

11111 (e) The sponsor or representative of such sponsor has
11112 misappropriated, converted, illegally withheld, or refused to pay
11113 over upon proper demand any monies entrusted to the sponsor or
11114 representative of such sponsor in its fiduciary capacity belonging
11115 to an insurer or insured;

11116 (f) The sponsor or representative of such sponsor is
11117 found to be in an unsound condition or in such condition as to
11118 render the future transaction of business in this state hazardous
11119 to the public; or

11120 (g) The sponsor or representative of such sponsor is
11121 found guilty of fraudulent, deceptive, unfair or dishonest
11122 practices as defined in Section 83-5-35 or 83-5-45, Mississippi
11123 Code of 1972, or has been convicted of a * * * disqualifying crime
11124 as provided in the Fresh Start Act.

11125 Before any license shall be refused, suspended, revoked or
11126 the renewal thereof refused hereunder, the commissioner shall give
11127 notice of his intention so to do, by certified mail, return
11128 receipt requested, to the applicant for or holder of such license
11129 and to any sponsor whom such representative represents or who
11130 desires that he be licensed, and shall set a date not less than
11131 twenty (20) days from the date of mailing such notice when the
11132 applicant or licensee and a duly authorized representative of the



11133 sponsor may appear to be heard and produce evidence. In the
11134 conduct of such hearing, the commissioner or any regular salaried
11135 employee specially designated by him for such purposes shall have
11136 power to administer oaths, to require the appearance of and
11137 examine any person under oath, and to require the production of
11138 books, records or papers relevant to the inquiry upon his own
11139 initiative or upon the request of the applicant or licensee. Upon
11140 the termination of such hearing, findings shall be reduced to
11141 writing and, upon approval by the commissioner, shall be filed in
11142 his office; and notice of the findings shall be sent by certified
11143 mail to the applicant or licensee and the sponsor concerned.

11144 No licensee whose license has been revoked hereunder shall be
11145 entitled to file another application for a license as a sponsor or
11146 a representative of any sponsor within one (1) year from the
11147 effective date of such revocation. Such application, when filed,
11148 may be refused by the commissioner unless the applicant shows good
11149 cause why the revocation of his license shall not be deemed a bar
11150 to the issuance of a new license.

11151 In lieu of revoking, suspending or refusing to renew the
11152 license for any of the causes enumerated in this section, after
11153 hearing as herein provided, the commissioner may place the sponsor
11154 on probation for a period of time not to exceed one (1) year, or
11155 may fine such sponsor not more than One Thousand Dollars
11156 (\$1,000.00) for each offense, or both, when in his judgment he
11157 finds that the public interest would not be harmed by the



11158 continued operation of the sponsor. The amount of any such
11159 penalty shall be paid by such sponsor to the commissioner for the
11160 use of the state. At any hearing provided by this section, the
11161 commissioner shall have authority to administer oaths to
11162 witnesses. Anyone testifying falsely, after having been
11163 administered such oath, shall be subject to the penalty of
11164 perjury.

11165 Any action of the commissioner taken pursuant to the
11166 provisions of this section shall be subject to review as may be
11167 provided in Section 83-17-125.

11168 **SECTION 131.** Section 97-33-315, Mississippi Code of 1972, is
11169 amended as follows:

11170 97-33-315. (1) The executive director shall make
11171 appropriate investigations:

11172 (a) To determine whether there has been any violation
11173 of Sections 97-33-301 through 97-33-317 or of any regulations
11174 adopted thereunder.

11175 (b) To determine any facts, conditions, practices or
11176 matters which it may deem necessary or proper to aid in the
11177 enforcement of any such law or regulation.

11178 (c) To aid in adopting regulations.

11179 (d) To secure information as a basis for recommending
11180 legislation relating to Sections 97-33-301 through 97-33-317.

11181 (e) To determine annual compliance with Sections
11182 97-33-301 through 97-33-317.



11183 (2) If after any investigation the executive director is
11184 satisfied that a license should be limited, conditioned, suspended
11185 or revoked, he shall initiate a hearing by filing a complaint with
11186 the commission and transmit therewith a summary of evidence in his
11187 possession bearing on the matter and the transcript of testimony
11188 at any investigative hearing conducted by or on behalf of the
11189 executive director to the licensee.

11190 (3) Upon receipt of the complaint of the executive director,
11191 the commission shall review all matter presented in support
11192 thereof and shall appoint a hearing examiner to conduct further
11193 proceedings.

11194 (4) After proceedings required by Sections 97-33-301 through
11195 97-33-317, the hearing examiner may recommend that the commission
11196 take any or all of the following actions:

11197 (a) As to operations at a licensed gaming establishment
11198 under Section 97-33-307(5):

11199 (i) Limit, condition, suspend or revoke the
11200 license of any licensed gaming establishment or the individual
11201 license of any licensee without affecting the license of the
11202 establishment; and

11203 (ii) Order an operator to exclude an individual
11204 licensee from the operation of the registered business or not to
11205 pay the licensee any remuneration for services or any profits,
11206 income or accruals on his investment in the licensed gaming
11207 establishment;



11208 (b) Limit, condition, suspend or revoke any license
11209 granted to any applicant by the commission;

11210 (c) Fine each licensee for any act or transaction for
11211 which commission approval was required or permitted, as provided
11212 in Section 97-33-309.

11213 (5) The hearing examiner shall prepare a written decision
11214 containing his recommendation to the commission and shall serve it
11215 on all parties. Any party disagreeing with the hearing examiner's
11216 recommendation may ask the commission to review the recommendation
11217 within ten (10) days of service of the recommendation. The
11218 commission may hold a hearing to consider the recommendation
11219 whether there has been a request to review the recommendation or
11220 not.

11221 (6) If the commission decides to review the recommendation,
11222 it shall give notice of that fact to all parties within thirty
11223 (30) days of the recommendation and shall schedule a hearing to
11224 review the recommendation. The commission's review shall be de
11225 novo but shall be based upon the evidence presented before the
11226 hearing examiner. The commission may remand the case to the
11227 hearing examiner for the presentation of additional evidence upon
11228 a showing of good cause why the evidence could not have been
11229 presented at the previous hearing.

11230 (7) If the commission does not decide to review the
11231 recommendation within thirty (30) days, the recommendation becomes
11232 the final order of the commission.



11233 (8) If the commission limits, conditions, suspends or
11234 revokes any license, or imposes a fine, it shall issue its written
11235 order therefor after causing to be prepared and filed the hearing
11236 examiner's written decision upon which the order is based.

11237 (9) Any limitation, condition, revocation, suspension or
11238 fine is effective until reversed upon judicial review, except that
11239 the commission may stay its order pending a rehearing or judicial
11240 review upon such terms and conditions as it deems proper.

11241 (10) Judicial review of an order or decision of the
11242 commission may be had to the Chancery Court of the First Judicial
11243 District of Hinds County, Mississippi, as a case in equity.

11244 (11) A license * * * may be revoked if the individual is
11245 convicted of a * * * disqualifying crime as provided in the Fresh
11246 Start Act. An appeal from the conviction shall not act as a
11247 supersedeas to the revocation required by this subsection.

11248 **SECTION 132.** Section 73-15-201, Mississippi Code of 1972, is
11249 brought forward as follows:

11250 73-15-201. The Nurse Licensure Compact is enacted into law
11251 and entered into by this state with any and all states legally
11252 joining in the compact in accordance with its term, in the form
11253 substantially as follows:

11254 **ARTICLE I.**

11255 **Findings and declaration of purpose.**

11256 (a) The party states find that:



11257 1. The health and safety of the public are
11258 affected by the degree of compliance with and the effectiveness of
11259 enforcement activities related to state nurse licensure laws;

11260 2. Violations of nurse licensure and other laws
11261 regulating the practice of nursing may result in injury or harm to
11262 the public;

11263 3. The expanded mobility of nurses and the use of
11264 advanced communication technologies as part of our nation's health
11265 care delivery system require greater coordination and cooperation
11266 among states in the areas of nurse licensure and regulation;

11267 4. New practice modalities and technology make
11268 compliance with individual state nurse licensure laws difficult
11269 and complex;

11270 5. The current system of duplicative licensure for
11271 nurses practicing in multiple states is cumbersome and redundant
11272 for both nurses and states; and

11273 6. Uniformity of nurse licensure requirements
11274 throughout the states promotes public safety and public health
11275 benefits.

11276 (b) The general purposes of this compact are to:

11277 1. Facilitate the states' responsibility to
11278 protect the public's health and safety;

11279 2. Ensure and encourage the cooperation of party
11280 states in the areas of nurse licensure and regulation;



11306 (b) "Alternative program" means a nondisciplinary
11307 monitoring program approved by a licensing board.

11308 (c) "Coordinated licensure information system" means an
11309 integrated process for collecting, storing and sharing information
11310 on nurse licensure and enforcement activities related to nurse
11311 licensure laws that is administered by a nonprofit organization
11312 composed of and controlled by licensing boards.

11313 (d) "Current significant investigative information"
11314 means:

11315 1. Investigative information that a licensing
11316 board, after a preliminary inquiry that includes notification and
11317 an opportunity for the nurse to respond, if required by state law,
11318 has reason to believe is not groundless and, if proved true, would
11319 indicate more than a minor infraction; or

11320 2. Investigative information that indicates that
11321 the nurse represents an immediate threat to public health and
11322 safety regardless of whether the nurse has been notified and had
11323 an opportunity to respond.

11324 (e) "Encumbrance" means a revocation or suspension of,
11325 or any limitation on, the full and unrestricted practice of
11326 nursing imposed by a licensing board.

11327 (f) "Home state" means the party state which is the
11328 nurse's primary state of residence.

11329 (g) "Licensing board" means a party state's regulatory
11330 body responsible for issuing nurse licenses.



11331 (h) "Multistate license" means a license to practice as
11332 a registered or a licensed practical/vocational nurse (LPN/VN)
11333 issued by a home state licensing board that authorizes the
11334 licensed nurse to practice in all party states under a multistate
11335 licensure privilege.

11336 (i) "Multistate licensure privilege" means a legal
11337 authorization associated with a multistate license permitting the
11338 practice of nursing as either a registered nurse (RN) or LPN/VN in
11339 a remote state.

11340 (j) "Nurse" means RN or LPN/VN, as those terms are
11341 defined by each party state's practice laws.

11342 (k) "Party state" means any state that has adopted this
11343 compact.

11344 (l) "Remote state" means a party state, other than the
11345 home state.

11346 (m) "Single-state license" means a nurse license issued
11347 by a party state that authorizes practice only within the issuing
11348 state and does not include a multistate licensure privilege to
11349 practice in any other party state.

11350 (n) "State" means a state, territory or possession of
11351 the United States and the District of Columbia.

11352 (o) "State practice laws" means a party state's laws,
11353 rules and regulations that govern the practice of nursing, define
11354 the scope of nursing practice, and create the methods and grounds
11355 for imposing discipline. "State practice laws" do not include



11356 requirements necessary to obtain and retain a license, except for
11357 qualifications or requirements of the home state.

11358 **ARTICLE III.**

11359 **General provisions and jurisdiction.**

11360 (a) A multistate license to practice registered or
11361 licensed practical/vocational nursing issued by a home state to a
11362 resident in that state will be recognized by each party state as
11363 authorizing a nurse to practice as a registered nurse (RN) or as a
11364 licensed practical/vocational nurse (LPN/VN), under a multistate
11365 licensure privilege, in each party state.

11366 (b) A state must implement procedures for considering
11367 the criminal history records of applicants for initial multistate
11368 license or licensure by endorsement. Such procedures shall
11369 include the submission of fingerprints or other biometric-based
11370 information by applicants for the purpose of obtaining an
11371 applicant's criminal history record information from the Federal
11372 Bureau of Investigation and the agency responsible for retaining
11373 that state's criminal records.

11374 (c) Each party state shall require the following for an
11375 applicant to obtain or retain a multistate license in the home
11376 state:

11377 1. Meets the home state's qualifications for
11378 licensure or renewal of licensure, as well as, all other
11379 applicable state laws;



11380 2. (i) Has graduated or is eligible to graduate
11381 from a licensing board-approved RN or LPN/VN prelicensure
11382 education program; or

11383 (ii) Has graduated from a foreign RN or
11384 LPN/VN prelicensure education program that (a) has been approved
11385 by the authorized accrediting body in the applicable country and
11386 (b) has been verified by an independent credentials review agency
11387 to be comparable to a licensing board-approved prelicensure
11388 education program;

11389 3. Has, if a graduate of a foreign prelicensure
11390 education program not taught in English or if English is not the
11391 individual's native language, successfully passed an English
11392 proficiency examination that includes the components of reading,
11393 speaking, writing and listening;

11394 4. Has successfully passed a National Council
11395 Licensure Examination-Registered Nurse (NCLEX-RN®) or National
11396 Council Licensure Examination-Practical Nurse (NCLEX-PN®)
11397 Examination or recognized predecessor, as applicable;

11398 5. Is eligible for or holds an active,
11399 unencumbered license;

11400 6. Has submitted, in connection with an
11401 application for initial licensure or licensure by endorsement,
11402 fingerprints or other biometric data for the purpose of obtaining
11403 criminal history record information from the Federal Bureau of



11404 Investigation and the agency responsible for retaining that
11405 state's criminal records;

11406 7. Has not been convicted or found guilty, or has
11407 entered into an agreed disposition, of a felony offense under
11408 applicable state or federal criminal law;

11409 8. Has not been convicted or found guilty, or has
11410 entered into an agreed disposition, of a misdemeanor offense
11411 related to the practice of nursing as determined on a case-by-case
11412 basis;

11413 9. Is not currently enrolled in an alternative
11414 program;

11415 10. Is subject to self-disclosure requirements
11416 regarding current participation in an alternative program; and

11417 11. Has a valid United States social security
11418 number.

11419 (d) All party states shall be authorized, in accordance
11420 with existing state due process law, to take adverse action
11421 against a nurse's multistate licensure privilege such as
11422 revocation, suspension, probation or any other action that affects
11423 a nurse's authorization to practice under a multistate licensure
11424 privilege, including cease and desist actions. If a party state
11425 takes such action, it shall promptly notify the administrator of
11426 the coordinated licensure information system. The administrator
11427 of the coordinated licensure information system shall promptly
11428 notify the home state of any such actions by remote states.



11429 (e) A nurse practicing in a party state must comply
11430 with the state practice laws of the state in which the client is
11431 located at the time service is provided. The practice of nursing
11432 is not limited to patient care, but shall include all nursing
11433 practice as defined by the state practice laws of the party state
11434 in which the client is located. The practice of nursing in a
11435 party state under a multistate licensure privilege will subject a
11436 nurse to the jurisdiction of the licensing board, the courts and
11437 the laws of the party state in which the client is located at the
11438 time service is provided.

11439 (f) Individuals not residing in a party state shall
11440 continue to be able to apply for a party state's single-state
11441 license as provided under the laws of each party state. However,
11442 the single-state license granted to these individuals will not be
11443 recognized as granting the privilege to practice nursing in any
11444 other party state. Nothing in this compact shall affect the
11445 requirements established by a party state for the issuance of a
11446 single-state license.

11447 (g) Any nurse holding a home state multistate license,
11448 on the effective date of this compact, may retain and renew the
11449 multistate license issued by the nurse's then-current home state,
11450 provided that:

11451 1. A nurse, who changes primary state of residence
11452 after this compact's effective date, must meet all applicable



11477 (c) If a nurse changes primary state of residence by
11478 moving between two (2) party states, the nurse must apply for
11479 licensure in the new home state, and the multistate license issued
11480 by the prior home state will be deactivated in accordance with
11481 applicable rules adopted by the commission.

11482 1. The nurse may apply for licensure in advance of
11483 a change in primary state of residence.

11484 2. A multistate license shall not be issued by the
11485 new home state until the nurse provides satisfactory evidence of a
11486 change in primary state of residence to the new home state and
11487 satisfies all applicable requirements to obtain a multistate
11488 license from the new home state.

11489 (d) If a nurse changes primary state of residence by
11490 moving from a party state to a nonparty state, the multistate
11491 license issued by the prior home state will convert to a
11492 single-state license, valid only in the former home state.

11493 **ARTICLE V.**

11494 **Additional authorities invested in party state licensing boards.**

11495 (a) In addition to the other powers conferred by state
11496 law, a licensing board shall have the authority to:

11497 1. Take adverse action against a nurse's
11498 multistate licensure privilege to practice within that party
11499 state.



11500 (i) Only the home state shall have the power
11501 to take adverse action against a nurse's license issued by the
11502 home state.

11503 (ii) For purposes of taking adverse action,
11504 the home state licensing board shall give the same priority and
11505 effect to reported conduct received from a remote state as it
11506 would if such conduct had occurred within the home state.

11507 In so doing, the home state shall apply its own state laws to
11508 determine appropriate action.

11509 2. Issue cease and desist orders or impose an
11510 encumbrance on a nurse's authority to practice within that party
11511 state.

11512 3. Complete any pending investigations of a nurse
11513 who changes primary state of residence during the course of such
11514 investigations. The licensing board shall also have the authority
11515 to take appropriate action(s) and shall promptly report the
11516 conclusions of such investigations to the administrator of the
11517 coordinated licensure information system. The administrator of
11518 the coordinated licensure information system shall promptly notify
11519 the new home state of any such actions.

11520 4. Issue subpoenas for both hearings and
11521 investigations that require the attendance and testimony of
11522 witnesses, as well as, the production of evidence.

11523 Subpoenas issued by a licensing board in a party state for
11524 the attendance and testimony of witnesses or the production of



11525 evidence from another party state shall be enforced in the latter
11526 state by any court of competent jurisdiction, according to the
11527 practice and procedure of that court applicable to subpoenas
11528 issued in proceedings pending before it. The issuing authority
11529 shall pay any witness fees, travel expenses, mileage and other
11530 fees required by the service statutes of the state in which the
11531 witnesses or evidence are located.

11532 5. Obtain and submit, for each nurse licensure
11533 applicant, fingerprint or other biometric-based information to the
11534 Federal Bureau of Investigation for criminal background checks,
11535 receive the results of the Federal Bureau of Investigation record
11536 search on criminal background checks and use the results in making
11537 licensure decisions.

11538 6. If otherwise permitted by state law, recover
11539 from the affected nurse the costs of investigations and
11540 disposition of cases resulting from any adverse action taken
11541 against that nurse.

11542 7. Take adverse action based on the factual
11543 findings of the remote state, provided that the licensing board
11544 follows its own procedures for taking such adverse action.

11545 (b) If adverse action is taken by the home state
11546 against a nurse's multistate license, the nurse's multistate
11547 licensure privilege to practice in all other party states shall be
11548 deactivated until all encumbrances have been removed from the
11549 multistate license. All home state disciplinary orders that



11550 impose adverse action against a nurse's multistate license shall
11551 include a statement that the nurse's multistate licensure
11552 privilege is deactivated in all party states during the pendency
11553 of the order.

11554 (c) Nothing in this compact shall override a party
11555 state's decision that participation in an alternative program may
11556 be used in lieu of adverse action. The home state licensing board
11557 shall deactivate the multistate licensure privilege under the
11558 multistate license of any nurse for the duration of the nurse's
11559 participation in an alternative program.

11560 **ARTICLE VI.**

11561 **Coordinated licensure information system and exchange of**
11562 **information.**

11563 (a) All party states shall participate in a coordinated
11564 licensure information system of all licensed registered nurses
11565 (RNs) and licensed practical/vocational nurses (LPNs/VNs). This
11566 system will include information on the licensure and disciplinary
11567 history of each nurse, as submitted by party states, to assist in
11568 the coordination of nurse licensure and enforcement efforts.

11569 (b) The commission, in consultation with the
11570 administrator of the coordinated licensure information system,
11571 shall formulate necessary and proper procedures for the
11572 identification, collection and exchange of information under this
11573 compact.



11574 (c) All licensing boards shall promptly report to the
11575 coordinated licensure information system any adverse action, any
11576 current significant investigative information, denials of
11577 applications (with the reasons for such denials) and nurse
11578 participation in alternative programs known to the licensing board
11579 regardless of whether such participation is deemed nonpublic or
11580 confidential under state law.

11581 (d) Current significant investigative information and
11582 participation in nonpublic or confidential alternative programs
11583 shall be transmitted through the coordinated licensure information
11584 system only to party state licensing boards.

11585 (e) Notwithstanding any other provision of law, all
11586 party state licensing boards contributing information to the
11587 coordinated licensure information system may designate information
11588 that may not be shared with nonparty states or disclosed to other
11589 entities or individuals without the express permission of the
11590 contributing state.

11591 (f) Any personally identifiable information obtained
11592 from the coordinated licensure information system by a party state
11593 licensing board shall not be shared with nonparty states or
11594 disclosed to other entities or individuals except to the extent
11595 permitted by the laws of the party state contributing the
11596 information.

11597 (g) Any information contributed to the coordinated
11598 licensure information system that is subsequently required to be



11599 expunged by the laws of the party state contributing that
11600 information shall also be expunged from the coordinated licensure
11601 information system.

11602 (h) The compact administrator of each party state shall
11603 furnish a uniform data set to the compact administrator of each
11604 other party state, which shall include, at a minimum:

- 11605 1. Identifying information;
- 11606 2. Licensure data;
- 11607 3. Information related to alternative program
11608 participation; and
- 11609 4. Other information that may facilitate the
11610 administration of this compact, as determined by commission rules.

11611 (i) The compact administrator of a party state shall
11612 provide all investigative documents and information requested by
11613 another party state.

11614 **ARTICLE VII.**

11615 **Establishment of the Interstate Commission of Nurse Licensure**
11616 **Compact administrators.**

11617 (a) The party states hereby create and establish a
11618 joint public entity known as the Interstate Commission of Nurse
11619 Licensure Compact Administrators.

- 11620 1. The commission is an instrumentality of the
11621 party states.
- 11622 2. Venue is proper, and judicial proceedings by or
11623 against the commission shall be brought solely and exclusively, in



11624 a court of competent jurisdiction where the principal office of
11625 the commission is located. The commission may waive venue and
11626 jurisdictional defenses to the extent it adopts or consents to
11627 participate in alternative dispute resolution proceedings.

11628 3. Nothing in this compact shall be construed to
11629 be a waiver of sovereign immunity.

11630 (b) Membership, voting and meetings.

11631 1. Each party state shall have and be limited to
11632 one (1) administrator. The head of the state licensing board or
11633 designee shall be the administrator of this compact for each party
11634 state. Any administrator may be removed or suspended from office
11635 as provided by the law of the state from which the administrator
11636 is appointed. Any vacancy occurring in the commission shall be
11637 filled in accordance with the laws of the party state in which the
11638 vacancy exists.

11639 2. Each administrator shall be entitled to one (1)
11640 vote with regard to the promulgation of rules and creation of
11641 bylaws and shall otherwise have an opportunity to participate in
11642 the business and affairs of the commission. An administrator
11643 shall vote in person or by such other means as provided in the
11644 bylaws. The bylaws may provide for an administrator's
11645 participation in meetings by telephone or other means of
11646 communication.

11647 3. The commission shall meet at least once during
11648 each calendar year.



11649 Additional meetings shall be held as set forth in the bylaws
11650 or rules of the commission.

11651 4. All meetings shall be open to the public, and
11652 public notice of meetings shall be given in the same manner as
11653 required under the rulemaking provisions in Article VIII.

11654 5. The commission may convene in a closed,
11655 nonpublic meeting if the commission must discuss:

11656 (i) Noncompliance of a party state with its
11657 obligations under this compact;

11658 (ii) The employment, compensation, discipline
11659 or other personnel matters, practices or procedures related to
11660 specific employees or other matters related to the commission's
11661 internal personnel practices and procedures;

11662 (iii) Current, threatened or reasonably
11663 anticipated litigation;

11664 (iv) Negotiation of contracts for the
11665 purchase or sale of goods, services or real estate;

11666 (v) Accusing any person of a crime or
11667 formally censuring any person;

11668 (vi) Disclosure of trade secrets or
11669 commercial or financial information that is privileged or
11670 confidential;

11671 (vii) Disclosure of information of a personal
11672 nature where disclosure would constitute a clearly unwarranted
11673 invasion of personal privacy;



11674 (viii) Disclosure of investigatory records
11675 compiled for law enforcement purposes;

11676 (ix) Disclosure of information related to any
11677 reports prepared by or on behalf of the commission for the purpose
11678 of investigation of compliance with this compact; or

11679 (x) Matters specifically exempted from
11680 disclosure by federal or state statute.

11681 6. If a meeting, or portion of a meeting, is
11682 closed pursuant to this provision, the commission's legal counsel
11683 or designee shall certify that the meeting may be closed and shall
11684 reference each relevant exempting provision. The commission shall
11685 keep minutes that fully and clearly describe all matters discussed
11686 in a meeting and shall provide a full and accurate summary of
11687 actions taken, and the reasons therefor, including a description
11688 of the views expressed. All documents considered in connection
11689 with an action shall be identified in such minutes. All minutes
11690 and documents of a closed meeting shall remain under seal, subject
11691 to release by a majority vote of the commission or order of a
11692 court of competent jurisdiction.

11693 (c) The commission shall, by a majority vote of the
11694 administrators, prescribe bylaws or rules to govern its conduct as
11695 may be necessary or appropriate to carry out the purposes and
11696 exercise the powers of this compact, including, but not limited
11697 to:

11698 1. Establishing the fiscal year of the commission;



11699 2. Providing reasonable standards and procedures:

11700 (i) For the establishment and meetings of
11701 other committees; and

11702 (ii) Governing any general or specific
11703 delegation of any authority or function of the commission;

11704 3. Providing reasonable procedures for calling and
11705 conducting meetings of the commission, ensuring reasonable advance
11706 notice of all meetings and providing an opportunity for attendance
11707 of such meetings by interested parties, with enumerated exceptions
11708 designed to protect the public's interest, the privacy of
11709 individuals, and proprietary information, including trade secrets.
11710 The commission may meet in closed session only after a majority of
11711 the administrators vote to close a meeting in whole or in part.
11712 As soon as practicable, the commission must make public a copy of
11713 the vote to close the meeting revealing the vote of each
11714 administrator, with no proxy votes allowed;

11715 4. Establishing the titles, duties and authority
11716 and reasonable procedures for the election of the officers of the
11717 commission;

11718 5. Providing reasonable standards and procedures
11719 for the establishment of the personnel policies and programs of
11720 the commission. Notwithstanding any civil service or other
11721 similar laws of any party state, the bylaws shall exclusively
11722 govern the personnel policies and programs of the commission; and



11723 6. Providing a mechanism for winding up the
11724 operations of the commission and the equitable disposition of any
11725 surplus funds that may exist after the termination of this compact
11726 after the payment or reserving of all of its debts and
11727 obligations;

11728 (d) The commission shall publish its bylaws and rules,
11729 and any amendments thereto, in a convenient form on the website of
11730 the commission.

11731 (e) The commission shall maintain its financial records
11732 in accordance with the bylaws.

11733 (f) The commission shall meet and take such actions as
11734 are consistent with the provisions of this compact and the bylaws.

11735 (g) The commission shall have the following powers:

11736 1. To promulgate uniform rules to facilitate and
11737 coordinate implementation and administration of this compact. The
11738 rules shall have the force and effect of law and shall be binding
11739 in all party states;

11740 2. To bring and prosecute legal proceedings or
11741 actions in the name of the commission, provided that the standing
11742 of any licensing board to sue or be sued under applicable law
11743 shall not be affected;

11744 3. To purchase and maintain insurance and bonds;

11745 4. To borrow, accept or contract for services of
11746 personnel, including, but not limited to, employees of a party
11747 state or nonprofit organizations;



11748 5. To cooperate with other organizations that
11749 administer state compacts related to the regulation of nursing,
11750 including, but not limited to, sharing administrative or staff
11751 expenses, office space or other resources;

11752 6. To hire employees, elect or appoint officers,
11753 fix compensation, define duties, grant such individuals
11754 appropriate authority to carry out the purposes of this compact,
11755 and to establish the commission's personnel policies and programs
11756 relating to conflicts of interest, qualifications of personnel and
11757 other related personnel matters;

11758 7. To accept any and all appropriate donations,
11759 grants and gifts of money, equipment, supplies, materials and
11760 services, and to receive, utilize and dispose of the same;
11761 provided that at all times the commission shall avoid any
11762 appearance of impropriety or conflict of interest;

11763 8. To lease, purchase, accept appropriate gifts or
11764 donations of, or otherwise to own, hold, improve or use, any
11765 property, whether real, personal or mixed; provided that at all
11766 times the commission shall avoid any appearance of impropriety;

11767 9. To sell, convey, mortgage, pledge, lease,
11768 exchange, abandon or otherwise dispose of any property, whether
11769 real, personal or mixed;

11770 10. To establish a budget and make expenditures;

11771 11. To borrow money;



11772 12. To appoint committees, including advisory
11773 committees comprised of administrators, state nursing regulators,
11774 state legislators or their representatives, and consumer
11775 representatives, and other such interested persons;

11776 13. To provide and receive information from, and
11777 to cooperate with, law enforcement agencies;

11778 14. To adopt and use an official seal; and

11779 15. To perform such other functions as may be
11780 necessary or appropriate to achieve the purposes of this compact
11781 consistent with the state regulation of nurse licensure and
11782 practice.

11783 (h) Financing of the commission.

11784 1. The commission shall pay, or provide for the
11785 payment of, the reasonable expenses of its establishment,
11786 organization and ongoing activities.

11787 2. The commission may also levy on and collect an
11788 annual assessment from each party state to cover the cost of its
11789 operations, activities and staff in its annual budget as approved
11790 each year. The aggregate annual assessment amount, if any, shall
11791 be allocated based upon a formula to be determined by the
11792 commission, which shall promulgate a rule that is binding upon all
11793 party states.

11794 3. The commission shall not incur obligations of
11795 any kind prior to securing the funds adequate to meet the same;



11796 nor shall the commission pledge the credit of any of the party
11797 states, except by, and with the authority of, such party state.

11798 4. The commission shall keep accurate accounts of
11799 all receipts and disbursements. The receipts and disbursements of
11800 the commission shall be subject to the audit and accounting
11801 procedures established under its bylaws. However, all receipts
11802 and disbursements of funds handled by the commission shall be
11803 audited yearly by a certified or licensed public accountant, and
11804 the report of the audit shall be included in and become part of
11805 the annual report of the commission.

11806 (i) Qualified immunity, defense and indemnification.

11807 1. The administrators, officers, executive
11808 director, employees and representatives of the commission shall be
11809 immune from suit and liability, either personally or in their
11810 official capacity, for any claim for damage to or loss of property
11811 or personal injury or other civil liability caused by or arising
11812 out of any actual or alleged act, error or omission that occurred,
11813 or that the person against whom the claim is made had a reasonable
11814 basis for believing occurred, within the scope of commission
11815 employment, duties or responsibilities; provided that nothing in
11816 this paragraph shall be construed to protect any such person from
11817 suit or liability for any damage, loss, injury or liability caused
11818 by the intentional, willful or wanton misconduct of that person.

11819 2. The commission shall defend any administrator,
11820 officer, executive director, employee or representative of the



11846 adopted thereunder. Rules and amendments shall become binding as
11847 of the date specified in each rule or amendment and shall have the
11848 same force and effect as provisions of this compact.

11849 (b) Rules or amendments to the rules shall be adopted
11850 at a regular or special meeting of the commission.

11851 (c) Prior to promulgation and adoption of a final rule
11852 or rules by the commission, and at least sixty (60) days in
11853 advance of the meeting at which the rule will be considered and
11854 voted upon, the commission shall file a notice of proposed
11855 rulemaking:

- 11856 1. On the website of the commission; and
- 11857 2. On the website of each licensing board or the
11858 publication in which each state would otherwise publish proposed
11859 rules.

11860 (d) The notice of proposed rulemaking shall include:

- 11861 1. The proposed time, date and location of the
11862 meeting in which the rule will be considered and voted upon;
- 11863 2. The text of the proposed rule or amendment, and
11864 the reason for the proposed rule;
- 11865 3. A request for comments on the proposed rule
11866 from any interested person; and
- 11867 4. The manner in which interested persons may
11868 submit notice to the commission of their intention to attend the
11869 public hearing and any written comments.



11870 (e) Prior to adoption of a proposed rule, the
11871 commission shall allow persons to submit written data, facts,
11872 opinions and arguments, which shall be made available to the
11873 public.

11874 (f) The commission shall grant an opportunity for a
11875 public hearing before it adopts a rule or amendment.

11876 (g) The commission shall publish the place, time and
11877 date of the scheduled public hearing.

11878 1. Hearings shall be conducted in a manner
11879 providing each person who wishes to comment a fair and reasonable
11880 opportunity to comment orally or in writing.

11881 All hearings will be recorded, and a copy will be made
11882 available upon request.

11883 2. Nothing in this section shall be construed as
11884 requiring a separate hearing on each rule. Rules may be grouped
11885 for the convenience of the commission at hearings required by this
11886 section.

11887 (h) If no one appears at the public hearing, the
11888 commission may proceed with promulgation of the proposed rule.

11889 (i) Following the scheduled hearing date, or by the
11890 close of business on the scheduled hearing date if the hearing was
11891 not held, the commission shall consider all written and oral
11892 comments received.

11893 (j) The commission shall, by majority vote of all
11894 administrators, take final action on the proposed rule and shall



11895 determine the effective date of the rule, if any, based on the
11896 rulemaking record and the full text of the rule.

11897 (k) Upon determination that an emergency exists, the
11898 commission may consider and adopt an emergency rule without prior
11899 notice, opportunity for comment or hearing, provided that the
11900 usual rulemaking procedures provided in this compact and in this
11901 section shall be retroactively applied to the rule as soon as
11902 reasonably possible, in no event later than ninety (90) days after
11903 the effective date of the rule. For the purposes of this
11904 provision, an emergency rule is one that must be adopted
11905 immediately in order to:

- 11906 1. Meet an imminent threat to public health,
11907 safety or welfare;
- 11908 2. Prevent a loss of commission or party state
11909 funds; or
- 11910 3. Meet a deadline for the promulgation of an
11911 administrative rule that is required by federal law or rule.

11912 (l) The commission may direct revisions to a previously
11913 adopted rule or amendment for purposes of correcting typographical
11914 errors, errors in format, errors in consistency or grammatical
11915 errors. Public notice of any revisions shall be posted on the
11916 website of the commission. The revision shall be subject to
11917 challenge by any person for a period of thirty (30) days after
11918 posting. The revision may be challenged only on grounds that the
11919 revision results in a material change to a rule. A challenge



11920 shall be made in writing, and delivered to the commission, prior
11921 to the end of the notice period. If no challenge is made, the
11922 revision will take effect without further action. If the revision
11923 is challenged, the revision may not take effect without the
11924 approval of the commission.

11925 **ARTICLE IX.**

11926 **Oversight, dispute resolution and enforcement.**

11927 (a) Oversight:

11928 1. Each party state shall enforce this compact and
11929 take all actions necessary and appropriate to effectuate this
11930 compact's purposes and intent.

11931 2. The commission shall be entitled to receive
11932 service of process in any proceeding that may affect the powers,
11933 responsibilities or actions of the commission, and shall have
11934 standing to intervene in such a proceeding for all purposes.
11935 Failure to provide service of process in such proceeding to the
11936 commission shall render a judgment or order void as to the
11937 commission, this compact or promulgated rules.

11938 (b) Default, technical assistance and termination:

11939 1. If the commission determines that a party state
11940 has defaulted in the performance of its obligations or
11941 responsibilities under this compact or the promulgated rules, the
11942 commission shall:

11943 (i) Provide written notice to the defaulting
11944 state and other party states of the nature of the default, the



11945 proposed means of curing the default or any other action to be
11946 taken by the commission; and

11947 (ii) Provide remedial training and specific
11948 technical assistance regarding the default.

11949 2. If a state in default fails to cure the
11950 default, the defaulting state's membership in this compact may be
11951 terminated upon an affirmative vote of a majority of the
11952 administrators, and all rights, privileges and benefits conferred
11953 by this compact may be terminated on the effective date of
11954 termination. A cure of the default does not relieve the offending
11955 state of obligations or liabilities incurred during the period of
11956 default.

11957 3. Termination of membership in this compact shall
11958 be imposed only after all other means of securing compliance have
11959 been exhausted. Notice of intent to suspend or terminate shall be
11960 given by the commission to the Governor of the defaulting state
11961 and to the executive officer of the defaulting state's licensing
11962 board and each of the party states.

11963 4. A state whose membership in this compact has
11964 been terminated is responsible for all assessments, obligations
11965 and liabilities incurred through the effective date of
11966 termination, including obligations that extend beyond the
11967 effective date of termination.

11968 5. The commission shall not bear any costs related
11969 to a state that is found to be in default or whose membership in



11970 this compact has been terminated unless agreed upon in writing
11971 between the commission and the defaulting state.

11972 6. The defaulting state may appeal the action of
11973 the commission by petitioning the United States District Court for
11974 the District of Columbia or the federal district in which the
11975 commission has its principal offices. The prevailing party shall
11976 be awarded all costs of such litigation, including reasonable
11977 attorneys' fees.

11978 (c) Dispute resolution:

11979 1. Upon request by a party state, the commission
11980 shall attempt to resolve disputes related to the compact that
11981 arise among party states and between party and nonparty states.

11982 2. The commission shall promulgate a rule
11983 providing for both mediation and binding dispute resolution for
11984 disputes, as appropriate.

11985 3. In the event the commission cannot resolve
11986 disputes among party states arising under this compact:

11987 (i) The party states may submit the issues in
11988 dispute to an arbitration panel, which will be comprised of
11989 individuals appointed by the compact administrator in each of the
11990 affected party states and an individual mutually agreed upon by
11991 the compact administrators of all the party states involved in the
11992 dispute.

11993 (ii) The decision of a majority of the
11994 arbitrators shall be final and binding.



11995 (d) Enforcement:

11996 1. The commission, in the reasonable exercise of
11997 its discretion, shall enforce the provisions and rules of this
11998 compact.

11999 2. By majority vote, the commission may initiate
12000 legal action in the United States District Court for the District
12001 of Columbia or the federal district in which the commission has
12002 its principal offices against a party state that is in default to
12003 enforce compliance with the provisions of this compact and its
12004 promulgated rules and bylaws.

12005 The relief sought may include both injunctive relief and
12006 damages. In the event judicial enforcement is necessary, the
12007 prevailing party shall be awarded all costs of such litigation,
12008 including reasonable attorneys' fees.

12009 3. The remedies herein shall not be the exclusive
12010 remedies of the commission. The commission may pursue any other
12011 remedies available under federal or state law.

12012 **ARTICLE X.**

12013 **Effective date, withdrawal and amendment.**

12014 (a) This compact shall become effective and binding on
12015 the earlier of the date of legislative enactment of this compact
12016 into law by no less than twenty-six (26) states or December 31,
12017 2018. All party states to this compact, that also were parties to
12018 the prior Nurse Licensure Compact, superseded by this compact,
12019 ("prior compact"), shall be deemed to have withdrawn from the



12020 prior compact within six (6) months after the effective date of
12021 this compact.

12022 (b) Each party state to this compact shall continue to
12023 recognize a nurse's multistate licensure privilege to practice in
12024 that party state issued under the prior compact until such party
12025 state has withdrawn from the prior compact.

12026 (c) Any party state may withdraw from this compact by
12027 enacting a statute repealing the same. A party state's withdrawal
12028 shall not take effect until six (6) months after enactment of the
12029 repealing statute.

12030 (d) A party state's withdrawal or termination shall not
12031 affect the continuing requirement of the withdrawing or terminated
12032 state's licensing board to report adverse actions and significant
12033 investigations occurring prior to the effective date of such
12034 withdrawal or termination.

12035 (e) Nothing contained in this compact shall be
12036 construed to invalidate or prevent any nurse licensure agreement
12037 or other cooperative arrangement between a party state and a
12038 nonparty state that is made in accordance with the other
12039 provisions of this compact.

12040 (f) This compact may be amended by the party states.
12041 No amendment to this compact shall become effective and binding
12042 upon the party states unless and until it is enacted into the laws
12043 of all party states.



12044 (g) Representatives of nonparty states to this compact
12045 shall be invited to participate in the activities of the
12046 commission, on a nonvoting basis, prior to the adoption of this
12047 compact by all states.

12048 **ARTICLE XI.**

12049 **Construction and severability.**

12050 This compact shall be liberally construed so as to effectuate
12051 the purposes thereof.

12052 The provisions of this compact shall be severable, and if any
12053 phrase, clause, sentence or provision of this compact is declared
12054 to be contrary to the Constitution of any party state or of the
12055 United States, or if the applicability thereof to any government,
12056 agency, person or circumstance is held invalid, the validity of
12057 the remainder of this compact and the applicability thereof to any
12058 government, agency, person or circumstance shall not be affected
12059 thereby. If this compact shall be held to be contrary to the
12060 Constitution of any party state, this compact shall remain in full
12061 force and effect as to the remaining party states and in full
12062 force and effect as to the party state affected as to all
12063 severable matters.

12064 **SECTION 133.** This act shall take effect and be in force from
12065 and after July 1, 2024.

