

By: Representatives Yates, Anthony, Hulum,
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To: Business and Commerce;
Judiciary B

HOUSE BILL NO. 1303

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

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



31 **SECTION 1.** Section 73-77-1, Mississippi Code of 1972, is
32 amended as follows:

33 73-77-1. This chapter shall be known and may be cited as the
34 "Fresh Start Act * * *."

35 **SECTION 2.** Section 73-77-3, Mississippi Code of 1972, is
36 amended as follows:

37 73-77-3. **Definitions.** As used in this chapter, the
38 following words and phrases shall have the meanings as defined in
39 this section unless the context clearly indicates otherwise:

40 (a) "Criminal record" * * * means any type of felony or
41 misdemeanor conviction.

42 (b) "Licensing" * * * means any required training,
43 education * * * or fee to work in a specific profession.

44 (c) "Licensing authority" * * * means an agency,
45 examining board, credentialing board * * * or other * * * entity
46 with the authority to impose occupational fees or licensing
47 requirements on * * * a profession.

48 **SECTION 3.** Section 73-77-5, Mississippi Code of 1972, is
49 amended as follows:

50 73-77-5. * * * Notwithstanding any other provision of law to
51 the contrary, no person shall be disqualified from pursuing,
52 practicing * * * or engaging in any occupation for which a license
53 is required solely or in part because of a prior conviction of a
54 crime, unless the crime for which * * * the person was convicted



55 directly relates to the duties and responsibilities for the
56 licensed occupation. * * *

57 **SECTION 4.** Section 73-77-7, Mississippi Code of 1972, is
58 amended as follows:

59 73-77-7. (1) * * * Notwithstanding any other provision of
60 law to the contrary, licensing authorities shall not * * * use
61 vague or generic terms including, but not limited to, "moral
62 turpitude," "any felony," and "good character * * *" when
63 promulgating rules and regulations related to the qualifications
64 for licensure. * * * Notwithstanding any other provision of law
65 to the contrary, when promulgating rules and regulations related
66 to the qualifications for licensure, licensing authorities * * *
67 shall only consider criminal records that are specific and
68 directly related to the duties and responsibilities * * * of the
69 licensed occupation * * *.

70 (2) Notwithstanding any other provision of law to the
71 contrary, the licensing authority shall * * * apply the clear and
72 convincing standard of proof * * * when examining the following
73 factors to determine whether * * * a person with a * * * criminal
74 record will be disqualified from receiving a license:

75 (a) The nature and seriousness of the crime for which
76 the * * * person was convicted;

77 (b) The passage of time since the * * * crime was
78 committed;



79 (c) The relationship of the crime to the ability,
80 capacity * * * and fitness required to perform the duties and
81 discharge the responsibilities of the licensed occupation; and

82 (d) Any evidence of rehabilitation or treatment
83 undertaken by the individual that might mitigate against a direct
84 relation.

85 (3) All licensing authorities shall meet the requirements
86 listed in subsection (1) * * * one hundred twenty (120) days after
87 July 1, * * * 2024.

88 (4) * * * The requirements listed in subsections (1) and (2)
89 shall also apply to any new occupational licenses created after
90 July 1, * * * 2024.

91 * * *

92 **SECTION 5.** Section 73-77-9, Mississippi Code of 1972, is
93 amended as follows:

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



104 (2) If a licensing authority * * * disqualifies a person
105 from receiving a license solely or in part because of the * * *
106 person's * * * criminal record, the licensing authority shall
107 notify the * * * person in writing of the following:

108 (a) The grounds and reasons for * * * disqualification;

109 (b) That the * * * person has the right to a hearing to
110 challenge the licensing authority's decision;

111 (c) The earliest date the person may reapply for a
112 license; and

113 (d) That evidence of rehabilitation may be considered
114 upon reapplication.

115 (3) If * * * a person's criminal * * * record * * *
116 disqualifies a person from receiving a license and the licensing
117 authority determines that the criminal record is directly related
118 to the duties and responsibilities of the licensed occupation, the
119 licensing authority must document its findings in writing
120 sufficient for a reviewing court.

121 (4) In any administrative hearing or civil litigation
122 authorized under this section, the licensing authority shall carry
123 the burden of proof on the question of whether the * * * person's
124 criminal * * * record directly relates to the * * * duties and
125 responsibilities of the licensed occupation.

126 (5) The licensing authority shall * * * promulgate the
127 necessary rules and regulations * * * to implement the provisions
128 of this section.



129 (6) The provisions of * * * the Fresh Start Act shall
130 supersede any other provision of law to the contrary.

131 **SECTION 6.** Section 19-5-353, Mississippi Code of 1972, is
132 amended as follows:

133 19-5-353. (1) The initial minimum standard of training for
134 local public safety and 911 telecommunicators shall be determined
135 by the Board of Emergency Telecommunications Standards and
136 Training. All courses approved for minimum standards shall be
137 taught by instructors certified by the course originator as
138 instructors for such courses.

139 (2) The minimum standards may be changed at any time by the
140 Board of Emergency Telecommunications Standards and Training, but
141 shall always include at least two (2) hours of training related to
142 handling complaints and/or calls of human trafficking and
143 commercial sexual exploitation of children as defined in Section
144 43-21-105, communicating with such victims and requiring the local
145 public safety and 911 telecommunicators to contact the Department
146 of Child Protection Services when human trafficking or commercial
147 sexual exploitation is suspected.

148 (3) Changes in the minimum standards may be made upon
149 request from any bona fide public safety, emergency medical or
150 fire organization operating within the State of Mississippi.
151 Requests for change shall be in writing submitted to either the
152 State Law Enforcement Training Academy; the State Fire Academy;
153 the Mississippi Chapter of the Associated Public Safety



154 Communications Officers, Incorporated; the Mississippi Chapter of
155 the National Emergency Number Association; the Mississippi State
156 Board of Health, Emergency Medical Services Division; the
157 Mississippi Justice Information Center; the Mississippi Sheriff's
158 Association; the Mississippi Fire Chief's Association; the
159 Mississippi Association of Chiefs of Police; or Mississippians for
160 Emergency Medical Services.

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

165 (5) Persons in the employment of any public safety, fire,
166 911 PSAP or emergency medical agency as a telecommunicator on July
167 1, 1993, shall have three (3) years to be certified in the minimum
168 standards courses provided they have been employed by such agency
169 for a period of more than one (1) year prior to July 1, 1993.

170 (6) Persons having been employed by any public safety, fire,
171 911 PSAP or emergency medical agency as a telecommunicator for
172 less than one (1) year prior to July 1, 1993, shall be required to
173 have completed all the requirements for minimum training
174 standards, as set forth in Sections 19-5-351 through 19-5-361,
175 within one (1) year from July 1, 1993. Persons certified on or
176 before July 1, 1993, in any course or courses chosen shall be
177 given credit for these courses, provided the courses are still



178 current and such persons can provide a course completion
179 certificate.

180 (7) Any person hired to perform the duties of a
181 telecommunicator in any public safety, fire, 911 PSAP or emergency
182 medical agency after July 1, 1993, shall complete the minimum
183 training standards as set forth in Sections 19-5-351 through
184 19-5-361 within twelve (12) months of their employment or within
185 twelve (12) months from the date that the Board of Emergency
186 Telecommunications Standards and Training shall become
187 operational.

188 (8) Professional certificates remain the property of the
189 board, and the board reserves the right to either reprimand the
190 holder of a certificate, suspend a certificate upon conditions
191 imposed by the board, or cancel and recall any certificate when:

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

193 (b) The certificate was obtained through
194 misrepresentation or fraud;

195 * * *

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

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

199 When the board believes there is a reasonable basis for
200 either the reprimand, suspension, cancellation of, or recalling
201 the certification of a telecommunicator, notice and opportunity
202 for a hearing shall be provided. Any telecommunicator aggrieved



203 by the findings and order of the board may file an appeal with the
204 chancery court of the county in which such person is employed from
205 the final order of the board. Any telecommunicator whose
206 certification has been cancelled pursuant to Sections 19-5-351
207 through 19-5-361 may reapply for certification but not sooner than
208 two (2) years after the date on which the order of the board
209 canceling such certification became final.

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

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

221 **SECTION 7.** Section 45-4-9, Mississippi Code of 1972, is
222 amended as follows:

223 45-4-9. (1) (a) After January 1, 2000, no person shall be
224 appointed or employed as a jail officer or a part-time jail
225 officer unless that person has been certified as being qualified
226 under subsection (3) of this section.



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

240 (c) No person shall serve as a jail officer in any
241 full-, part-time, reserve or auxiliary capacity during a period
242 when that person's certification has been suspended, cancelled or
243 recalled pursuant to this chapter.

244 (2) Jail officers serving under permanent appointment on
245 January 1, 2000, shall not be required to meet certification
246 requirements of this section as a condition of continued
247 employment; nor shall failure of any such jail officer to fulfill
248 such requirements make that person ineligible for any promotional
249 examination for which that person is otherwise eligible. If any
250 jail officer certified under this chapter leaves his employment
251 and does not become employed as a jail officer within two (2)



252 years from the date of termination of his prior employment, he
253 shall be required to comply with board policy as to rehiring
254 standards in order to be employed as a jail officer.

255 (3) In addition to the other requirements of this section,
256 the Board on Jail Officer Standards and Training, by rules and
257 regulations consistent with other provisions of law, shall fix
258 other qualifications for the employment of jail officers,
259 including education, physical and mental standards,
260 citizenship, * * * experience and such other matters as relate to
261 the competence and reliability of persons to assume and discharge
262 the responsibilities of jail officers, and the board shall
263 prescribe the means for presenting evidence of fulfillment of
264 these requirements. Additionally, the board shall fix
265 qualifications for the appointment or employment of part-time jail
266 officers to essentially the same standards and requirements as
267 jail officers. The board shall develop and implement a part-time
268 jail officer training program that meets the same performance
269 objectives and has essentially the same or similar content as the
270 programs approved by the board for full-time jail officers.

271 (4) (a) The Board on Jail Officer Standards and Training
272 shall issue a certificate evidencing satisfaction of the
273 requirements of subsections (1) and (3) of this section to any
274 applicant who presents such evidence as may be required by its
275 rules and regulations of satisfactory completion of a program or
276 course of instruction in another jurisdiction equivalent in



277 content and quality to that required by the board for approved
278 jail officer education and training programs in this state.

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

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

288 (5) Professional certificates remain the property of the
289 board, and the board reserves the right to either reprimand the
290 holder of a certificate, suspend a certificate upon conditions
291 imposed by the board, or cancel and recall any certificate when:

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

293 (b) The certificate was obtained through
294 misrepresentation or fraud;

295 * * *

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

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

299 (6) When the board believes there is a reasonable basis for
300 either the reprimand, suspension, cancellation of, or recalling
301 the certification of a jail officer, notice and opportunity for a



302 hearing shall be provided in accordance with law prior to such
303 reprimand, suspension or revocation.

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

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

312 **SECTION 8.** Section 45-6-11, Mississippi Code of 1972, is
313 amended as follows:

314 45-6-11. (1) Law enforcement officers already serving under
315 permanent appointment on July 1, 1981, and personnel of the
316 Division of Community Services under Section 47-7-9, Mississippi
317 Code of 1972, serving on July 1, 1994, shall not be required to
318 meet any requirement of subsections (3) and (4) of this section as
319 a condition of continued employment; nor shall failure of any such
320 law enforcement officer to fulfill such requirements make that
321 person ineligible for any promotional examination for which that
322 person is otherwise eligible. Provided, however, if any law
323 enforcement officer certified under the provisions of this chapter
324 leaves his employment as such and does not become employed as a
325 law enforcement officer within two (2) years from the date of
326 termination of his prior employment, he shall be required to



327 comply with board policy as to rehiring standards in order to be
328 employed as a law enforcement officer; except, that, if any law
329 enforcement officer certified under this chapter leaves his
330 employment as such to serve as a sheriff, he may be employed as a
331 law enforcement officer after he has completed his service as a
332 sheriff without being required to comply with board policy as to
333 rehiring standards. Part-time law enforcement officers serving on
334 or before July 1, 1998, shall have until July 1, 2001, to obtain
335 certification as a part-time officer.

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

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

349 (3) (a) No person shall be appointed or employed as a law
350 enforcement officer or a part-time law enforcement officer unless



351 that person has been certified as being qualified under the
352 provisions of subsection (4) of this section.

353 (b) No person shall be appointed or employed as a law
354 enforcement trainee in a full-time capacity by any law enforcement
355 unit for a period to exceed one (1) year. No person shall be
356 appointed or employed as a law enforcement trainee in a part-time,
357 reserve or auxiliary capacity by any law enforcement unit for a
358 period to exceed two (2) years. The prohibition against the
359 appointment or employment of a law enforcement trainee in a
360 full-time capacity for a period not to exceed one (1) year or a
361 part-time, reserve or auxiliary capacity for a period not to
362 exceed two (2) years may not be nullified by terminating the
363 appointment or employment of such a person before the expiration
364 of the time period and then rehiring the person for another
365 period. Any person, who, due to illness or other events beyond
366 his control, could not attend the required school or training as
367 scheduled, may serve with full pay and benefits in such a capacity
368 until he can attend the required school or training.

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

373 (4) In addition to the requirements of subsections (3), (7)
374 and (8) of this section, the board, by rules and regulations
375 consistent with other provisions of law, shall fix other



376 qualifications for the employment of law enforcement officers,
377 including minimum age, education, physical and mental standards,
378 citizenship, * * * experience and such other matters as relate to
379 the competence and reliability of persons to assume and discharge
380 the responsibilities of law enforcement officers, and the board
381 shall prescribe the means for presenting evidence of fulfillment
382 of these requirements. Additionally, the board shall fix
383 qualifications for the appointment or employment of part-time law
384 enforcement officers to essentially the same standards and
385 requirements as law enforcement officers. The board shall develop
386 and implement a part-time law enforcement officer training program
387 that meets the same performance objectives and has essentially the
388 same or similar content as the programs approved by the board for
389 full-time law enforcement officers and the board shall provide
390 that such training shall be available locally and held at times
391 convenient to the persons required to receive such training.

392 (5) Any elected sheriff, constable, deputy or chief of
393 police may apply for certification. Such certification shall be
394 granted at the request of the elected official after providing
395 evidence of satisfaction of the requirements of subsections (3)
396 and (4) of this section. Certification granted to such elected
397 officials shall be granted under the same standards and conditions
398 as established by law enforcement officers and shall be subject to
399 recall as in subsection (7) of this section.



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

410 (7) Professional certificates remain the property of the
411 board, and the board reserves the right to either reprimand the
412 holder of a certificate, suspend a certificate upon conditions
413 imposed by the board, or cancel and recall any certificate when:

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

415 (b) The certificate was obtained through
416 misrepresentation or fraud;

417 * * *

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

420 (* * *d) The holder has committed an act of
421 malfeasance or has been dismissed from his employing law
422 enforcement agency; or

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



424 (8) When the board believes there is a reasonable basis for
425 either the reprimand, suspension, cancellation of, or recalling
426 the certification of a law enforcement officer or a part-time law
427 enforcement officer, notice and opportunity for a hearing shall be
428 provided in accordance with law prior to such reprimand,
429 suspension or revocation.

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

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

440 **SECTION 9.** Section 73-1-13, Mississippi Code of 1972, is
441 amended as follows:

442 73-1-13. (1) The board shall adopt rules and regulations
443 for the eligibility, examination and registration of applicants
444 desiring to practice architecture in accordance with this chapter
445 and may amend, modify or repeal such rules and regulations.

446 The board shall receive applications for registration as an
447 architect only on forms prescribed and furnished by the board and



448 upon receipt of such application may approve such applicant,
449 providing such applicant meets the following requirements:

450 (a) The applicant must have a professional degree in
451 architecture from a school or college of architecture on the list
452 of accredited schools of architecture issued by the National
453 Architectural Accrediting Board;

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

- 463 (i) Design and construction documents;
464 (ii) Construction administration;
465 (iii) Office management; and
466 (iv) Related special activities.

467 (c) The applicant must have passed the applicable
468 National Council of Architectural Registration Board's
469 examination;

470 (d) The applicant must have satisfied the board as to
471 the applicant's good standing in the profession * * *. Any of the



472 following acts shall preclude an applicant's eligibility as a
473 candidate for registration:

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

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

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

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

483 (v) Practicing architecture, or holding himself
484 out as capable of practicing architecture, in this state in
485 violation of the chapter.

486 The board may admit an applicant otherwise precluded from
487 consideration because of the prohibitions imposed in this
488 paragraph (d) if the board determines that the applicant has shown
489 clear and convincing evidence of rehabilitation and reform. Such
490 decision is in the sole discretion of the board and upon such
491 terms, conditions and evidence as the board may require.

492 Additionally, notwithstanding the provisions of paragraph (b)
493 of this subsection, if the applicant can provide sufficient and
494 satisfactory evidence that he is unable to obtain the
495 intern-architect development program certification, the board may
496 accept in lieu thereof certification by the applicant that he has



497 completed not less than three (3) continuous years of actual
498 engagement in architectural work in the office or offices of a
499 licensed architect or architects. Such certification shall be on
500 such terms, conditions and requirements as the board may
501 establish.

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

504 **SECTION 10.** Section 73-3-339, Mississippi Code of 1972, is
505 amended as follows:

506 73-3-339. Whenever any attorney subject to the disciplinary
507 jurisdiction of the court shall be convicted in any state court or
508 in any federal court, or enter a plea of guilty or a plea of nolo
509 contendere therein, of any * * * disqualifying crime as provided
510 in the Fresh Start Act or any violation of the United States
511 Internal Revenue Code, or of any offense involving fraud,
512 dishonesty, misrepresentation, deceit, or failure to account for
513 money or property of a client, * * * a certified copy of the
514 judgment of conviction shall be presented to the court by the
515 Board of Commissioners. Upon the presentation of such certified
516 copy of judgment, the court shall forthwith strike the name of the
517 attorney so convicted or who entered such a plea from the rolls of
518 The Mississippi Bar and order his immediate suspension from
519 practice, pending an appeal and final disposition of disciplinary
520 proceedings. Such attorney will be reinstated immediately upon
521 the reversal of his conviction for the offense that has resulted



522 in his automatic suspension, but such reinstatement shall not
523 terminate any disciplinary proceeding then pending against the
524 attorney.

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

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

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

542 **SECTION 11.** Section 73-9-61, Mississippi Code of 1972, is
543 amended as follows:

544 73-9-61. (1) Upon satisfactory proof, and in accordance
545 with statutory provisions elsewhere set out for such hearings and
546 protecting the rights of the accused as well as the public, the



547 State Board of Dental Examiners may deny the issuance or renewal
548 of a license or may revoke or suspend the license of any licensed
549 dentist or dental hygienist practicing in the State of
550 Mississippi, or take any other action in relation to the license
551 as the board may deem proper under the circumstances, for any of
552 the following reasons:

553 (a) Misrepresentation in obtaining a license, or
554 attempting to obtain, obtaining, attempting to renew or renewing a
555 license or professional credential by making any material
556 misrepresentation, including the signing in his or her
557 professional capacity any certificate that is known to be false at
558 the time he or she makes or signs the certificate.

559 (b) Willful violation of any of the rules or
560 regulations duly promulgated by the board, or of any of the rules
561 or regulations duly promulgated by the appropriate dental
562 licensure agency of another state or jurisdiction.

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

568 (d) Administering, dispensing or prescribing any
569 prescriptive medication or drug outside the course of legitimate
570 professional dental practice.



571 (e) Being convicted or found guilty of or entering a
572 plea of nolo contendere to, regardless of adjudication, a
573 violation of any federal or state law regulating the possession,
574 distribution or use of any narcotic drug or any drug considered a
575 controlled substance under state or federal law, a certified copy
576 of the conviction order or judgment rendered by the trial court
577 being prima facie evidence thereof, notwithstanding the pendency
578 of any appeal.

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

581 (g) Being convicted or found guilty of or entering a
582 plea of nolo contendere to, regardless of adjudication, a crime in
583 any jurisdiction that relates to the practice of dentistry or
584 dental hygiene, a certified copy of the conviction order or
585 judgment rendered by the trial court being prima facie evidence
586 thereof, notwithstanding the pendency of any appeal.

587 (h) Being convicted or found guilty of or entering a
588 plea of nolo contendere to * * * a disqualifying crime as provided
589 in the Fresh Start Act in any jurisdiction, a certified copy of
590 the conviction order or judgment rendered by the trial court being
591 prima facie evidence thereof, notwithstanding the pendency of any
592 appeal.

593 (i) Delegating professional responsibilities to a
594 person who is not qualified by training, experience or licensure
595 to perform them.



596 (j) The refusal of a licensing authority of another
597 state or jurisdiction to issue or renew a license, permit or
598 certificate to practice dentistry or dental hygiene in that
599 jurisdiction or the revocation, suspension or other restriction
600 imposed on a license, permit or certificate issued by the
601 licensing authority that prevents or restricts practice in that
602 jurisdiction, a certified copy of the disciplinary order or action
603 taken by the other state or jurisdiction being prima facie
604 evidence thereof, notwithstanding the pendency of any appeal.

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

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

612 * * *

613 (* * *i) Practicing deceit or other fraud upon
614 the public.

615 (* * *ii) Practicing dentistry or dental hygiene
616 under a false or assumed name.

617 (* * *iii) Advertising that is false, deceptive
618 or misleading.

619 (* * *iv) Announcing a specialized practice shall
620 be considered advertising that tends to deceive or mislead the



621 public unless the dentist announcing as a specialist conforms to
622 other statutory provisions and the duly promulgated rules or
623 regulations of the board pertaining to practice of dentistry in
624 the State of Mississippi.

625 (m) Failure to provide and maintain reasonable sanitary
626 facilities and conditions or failure to follow board rules
627 regarding infection control.

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

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

633 (ii) Conduct of a licensee that is intended to
634 intimidate, coerce, influence or trick any person employed by or
635 for the licensee in a dental practice or educational setting for
636 the purpose of engaging in sexual activity or activity intended
637 for the sexual gratification of the licensee.

638 (o) Violation of a lawful order of the board previously
639 entered in a disciplinary or licensure hearing; failure to
640 cooperate with any lawful request or investigation by the board;
641 or failure to comply with a lawfully issued subpoena of the board.

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



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

647 (r) Violation(s) of the provisions of Sections 41-121-1
648 through 41-121-9 relating to deceptive advertisement by health
649 care practitioners. This paragraph shall stand repealed on July
650 1, 2025.

651 (2) In lieu of revocation of a license as provided for
652 above, the board may suspend the license of the offending dentist
653 or dental hygienist, suspend the sedation permit of the offending
654 dentist, or take any other action in relation to his or her
655 license as the board may deem proper under the circumstances.

656 (3) When a license to practice dentistry or dental hygiene
657 is revoked or suspended by the board, the board may, in its
658 discretion, stay the revocation or suspension and simultaneously
659 place the licensee on probation upon the condition that the
660 licensee shall not violate the laws of the State of Mississippi
661 pertaining to the practice of dentistry or dental hygiene and
662 shall not violate the rules and regulations of the board and shall
663 not violate any terms in relation to his or her license as may be
664 set by the board.

665 (4) In a proceeding conducted under this section by the
666 board for the denial, revocation or suspension of a license to
667 practice dentistry or dental hygiene, the board shall have the
668 power and authority for the grounds stated for that denial,
669 revocation or suspension, and in addition thereto or in lieu of



670 that denial, revocation or suspension may assess and levy upon any
671 person licensed to practice dentistry or dental hygiene in the
672 State of Mississippi, a monetary penalty, as follows:

673 (a) For the first violation of any of * * * paragraph
674 (a), (b), (c), (d), (f), (i), (l), (m), (n), (o) or (q) of
675 subsection (1) of this section, a monetary penalty of not less
676 than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars
677 (\$500.00).

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

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

688 (d) For any violation of any of * * * paragraphs (a)
689 through (q) of subsection (1) of this section, those reasonable
690 costs that are expended by the board in the investigation and
691 conduct of a proceeding for licensure revocation or suspension,
692 including, but not limited to, the cost of process service, court
693 reporters, expert witnesses and investigators.



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

699 (6) A licensee shall have the right of appeal from the
700 assessment and levy of a monetary penalty as provided in this
701 section under the same conditions as a right of appeal is provided
702 elsewhere for appeals from an adverse ruling, order or decision of
703 the board.

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

708 (8) A monetary penalty assessed and levied under this
709 section shall be paid to the board by the licensee upon the
710 expiration of the period allowed for appeal of those penalties
711 under this section or may be paid sooner if the licensee elects.
712 With the exception of subsection (4)(d) of this section, monetary
713 penalties collected by the board under this section shall be
714 deposited to the credit of the General Fund of the State Treasury.
715 Any monies collected by the board under subsection (4)(d) of this
716 section shall be deposited into the special fund operating account
717 of the board.



718 (9) When payment of a monetary penalty assessed and levied
719 by the board against a licensee in accordance with this section is
720 not paid by the licensee when due under this section, the board
721 shall have power to institute and maintain proceedings in its name
722 for enforcement of payment in the chancery court of the county and
723 judicial district of residence of the licensee, and if the
724 licensee is a nonresident of the State of Mississippi, the
725 proceedings shall be in the Chancery Court of the First Judicial
726 District of Hinds County, Mississippi.

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

740 (11) All grounds for disciplinary action, including
741 imposition of fines and assessment of costs as enumerated above,



742 shall also apply to any other license or permit issued by the
743 board under this chapter or regulations duly adopted by the board.

744 **SECTION 12.** Section 73-11-57, Mississippi Code of 1972, is
745 amended as follows:

746 73-11-57. (1) The board, upon satisfactory proof at proper
747 hearing and in accordance with the provisions of this chapter and
748 the regulations of the board, may suspend, revoke, or refuse to
749 issue or renew any license under this chapter, reprimand or place
750 the holder of a license on a term of probation, and/or take any
751 other action in relation to a license as the board may deem proper
752 under the circumstances upon any of the following grounds:

753 (a) The employment of fraud or deception in applying
754 for a license or in passing the examination provided for in this
755 chapter;

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

757 (c) The conviction of a * * * disqualifying crime as
758 provided in the Fresh Start Act by the court of any other state or
759 territory of the United States; having been convicted of or pled
760 guilty to a * * * disqualifying crime as provided in the Fresh
761 Start Act in the courts of this state or any other state,
762 territory or country which would prevent a person from holding
763 elected office. Conviction, as used in this paragraph, shall
764 include a deferred conviction, deferred prosecution, deferred
765 sentence, finding or verdict of guilt, an admission of guilty, or
766 a plea of nolo contendere;



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

769 (e) The impersonation of another funeral service or
770 funeral directing licensee;

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

774 (g) Violation of any provision of this chapter or any
775 rule or regulation of the board;

776 (h) Having had a license for the practice of funeral
777 service or funeral directing suspended or revoked in any
778 jurisdiction, having voluntarily surrendered his license in any
779 jurisdiction, having been placed on probation in any jurisdiction,
780 having been placed under disciplinary order(s) or other
781 restriction in any manner for funeral directing and/or funeral
782 service, or operating a funeral establishment (a certified copy of
783 the order of suspension, revocation, probation or disciplinary
784 action shall be prima facie evidence of such action);

785 (i) Solicitation of dead human bodies by the licensee,
786 his agents, assistants or employees, whether such solicitation
787 occurs after death or when death is imminent; if the person
788 solicited has made known a desire not to receive the
789 communication, or if the solicitation involves coercion, duress or
790 harassment, or if the solicitation takes place at the residence of
791 the client or prospective client and is uninvited by the client or



792 prospective client and has not been previously agreed to by the
793 client or prospective client; however, this shall not be deemed to
794 prohibit general advertising;

795 (j) Employment directly or indirectly of any
796 apprentice, agent, assistant, employee, or other person, on a
797 part-time or full-time basis or on commission, for the purpose of
798 calling upon individuals or institutions by whose influence dead
799 human bodies may be turned over to a particular funeral
800 establishment;

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

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

807 (ii) Not furnishing, in writing, an adequate
808 explanation covering the matter contained in a complaint filed
809 with the board;

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

813 (iv) Not reasonably providing access, as directed
814 by the board for its authorized agents or representatives seeking
815 to perform reviews or inspections at facilities or places utilized
816 by the license holder in the practice of funeral service or



817 funeral directing and/or in performing any other activity
818 regulated by the board under this chapter;

819 (v) Failure to provide information within the
820 specified time allotted and as required by the board and/or its
821 representatives or designees;

822 (vi) Failure to cooperate with the board or its
823 designees or representatives in the investigation of any alleged
824 misconduct or interfering with a board investigation by willful
825 misrepresentation of facts;

826 (vii) Deceiving or attempting to deceive the board
827 regarding any matter under investigation, including altering or
828 destroying any records; and

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

831 (l) Knowingly performing any act that in any way
832 assists an unlicensed person to practice funeral service or
833 funeral directing;

834 (m) Knowingly making a false statement on death
835 certificates;

836 * * *

837 (* * *n) Violating any statute, ordinance, rule or
838 regulation of the state or any of its boards, agencies or
839 political subdivisions affecting the registration of deaths or the
840 handling, custody, care or transportation of dead human bodies; or



841 (* * *o) Unprofessional conduct in the practice of
842 funeral service or funeral directing which includes, but is not
843 limited to:

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

846 (ii) Knowingly performing any act which in any way
847 assists an unlicensed person to practice funeral service or
848 funeral directing;

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

851 (iv) Any act or omission in the practice of
852 funeral service or directing which constitutes dishonesty, fraud
853 or misrepresentation with the intent to benefit the licensee,
854 another person or funeral establishment, or with the intent to
855 substantially injure another person, licensee or funeral
856 establishment; or

857 (v) Any act or conduct, whether the same or of a
858 different character than specified above, which constitutes or
859 demonstrates bad faith, incompetency or untrustworthiness; or
860 dishonest, fraudulent or improper dealing; or any other violation
861 of the provisions of this chapter, the rules and regulations
862 established by the board or any rule or regulation promulgated by
863 the Federal Trade Commission relative to the practice of funeral
864 service or funeral directing.



865 (2) Any person, including a member of the board, may
866 initiate a complaint against a licensee of the board by filing
867 with the board a written complaint on a form prescribed by the
868 board.

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

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



889 (c) Any party appearing before the board may be
890 accompanied by counsel.

891 (d) Before commencing a hearing, the chairman or
892 designee of the board shall determine if all parties are present
893 and ready to proceed. If the complainant fails to attend a
894 hearing without good cause shown, the complaint shall be dismissed
895 summarily and all fees and expenses of convening the hearing shall
896 be assessed to, and paid by, the complainant. If any affected
897 licensee fails to appear for a hearing without good cause shown,
898 such licensee shall be presumed to have waived his right to appear
899 before the board and be heard.

900 (e) Upon the chair's determination that all parties are
901 ready to proceed, the chair or designee shall call the hearing to
902 order and the complainant and the licensee may give opening
903 statements. The board may order the sequestration of nonparty
904 witnesses.

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

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

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



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

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

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

927 (5) The board may, upon satisfactory proof that the
928 applicant or licensee has been guilty of any of the offenses above
929 enumerated, take the action authorized by this section against an
930 applicant or licensee of the board upon a majority vote of the
931 board members, after a hearing thereon. The board is vested with
932 full power and authority to hold and conduct such hearings, compel
933 the attendance of witnesses and the production of books, records
934 and documents, issue subpoenas therefor, administer oaths, examine
935 witnesses, and do all things necessary to properly conduct such
936 hearings. The board may waive the necessity of a hearing if the
937 person accused of a violation admits that he has been guilty of



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

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

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



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

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

968 (d) For any violation of any of the subparagraphs of
969 subsection (1) of this section, those reasonable costs that are
970 expended by the board in the investigation and conduct of a
971 proceeding for licensure revocation or suspension, including, but
972 not limited to, the cost of process service, court reporters,
973 expert witnesses and investigators.

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

979 (8) A licensee shall have the right of appeal from the
980 assessment and levy of a monetary penalty as provided in this
981 section under the same conditions as a right of appeal is provided
982 elsewhere for appeals from an adverse ruling, order or decision of
983 the board.

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



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

991 With the exception of subsection (5)(d) of this section,
992 monetary penalties collected by the board under this section shall
993 be deposited in the State Treasury to the credit of the State
994 Board of Funeral Service. Any monies collected by the board under
995 subsection (5)(d) of this section shall be deposited into the
996 special fund operating account of the board.

997 (11) When payment of a monetary penalty assessed and levied
998 by the board against a licensee in accordance with this section is
999 not paid by the licensee when due under this section, the board
1000 shall have power to institute and maintain proceedings in its name
1001 for enforcement of payment in the chancery court of the county and
1002 judicial district of residence of the licensee, or if the licensee
1003 is a nonresident of the State of Mississippi, in the Chancery
1004 Court of the First Judicial District of Hinds County, Mississippi.

1005 (12) In any administrative or judicial proceeding in which
1006 the board prevails, the board shall have the right to recover
1007 reasonable attorney fees.

1008 (13) In addition to the reasons specified in subsection (1)
1009 of this section, the board shall be authorized to suspend the
1010 license of any licensee for being out of compliance with an order
1011 for support, as defined in Section 93-11-153. The procedure for



1012 suspension of a license for being out of compliance with an order
1013 for support, and the procedure for the reissuance or reinstatement
1014 of a license suspended for that purpose, and the payment of any
1015 fees for the reissuance or reinstatement of a license suspended
1016 for that purpose, shall be governed by Section 93-11-157 or
1017 93-11-163, as the case may be. Actions taken by the board in
1018 suspending a license when required by Section 93-11-157 or
1019 93-11-163 are not actions from which an appeal may be taken under
1020 this section. Any appeal of a license suspension that is required
1021 by Section 93-11-157 or 93-11-163 shall be taken in accordance
1022 with the appeal procedure specified in Section 93-11-157 or
1023 93-11-163, as the case may be, rather than the procedure specified
1024 in this section. If there is any conflict between any provision
1025 of Section 93-11-157 or 93-11-163 and any provision of this
1026 chapter, the provisions of Section 93-11-157 or 93-11-163, as the
1027 case may be, shall control.

1028 **SECTION 13.** Section 73-14-35, Mississippi Code of 1972, is
1029 amended as follows:

1030 73-14-35. (1) Any person registered under this chapter may
1031 have his license or certificate revoked or suspended for a fixed
1032 period to be determined by the board for any of the following
1033 causes:

1034 (a) Being convicted of * * * a disqualifying crime as
1035 provided in the Fresh Start Act. The record of such conviction,
1036 or certified copy thereof from the clerk of the court where such



1037 conviction occurred or by the judge of that court, shall be
1038 sufficient evidence to warrant revocation or suspension.

1039 (b) By securing a license or certificate under this
1040 chapter through fraud or deceit.

1041 (c) For unethical conduct or for gross ignorance or
1042 inefficiency in the conduct of his practice.

1043 (d) For knowingly practicing while suffering with a
1044 contagious or infectious disease.

1045 (e) For the use of a false name or alias in the
1046 practice of his profession.

1047 (f) For violating any of the provisions of this chapter
1048 or any rules or regulations promulgated pursuant to this chapter.

1049 (g) For violating the provisions of any applicable
1050 federal laws or regulations.

1051 (h) Discipline by another jurisdiction if at least one
1052 (1) of the grounds for the discipline is the same or substantially
1053 equivalent to those set forth in this chapter or rules and
1054 regulations promulgated pursuant to this chapter.

1055 (2) In addition to the causes specified in subsection (1) of
1056 this section, the board shall be authorized to suspend the license
1057 of any licensee for being out of compliance with an order for
1058 support, as defined in Section 93-11-153. The procedure for
1059 suspension of a license for being out of compliance with an order
1060 for support, and the procedure for the reissuance or reinstatement
1061 of a license suspended for that purpose, and the payment of any



1062 fees for the reissuance or reinstatement of a license suspended
1063 for that purpose, shall be governed by Section 93-11-157 or
1064 93-11-163, as the case may be. If there is any conflict between
1065 any provision of Section 93-11-157 or 93-11-163 and any provision
1066 of this chapter, the provisions of Section 93-11-157 or 93-11-163,
1067 as the case may be, shall control.

1068 **SECTION 14.** Section 73-15-29, Mississippi Code of 1972, is
1069 amended as follows:

1070 73-15-29. (1) The board shall have power to revoke, suspend
1071 or refuse to renew any license issued by the board, or to revoke
1072 or suspend any privilege to practice, or to deny an application
1073 for a license, or to fine, place on probation and/or discipline a
1074 licensee, in any manner specified in this article, upon proof that
1075 such person:

1076 (a) Has committed fraud or deceit in securing or
1077 attempting to secure such license;

1078 (b) Has been convicted of a * * * disqualifying crime
1079 as provided in the Fresh Start Act has had accepted by a court a
1080 plea of nolo contendere to a * * * disqualifying crime as provided
1081 in the Fresh Start Act (a certified copy of the judgment of the
1082 court of competent jurisdiction of such conviction or pleas shall
1083 be prima facie evidence of such conviction);

1084 (c) Has negligently or willfully acted in a manner
1085 inconsistent with the health or safety of the persons under the
1086 licensee's care;



1087 (d) Has had a license or privilege to practice as a
1088 registered nurse or a licensed practical nurse suspended or
1089 revoked in any jurisdiction, has voluntarily surrendered such
1090 license or privilege to practice in any jurisdiction, has been
1091 placed on probation as a registered nurse or licensed practical
1092 nurse in any jurisdiction or has been placed under a disciplinary
1093 order(s) in any manner as a registered nurse or licensed practical
1094 nurse in any jurisdiction, (a certified copy of the order of
1095 suspension, revocation, probation or disciplinary action shall be
1096 prima facie evidence of such action);

1097 (e) Has negligently or willfully practiced nursing in a
1098 manner that fails to meet generally accepted standards of such
1099 nursing practice;

1100 (f) Has negligently or willfully violated any order,
1101 rule or regulation of the board pertaining to nursing practice or
1102 licensure;

1103 (g) Has falsified or in a repeatedly negligent manner
1104 made incorrect entries or failed to make essential entries on
1105 records;

1106 (h) Is addicted to or dependent on alcohol or other
1107 habit-forming drugs or is a habitual user of narcotics,
1108 barbiturates, amphetamines, hallucinogens, or other drugs having
1109 similar effect, or has misappropriated any medication;



1110 (i) Has a physical, mental or emotional condition that
1111 renders the licensee unable to perform nursing services or duties
1112 with reasonable skill and safety;

1113 (j) Has engaged in any other conduct, whether of the
1114 same or of a different character from that specified in this
1115 article, that would constitute a disqualifying crime as defined
1116 in * * * the Fresh Start Act;

1117 (k) Engages in conduct likely to deceive, defraud or
1118 harm the public;

1119 (l) Engages in any unprofessional conduct as identified
1120 by the board in its rules;

1121 (m) Has violated any provision of this article;

1122 (n) Violation(s) of the provisions of Sections 41-121-1
1123 through 41-121-9 relating to deceptive advertisement by health
1124 care practitioners. This paragraph shall stand repealed on July
1125 1, 2025; or

1126 (o) Violation(s) of any provision of Title 41, Chapter
1127 141, Mississippi Code of 1972.

1128 (2) When the board finds any person unqualified because of
1129 any of the grounds set forth in subsection (1) of this section, it
1130 may enter an order imposing one or more of the following
1131 penalties:

1132 (a) Denying application for a license or other
1133 authorization to practice nursing or practical nursing;

1134 (b) Administering a reprimand;



1135 (c) Suspending or restricting the license or other
1136 authorization to practice as a registered nurse or licensed
1137 practical nurse for up to two (2) years without review;

1138 (d) Revoking the license or other authorization to
1139 practice nursing or practical nursing;

1140 (e) Requiring the discipline to submit to care,
1141 counseling or treatment by persons and/or agencies approved or
1142 designated by the board as a condition for initial, continued or
1143 renewed licensure or other authorization to practice nursing or
1144 practical nursing;

1145 (f) Requiring the discipline to participate in a
1146 program of education prescribed by the board as a condition for
1147 initial, continued or renewed licensure or other authorization to
1148 practice;

1149 (g) Requiring the discipline to practice under the
1150 supervision of a registered nurse for a specified period of time;
1151 or

1152 (h) Imposing a fine not to exceed Five Hundred Dollars
1153 (\$500.00).

1154 (3) In addition to the grounds specified in subsection (1)
1155 of this section, the board shall be authorized to suspend the
1156 license or privilege to practice of any licensee for being out of
1157 compliance with an order for support, as defined in Section
1158 93-11-153. The procedure for suspension of a license or privilege
1159 to practice for being out of compliance with an order for support,



1160 and the procedure for the reissuance or reinstatement of a license
1161 or privilege to practice suspended for that purpose, and the
1162 payment of any fees for the reissuance or reinstatement of a
1163 license or privilege to practice suspended for that purpose, shall
1164 be governed by Section 93-11-157 or 93-11-163, as the case may be.
1165 If there is any conflict between any provision of Section
1166 93-11-157 or 93-11-163 and any provision of this article, the
1167 provisions of Section 93-11-157 or 93-11-163, as the case may be,
1168 shall control.

1169 (4) If the public health, safety or welfare imperatively
1170 requires emergency action and the board incorporates a finding to
1171 that effect in an order, the board may order summary suspension of
1172 a license pending proceedings for revocation or other action.
1173 These proceedings shall be promptly instituted and determined by
1174 the board.

1175 (5) The board may establish by rule an alternative to
1176 discipline program for licensees who have an impairment as a
1177 result of substance abuse or a mental health condition, which
1178 program shall include at least the following components:

1179 (a) Participation in the program is voluntary with the
1180 licensee, and the licensee must enter the program before the board
1181 holds a disciplinary action hearing regarding the licensee;

1182 (b) The full cost of participation in the program,
1183 including the cost of any care, counseling, treatment and/or



1184 education received by the licensee, shall be borne by the
1185 licensee;

1186 (c) All of the procedures and records regarding the
1187 licensee's participation in the program shall be confidential,
1188 shall not be disclosed and shall be exempt from the provisions of
1189 the Mississippi Public Records Act of 1983; and

1190 (d) A licensee may not participate in the program more
1191 often than one (1) time during any period of five (5) years or
1192 such longer period as set by the board.

1193 (6) A nurse practitioner who provides a written
1194 certification as authorized under the Mississippi Medical Cannabis
1195 Act and in compliance with rules and regulations adopted
1196 thereunder shall not be subject to any disciplinary action under
1197 this section solely due to providing the written certification.

1198 **SECTION 15.** Section 73-19-23, Mississippi Code of 1972, is
1199 amended as follows:

1200 73-19-23. (1) (a) The board shall refuse to grant a
1201 certificate of licensure to any applicant and may cancel, revoke
1202 or suspend the operation of any certificate by it granted for any
1203 or all of the following reasons: unprofessional and unethical
1204 conduct * * *, habitual intemperance in the use of ardent spirits,
1205 or stimulants, narcotics, or any other substance that impairs the
1206 intellect and judgment to such an extent as to incapacitate one
1207 for the performance of the duties of an optometrist. The



1208 certificate of licensure of any person can be revoked for
1209 violating any section of this chapter.

1210 (b) The board shall conduct a criminal history records
1211 check on licensure applicants and on licensees whose licenses are
1212 subject to investigation.

1213 (i) The applicant or licensee shall undergo a
1214 fingerprint-based criminal history records check of the
1215 Mississippi central criminal database and the Federal Bureau of
1216 Investigation criminal history database. Each applicant or
1217 licensee shall submit a full set of the applicant's fingerprints
1218 in a form or manner prescribed by the board, which shall be
1219 forwarded to the Bureau of Investigation Identification Division
1220 for this purpose.

1221 (ii) Any and all state or national criminal
1222 history records information obtained by the board that is not
1223 already a matter of public record shall be deemed nonpublic and
1224 confidential information restricted to the exclusive use of the
1225 board, its members, officers, investigators, agents and attorneys
1226 in evaluating the applicant's eligibility or disqualification for
1227 licensure, and shall be exempt from the Mississippi Public Records
1228 Act of 1983. Except when introduced into evidence in a hearing
1229 before the board to determine licensure, no such information or
1230 records related thereto shall, except with the written consent of
1231 the applicant or licensee or by order of a court of competent



1232 jurisdiction, be released or otherwise disclosed by the board to
1233 any other person or agency.

1234 (iii) The board shall provide to the department
1235 the fingerprints of the applicant or licensee, any additional
1236 information that may be required by the department, and a form
1237 signed by the applicant consenting to the check of the criminal
1238 records and to the use of the fingerprints and other identifying
1239 information required by the state or national repositories.

1240 (iv) The board shall charge and collect from the
1241 applicant or licensee, in addition to all other applicable fees
1242 and costs, such amount as may be incurred by the board in
1243 requesting and obtaining state and national criminal history
1244 records information on the applicant or licensee.

1245 (2) The board shall further be authorized to take
1246 disciplinary action against a licensee for any unlawful acts,
1247 which shall include violations of regulations promulgated by the
1248 board, as well as the following acts:

1249 (a) Fraud or misrepresentation in applying for or
1250 procuring an optometric license or in connection with applying for
1251 or procuring periodic renewal of an optometric license.

1252 (b) Cheating on or attempting to subvert the optometric
1253 licensing examination(s).

1254 (c) The conviction of a * * * disqualifying crime as
1255 provided in the Fresh Start Act in this state or any other



1256 jurisdiction, or the entry of a guilty or nolo contendere plea to
1257 a * * * disqualifying crime.

1258 (d) The conviction of a * * * disqualifying crime as
1259 provided in the Fresh Start Act as defined by federal law, or the
1260 entry of a guilty or nolo contendere plea to a * * * disqualifying
1261 crime as provided in the Fresh Start Act.

1262 (e) Conduct likely to deceive, defraud or harm the
1263 public.

1264 (f) Making a false or misleading statement regarding
1265 his or her skill or the efficacy or value of the medicine, device,
1266 treatment or remedy prescribed by him or her or used at his or her
1267 direction in the treatment of any disease or other condition.

1268 (g) Willfully or negligently violating the
1269 confidentiality between doctor and patient, except as required by
1270 law.

1271 (h) Negligence or gross incompetence in the practice of
1272 optometry as determined by the board.

1273 (i) Being found to be a person with mental illness or
1274 with an intellectual disability by any court of competent
1275 jurisdiction.

1276 (j) The use of any false, fraudulent, deceptive or
1277 misleading statement in any document connected with the practice
1278 of optometry.

1279 (k) Aiding or abetting the practice of optometry by an
1280 unlicensed, incompetent or impaired person.



1281 (l) Commission of any act of sexual abuse, misconduct
1282 or exploitation related to the licensee's practice of optometry.

1283 (m) Being addicted or habituated to a drug or
1284 intoxicant.

1285 (n) Violating any state or federal law or regulation
1286 relating to a drug legally classified as a controlled substance.

1287 (o) Obtaining any fee by fraud, deceit or
1288 misrepresentation.

1289 (p) Disciplinary action of another state or
1290 jurisdiction against a licensee or other authorization to practice
1291 optometry based upon acts or conduct by the licensee similar to
1292 acts or conduct that would constitute grounds for action as
1293 defined in this chapter, a certified copy of the record of the
1294 action taken by the other state or jurisdiction being conclusive
1295 evidence thereof.

1296 (q) Failure to report to the board the relocation of
1297 his or her office in or out of the jurisdiction, or to furnish
1298 floor plans as required by regulation.

1299 (r) Violation of any provision(s) of the Optometry
1300 Practice Act or the rules and regulations of the board or of an
1301 action, stipulation or agreement of the board.

1302 (s) To advertise in a manner that tends to deceive,
1303 mislead or defraud the public.

1304 (t) The designation of any person licensed under this
1305 chapter, other than by the terms "optometrist," "Doctor of



1306 Optometry" or "O.D.," which through June 30, 2025, shall include
1307 any violation(s) of the provisions of Sections 41-121-1 through
1308 41-121-9 relating to deceptive advertisement by health care
1309 practitioners.

1310 (u) To knowingly submit or cause to be submitted any
1311 misleading, deceptive or fraudulent representation on a claim
1312 form, bill or statement.

1313 (v) To practice or attempt to practice optometry while
1314 his or her license is suspended.

1315 (3) Any person who is a holder of a certificate of licensure
1316 or who is an applicant for examination for a certificate of
1317 licensure, against whom is preferred any charges, shall be
1318 furnished by the board with a copy of the complaint and shall have
1319 a hearing in Jackson, Mississippi, before the board, at which
1320 hearing he may be represented by counsel. At the hearing,
1321 witnesses may be examined for and against the accused respecting
1322 those charges, and the hearing orders or appeals will be conducted
1323 according to the procedure now provided in Section 73-25-27. The
1324 suspension of a certificate of licensure by reason of the use of
1325 stimulants or narcotics may be removed when the holder of the
1326 certificate has been adjudged by the board to be cured and capable
1327 of practicing optometry.

1328 (4) In addition to the reasons specified in subsections (1)
1329 and (2) of this section, the board shall be authorized to suspend
1330 the license of any licensee for being out of compliance with an



1331 order for support, as defined in Section 93-11-153. The procedure
1332 for suspension of a license for being out of compliance with an
1333 order for support, and the procedure for the reissuance or
1334 reinstatement of a license suspended for that purpose, and the
1335 payment of any fees for the reissuance or reinstatement of a
1336 license suspended for that purpose, shall be governed by Section
1337 93-11-157 or 93-11-163, as the case may be. If there is any
1338 conflict between any provision of Section 93-11-157 or 93-11-163
1339 and any provision of this chapter, the provisions of Section
1340 93-11-157 or 93-11-163, as the case may be, shall control.

1341 (5) A licensee who provides a written certification as
1342 authorized under the Mississippi Medical Cannabis Act and in
1343 compliance with rules and regulations adopted thereunder shall not
1344 be subject to any disciplinary action under this section solely
1345 due to providing the written certification.

1346 **SECTION 16.** Section 73-21-97, Mississippi Code of 1972, is
1347 amended as follows:

1348 73-21-97. (1) The board may refuse to issue or renew, or
1349 may suspend, reprimand, revoke or restrict the license,
1350 registration or permit of any person upon one or more of the
1351 following grounds:

1352 (a) Unprofessional conduct as defined by the rules and
1353 regulations of the board;



1354 (b) Incapacity of a nature that prevents a pharmacist
1355 from engaging in the practice of pharmacy with reasonable skill,
1356 confidence and safety to the public;

1357 (c) Being found guilty by a court of competent
1358 jurisdiction of one or more of the following:

1359 (i) A * * * disqualifying crime as provided in the
1360 Fresh Start Act;

1361 (ii) Any act involving * * * gross immorality; or

1362 (iii) Violation of pharmacy or drug laws of this
1363 state or rules or regulations pertaining thereto, or of statutes,
1364 rules or regulations of any other state or the federal government;

1365 (d) Fraud or intentional misrepresentation by a
1366 licensee or permit holder in securing the issuance or renewal of a
1367 license or permit;

1368 (e) Engaging or aiding and abetting an individual to
1369 engage in the practice of pharmacy without a license;

1370 (f) Violation of any of the provisions of this chapter
1371 or rules or regulations adopted pursuant to this chapter;

1372 (g) Failure to comply with lawful orders of the board;

1373 (h) Negligently or willfully acting in a manner
1374 inconsistent with the health or safety of the public;

1375 (i) Addiction to or dependence on alcohol or controlled
1376 substances or the unauthorized use or possession of controlled
1377 substances;

1378 (j) Misappropriation of any prescription drug;



1379 (k) Being found guilty by the licensing agency in
1380 another state of violating the statutes, rules or regulations of
1381 that jurisdiction;

1382 (l) The unlawful or unauthorized possession of a
1383 controlled substance;

1384 (m) Willful failure to submit drug monitoring
1385 information or willful submission of incorrect dispensing
1386 information as required by the Prescription Monitoring Program
1387 under Section 73-21-127;

1388 (n) Failure to obtain the license, registration or
1389 permit required by this chapter; or

1390 (o) Violation(s) of the provisions of Sections 41-121-1
1391 through 41-121-9 relating to deceptive advertisement by health
1392 care practitioners. This paragraph shall stand repealed on July
1393 1, 2025.

1394 (2) In lieu of suspension, revocation or restriction of a
1395 license as provided for above, the board may warn or reprimand the
1396 offending pharmacist.

1397 (3) In addition to the grounds specified in subsection (1)
1398 of this section, the board shall be authorized to suspend the
1399 license, registration or permit of any person for being out of
1400 compliance with an order for support, as defined in Section
1401 93-11-153. The procedure for suspension of a license,
1402 registration or permit for being out of compliance with an order
1403 for support, and the procedure for the reissuance or reinstatement



1404 of a license, registration or permit suspended for that purpose,
1405 and the payment of any fees for the reissuance or reinstatement of
1406 a license, registration or permit suspended for that purpose,
1407 shall be governed by Section 93-11-157 or 93-11-163, as the case
1408 may be. If there is any conflict between any provision of Section
1409 93-11-157 or 93-11-163 and any provision of this chapter, the
1410 provisions of Section 93-11-157 or 93-11-163, as the case may be,
1411 shall control.

1412 **SECTION 17.** Section 73-25-29, Mississippi Code of 1972, is
1413 amended as follows:

1414 73-25-29. The grounds for the nonissuance, suspension,
1415 revocation or restriction of a license or the denial of
1416 reinstatement or renewal of a license are:

1417 (1) Habitual personal use of narcotic drugs, or any
1418 other drug having addiction-forming or addiction-sustaining
1419 liability.

1420 (2) Habitual use of intoxicating liquors, or any
1421 beverage, to an extent which affects professional competency.

1422 (3) Administering, dispensing or prescribing any
1423 narcotic drug, or any other drug having addiction-forming or
1424 addiction-sustaining liability otherwise than in the course of
1425 legitimate professional practice.

1426 (4) Conviction of violation of any federal or state law
1427 regulating the possession, distribution or use of any narcotic
1428 drug or any drug considered a controlled substance under state or



1429 federal law, a certified copy of the conviction order or judgment
1430 rendered by the trial court being prima facie evidence thereof,
1431 notwithstanding the pendency of any appeal.

1432 (5) Procuring, or attempting to procure, or aiding in,
1433 an abortion that is not medically indicated.

1434 (6) Conviction of a * * * disqualifying crime as
1435 provided in the Fresh Start Act, a certified copy of the
1436 conviction order or judgment rendered by the trial court being
1437 prima facie evidence thereof, notwithstanding the pendency of any
1438 appeal.

1439 (7) Obtaining or attempting to obtain a license by
1440 fraud or deception.

1441 (8) Unprofessional conduct, which includes, but is not
1442 limited to:

1443 (a) Practicing medicine under a false or assumed
1444 name or impersonating another practitioner, living or dead.

1445 (b) Knowingly performing any act which in any way
1446 assists an unlicensed person to practice medicine.

1447 (c) Making or willfully causing to be made any
1448 flamboyant claims concerning the licensee's professional
1449 excellence.

1450 (d) Being guilty of any dishonorable or unethical
1451 conduct likely to deceive, defraud or harm the public.

1452 (e) Obtaining a fee as personal compensation or
1453 gain from a person on fraudulent representation of a disease or



1454 injury condition generally considered incurable by competent
1455 medical authority in the light of current scientific knowledge and
1456 practice can be cured or offering, undertaking, attempting or
1457 agreeing to cure or treat the same by a secret method, which he
1458 refuses to divulge to the board upon request.

1459 (f) Use of any false, fraudulent or forged
1460 statement or document, or the use of any fraudulent, deceitful,
1461 dishonest or immoral practice in connection with any of the
1462 licensing requirements, including the signing in his professional
1463 capacity any certificate that is known to be false at the time he
1464 makes or signs such certificate.

1465 (g) Failing to identify a physician's school of
1466 practice in all professional uses of his name by use of his earned
1467 degree or a description of his school of practice.

1468 (9) The refusal of a licensing authority of another
1469 state or jurisdiction to issue or renew a license, permit or
1470 certificate to practice medicine in that jurisdiction or the
1471 revocation, suspension or other restriction imposed on a license,
1472 permit or certificate issued by such licensing authority which
1473 prevents or restricts practice in that jurisdiction, a certified
1474 copy of the disciplinary order or action taken by the other state
1475 or jurisdiction being prima facie evidence thereof,
1476 notwithstanding the pendency of any appeal.

1477 (10) Surrender of a license or authorization to
1478 practice medicine in another state or jurisdiction or surrender of



1479 membership on any medical staff or in any medical or professional
1480 association or society while under disciplinary investigation by
1481 any of those authorities or bodies for acts or conduct similar to
1482 acts or conduct which would constitute grounds for action as
1483 defined in this section.

1484 (11) Final sanctions imposed by the United States
1485 Department of Health and Human Services, Office of Inspector
1486 General or any successor federal agency or office, based upon a
1487 finding of incompetency, gross misconduct or failure to meet
1488 professionally recognized standards of health care; a certified
1489 copy of the notice of final sanction being prima facie evidence
1490 thereof. As used in this paragraph, the term "final sanction"
1491 means the written notice to a physician from the United States
1492 Department of Health and Human Services, Officer of Inspector
1493 General or any successor federal agency or office, which
1494 implements the exclusion.

1495 (12) Failure to furnish the board, its investigators or
1496 representatives information legally requested by the board.

1497 (13) Violation of any provision(s) of the Medical
1498 Practice Act or the rules and regulations of the board or of any
1499 order, stipulation or agreement with the board.

1500 (14) Violation(s) of the provisions of Sections
1501 41-121-1 through 41-121-9 relating to deceptive advertisement by
1502 health care practitioners.



1503 (15) Performing or inducing an abortion on a woman in
1504 violation of any provision of Sections 41-41-131 through
1505 41-41-145.

1506 (16) Performing an abortion on a pregnant woman after
1507 determining that the unborn human individual that the pregnant
1508 woman is carrying has a detectable fetal heartbeat as provided in
1509 Section 41-41-34.1.

1510 (17) Violation(s) of any provision of Title 41, Chapter
1511 141, Mississippi Code of 1972.

1512 In addition to the grounds specified above, the board shall
1513 be authorized to suspend the license of any licensee for being out
1514 of compliance with an order for support, as defined in Section
1515 93-11-153. The procedure for suspension of a license for being
1516 out of compliance with an order for support, and the procedure for
1517 the reissuance or reinstatement of a license suspended for that
1518 purpose, and the payment of any fees for the reissuance or
1519 reinstatement of a license suspended for that purpose, shall be
1520 governed by Section 93-11-157 or 93-11-163, as the case may be.
1521 If there is any conflict between any provision of Section
1522 93-11-157 or 93-11-163 and any provision of this chapter, the
1523 provisions of Section 93-11-157 or 93-11-163, as the case may be,
1524 shall control.

1525 A physician who provides a written certification as
1526 authorized under the Mississippi Medical Cannabis Act and in
1527 compliance with rules and regulations adopted thereunder shall not



1528 be subject to any disciplinary action under this section solely
1529 due to providing the written certification.

1530 **SECTION 18.** Section 73-25-101, Mississippi Code of 1972, is
1531 amended as follows:

1532 73-25-101. The Interstate Medical Licensure Compact is
1533 enacted into law and entered into by this state with any and all
1534 states legally joining in the Compact in accordance with its
1535 terms, in the form substantially as follows:

1536 **INTERSTATE MEDICAL LICENSURE COMPACT**

1537 **SECTION 1**

1538 **Purpose**

1539 In order to strengthen access to health care, and in
1540 recognition of the advances in the delivery of health care, the
1541 member states of the Interstate Medical Licensure Compact have
1542 allied in common purpose to develop a comprehensive process that
1543 complements the existing licensing and regulatory authority of
1544 state medical boards, provides a streamlined process that allows
1545 physicians to become licensed in multiple states, thereby
1546 enhancing the portability of a medical license and ensuring the
1547 safety of patients. The Compact creates another pathway for
1548 licensure and does not otherwise change a state's existing Medical
1549 Practice Act. The Compact also adopts the prevailing standard for
1550 licensure and affirms that the practice of medicine occurs where
1551 the patient is located at the time of the physician-patient
1552 encounter, and therefore, requires the physician to be under the



1553 jurisdiction of the state medical board where the patient is
1554 located. State medical boards that participate in the Compact
1555 retain the jurisdiction to impose an adverse action against a
1556 license to practice medicine in that state issued to a physician
1557 through the procedures in the Compact.

1558 **SECTION 2**

1559 **Definitions**

1560 In this Compact:

1561 (a) "Bylaws" means those bylaws established by the
1562 Interstate Commission pursuant to Section 11 for its governance,
1563 or for directing and controlling its actions and conduct.

1564 (b) "Commissioner" means the voting representative
1565 appointed by each member board pursuant to Section 11.

1566 (c) "Conviction" means a finding by a court that an
1567 individual is guilty of a criminal offense through adjudication,
1568 or entry of a plea of guilt or no contest to the charge by the
1569 offender. Evidence of an entry of a conviction of a criminal
1570 offense by the court shall be considered final for purposes of
1571 disciplinary action by a member board.

1572 (d) "Expedited license" means a full and unrestricted
1573 medical license granted by a member state to an eligible physician
1574 through the process set forth in the Compact.

1575 (e) "Interstate Commission" means the interstate
1576 commission created pursuant to Section 11.



1577 (f) "License" means authorization by a state for a
1578 physician to engage in the practice of medicine, which would be
1579 unlawful without the authorization.

1580 (g) "Medical Practice Act" means laws and regulations
1581 governing the practice of allopathic and osteopathic medicine
1582 within a member state.

1583 (h) "Member board" means a state agency in a member
1584 state that acts in the sovereign interests of the state by
1585 protecting the public through licensure, regulation, and education
1586 of physicians as directed by the state government.

1587 (i) "Member state" means a state that has enacted the
1588 Compact.

1589 (j) "Practice of medicine" means the clinical
1590 prevention, diagnosis, or treatment of human disease, injury, or
1591 condition requiring a physician to obtain and maintain a license
1592 in compliance with the Medical Practice Act of a member state.

1593 (k) "Physician" means any person who:

1594 (1) Is a graduate of a medical school accredited
1595 by the Liaison Committee on Medical Education, the Commission on
1596 Osteopathic College Accreditation, or a medical school listed in
1597 the International Medical Education Directory or its equivalent;

1598 (2) Passed each component of the United States
1599 Medical Licensing Examination (USMLE) or the Comprehensive
1600 Osteopathic Medical Licensing Examination (COMLEX-USA) within
1601 three (3) attempts, or any of its predecessor examinations



1602 accepted by a state medical board as an equivalent examination for
1603 licensure purposes;

1604 (3) Successfully completed graduate medical
1605 education approved by the Accreditation Council for Graduate
1606 Medical Education or the American Osteopathic Association;

1607 (4) Holds specialty certification or a
1608 time-unlimited specialty certificate recognized by the American
1609 Board of Medical Specialties or the American Osteopathic
1610 Association's Bureau of Osteopathic Specialists;

1611 (5) Possesses a full and unrestricted license to
1612 engage in the practice of medicine issued by a member board;

1613 (6) Has never been convicted, received
1614 adjudication, deferred adjudication, community supervision, or
1615 deferred disposition for any offense by a court of appropriate
1616 jurisdiction;

1617 (7) Has never held a license authorizing the
1618 practice of medicine subjected to discipline by a licensing agency
1619 in any state, federal, or foreign jurisdiction, excluding any
1620 action related to nonpayment of fees related to a license;

1621 (8) Has never had a controlled substance license
1622 or permit suspended or revoked by a state or the United States
1623 Drug Enforcement Administration; and

1624 (9) Is not under active investigation by a
1625 licensing agency or law enforcement authority in any state,
1626 federal, or foreign jurisdiction.



1627 (l) "Offense" means a * * * disqualifying crime as
1628 provided in the Fresh Start Act.

1629 (m) "Rule" means a written statement by the Interstate
1630 Commission promulgated pursuant to Section 12 of the Compact that
1631 is of general applicability, implements, interprets, or prescribes
1632 a policy or provision of the Compact, or an organizational,
1633 procedural, or practice requirement of the Interstate Commission,
1634 and has the force and effect of statutory law in a member state,
1635 and includes the amendment, repeal, or suspension of an existing
1636 rule.

1637 (n) "State" means any state, commonwealth, district, or
1638 territory of the United States.

1639 (o) "State of principal license" means a member state
1640 where a physician holds a license to practice medicine and which
1641 has been designated as such by the physician for purposes of
1642 registration and participation in the Compact.

1643 **SECTION 3**

1644 **Eligibility**

1645 (a) A physician must meet the eligibility requirements as
1646 defined in Section 2(k) to receive an expedited license under the
1647 terms and provisions of the Compact.

1648 (b) A physician who does not meet the requirements of
1649 Section 2(k) may obtain a license to practice medicine in a member
1650 state if the individual complies with all laws and requirements,



1651 other than the Compact, relating to the issuance of a license to
1652 practice medicine in that state.

1653 **SECTION 4**

1654 **Designation of State of Principal License**

1655 (a) A physician shall designate a member state as the state
1656 of principal license for purposes of registration for expedited
1657 licensure through the Compact if the physician possesses a full
1658 and unrestricted license to practice medicine in that state, and
1659 the state is:

1660 (1) The state of primary residence for the physician,
1661 or

1662 (2) The state where at least twenty-five percent (25%)
1663 of the practice of medicine occurs, or

1664 (3) The location of the physician's employer, or

1665 (4) If no state qualifies under subsection (1),
1666 subsection (2), or subsection (3), the state designated as state
1667 of residence for purpose of federal income tax.

1668 (b) A physician may redesignate a member state as state of
1669 principal license at any time, as long as the state meets the
1670 requirements in subsection (a).

1671 (c) The Interstate Commission is authorized to develop rules
1672 to facilitate redesignation of another member state as the state
1673 of principal license.

1674 **SECTION 5**

1675 **Application and Issuance of Expedited Licensure**



1676 (a) A physician seeking licensure through the Compact shall
1677 file an application for an expedited license with the member board
1678 of the state selected by the physician as the state of principal
1679 license.

1680 (b) Upon receipt of an application for an expedited license,
1681 the member board within the state selected as the state of
1682 principal license shall evaluate whether the physician is eligible
1683 for expedited licensure and issue a letter of qualification,
1684 verifying or denying the physician's eligibility, to the
1685 Interstate Commission.

1686 (i) Static qualifications, which include verification
1687 of medical education, graduate medical education, results of any
1688 medical or licensing examination, and other qualifications as
1689 determined by the Interstate Commission through rule, shall not be
1690 subject to additional primary source verification where already
1691 primary source verified by the state of principal license.

1692 (ii) The member board within the state selected as the
1693 state of principal license shall, in the course of verifying
1694 eligibility, perform a criminal background check of an applicant,
1695 including the use of the results of fingerprint or other biometric
1696 data checks compliant with the requirements of the Federal Bureau
1697 of Investigation, with the exception of federal employees who have
1698 suitability determination in accordance with United States Code of
1699 Federal Regulation Section 731.202.



1700 (iii) Appeal on the determination of eligibility shall
1701 be made to the member state where the application was filed and
1702 shall be subject to the law of that state.

1703 (c) Upon verification in subsection (b), physicians eligible
1704 for an expedited license shall complete the registration process
1705 established by the Interstate Commission to receive a license in a
1706 member state selected pursuant to subsection (a), including the
1707 payment of any applicable fees.

1708 (d) After receiving verification of eligibility under
1709 subsection (b) and any fees under subsection (c), a member board
1710 shall issue an expedited license to the physician. This license
1711 shall authorize the physician to practice medicine in the issuing
1712 state consistent with the Medical Practice Act and all applicable
1713 laws and regulations of the issuing member board and member state.

1714 (e) An expedited license shall be valid for a period
1715 consistent with the licensure period in the member state and in
1716 the same manner as required for other physicians holding a full
1717 and unrestricted license within the member state.

1718 (f) An expedited license obtained through the Compact shall
1719 be terminated if a physician fails to maintain a license in the
1720 state of principal licensure for a nondisciplinary reason, without
1721 redesignation of a new state of principal licensure.

1722 (g) The Interstate Commission is authorized to develop rules
1723 regarding the application process, including payment of any
1724 applicable fees, and the issuance of an expedited license.



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SECTION 6

Fees for Expedited Licensure

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

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

SECTION 7

Renewal and Continued Participation

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

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

(2) Has not been convicted, received adjudication, deferred adjudication, community supervision, or deferred disposition for any offense by a court of appropriate jurisdiction;

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

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



1750 (b) Physicians shall comply with all continuing professional
1751 development or continuing medical education requirements for
1752 renewal of a license issued by a member state.

1753 (c) The Interstate Commission shall collect any renewal fees
1754 charged for the renewal of a license and distribute the fees to
1755 the applicable member board.

1756 (d) Upon receipt of any renewal fees collected in subsection
1757 (c), a member board shall renew the physician's license.

1758 (e) Physician information collected by the Interstate
1759 Commission during the renewal process will be distributed to all
1760 member boards.

1761 (f) The Interstate Commission is authorized to develop rules
1762 to address renewal of licenses obtained through the Compact.

1763 SECTION 8

1764 Coordinated Information System

1765 (a) The Interstate Commission shall establish a database of
1766 all physicians licensed, or who have applied for licensure, under
1767 Section 5.

1768 (b) Notwithstanding any other provision of law, member
1769 boards shall report to the Interstate Commission any public action
1770 or complaints against a licensed physician who has applied or
1771 received an expedited license through the Compact.

1772 (c) Member boards shall report disciplinary or investigatory
1773 information determined as necessary and proper by rule of the
1774 Interstate Commission.



1775 (d) Member boards may report any nonpublic complaint,
1776 disciplinary, or investigatory information not required by
1777 subsection (c) to the Interstate Commission.

1778 (e) Member boards shall share complaint or disciplinary
1779 information about a physician upon request of another member
1780 board.

1781 (f) All information provided to the Interstate Commission or
1782 distributed by member boards shall be confidential, filed under
1783 seal, and used only for investigatory or disciplinary matters.

1784 (g) The Interstate Commission is authorized to develop rules
1785 for mandated or discretionary sharing of information by member
1786 boards.

1787 SECTION 9

1788 Joint Investigations

1789 (a) Licensure and disciplinary records of physicians are
1790 deemed investigative.

1791 (b) In addition to the authority granted to a member board
1792 by its respective Medical Practice Act or other applicable state
1793 law, a member board may participate with other member boards in
1794 joint investigations of physicians licensed by the member boards.

1795 (c) A subpoena issued by a member state shall be enforceable
1796 in other member states.

1797 (d) Member boards may share any investigative, litigation,
1798 or compliance materials in furtherance of any joint or individual
1799 investigation initiated under the Compact.



1800 (e) Any member state may investigate actual or alleged
1801 violations of the statutes authorizing the practice of medicine in
1802 any other member state in which a physician holds a license to
1803 practice medicine.

1804 **SECTION 10**

1805 **Disciplinary Actions**

1806 (a) Any disciplinary action taken by any member board
1807 against a physician licensed through the Compact shall be deemed
1808 unprofessional conduct which may be subject to discipline by other
1809 member boards, in addition to any violation of the Medical
1810 Practice Act or regulations in that state.

1811 (b) If a license granted to a physician by the member board
1812 in the state of principal license is revoked, surrendered or
1813 relinquished in lieu of discipline, or suspended, then all
1814 licenses issued to the physician by member boards shall
1815 automatically be placed, without further action necessary by any
1816 member board, on the same status. If the member board in the
1817 state of principal license subsequently reinstates the physician's
1818 license, a license issued to the physician by any other member
1819 board shall remain encumbered until that respective member board
1820 takes action to reinstate the license in a manner consistent with
1821 the Medical Practice Act of that state.

1822 (c) If disciplinary action is taken against a physician by a
1823 member board not in the state of principal license, any other



1824 member board may deem the action conclusive as to matter of law
1825 and fact decided, and:

1826 (i) Impose the same or lesser sanction(s) against the
1827 physician so long as such sanctions are consistent with the
1828 Medical Practice Act of that state; or

1829 (ii) Pursue separate disciplinary action against the
1830 physician under its respective Medical Practice Act, regardless of
1831 the action taken in other member states.

1832 (d) If a license granted to a physician by a member board is
1833 revoked, surrendered or relinquished in lieu of discipline, or
1834 suspended, then any license(s) issued to the physician by any
1835 other member board(s) shall be suspended, automatically and
1836 immediately without further action necessary by the other member
1837 board(s), for ninety (90) days upon entry of the order by the
1838 disciplining board, to permit the member board(s) to investigate
1839 the basis for the action under the Medical Practice Act of that
1840 state. A member board may terminate the automatic suspension of
1841 the license it issued prior to the completion of the ninety (90)
1842 day suspension period in a manner consistent with the Medical
1843 Practice Act of that state.

1844 **SECTION 11**

1845 **Interstate Medical Licensure Compact Commission**

1846 (a) The member states create the "Interstate Medical
1847 Licensure Compact Commission."



1848 (b) The purpose of the Interstate Commission is the
1849 administration of the Interstate Medical Licensure Compact, which
1850 is a discretionary state function.

1851 (c) The Interstate Commission shall be a body corporate and
1852 joint agency of the member states and shall have all the
1853 responsibilities, powers, and duties set forth in the Compact, and
1854 such additional powers as may be conferred upon it by a subsequent
1855 concurrent action of the respective legislatures of the member
1856 states in accordance with the terms of the Compact.

1857 (d) The Interstate Commission shall consist of two (2)
1858 voting representatives appointed by each member state who shall
1859 serve as Commissioners. In states where allopathic and
1860 osteopathic physicians are regulated by separate member boards, or
1861 if the licensing and disciplinary authority is split between
1862 multiple member boards within a member state, the member state
1863 shall appoint one (1) representative from each member board. A
1864 Commissioner shall be a(n):

1865 (1) Allopathic or osteopathic physician appointed to a
1866 member board;

1867 (2) Executive director, executive secretary, or similar
1868 executive of a member board; or

1869 (3) Member of the public appointed to a member board.

1870 (e) The Interstate Commission shall meet at least once each
1871 calendar year. A portion of this meeting shall be a business
1872 meeting to address such matters as may properly come before the



1873 Commission, including the election of officers. The chairperson
1874 may call additional meetings and shall call for a meeting upon the
1875 request of a majority of the member states.

1876 (f) The bylaws may provide for meetings of the Interstate
1877 Commission to be conducted by telecommunication or electronic
1878 communication.

1879 (g) Each Commissioner participating at a meeting of the
1880 Interstate Commission is entitled to one (1) vote. A majority of
1881 Commissioners shall constitute a quorum for the transaction of
1882 business, unless a larger quorum is required by the bylaws of the
1883 Interstate Commission. A Commissioner shall not delegate a vote
1884 to another Commissioner. In the absence of its Commissioner, a
1885 member state may delegate voting authority for a specified meeting
1886 to another person from that state who shall meet the requirements
1887 of subsection (d).

1888 (h) The Interstate Commission shall provide public notice of
1889 all meetings and all meetings shall be open to the public. The
1890 Interstate Commission may close a meeting, in full or in portion,
1891 where it determines by a two-thirds (2/3) vote of the
1892 Commissioners present that an open meeting would be likely to:

1893 (1) Relate solely to the internal personnel practices
1894 and procedures of the Interstate Commission;

1895 (2) Discuss matters specifically exempted from
1896 disclosure by federal statute;



1897 (3) Discuss trade secrets, commercial, or financial
1898 information that is privileged or confidential;

1899 (4) Involve accusing a person of a crime, or formally
1900 censuring a person;

1901 (5) Discuss information of a personal nature where
1902 disclosure would constitute a clearly unwarranted invasion of
1903 personal privacy;

1904 (6) Discuss investigative records compiled for law
1905 enforcement purposes; or

1906 (7) Specifically relate to the participation in a civil
1907 action or other legal proceeding.

1908 (i) The Interstate Commission shall keep minutes which shall
1909 fully describe all matters discussed in a meeting and shall
1910 provide a full and accurate summary of actions taken, including
1911 record of any roll call votes.

1912 (j) The Interstate Commission shall make its information and
1913 official records, to the extent not otherwise designated in the
1914 Compact or by its rules, available to the public for inspection.

1915 (k) The Interstate Commission shall establish an executive
1916 committee, which shall include officers, members, and others as
1917 determined by the bylaws. The executive committee shall have the
1918 power to act on behalf of the Interstate Commission, with the
1919 exception of rulemaking, during periods when the Interstate
1920 Commission is not in session. When acting on behalf of the
1921 Interstate Commission, the executive committee shall oversee the



1922 administration of the Compact including enforcement and compliance
1923 with the provisions of the Compact, its bylaws and rules, and
1924 other such duties as necessary.

1925 (l) The Interstate Commission may establish other committees
1926 for governance and administration of the Compact.

1927 **SECTION 12**

1928 **Powers and Duties of the Interstate Commission**

1929 The Interstate Commission shall have the duty and power to:

1930 (a) Oversee and maintain the administration of the Compact;

1931 (b) Promulgate rules which shall be binding to the extent
1932 and in the manner provided for in the Compact;

1933 (c) Issue, upon the request of a member state or member
1934 board, advisory opinions concerning the meaning or interpretation
1935 of the Compact, its bylaws, rules, and actions;

1936 (d) Enforce compliance with Compact provisions, the rules
1937 promulgated by the Interstate Commission, and the bylaws, using
1938 all necessary and proper means, including but not limited to the
1939 use of judicial process;

1940 (e) Establish and appoint committees, including but not
1941 limited to an executive committee as required by Section 11, which
1942 shall have the power to act on behalf of the Interstate Commission
1943 in carrying out its powers and duties;

1944 (f) Pay, or provide for the payment of the expenses related
1945 to the establishment, organization, and ongoing activities of the
1946 Interstate Commission;



1947 (g) Establish and maintain one or more offices;
1948 (h) Borrow, accept, hire, or contract for services of
1949 personnel;
1950 (i) Purchase and maintain insurance and bonds;
1951 (j) Employ an executive director who shall have such powers
1952 to employ, select or appoint employees, agents, or consultants,
1953 and to determine their qualifications, define their duties, and
1954 fix their compensation;
1955 (k) Establish personnel policies and programs relating to
1956 conflicts of interest, rates of compensation, and qualifications
1957 of personnel;
1958 (l) Accept donations and grants of money, equipment,
1959 supplies, materials and services, and to receive, utilize, and
1960 dispose of it in a manner consistent with the conflict of interest
1961 policies established by the Interstate Commission;
1962 (m) Lease, purchase, accept contributions or donations of,
1963 or otherwise to own, hold, improve or use, any property, real,
1964 personal, or mixed;
1965 (n) Sell, convey, mortgage, pledge, lease, exchange,
1966 abandon, or otherwise dispose of any property, real, personal, or
1967 mixed;
1968 (o) Establish a budget and make expenditures;
1969 (p) Adopt a seal and bylaws governing the management and
1970 operation of the Interstate Commission;



1971 (q) Report annually to the legislatures and governors of the
1972 member states concerning the activities of the Interstate
1973 Commission during the preceding year. Such reports shall also
1974 include reports of financial audits and any recommendations that
1975 may have been adopted by the Interstate Commission;

1976 (r) Coordinate education, training, and public awareness
1977 regarding the Compact, its implementation, and its operation;

1978 (s) Maintain records in accordance with the bylaws;

1979 (t) Seek and obtain trademarks, copyrights, and patents; and

1980 (u) Perform such functions as may be necessary or
1981 appropriate to achieve the purposes of the Compact.

1982 **SECTION 13**

1983 **Finance Powers**

1984 (a) The Interstate Commission may levy on and collect an
1985 annual assessment from each member state to cover the cost of the
1986 operations and activities of the Interstate Commission and its
1987 staff. The total assessment must be sufficient to cover the
1988 annual budget approved each year for which revenue is not provided
1989 by other sources. The aggregate annual assessment amount shall be
1990 allocated upon a formula to be determined by the Interstate
1991 Commission, which shall promulgate a rule binding upon all member
1992 states.

1993 (b) The Interstate Commission shall not incur obligations of
1994 any kind prior to securing the funds adequate to meet the same.



1995 (c) The Interstate Commission shall not pledge the credit of
1996 any of the member states, except by, and with the authority of,
1997 the member state.

1998 (d) The Interstate Commission shall be subject to a yearly
1999 financial audit conducted by a certified or licensed public
2000 accountant and the report of the audit shall be included in the
2001 annual report of the Interstate Commission.

2002 **SECTION 14**

2003 **Organization and Operation of the Interstate Commission**

2004 (a) The Interstate Commission shall, by a majority of
2005 Commissioners present and voting, adopt bylaws to govern its
2006 conduct as may be necessary or appropriate to carry out the
2007 purposes of the Compact within twelve (12) months of the first
2008 Interstate Commission meeting.

2009 (b) The Interstate Commission shall elect or appoint
2010 annually from among its Commissioners a chairperson, a vice
2011 chairperson, and a treasurer, each of whom shall have such
2012 authority and duties as may be specified in the bylaws. The
2013 chairperson, or in the chairperson's absence or disability, the
2014 vice chairperson, shall preside at all meetings of the Interstate
2015 Commission.

2016 (c) Officers selected in subsection (b) shall serve without
2017 remuneration from the Interstate Commission.

2018 (d) The officers and employees of the Interstate Commission
2019 shall be immune from suit and liability, either personally or in



2020 their official capacity, for a claim for damage to or loss of
2021 property or personal injury or other civil liability caused or
2022 arising out of, or relating to, an actual or alleged act, error,
2023 or omission that occurred, or that such person had a reasonable
2024 basis for believing occurred, within the scope of Interstate
2025 Commission employment, duties, or responsibilities; provided that
2026 such person shall not be protected from suit or liability for
2027 damage, loss, injury, or liability caused by the intentional or
2028 willful and wanton misconduct of such person.

2029 (1) The liability of the executive director and
2030 employees of the Interstate Commission or representatives of the
2031 Interstate Commission, acting within the scope of such person's
2032 employment or duties for acts, errors, or omissions occurring
2033 within such person's state, may not exceed the limits of liability
2034 set forth under the constitution and laws of that state for state
2035 officials, employees, and agents. The Interstate Commission is
2036 considered to be an instrumentality of the states for the purposes
2037 of any such action. Nothing in this subsection shall be construed
2038 to protect such person from suit or liability for damage, loss,
2039 injury, or liability caused by the intentional or willful and
2040 wanton misconduct of such person.

2041 (2) The Interstate Commission shall defend the
2042 executive director, its employees, and subject to the approval of
2043 the attorney general or other appropriate legal counsel of the
2044 member state represented by an Interstate Commission



2045 representative, shall defend such Interstate Commission
2046 representative in any civil action seeking to impose liability
2047 arising out of an actual or alleged act, error or omission that
2048 occurred within the scope of Interstate Commission employment,
2049 duties or responsibilities, or that the defendant had a reasonable
2050 basis for believing occurred within the scope of Interstate
2051 Commission employment, duties, or responsibilities, provided that
2052 the actual or alleged act, error, or omission did not result from
2053 intentional or willful and wanton misconduct on the part of such
2054 person.

2055 (3) To the extent not covered by the state involved,
2056 member state, or the Interstate Commission, the representatives or
2057 employees of the Interstate Commission shall be held harmless in
2058 the amount of a settlement or judgment, including attorney's fees
2059 and costs, obtained against such persons arising out of an actual
2060 or alleged act, error, or omission that occurred within the scope
2061 of Interstate Commission employment, duties, or responsibilities,
2062 or that such persons had a reasonable basis for believing occurred
2063 within the scope of Interstate Commission employment, duties, or
2064 responsibilities, provided that the actual or alleged act, error,
2065 or omission did not result from intentional or willful and wanton
2066 misconduct on the part of such persons.

2067 **SECTION 15**

2068 **Rulemaking Functions of the Interstate Commission**



2069 (a) The Interstate Commission shall promulgate reasonable
2070 rules in order to effectively and efficiently achieve the purposes
2071 of the Compact. Notwithstanding the foregoing, in the event the
2072 Interstate Commission exercises its rulemaking authority in a
2073 manner that is beyond the scope of the purposes of the Compact, or
2074 the powers granted hereunder, then such an action by the
2075 Interstate Commission shall be invalid and have no force or
2076 effect.

2077 (b) Rules deemed appropriate for the operations of the
2078 Interstate Commission shall be made pursuant to a rulemaking
2079 process that substantially conforms to the "Model State
2080 Administrative Procedure Act" of 2010, and subsequent amendments
2081 thereto.

2082 (c) Not later than thirty (30) days after a rule is
2083 promulgated, any person may file a petition for judicial review of
2084 the rule in the United States District Court for the District of
2085 Columbia or the federal district where the Interstate Commission
2086 has its principal offices, provided that the filing of such a
2087 petition shall not stay or otherwise prevent the rule from
2088 becoming effective unless the court finds that the petitioner has
2089 a substantial likelihood of success. The court shall give
2090 deference to the actions of the Interstate Commission consistent
2091 with applicable law and shall not find the rule to be unlawful if
2092 the rule represents a reasonable exercise of the authority granted
2093 to the Interstate Commission.



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SECTION 16

Oversight of Interstate Compact

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

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

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

SECTION 17

Enforcement of Interstate Compact

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



2119 (b) The Interstate Commission may, by majority vote of the
2120 Commissioners, initiate legal action in the United States District
2121 Court for the District of Columbia, or, at the discretion of the
2122 Interstate Commission, in the federal district where the
2123 Interstate Commission has its principal offices, to enforce
2124 compliance with the provisions of the Compact, and its promulgated
2125 rules and bylaws, against a member state in default. The relief
2126 sought may include both injunctive relief and damages. In the
2127 event judicial enforcement is necessary, the prevailing party
2128 shall be awarded all costs of such litigation including reasonable
2129 attorney's fees.

2130 (c) The remedies herein shall not be the exclusive remedies
2131 of the Interstate Commission. The Interstate Commission may avail
2132 itself of any other remedies available under state law or the
2133 regulation of a profession.

2134 **SECTION 18**

2135 **Default Procedures**

2136 (a) The grounds for default include, but are not limited to,
2137 failure of a member state to perform such obligations or
2138 responsibilities imposed upon it by the Compact, or the rules and
2139 bylaws of the Interstate Commission promulgated under the Compact.

2140 (b) If the Interstate Commission determines that a member
2141 state has defaulted in the performance of its obligations or
2142 responsibilities under the Compact, or the bylaws or promulgated
2143 rules, the Interstate Commission shall:



2144 (1) Provide written notice to the defaulting state and
2145 other member states, of the nature of the default, the means of
2146 curing the default, and any action taken by the Interstate
2147 Commission. The Interstate Commission shall specify the
2148 conditions by which the defaulting state must cure its default;
2149 and

2150 (2) Provide remedial training and specific technical
2151 assistance regarding the default.

2152 (c) If the defaulting state fails to cure the default, the
2153 defaulting state shall be terminated from the Compact upon an
2154 affirmative vote of a majority of the Commissioners and all
2155 rights, privileges, and benefits conferred by the Compact shall
2156 terminate on the effective date of termination. A cure of the
2157 default does not relieve the offending state of obligations or
2158 liabilities incurred during the period of the default.

2159 (d) Termination of membership in the Compact shall be
2160 imposed only after all other means of securing compliance have
2161 been exhausted. Notice of intent to terminate shall be given by
2162 the Interstate Commission to the Governor, the majority and
2163 minority leaders of the defaulting state's legislature, and each
2164 of the member states.

2165 (e) The Interstate Commission shall establish rules and
2166 procedures to address licenses and physicians that are materially
2167 impacted by the termination of a member state, or the withdrawal
2168 of a member state.



2169 (f) The member state which has been terminated is
2170 responsible for all dues, obligations, and liabilities incurred
2171 through the effective date of termination including obligations,
2172 the performance of which extends beyond the effective date of
2173 termination.

2174 (g) The Interstate Commission shall not bear any costs
2175 relating to any state that has been found to be in default or
2176 which has been terminated from the Compact, unless otherwise
2177 mutually agreed upon in writing between the Interstate Commission
2178 and the defaulting state.

2179 (h) The defaulting state may appeal the action of the
2180 Interstate Commission by petitioning the United States District
2181 Court for the District of Columbia or the federal district where
2182 the Interstate Commission has its principal offices. The
2183 prevailing party shall be awarded all costs of such litigation
2184 including reasonable attorney's fees.

2185 **SECTION 19**

2186 **Dispute Resolution**

2187 (a) The Interstate Commission shall attempt, upon the
2188 request of a member state, to resolve disputes which are subject
2189 to the Compact and which may arise among member states or member
2190 boards.

2191 (b) The Interstate Commission shall promulgate rules
2192 providing for both mediation and binding dispute resolution as
2193 appropriate.



2194 **SECTION 20**

2195 **Member States, Effective Date and Amendment**

2196 (a) Any state is eligible to become a member state of the
2197 Compact.

2198 (b) The Compact shall become effective and binding upon
2199 legislative enactment of the Compact into law by no less than
2200 seven (7) states. Thereafter, it shall become effective and
2201 binding on a state upon enactment of the Compact into law by that
2202 state.

2203 (c) The governors of nonmember states, or their designees,
2204 shall be invited to participate in the activities of the
2205 Interstate Commission on a nonvoting basis prior to adoption of
2206 the Compact by all states.

2207 (d) The Interstate Commission may propose amendments to the
2208 Compact for enactment by the member states. No amendment shall
2209 become effective and binding upon the Interstate Commission and
2210 the member states unless and until it is enacted into law by
2211 unanimous consent of the member states.

2212 **SECTION 21**

2213 **Withdrawal**

2214 (a) Once effective, the Compact shall continue in force and
2215 remain binding upon each and every member state; provided that a
2216 member state may withdraw from the Compact by specifically
2217 repealing the statute which enacted the Compact into law.



2218 (b) Withdrawal from the Compact shall be by the enactment of
2219 a statute repealing the same, but shall not take effect until one
2220 (1) year after the effective date of such statute and until
2221 written notice of the withdrawal has been given by the withdrawing
2222 state to the Governor of each other member state.

2223 (c) The withdrawing state shall immediately notify the
2224 chairperson of the Interstate Commission in writing upon the
2225 introduction of legislation repealing the Compact in the
2226 withdrawing state.

2227 (d) The Interstate Commission shall notify the other member
2228 states of the withdrawing state's intent to withdraw within sixty
2229 (60) days of its receipt of notice provided under subsection (c).

2230 (e) The withdrawing state is responsible for all dues,
2231 obligations and liabilities incurred through the effective date of
2232 withdrawal, including obligations, the performance of which extend
2233 beyond the effective date of withdrawal.

2234 (f) Reinstatement following withdrawal of a member state
2235 shall occur upon the withdrawing state reenacting the Compact or
2236 upon such later date as determined by the Interstate Commission.

2237 (g) The Interstate Commission is authorized to develop rules
2238 to address the impact of the withdrawal of a member state on
2239 licenses granted in other member states to physicians who
2240 designated the withdrawing member state as the state of principal
2241 license.

2242

SECTION 22



2243

Dissolution

2244 (a) The Compact shall dissolve effective upon the date of
2245 the withdrawal or default of the member state which reduces the
2246 membership in the Compact to one (1) member state.

2247 (b) Upon the dissolution of the Compact, the Compact becomes
2248 null and void and shall be of no further force or effect, and the
2249 business and affairs of the Interstate Commission shall be
2250 concluded and surplus funds shall be distributed in accordance
2251 with the bylaws.

2252

SECTION 23

2253

Severability and Construction

2254 (a) The provisions of the Compact shall be severable, and if
2255 any phrase, clause, sentence, or provision is deemed
2256 unenforceable, the remaining provisions of the Compact shall be
2257 enforceable.

2258 (b) The provisions of the Compact shall be liberally
2259 construed to effectuate its purposes.

2260 (c) Nothing in the Compact shall be construed to prohibit
2261 the applicability of other interstate compacts to which the states
2262 are members.

2263

SECTION 24

2264

Binding Effect of Compact and Other Laws

2265 (a) Nothing herein prevents the enforcement of any other law
2266 of a member state that is not inconsistent with the Compact.



2267 (b) All laws in a member state in conflict with the Compact
2268 are superseded to the extent of the conflict.

2269 (c) All lawful actions of the Interstate Commission,
2270 including all rules and bylaws promulgated by the Commission, are
2271 binding upon the member states.

2272 (d) All agreements between the Interstate Commission and the
2273 member states are binding in accordance with their terms.

2274 (e) In the event any provision of the Compact exceeds the
2275 constitutional limits imposed on the legislature of any member
2276 state, such provision shall be ineffective to the extent of the
2277 conflict with the constitutional provision in question in that
2278 member state.

2279 **SECTION 19.** Section 73-27-13, Mississippi Code of 1972, is
2280 amended as follows:

2281 73-27-13. (1) The State Board of Medical Licensure may
2282 refuse to issue, suspend, revoke or otherwise restrict any license
2283 provided for in this chapter, with the advice of the advisory
2284 committee, based upon the following grounds:

2285 (a) Habitual personal use of narcotic drugs, or any
2286 other drug having addiction-forming or addiction-sustaining
2287 liability.

2288 (b) Habitual use of intoxicating liquors, or any
2289 beverage, to an extent which affects professional competency.

2290 (c) Administering, dispensing or prescribing any
2291 narcotic drug, or any other drug having addiction-forming or



2292 addiction-sustaining liability otherwise than in the course of
2293 legitimate professional practice.

2294 (d) Conviction of violation of any federal or state law
2295 regulating the possession, distribution or use of any narcotic
2296 drug or any drug considered a controlled substance under state or
2297 federal law.

2298 (e) Performing any medical diagnosis or treatment
2299 outside the scope of podiatry as defined in Section 73-27-1.

2300 (f) Conviction of a * * * disqualifying crime as
2301 provided in the Fresh Start Act.

2302 (g) Obtaining or attempting to obtain a license by
2303 fraud or deception.

2304 (h) Unprofessional conduct, which includes, but is not
2305 limited to:

2306 (i) Practicing medicine under a false or assumed
2307 name or impersonating another practitioner, living or dead.

2308 (ii) Knowingly performing any act which in any way
2309 assists an unlicensed person to practice podiatry.

2310 (iii) Making or willfully causing to be made any
2311 flamboyant claims concerning the licensee's professional
2312 excellence.

2313 (iv) Being guilty of any dishonorable or unethical
2314 conduct likely to deceive, defraud or harm the public.

2315 (v) Obtaining a fee as personal compensation or
2316 gain from a person on fraudulent representation a disease or



2317 injury condition generally considered incurable by competent
2318 medical authority in the light of current scientific knowledge and
2319 practice can be cured or offering, undertaking, attempting or
2320 agreeing to cure or treat the same by a secret method, which he
2321 refuses to divulge to the board upon request.

2322 (vi) Use of any false, fraudulent or forged
2323 statement or document, or the use of any fraudulent, deceitful,
2324 dishonest or immoral practice in connection with any of the
2325 licensing requirements, including the signing in his professional
2326 capacity any certificate that is known to be false at the time he
2327 makes or signs such certificate.

2328 (vii) Failing to identify a podiatrist's school of
2329 practice in all professional uses of his name by use of his earned
2330 degree or a description of his school of practice.

2331 (i) The refusal of a licensing authority of another
2332 state to issue or renew a license, permit or certificate to
2333 practice podiatry in that state or the revocation, suspension or
2334 other restriction imposed on a license, permit or certificate
2335 issued by such licensing authority which prevents or restricts
2336 practice in that state.

2337 (j) Violation(s) of the provisions of Sections 41-121-1
2338 through 41-121-9 relating to deceptive advertisement by health
2339 care practitioners. This paragraph shall stand repealed on July
2340 1, 2025.



2341 (2) Upon the nonissuance, suspension or revocation of a
2342 license to practice podiatry, the board may, in its discretion and
2343 with the advice of the advisory committee, reissue a license after
2344 a lapse of six (6) months. No advertising shall be permitted
2345 except regular professional cards.

2346 (3) In its investigation of whether the license of a
2347 podiatrist should be suspended, revoked or otherwise restricted,
2348 the board may inspect patient records in accordance with the
2349 provisions of Section 73-25-28.

2350 (4) In addition to the grounds specified in subsection (1)
2351 of this section, the board shall be authorized to suspend the
2352 license of any licensee for being out of compliance with an order
2353 for support, as defined in Section 93-11-153. The procedure for
2354 suspension of a license for being out of compliance with an order
2355 for support, and the procedure for the reissuance or reinstatement
2356 of a license suspended for that purpose, and the payment of any
2357 fees for the reissuance or reinstatement of a license suspended
2358 for that purpose, shall be governed by Section 93-11-157 or
2359 93-11-163, as the case may be. If there is any conflict between
2360 any provision of Section 93-11-157 or 93-11-163 and any provision
2361 of this chapter, the provisions of Section 93-11-157 or 93-11-163,
2362 as the case may be, shall control.

2363 **SECTION 20.** Section 73-29-13, Mississippi Code of 1972, is
2364 amended as follows:



2365 73-29-13. A person is qualified to receive a license as an
2366 examiner:

2367 (1) Who is at least twenty-one (21) years of age;

2368 (2) Who is a citizen of the United States;

2369 (3) Who establishes that he is a person of honesty,
2370 truthfulness, integrity, and moral fitness;

2371 (4) Who has not been convicted of a * * * disqualifying
2372 crime as provided in the Fresh Start Act;

2373 (5) Who holds a baccalaureate degree from a college or
2374 university accredited by the American Association of Collegiate
2375 Registrars and Admissions Officers or, in lieu thereof, has five
2376 (5) consecutive years of active investigative experience
2377 immediately preceding his application;

2378 (6) Who is a graduate of a polygraph examiners course
2379 approved by the board and has satisfactorily completed not less
2380 than six (6) months of internship training, provided that if the
2381 applicant is not a graduate of an approved polygraph examiners
2382 course, satisfactory completion of not less than twelve (12)
2383 months of internship training may satisfy this subdivision; and

2384 (7) Prior to the issuance of a license, the applicant
2385 must furnish to the board evidence of a surety bond or insurance
2386 policy. Said surety bond or insurance policy shall be in the sum
2387 of Five Thousand Dollars (\$5,000.00) and shall be conditioned that
2388 the obligor therein will pay to the extent of the face amount of
2389 such surety bond or insurance policy all judgments which may be



2390 recovered against the licensee by reason of any wrongful or
2391 illegal acts committed by him in the course of his examinations.

2392 **SECTION 21.** Section 73-29-31, Mississippi Code of 1972, is
2393 amended as follows:

2394 73-29-31. (1) The board may refuse to issue or may suspend
2395 or revoke a license on any one or more of the following grounds:

2396 (a) For failing to inform a subject to be examined as
2397 to the nature of the examination;

2398 (b) For failing to inform a subject to be examined that
2399 his participation in the examination is voluntary;

2400 (c) Material misstatement in the application for
2401 original license or in the application for any renewal license
2402 under this chapter;

2403 (d) Willful disregard or violation of this chapter or
2404 of any regulation or rule issued pursuant thereto, including, but
2405 not limited to, willfully making a false report concerning an
2406 examination for polygraph examination purposes;

2407 (e) If the holder of any license has been adjudged
2408 guilty of the commission of a * * * disqualifying crime as
2409 provided in the Fresh Start Act;

2410 (f) Making any willful misrepresentation or false
2411 promises or causing to be printed any false or misleading
2412 advertisement for the purpose of directly or indirectly obtaining
2413 business or trainees;



2414 (g) Having demonstrated unworthiness or incompetency to
2415 act as a polygraph examiner as defined by this chapter;

2416 (h) Allowing one's license under this chapter to be
2417 used by any unlicensed person in violation of the provisions of
2418 this chapter;

2419 (i) Willfully aiding or abetting another in the
2420 violation of this chapter or any regulation or rule issued
2421 pursuant thereto;

2422 (j) Where the license holder has been adjudged by a
2423 court of competent jurisdiction as habitual drunkard, mentally
2424 incompetent, or in need of a conservator;

2425 (k) Failing, within a reasonable time, to provide
2426 information requested by the secretary as the result of a formal
2427 complaint to the board which would indicate a violation of this
2428 chapter;

2429 (l) Failing to inform the subject of the results of the
2430 examination if so requested; or

2431 (m) With regard to any polygraph examiner employed for
2432 a fee and not employed by a governmental law enforcement agency or
2433 the Mississippi Department of Corrections:

2434 (i) Requiring a subject, prior to taking the
2435 examination or as a condition of receiving the results of the
2436 examination, to waive any rights or causes of action he may have
2437 or which may accrue in favor of the subject arising out of or
2438 resulting from the administration of the examination; except the



2439 examiner may require, prior to the examination or as a condition
2440 of receiving the results of the examination, a subject to waive
2441 any rights or causes of action that may accrue against the
2442 examiner as a result of any use made of the results of the
2443 examination by the person who employed the examiner;

2444 (ii) Requiring a subject to acknowledge that his
2445 examination is not done for purposes of employment when, in fact,
2446 the results of the examination are to be submitted to an employer
2447 or an agent of an employer; or

2448 (iii) Reporting the results of an examination to
2449 any person not authorized to receive the results of the
2450 examination except for the person who employed the examiner,
2451 unless authorized in writing by the subject.

2452 (2) In addition to the grounds specified in subsection (1)
2453 of this section, the board shall be authorized to suspend the
2454 license of any licensee for being out of compliance with an order
2455 for support, as defined in Section 93-11-153. The procedure for
2456 suspension of a license for being out of compliance with an order
2457 for support, and the procedure for the reissuance or reinstatement
2458 of a license suspended for that purpose, and the payment of any
2459 fees for the reissuance or reinstatement of a license suspended
2460 for that purpose, shall be governed by Section 93-11-157 or
2461 93-11-163, as the case may be. If there is any conflict between
2462 any provision of Section 93-11-157 or 93-11-163 and any provision



2463 of this chapter, the provisions of Section 93-11-157 or 93-11-163,
2464 as the case may be, shall control.

2465 **SECTION 22.** Section 73-31-21, Mississippi Code of 1972, is
2466 amended as follows:

2467 73-31-21. (1) The board, by an affirmative vote of at least
2468 four (4) of its seven (7) members, shall withhold, deny, revoke or
2469 suspend any license issued or applied for in accordance with the
2470 provisions of this chapter, or otherwise discipline a licensed
2471 psychologist, upon proof that the applicant or licensed
2472 psychologist:

2473 (a) Has violated the current code of ethics of the
2474 American Psychological Association or other codes of ethical
2475 standards adopted by the board; or

2476 (b) Has been convicted of a * * * disqualifying crime
2477 as provided in the Fresh Start Act, the record of conviction being
2478 conclusive evidence thereof; or

2479 (c) Is using any substance or any alcoholic beverage to
2480 an extent or in a manner dangerous to any other person or the
2481 public, or to an extent that the use impairs his or her ability to
2482 perform the work of a professional psychologist with safety to the
2483 public; or

2484 (d) Has impersonated another person holding a
2485 psychologist license or allowed another person to use his or her
2486 license; or



2487 (e) Has used fraud or deception in applying for a
2488 license or in taking an examination provided for in this chapter;
2489 or

2490 (f) Has accepted commissions or rebates or other forms
2491 of remuneration for referring clients to other professional
2492 persons; or

2493 (g) Has performed psychological services outside of the
2494 area of his or her training, experience or competence; or

2495 (h) Has allowed his or her name or license issued under
2496 this chapter to be used in connection with any person or persons
2497 who perform psychological services outside of the area of their
2498 training, experience or competence; or

2499 (i) Is legally adjudicated mentally incompetent, the
2500 record of that adjudication being conclusive evidence thereof; or

2501 (j) Has willfully or negligently violated any of the
2502 provisions of this chapter. The board may recover from any person
2503 disciplined under this chapter, the costs of investigation,
2504 prosecution, and adjudication of the disciplinary action.

2505 (2) Notice shall be effected by registered mail or personal
2506 service setting forth the particular reasons for the proposed
2507 action and fixing a date not less than thirty (30) days nor more
2508 than sixty (60) days from the date of the mailing or that service,
2509 at which time the applicant or licensee shall be given an
2510 opportunity for a prompt and fair hearing. For the purpose of the
2511 hearing, the board, acting by and through its executive secretary,



2512 may subpoena persons and papers on its own behalf and on behalf of
2513 the applicant or licensee, may administer oaths and may take
2514 testimony. That testimony, when properly transcribed, together
2515 with the papers and exhibits, shall be admissible in evidence for
2516 or against the applicant or licensee. At the hearing, the
2517 applicant or licensee may appear by counsel and personally in his
2518 or her own behalf. Any person sworn and examined by a witness in
2519 the hearing shall not be held to answer criminally, nor shall any
2520 papers or documents produced by the witness be competent evidence
2521 in any criminal proceedings against the witness other than for
2522 perjury in delivering his or her evidence. On the basis of any
2523 such hearing, or upon default of applicant or licensee, the board
2524 shall make a determination specifying its findings of fact and
2525 conclusions of law. A copy of that determination shall be sent by
2526 registered mail or served personally upon the applicant or
2527 licensee. The decision of the board denying, revoking or
2528 suspending the license shall become final thirty (30) days after
2529 so mailed or served, unless within that period the applicant or
2530 licensee appeals the decision to the chancery court, under the
2531 provisions hereof, and the proceedings in chancery shall be
2532 conducted as other matters coming before the court. All
2533 proceedings and evidence, together with exhibits, presented at the
2534 hearing before the board shall be admissible in evidence in court
2535 in the appeal.



2536 (3) The board may subpoena persons and papers on its own
2537 behalf and on behalf of the respondent, may administer oaths and
2538 may compel the testimony of witnesses. It may issue commissions
2539 to take testimony, and testimony so taken and sworn to shall be
2540 admissible in evidence for and against the respondent. The board
2541 shall be entitled to the assistance of the chancery court or the
2542 chancellor in vacation, which, on petition by the board, shall
2543 issue ancillary subpoenas and petitions and may punish as for
2544 contempt of court in the event of noncompliance therewith.

2545 (4) Every order and judgment of the board shall take effect
2546 immediately on its promulgation unless the board in the order or
2547 judgment fixes a probationary period for the applicant or
2548 licensee. The order and judgment shall continue in effect unless
2549 upon appeal the court by proper order or decree terminates it
2550 earlier. The board may make public its order and judgments in
2551 any manner and form as it deems proper. It shall, in event of the
2552 suspension or revocation of a license, direct the clerk of the
2553 circuit court of the county in which that license was recorded to
2554 cancel that record.

2555 (5) Nothing in this section shall be construed as limiting
2556 or revoking the authority of any court or of any licensing or
2557 registering officer or board, other than the Mississippi Board of
2558 Psychology, to suspend, revoke and reinstate licenses and to
2559 cancel registrations under the provisions of Section 41-29-311.



2560 (6) Suspension by the board of the license of a psychologist
2561 shall be for a period not exceeding one (1) year. At the end of
2562 this period the board shall reevaluate the suspension, and shall
2563 either reinstate or revoke the license. A person whose license
2564 has been revoked under the provisions of this section may reapply
2565 for a license after more than two (2) years have elapsed from the
2566 date that the denial or revocation is legally effective.

2567 (7) In addition to the reasons specified in subsection (1)
2568 of this section, the board shall be authorized to suspend the
2569 license of any licensee for being out of compliance with an order
2570 for support, as defined in Section 93-11-153. The procedure for
2571 suspension of a license for being out of compliance with an order
2572 for support, and the procedure for the reissuance or reinstatement
2573 of a license suspended for that purpose, and the payment of any
2574 fees for the reissuance or reinstatement of a license suspended
2575 for that purpose, shall be governed by Section 93-11-157. Actions
2576 taken by the board in suspending a license when required by
2577 Section 93-11-157 or 93-11-163 are not actions from which an
2578 appeal may be taken under this section. Any appeal of a license
2579 suspension that is required by Section 93-11-157 or 93-11-163
2580 shall be taken in accordance with the appeal procedure specified
2581 in Section 93-11-157 or 93-11-163, as the case may be, rather than
2582 the procedure specified in this section. If there is any conflict
2583 between any provision of Section 93-11-157 or 93-11-163 and any



2584 provision of this chapter, the provisions of Section 93-11-157 or
2585 93-11-163, as the case may be, shall control.

2586 (8) The board may issue a nondisciplinary, educational
2587 letter to licensees as provided in Section 73-31-7(2)(g). The
2588 board may also direct a psychologist to obtain a formal assessment
2589 of ability to practice safely if there is reason to believe there
2590 may be impairment due to substance abuse or mental incapacity.
2591 Licensees who may be impaired, but who are able to practice
2592 safely, may be required by the board to seek appropriate treatment
2593 and/or supervision. That action by the board in itself will not
2594 be considered disciplinary.

2595 **SECTION 23.** Section 73-34-109, Mississippi Code of 1972, is
2596 amended as follows:

2597 73-34-109. (1) An appraisal management company applying for
2598 registration in this state shall not:

2599 (a) Be owned, in whole or in part, directly or
2600 indirectly, by any person who has had an appraiser license or
2601 certificate in this state or in any other state, refused, denied,
2602 cancelled, surrendered in lieu of revocation, or revoked; or

2603 (b) Be owned by more than ten percent (10%) by a person
2604 who * * * has been convicted of a disqualifying crime as provided
2605 in the Fresh Start Act.

2606 (2) (a) For purposes of subsection (1)(b) to qualify for
2607 initial registration and every third annual renewed registration
2608 thereafter as an appraisal management company, each individual



2609 owner of more than ten percent (10%) of an appraisal management
2610 company must have successfully been cleared for registration
2611 through an investigation that shall consist of a * * *
2612 verification that the owner is not guilty of or in violation of
2613 any statutory ground for denial of registration as set forth in
2614 this chapter. If no individual owns more than ten percent (10%)
2615 of the appraisal management company, then an investigation of an
2616 owner is not required, but in such instances, the controlling
2617 person designated by the appraisal management company shall be
2618 subject to the requirements of this subsection. If following the
2619 initial registration, any individual becomes either an owner of
2620 more than ten percent (10%) of the appraisal management company or
2621 the designated controlling person of the appraisal management
2622 company, then each such person shall be subject to the
2623 requirements of this subsection at the appraisal management
2624 company's next annual renewal. To assist the board in conducting
2625 its registration investigation, each individual owner of more than
2626 ten percent (10%) of an appraisal management company shall undergo
2627 a fingerprint-based criminal history records check of the
2628 Mississippi central criminal database and the Federal Bureau of
2629 Investigation criminal history database. Each applicant shall
2630 submit a full set of the applicant's fingerprints, in a form and
2631 manner prescribed by the board, which shall be forwarded to the
2632 Mississippi Department of Public Safety (department) and the



2633 Federal Bureau of Investigation Identification Division for this
2634 purpose.

2635 (b) Any state or national criminal history records
2636 information obtained by the board that is not already a matter of
2637 public record shall be deemed nonpublic and confidential
2638 information restricted to the exclusive use of the board, its
2639 members, officers, investigators, agents and attorneys in
2640 evaluating the applicant's eligibility or disqualification for
2641 registration, and shall be exempt from the Mississippi Public
2642 Records Act, Section 25-61-1 et seq. Except upon written consent
2643 of the applicant, or by order of a court of competent
2644 jurisdiction, or when introduced into evidence in a hearing before
2645 the board to determine registration, no such information or
2646 records related thereto shall be released or otherwise disclosed
2647 by the board to any other person or agency.

2648 (c) The board shall provide to the department the
2649 fingerprints of the applicant, any additional information that may
2650 be required by the department, a form signed by the applicant
2651 consenting to the check of the criminal records and to the use of
2652 the fingerprints and other identifying information required by the
2653 state or national repositories.

2654 (d) The board shall charge and collect from the
2655 applicant, in addition to all other applicable fees and costs,
2656 such amount as may be incurred by the board in requesting and



2657 obtaining state and national criminal history records information
2658 on the applicant.

2659 **SECTION 24.** Section 73-39-77, Mississippi Code of 1972, is
2660 amended as follows:

2661 73-39-77. (1) Upon a written complaint sworn to by any
2662 person, the board, in its sole discretion, may, after a hearing,
2663 revoke, suspend or limit for a certain time a license, impose an
2664 administrative fine not to exceed One Thousand Dollars (\$1,000.00)
2665 for each separate offense, or otherwise discipline any licensed
2666 veterinarian for any of the following reasons:

2667 (a) The employment of fraud, misrepresentation or
2668 deception in obtaining a license.

2669 (b) The inability to practice veterinary medicine with
2670 reasonable skill and safety because of a physical or mental
2671 disability, including deterioration of mental capacity, loss of
2672 motor skills or abuse of drugs or alcohol of sufficient degree to
2673 diminish the person's ability to deliver competent patient care.

2674 (c) The use of advertising or solicitation that is
2675 false or misleading.

2676 (d) Conviction of the following in any federal court or
2677 in the courts of this state or any other jurisdiction, regardless
2678 of whether the sentence is deferred:

2679 (i) Any * * * disqualifying crime as provided in
2680 the Fresh Start Act;



2681 (ii) Any crime involving cruelty, abuse or neglect
2682 of animals, including bestiality;

2683 * * *

2684 (* * * iii) Any crime involving unlawful sexual
2685 contact, child abuse, the use or threatened use of a weapon, the
2686 infliction of injury, indecent exposure, perjury, false reporting,
2687 criminal impersonation, forgery and any other crime involving a
2688 lack of truthfulness, veracity or honesty, intimidation of a
2689 victim or witness, larceny, or alcohol or drugs.

2690 For the purposes of this paragraph, a plea of guilty or a
2691 plea of nolo contendere accepted by the court shall be considered
2692 as a conviction.

2693 (e) Incompetence, gross negligence or other malpractice
2694 in the practice of veterinary medicine.

2695 (f) Aiding the unlawful practice of veterinary
2696 medicine.

2697 (g) Fraud or dishonesty in the application or reporting
2698 of any test for disease in animals.

2699 (h) Failure to report, as required by law, or making
2700 false or misleading report of, any contagious or infectious
2701 disease.

2702 (i) Failure to keep accurate patient records.

2703 (j) Dishonesty or gross negligence in the performance
2704 of food safety inspections or in the issuance of any health or
2705 inspection certificates.



2706 (k) Failure to keep veterinary premises and equipment,
2707 including practice vehicles, in a clean and sanitary condition.

2708 (l) Failure to permit the board or its agents to enter
2709 and inspect veterinary premises and equipment, including practice
2710 vehicles, as set by rules promulgated by the board.

2711 (m) Revocation, suspension or limitation of a license
2712 to practice veterinary medicine by another state, territory or
2713 district of the United States.

2714 (n) Loss or suspension of accreditation by any federal
2715 or state agency.

2716 (o) Unprofessional conduct as defined in regulations
2717 adopted by the board.

2718 (p) The dispensing, distribution, prescription or
2719 administration of any veterinary prescription drug, or the
2720 extralabel use of any drug in the absence of a
2721 veterinarian-client-patient relationship.

2722 (q) Violations of state or federal drug laws.

2723 (r) Violations of any order of the board.

2724 (s) Violations of this chapter or of the rules
2725 promulgated under this chapter.

2726 (t) Violation(s) of the provisions of Sections 41-121-1
2727 through 41-121-9 relating to deceptive advertisement by health
2728 care practitioners. This paragraph shall stand repealed on July
2729 1, 2025.



2730 (2) A certified copy of any judgment of conviction or
2731 finding of guilt by a court of competent jurisdiction or by a
2732 governmental agency, or agency authorized to issue licenses or
2733 permits, including the United States Department of Agriculture,
2734 Animal and Plant Health Inspection Service, the Mississippi Board
2735 of Animal Health and the Mississippi Board of Health, of a
2736 veterinarian or veterinary technician of any matters listed in
2737 this section shall be admissible in evidence in any hearing held
2738 by the board to discipline such veterinarian or technician and
2739 shall constitute prima facie evidence of the commission of any
2740 such act.

2741 **SECTION 25.** Section 73-42-9, Mississippi Code of 1972, is
2742 amended as follows:

2743 73-42-9. (1) An applicant for registration shall submit an
2744 application for registration to the Secretary of State in a form
2745 prescribed by the Secretary of State. An application filed under
2746 this section is a public record. Except as otherwise provided in
2747 subsection (2), the application must be in the name of an
2748 individual, signed by the applicant under penalty of perjury and
2749 must state or contain:

2750 (a) The name of the applicant and the address of the
2751 applicant's principal place of business;

2752 (b) The name of the applicant's business or employer,
2753 if applicable;



2754 (c) Any business or occupation engaged in by the
2755 applicant for the five (5) years next preceding the date of
2756 submission of the application;

2757 (d) A description of the applicant's:

2758 (i) Formal training as an athlete agent;

2759 (ii) Practical experience as an athlete agent; and

2760 (iii) Educational background relating to the
2761 applicant's activities as an athlete agent;

2762 (e) The names and addresses of three (3) individuals
2763 not related to the applicant who are willing to serve as
2764 references;

2765 (f) The name, sport and last known team for each
2766 individual for whom the applicant provided services as an athlete
2767 agent during the five (5) years next preceding the date of
2768 submission of the application;

2769 (g) The names and addresses of all persons who are:

2770 (i) With respect to the athlete agent's business
2771 if it is not a corporation, the partners, officers, associates,
2772 individuals or profit-sharers; and

2773 (ii) With respect to a company or corporation
2774 employing the athlete agent, the officers, directors and any
2775 shareholder of the corporation or member with a five percent (5%)
2776 or greater interest;

2777 (h) Whether the applicant or any other person named
2778 pursuant to paragraph (g) has been convicted of a crime that, if



2779 committed in this state, would be a * * * disqualifying crime as
2780 provided in the Fresh Start Act, and identify the crime;

2781 (i) Whether there has been any administrative or
2782 judicial determination that the applicant or any other person
2783 named pursuant to paragraph (g) has made a false, misleading,
2784 deceptive or fraudulent representation;

2785 (j) Any instance in which the conduct of the applicant
2786 or any other person named pursuant to paragraph (g) resulted in
2787 the imposition of a sanction, suspension or declaration of
2788 ineligibility to participate in an interscholastic or
2789 intercollegiate athletic event on a student-athlete or educational
2790 institution;

2791 (k) Any sanction, suspension or disciplinary action
2792 taken against the applicant or any other person named pursuant to
2793 paragraph (g) arising out of occupational or professional conduct;

2794 (l) Whether there has been any denial of an application
2795 for, suspension or revocation of, or refusal to renew, the
2796 certification, registration or licensure of the applicant or any
2797 other person named pursuant to paragraph (g) as an athlete agent
2798 in any state;

2799 (m) Any pending litigation against the applicant in the
2800 applicant's capacity as an agent;

2801 (n) A list of all other states in which the applicant
2802 is currently licensed or registered as an athlete agent and a copy
2803 of each state's license or registration, as applicable; and



2804 (o) Consent to submit to a criminal background check
2805 before being issued a certificate of registration. Any fees
2806 connected with the background check shall be assessed to the
2807 applicant.

2808 (2) An individual who has submitted an application for, and
2809 received a certificate of, registration or licensure as an athlete
2810 agent in another state, may submit a copy of the application and a
2811 valid certificate of registration or licensure from the other
2812 state in lieu of submitting an application in the form prescribed
2813 pursuant to subsection (1), along with the information requested
2814 in paragraphs (l), (m), (n) and (o) of subsection (1). The
2815 Secretary of State shall accept the application and the
2816 certificate from the other state as an application for
2817 registration in this state if the application to the other state:

2818 (a) Was submitted in the other state within the six (6)
2819 months next preceding the submission of the application in this
2820 state and the applicant certifies the information contained in the
2821 application is current;

2822 (b) Contains information substantially similar to or
2823 more comprehensive than that required in an application submitted
2824 in this state; and

2825 (c) Was signed by the applicant under penalty of
2826 perjury.

2827 (3) An athlete agent must notify the Secretary of State
2828 within thirty (30) days whenever the information contained in any



2829 application for registration as an athlete agent in this state
2830 changes in a material way or is, or becomes, inaccurate or
2831 incomplete in any respect. Events requiring notice shall include,
2832 but are not limited to, the following:

2833 (a) Change in address of the athlete agent's principal
2834 place of business;

2835 (b) Conviction of a * * * disqualifying crime as
2836 provided in the Fresh Start Act by the athlete agent;

2837 (c) Denial, suspension, refusal to renew, or revocation
2838 of a registration or license of the athlete agent as an athlete
2839 agent in any state; or

2840 (d) Sanction, suspension or other disciplinary action
2841 taken against the athlete agent arising out of occupational or
2842 professional conduct.

2843 **SECTION 26.** Section 73-42-11, Mississippi Code of 1972, is
2844 amended as follows:

2845 73-42-11. (1) Except as otherwise provided in subsection
2846 (3), the Secretary of State shall issue a certificate of
2847 registration to an individual who complies with Section
2848 73-42-9(1).

2849 (2) Except as otherwise provided in subsection (3), the
2850 Secretary of State shall issue a certificate of registration to an
2851 individual whose application has been accepted under Section
2852 73-42-9(2).



2853 (3) The Secretary of State may refuse to issue a certificate
2854 of registration if he determines that the applicant has engaged in
2855 conduct that has a significant adverse effect on the applicant's
2856 fitness to serve as an athlete agent. In making the
2857 determination, the Secretary of State may consider whether the
2858 applicant has:

2859 (a) Been convicted of a crime in another state that, if
2860 committed in this state, would be a * * * disqualifying crime as
2861 provided in the Fresh Start Act;

2862 (b) Made a materially false, misleading, deceptive or
2863 fraudulent representation as an athlete agent or in the
2864 application;

2865 (c) Engaged in conduct that would disqualify the
2866 applicant from serving in a fiduciary capacity;

2867 (d) Engaged in conduct prohibited by Section 73-42-27;

2868 (e) Had a registration, licensure or certification as
2869 an athlete agent suspended, revoked, or denied or been refused
2870 renewal of registration, licensure or certification in any state;

2871 (f) Engaged in conduct or failed to engage in conduct
2872 the consequence of which was that a sanction, suspension or
2873 declaration of ineligibility to participate in an interscholastic
2874 or intercollegiate athletic event was imposed on a student-athlete
2875 or educational institution; or

2876 (g) Engaged in conduct that significantly adversely
2877 reflects on the applicant's trustworthiness or credibility.



2878 (4) In making a determination under subsection (3), the
2879 Secretary of State shall consider:

2880 (a) How recently the conduct occurred;

2881 (b) The nature of the conduct and the context in which
2882 it occurred; and

2883 (c) Any other relevant conduct of the applicant.

2884 (5) An athlete agent may apply to renew a registration by
2885 submitting an application for renewal in a form prescribed by the
2886 Secretary of State. An application filed under this section is a
2887 public record. The application for renewal must be signed by the
2888 applicant under penalty of perjury and must contain current
2889 information on all matters required in an original registration.

2890 (6) An individual who has submitted an application for
2891 renewal of registration or licensure in another state, in lieu of
2892 submitting an application for renewal in the form prescribed
2893 pursuant to subsection (5), may file a copy of the application for
2894 renewal and a valid certificate of registration from the other
2895 state. The Secretary of State shall accept the application for
2896 renewal from the other state as an application for renewal in this
2897 state if the application to the other state:

2898 (a) Was submitted in the other state within the last
2899 six (6) months and the applicant certifies the information
2900 contained in the application for renewal is current;



2901 (b) Contains information substantially similar to or
2902 more comprehensive than that required in an application for
2903 renewal submitted in this state; and

2904 (c) Was signed by the applicant under penalty of
2905 perjury.

2906 (7) Except as provided in Section 33-1-39, a certificate of
2907 registration or a renewal of a registration is valid for two (2)
2908 years.

2909 **SECTION 27.** Section 73-53-8, Mississippi Code of 1972, is
2910 amended as follows:

2911 73-53-8. (1) There is created the Board of Examiners for
2912 Social Workers and Marriage and Family Therapists to license and
2913 regulate social workers and marriage and family therapists. The
2914 board shall be composed of ten (10) members, six (6) of which
2915 shall be social workers and four (4) of which shall be marriage
2916 and family therapists.

2917 (2) Of the social worker members of the board, two (2) must
2918 be licensed social workers, and four (4) must be licensed master
2919 social workers or licensed certified social workers or a
2920 combination thereof. The marriage and family therapist members of
2921 the board must be licensed marriage and family therapists. For at
2922 least two (2) years immediately preceding his or her appointment,
2923 each marriage and family therapist appointee must have been
2924 actively engaged as a marriage and family therapist in rendering
2925 professional services in marriage and family therapy, or in the



2926 education and training of master's, doctoral or post-doctoral
2927 students of marriage and family therapy, or in marriage and family
2928 therapy research, and during the two (2) years preceding his or
2929 her appointment, must have spent the majority of the time devoted
2930 to that activity in this state. The initial marriage and family
2931 therapist appointees shall be deemed to be and shall become
2932 licensed practicing marriage and family therapists immediately
2933 upon their appointment and qualification as members of the board.
2934 All subsequent marriage and family therapist appointees to the
2935 board must be licensed marriage and family therapists before their
2936 appointment.

2937 (3) The Governor shall appoint six (6) members of the board,
2938 four (4) of which shall be social workers and two (2) of which
2939 shall be marriage and family therapists, and the Lieutenant
2940 Governor shall appoint four (4) members of the board, two (2) of
2941 which shall be social workers and two (2) of which shall be
2942 marriage and family therapists. Social worker members of the
2943 board shall be appointed from nominations submitted by the
2944 Mississippi Chapter of the National Association of Social Workers,
2945 and marriage and family therapist members of the board shall be
2946 appointed from nominations submitted by the Mississippi
2947 Association for Marriage and Family Therapy. All appointments
2948 shall be made with the advice and consent of the Senate.

2949 (4) The initial appointments to the board shall be made as
2950 follows: The Governor shall appoint one (1) social worker member



2951 for a term that expires on June 30, 1999, one (1) social worker
2952 member for a term that expires on June 30, 2001, two (2) social
2953 worker members for terms that expire on June 30, 2002, one (1)
2954 marriage and family therapist member for a term that expires on
2955 June 30, 1998, and one (1) marriage and family therapist member
2956 for a term that expires on June 30, 2000. The Lieutenant Governor
2957 shall appoint one (1) social worker member for a term that expires
2958 on June 30, 1998, one (1) social worker member for a term that
2959 expires on June 30, 2000, one (1) marriage and family therapist
2960 member for a term that expires on June 30, 1999, and one (1)
2961 marriage and family therapist member of the board for a term that
2962 expires on June 30, 2001. After the expiration of the initial
2963 terms, all subsequent appointments shall be made by the original
2964 appointing authorities for terms of four (4) years from the
2965 expiration date of the previous term. Upon the expiration of his
2966 or her term of office, a board member shall continue to serve
2967 until his or her successor has been appointed and has qualified.
2968 No person may be appointed more than once to fill an unexpired
2969 term or more than two (2) consecutive full terms.

2970 (5) Any vacancy on the board before the expiration of a term
2971 shall be filled by appointment of the original appointing
2972 authority for the remainder of the unexpired term. Appointments
2973 to fill vacancies shall be made from nominations submitted by the
2974 appropriate organization as specified in subsection (2) of this
2975 section for the position being filled.



2976 (6) The appointing authorities shall give due regard to
2977 geographic distribution, race and sex in making all appointments
2978 to the board.

2979 (7) The board shall select one (1) of its members to serve
2980 as chairman during the term of his or her appointment to the
2981 board. No person may serve as chairman for more than four (4)
2982 years. The board may remove any member of the board or the
2983 chairman from his or her position as chairman for (a) malfeasance
2984 in office, or (b) conviction of a * * * disqualifying crime as
2985 provided in the Fresh Start Act while in office, or (c) failure to
2986 attend three (3) consecutive board meetings. However, no member
2987 may be removed until after a public hearing of the charges against
2988 him or her, and at least thirty (30) days' prior written notice to
2989 the accused member of the charges against him or her and of the
2990 date fixed for such hearing. No board member shall participate in
2991 any matter before the board in which he has a pecuniary interest,
2992 personal bias or other similar conflict of interest.

2993 (8) Board members shall receive no compensation for their
2994 services, but shall be reimbursed for their actual and necessary
2995 expenses incurred in the performance of official board business as
2996 provided in Section 25-3-41.

2997 (9) Four (4) social worker members and three (3) marriage
2998 and family therapist members of the board shall constitute a
2999 quorum of the board. In making its decisions and taking actions
3000 affecting the members of one (1) of the professions regulated by



3001 the board, the board shall consider the recommendations of the
3002 board members who are members of that profession. If the board is
3003 unable to have a quorum present at a regularly scheduled meeting
3004 location, the board may allow other members to participate in the
3005 meeting by telephone or other electronic means. In the case of an
3006 administrative hearing, when recusals from the process are
3007 necessary, a quorum may consist of a simple majority of six (6)
3008 members.

3009 (10) The principal office of the board shall be in the City
3010 of Jackson, but the board may act and exercise all of its powers
3011 at any other place. The board shall adopt an official seal, which
3012 shall be judicially noticed and which shall be affixed to all
3013 licenses issued by the board.

3014 (11) The board is authorized to employ, subject to the
3015 approval of the State Personnel Board, an executive director and
3016 such attorneys, experts and other employees as it may, from time
3017 to time, find necessary for the proper performance of its duties
3018 and for which the necessary funds are available, and to set the
3019 salary of the executive director, subject to the approval of the
3020 State Personnel Board.

3021 (12) The board, by a majority vote, from time to time, may
3022 make such provisions as it deems appropriate to authorize the
3023 performance by any board member or members, employee or other
3024 agent of the board of any function given the board in this chapter
3025 or Sections 73-54-1 through 73-54-39.



3026 **SECTION 28.** Section 73-55-19, Mississippi Code of 1972, is
3027 amended as follows:

3028 73-55-19. (1) Any person licensed under this chapter may
3029 have his license revoked or suspended for a fixed period to be
3030 determined by the board for any of the following causes:

3031 (a) Being convicted of an offense involving * * * a
3032 disqualifying crime as provided in the Fresh Start Act. The
3033 record of such conviction, or certified copy thereof from the
3034 clerk of the court where such conviction occurred or by the judge
3035 of that court, shall be sufficient evidence to warrant revocation
3036 or suspension.

3037 (b) By securing a license under this chapter through
3038 fraud or deceit.

3039 (c) For unethical conduct or for gross ignorance or
3040 inefficiency in the conduct of his practice.

3041 (d) For knowingly practicing while suffering with a
3042 contagious or infectious disease.

3043 (e) For the use of a false name or alias in the
3044 practice of his profession.

3045 (f) For violating any of the provisions of this
3046 chapter.

3047 (2) Any person, whose license is sought to be revoked or
3048 suspended under the provisions of this chapter, shall be given
3049 thirty (30) days' notice, in writing, enumerating the charges and
3050 specifying a date for public hearing thereon. The hearing shall



3051 be held in the county where the person's business is conducted.
3052 The board may issue subpoenas, compel the attendance and testimony
3053 of witnesses, and place them under oath, the same as any court of
3054 competent jurisdiction where the hearing takes place.

3055 (3) At all hearings the board may designate in writing one
3056 or more persons deemed competent by the board to conduct the
3057 hearing as trial examiner or trial committee, with the decision to
3058 be rendered in accordance with the provisions of subsection (4) of
3059 this section.

3060 (4) After a hearing has been completed the trial examiner or
3061 trial committee who conducted the hearing shall proceed to
3062 consider the case and, as soon as practicable, shall render a
3063 decision. In any case, the decision must be rendered within sixty
3064 (60) days after the hearing. The decision shall contain:

3065 (a) The findings of fact made by the trial examiner or
3066 trial committee;

3067 (b) Conclusions of law reached by the trial examiner or
3068 trial committee; and

3069 (c) The order based upon these findings of fact and
3070 conclusions of law.

3071 (5) From any revocation or suspension, the person charged
3072 may, within thirty (30) days thereof, appeal to the chancery court
3073 of the county where the hearing was held.

3074 (6) Notice of appeals shall be filed in the office of the
3075 clerk of the court, who shall issue a writ of certiorari directed



3076 to the board, commanding it within ten (10) days after service
3077 thereof to certify to such court its entire record in the matter
3078 in which the appeal has been taken. The appeal shall thereupon be
3079 heard in the due course by said court without a jury, and the
3080 court shall review the record and make its determination of the
3081 cause between the parties.

3082 (7) If there is an appeal, such appeal may, in the
3083 discretion of and on motion to the chancery court, act as a
3084 supersedeas. The chancery court shall dispose of the appeal and
3085 enter its decision promptly. The hearing on the appeal may, in
3086 the discretion of the chancellor, be tried in vacation.

3087 (8) Any person taking an appeal shall post a satisfactory
3088 bond in the amount of Two Hundred Dollars (\$200.00) for payment of
3089 any costs which may be adjudged against him.

3090 (9) In addition to the reasons specified in subsection (1)
3091 of this section, the board shall be authorized to suspend the
3092 license of any licensee for being out of compliance with an order
3093 for support, as defined in Section 93-11-153. The procedure for
3094 suspension of a license for being out of compliance with an order
3095 for support, and the procedure for the reissuance or reinstatement
3096 of a license suspended for that purpose, and the payment of any
3097 fees for the reissuance or reinstatement of a license suspended
3098 for that purpose, shall be governed by Section 93-11-157 or
3099 93-11-163, as the case may be. Actions taken by the board in
3100 suspending a license when required by Section 93-11-157 or



3101 93-11-163 are not actions from which an appeal may be taken under
3102 this section. Any appeal of a license suspension that is required
3103 by Section 93-11-157 or 93-11-163 shall be taken in accordance
3104 with the appeal procedure specified in Section 93-11-157 or
3105 93-11-163, as the case may be, rather than the procedure specified
3106 in this section. If there is any conflict between any provision
3107 of Section 93-11-157 or 93-11-163 and any provision of this
3108 chapter, the provisions of Section 93-11-157 or 93-11-163, as the
3109 case may be, shall control.

3110 **SECTION 29.** Section 73-65-13, Mississippi Code of 1972, is
3111 amended as follows:

3112 73-65-13. (1) The board may deny any application, or
3113 suspend or revoke any license held or applied for under the
3114 provisions of Section 73-65-7 if the person:

3115 (a) Is found guilty of fraud, deceit, or
3116 misrepresentation in procuring or attempting to procure a license
3117 to practice art therapy;

3118 (b) Is adjudicated mentally incompetent;

3119 (c) Is found guilty of a * * * disqualifying crime as
3120 provided in the Fresh Start Act;

3121 (d) Is found guilty of unprofessional or unethical
3122 conduct in this or any other jurisdiction;

3123 (e) Has been using any controlled substance or
3124 alcoholic beverage to an extent or in a manner dangerous to the
3125 person, any other person, or the public, or to an extent that the



3126 use impairs the ability to perform as a licensed professional art
3127 therapist;

3128 (f) Has violated any provision of this chapter; or

3129 (g) Willfully or negligently divulges a professional
3130 confidence.

3131 (2) A certified copy of the record of conviction shall be
3132 conclusive evidence of the conviction.

3133 (3) Disciplinary proceedings may be initiated upon the
3134 receipt by the board of a sworn complaint by any person, including
3135 members of the board.

3136 **SECTION 30.** Section 73-71-33, Mississippi Code of 1972, is
3137 amended as follows:

3138 73-71-33. The following acts constitute grounds for which
3139 the board may initiate disciplinary actions:

3140 (a) Attempting to obtain, or renewing a license to
3141 practice acupuncture by bribery or misinterpretation;

3142 (b) Having a license to practice acupuncture revoked,
3143 suspended, or otherwise acted against, including the denial of
3144 licensure by the licensing authority of another state or territory
3145 for reasons that would preclude licensure in this state;

3146 (c) Being convicted or found guilty, regardless of
3147 adjudication, in any jurisdiction of a * * * disqualifying crime
3148 as provided in the Fresh Start Act or a crime that directly
3149 relates to acupuncture. For the purposes of this paragraph, a



3150 plea of guilty or a plea of nolo contendere accepted by the court
3151 shall be considered as a conviction;

3152 (d) Advertising, practicing, or attempting to practice
3153 under a name other than one's own;

3154 (e) The use of advertising or solicitation that is
3155 false or misleading;

3156 (f) Aiding, assisting, procuring, employing or
3157 advertising an unlicensed person to practice acupuncture contrary
3158 to this chapter or a rule of the board;

3159 (g) Failing to perform any statutory or legal
3160 obligation placed upon an acupuncture practitioner;

3161 (h) Making or filing a report that the licensee knows
3162 to be false, intentionally or negligently failing to file a report
3163 required by state or federal law, willfully impeding or
3164 obstructing that filing or inducing another person to do so.
3165 Those reports shall include only those that are signed in the
3166 capacity of an acupuncture practitioner;

3167 (i) Exercising coercion, intimidation or undue
3168 influence in entering into sexual relations with a patient, or
3169 continuing the patient-practitioner relationship with a patient
3170 with whom the licensee has sexual relations, if those sexual
3171 relations cause the licensee to perform services incompetently.
3172 This paragraph shall not apply to sexual relations between
3173 acupuncture practitioners and their spouses;



- 3174 (j) Making deceptive, untrue or fraudulent
3175 misrepresentations in the practice of acupuncture;
- 3176 (k) Soliciting patients, either personally or through
3177 an agent, through the use of fraud, intimidation or undue
3178 influence, or a form of overreaching conduct;
- 3179 (l) Failing to keep written medical records justifying
3180 the course of treatment of the patient;
- 3181 (m) Exercising undue influence on the patient to
3182 exploit the patient for financial gain of the licensee or of a
3183 third party;
- 3184 (n) Being unable to practice acupuncture with
3185 reasonable skill and safety to patients by reason of illness or
3186 intemperate use of alcohol, drugs, narcotics, chemicals, or any
3187 other type of material or as a result of any mental or physical
3188 condition;
- 3189 (o) Malpractice or the failure to practice acupuncture
3190 to that level of care, skill and treatment that is recognized by a
3191 reasonably prudent similar practitioner of acupuncture as being
3192 acceptable under similar conditions and circumstances;
- 3193 (p) Practicing or offering to practice beyond the scope
3194 permitted by law or accepting or performing professional
3195 responsibilities that the licensee knows or has reason to know
3196 that he or she is not qualified by training, experience or
3197 certification to perform;



3198 (q) Delegating professional responsibilities to a
3199 person when the licensee delegating those responsibilities knows,
3200 or has reason to know, that the person is not qualified by
3201 training, experience or licensure to perform them;

3202 (r) Violating any provision of this chapter, a rule of
3203 the board, or a lawful order of the board previously entered in a
3204 disciplinary hearing or failing to comply with a lawfully issued
3205 subpoena of the board;

3206 (s) Conspiring with another to commit an act, or
3207 committing an act, that coerces, intimidates or precludes another
3208 licensee from lawfully advertising or providing his or her
3209 services;

3210 (t) Fraud or deceit, or gross negligence, incompetence
3211 or misconduct in the operation of a course of study;

3212 (u) Failing to comply with state, county or municipal
3213 regulations or reporting requirements relating to public health
3214 and the control of contagious and infectious disease;

3215 (v) Failing to comply with any rule of the board
3216 relating to health and safety, including, but not limited to,
3217 sterilization of equipment and the disposal of potentially
3218 infectious materials;

3219 (w) Incompetence, gross negligence or other malpractice
3220 in the practice of acupuncture;

3221 (x) Aiding the unlawful practice of acupuncture;



3222 (y) Fraud or dishonesty in the application or reporting
3223 of any test for disease;

3224 (z) Failure to report, as required by law, or making
3225 false or misleading report of, any contagious or infectious
3226 disease;

3227 (aa) Failure to keep accurate patient records; or

3228 (bb) Failure to permit the board or its agents to enter
3229 and inspect acupuncture premises and equipment as set by rules
3230 promulgated by the board.

3231 **SECTION 31.** Section 73-73-7, Mississippi Code of 1972, is
3232 amended as follows:

3233 73-73-7. (1) Beginning on July 1, 2012, the board and
3234 Interior Design Advisory Committee shall receive applications for
3235 certification as a Mississippi Certified Interior Designer on
3236 forms prescribed and furnished by the board and IDAC.

3237 (2) Upon receipt of an application, the board, upon the
3238 recommendation of IDAC, may approve the application, provided the
3239 applicant meets one (1) of the following requirements:

3240 (a) The applicant passed the IDQE as administered by
3241 NCIDQ before January 1, 2012;

3242 (b) The applicant has a degree in interior design from
3243 a program accredited by the CIDA, a degree in architecture from a
3244 program accredited by the National Architectural Accreditation
3245 Board (NAAB), or a four-year degree in interior design from a
3246 college or university approved by the regulatory board.



3247 Additionally, the applicant must have passed the IDQE as
3248 administered by NCIDQ or its approved successor;

3249 (c) The applicant is a licensed architect in the State
3250 of Mississippi who has passed the IDQE as administered by NCIDQ or
3251 its approved successor; or

3252 (d) The applicant is a licensed engineer in the State
3253 of Mississippi who has passed the IDQE as administered by NCIDQ or
3254 its approved successor.

3255 (3) The applicant must exhibit to the regulatory board and
3256 IDAC the applicant's good standing in the profession * * *.
3257 Except as otherwise provided in this subsection, any of the
3258 following acts shall preclude an applicant's eligibility as a
3259 candidate for certification:

3260 (a) Conviction by any court for commission of any * * *
3261 disqualifying crime as provided in the Fresh Start Act.

3262 (b) Conviction by any court of a misdemeanor involving
3263 fraud, deceit or misrepresentation.

3264 (c) Misstatement or misrepresentation of fact by the
3265 applicant in connection with the applicant's application for
3266 certification in this state or another jurisdiction.

3267 (d) Violation of any of the rules of conduct required
3268 of applicants or interior designers as adopted by the board.

3269 If the board determines that the applicant has shown clear
3270 and convincing evidence of rehabilitation and reform, the board
3271 may certify an applicant otherwise precluded from consideration



3272 because of an act prohibited under this subsection. A decision to
3273 certify an applicant notwithstanding the applicant's violation of
3274 an act prohibited under this subsection is in the sole discretion
3275 of the board and upon such terms, conditions and evidence as the
3276 board may require.

3277 (4) The board and IDAC may require that the applicant appear
3278 before the board for a personal interview.

3279 (5) The board, upon the recommendation of IDAC, may adopt or
3280 develop alternate routes of eligibility and examination
3281 requirements based on standards as set forth by NCIDQ or its
3282 approved successor.

3283 (6) Any application submitted to the board and IDAC may be
3284 denied for any violation of the provisions of this chapter.

3285 **SECTION 32.** Section 73-75-19, Mississippi Code of 1972, is
3286 amended as follows:

3287 73-75-19. **License denial, suspension, or revocation.** (1)
3288 The board, by an affirmative vote of at least three (3) of its
3289 five (5) members, shall withhold, deny, revoke or suspend any
3290 license issued or applied for in accordance with the provisions of
3291 this chapter, or otherwise discipline a licensed behavior analyst
3292 or licensed assistant behavior analyst upon finding that the
3293 applicant or licensee:

3294 (a) Has violated the current Behavior Analyst
3295 Certification Board Professional Disciplinary and Ethical
3296 Standards, the Behavior Analyst Certification Board Guidelines for



3297 Responsible Conduct for Behavior Analysts, or other codes of
3298 ethical standards adopted by the board, or has lost or failed to
3299 renew certification by the Behavior Analyst Certification Board;
3300 or

3301 (b) Has been convicted of a * * * disqualifying crime
3302 as provided in the Fresh Start Act, the record of conviction being
3303 conclusive evidence thereof; or

3304 (c) Is using any narcotic or any alcoholic beverage to
3305 an extent or in a manner dangerous to any other person or the
3306 public, or to an extent that such use impairs his ability to
3307 perform the work of a licensed behavior analyst or licensed
3308 assistant behavior analyst; or

3309 (d) Has impersonated another person holding a license
3310 issued under this chapter or allowed another person to use his
3311 license; or

3312 (e) Has used fraud or deception in applying for a
3313 license provided for in this chapter; or

3314 (f) Has accepted commissions or rebates or other forms
3315 of remuneration for referring clients to other professional
3316 persons; or

3317 (g) Has allowed his name or license issued under this
3318 chapter to be used in connection with any person or persons who
3319 perform applied behavior analysis services outside the area of
3320 their training, experience or competence; or



3321 (h) Is legally adjudicated mentally incompetent, the
3322 record of such adjudication being conclusive evidence thereof; or

3323 (i) Has willfully or negligently violated any of the
3324 provisions of this chapter.

3325 (2) The board may recover from any person disciplined under
3326 this chapter the costs of investigation, prosecution, and
3327 adjudication of the disciplinary action.

3328 (3) Notice shall be effected by registered mail or personal
3329 service setting forth the particular reasons for the proposed
3330 action and fixing a date not less than thirty (30) days nor more
3331 than sixty (60) days from the date of such mailing or such
3332 service, at which time the applicant or licensee shall be given an
3333 opportunity for a prompt and fair hearing. For the purpose of
3334 such hearing the board, acting by and through its executive
3335 secretary, may exercise all authority granted to conduct
3336 investigations and hearings pursuant to Section 73-75-9(2)(a) and
3337 (b). At such hearing the applicant or licensee may appear by
3338 counsel and personally on his own behalf. On the basis of any
3339 such hearing, or upon default of applicant or licensee, the board
3340 shall make a determination specifying its findings of fact and
3341 conclusions of law. A copy of such determination shall be sent by
3342 registered mail or served personally upon the applicant or
3343 licensee. The decision of the board denying, revoking or
3344 suspending the license shall become final thirty (30) days after
3345 so mailed or served unless within that period the licensee appeals



3346 the decision to the Chancery Court of Madison or Rankin Counties,
3347 pursuant to the provisions hereof, and the proceedings in chancery
3348 shall be conducted as other matters coming before the court. All
3349 proceedings and evidence, together with exhibits, presented at
3350 such hearing before the board in the event of appeal, shall be
3351 admissible in evidence in the court.

3352 (4) Nothing in this subsection shall be interpreted to
3353 prohibit the board from immediately suspending any license prior
3354 to a hearing under subsection (3) of this section, when in its
3355 sole discretion the suspension is required for the instruction,
3356 safety or well-being of any member of the public.

3357 (5) Every order and judgment of the board shall take effect
3358 immediately upon its promulgation unless the board in such order
3359 or judgment fixes a probationary period for applicant or licensee.
3360 Such order and judgment shall continue in effect unless upon
3361 appeal the court by proper order or decree terminates it earlier.
3362 The board may make public its order and judgments in such manner
3363 and form as it deems proper.

3364 (6) Suspension by the board of a license issued under this
3365 chapter shall be for a period not to exceed one (1) year. At the
3366 end of this period the board shall reevaluate the suspension, and
3367 shall either reinstate or revoke the license. A person whose
3368 license has been revoked under the provisions of this section may
3369 reapply for license after more than two (2) years have elapsed
3370 from the date such revocation is legally effective.



3371 (7) In addition to the reasons specified in subsection (1)
3372 of this section, the board shall be authorized to suspend the
3373 license of any licensee for being out of compliance with an order
3374 for support, in compliance with the procedures set forth in
3375 Sections 93-11-151 through 93-11-163.

3376 **SECTION 33.** Section 75-76-35, Mississippi Code of 1972, is
3377 amended as follows:

3378 75-76-35. (1) The Legislature hereby declares that the
3379 exclusion or ejection of certain persons from licensed gaming
3380 establishments is necessary to effectuate the policies of this
3381 chapter and to maintain effectively the strict regulation of
3382 licensed gaming.

3383 (2) The commission may by regulation provide for the
3384 establishment of a list of persons who are to be excluded or
3385 ejected from any licensed gaming establishment. The list may
3386 include any person whose presence in the establishment is
3387 determined by the commission or the executive director to pose a
3388 threat to the interests of this state or to licensed gaming, or
3389 both.

3390 (3) In making that determination, the commission and the
3391 executive director may consider any:

3392 (a) Prior conviction of a crime which is a * * *
3393 disqualifying crime as provided in the Fresh Start Act or a
3394 violation of the gaming laws of any state;



3395 (b) Violation or conspiracy to violate the provisions
3396 of this chapter relating to:

3397 (i) The failure to disclose an interest in a
3398 gaming establishment for which the person must obtain a license;
3399 or

3400 (ii) Willful evasion of fees or taxes;

3401 (c) Notorious or unsavory reputation which would
3402 adversely affect public confidence and trust that the gaming
3403 industry is free from criminal or corruptive elements; or

3404 (d) Written order of a governmental agency which
3405 authorizes the exclusion or ejection of the person from an
3406 establishment at which gaming is conducted.

3407 (4) Race, color, creed, national origin or ancestry, or sex
3408 shall not be grounds for placing the name of a person upon the
3409 list.

3410 **SECTION 34.** Section 75-76-131, Mississippi Code of 1972, is
3411 amended as follows:

3412 75-76-131. (1) The executive director shall:

3413 (a) Ascertain and keep himself informed of the
3414 identity, prior activities and present location of all gaming
3415 employees in the State of Mississippi; and

3416 (b) Maintain confidential records of such information.

3417 (2) No person may be employed as a gaming employee unless he
3418 is the holder of a work permit issued by the commission.



3419 (3) A work permit issued to a gaming employee must have
3420 clearly imprinted thereon a statement that it is valid for gaming
3421 purposes only.

3422 (4) Application for a work permit is to be made to the
3423 executive director and may be granted or denied for any cause
3424 deemed reasonable by the commission. Whenever the executive
3425 director denies such an application, he shall include in the
3426 notice of the denial a statement of the facts upon which he relied
3427 in denying the application.

3428 (5) Any person whose application for a work permit has been
3429 denied by the executive director may, not later than sixty (60)
3430 days after receiving notice of the denial or objection, apply to
3431 the commission for a hearing before a hearing examiner. A failure
3432 of a person whose application has been denied to apply for a
3433 hearing within sixty (60) days or his failure to appear at a
3434 hearing conducted pursuant to this section shall be deemed to be
3435 an admission that the denial or objection is well founded and
3436 precludes administrative or judicial review. At the hearing, the
3437 hearing examiner appointed by the commission shall take any
3438 testimony deemed necessary. After the hearing the hearing
3439 examiner shall within thirty (30) days after the date of the
3440 hearing announce his decision sustaining or reversing the denial
3441 of the work permit or the objection to the issuance of a work
3442 permit. The executive director may refuse to issue a work permit
3443 if the applicant has:



3444 (a) Failed to disclose, misstated or otherwise
3445 attempted to mislead the commission with respect to any material
3446 fact contained in the application for the issuance or renewal of a
3447 work permit;

3448 (b) Knowingly failed to comply with the provisions of
3449 this chapter or the regulations of the commission at a place of
3450 previous employment;

3451 (c) Committed, attempted or conspired to commit any
3452 crime of * * * embezzlement or larceny or any violation of any law
3453 pertaining to gaming, or any crime which is inimical to the
3454 declared policy of this state concerning gaming;

3455 (d) Been identified in the published reports of any
3456 federal or state legislative or executive body as being a member
3457 or associate of organized crime, or as being of notorious and
3458 unsavory reputation;

3459 (e) Been placed and remains in the constructive custody
3460 of any federal, state or municipal law enforcement authority;

3461 (f) Had a work permit revoked or committed any act
3462 which is a ground for the revocation of a work permit or would
3463 have been a ground for revoking his work permit if he had then
3464 held a work permit; or

3465 (g) For any other reasonable cause.

3466 The executive director shall refuse to issue a work permit if
3467 the applicant has committed, attempted or conspired to commit a
3468 crime which is a * * * disqualifying crime as provided in the



3469 Fresh Start Act in this state or an offense in another state or
3470 jurisdiction which would be a * * * disqualifying crime as
3471 provided in the Fresh Start Act if committed in this state.

3472 (6) Any applicant aggrieved by the decision of the hearing
3473 examiner may, within fifteen (15) days after the announcement of
3474 the decision, apply in writing to the commission for review of the
3475 decision. Review is limited to the record of the proceedings
3476 before the hearing examiner. The commission may sustain or
3477 reverse the hearing examiner's decision. The commission may
3478 decline to review the hearing examiner's decision, in which case
3479 the hearing examiner's decision becomes the final decision of the
3480 commission. The decision of the commission is subject to judicial
3481 review.

3482 (7) All records acquired or compiled by the commission
3483 relating to any application made pursuant to this section and all
3484 lists of persons to whom work permits have been issued or denied
3485 and all records of the names or identity of persons engaged in the
3486 gaming industry in this state are confidential and must not be
3487 disclosed except in the proper administration of this chapter or
3488 to an authorized law enforcement agency. Any record of the
3489 commission which shows that the applicant has been convicted of a
3490 disqualifying crime in another state must show whether the crime
3491 was a misdemeanor, gross misdemeanor, felony or other class of
3492 crime as classified by the state in which the crime was committed.
3493 In a disclosure of the conviction, reference to the classification



3494 of the crime must be based on the classification in the state
3495 where it was committed.

3496 (8) A work permit expires unless renewed within ten (10)
3497 days after a change of place of employment or if the holder
3498 thereof is not employed as a gaming employee within the
3499 jurisdiction of the issuing authority for more than ninety (90)
3500 days.

3501 (9) Notice of any objection to or denial of a work permit by
3502 the executive director as provided pursuant to this section is
3503 sufficient if it is mailed to the applicant's last known address
3504 as indicated on the application for a work permit. The date of
3505 mailing may be proven by a certificate signed by the executive
3506 director or his designee that specifies the time the notice was
3507 mailed. The notice is presumed to have been received by the
3508 applicant five (5) days after it is deposited with the United
3509 States Postal Service with the postage thereon prepaid.

3510 **SECTION 35.** Section 83-7-207, Mississippi Code of 1972, is
3511 amended as follows:

3512 83-7-207. (1) The commissioner may suspend, revoke or
3513 refuse to renew the license of a viatical settlement provider,
3514 viatical settlement representative or viatical settlement broker
3515 if the commissioner finds that:

3516 (a) There was any material misrepresentation in the
3517 application for the license;



3518 (b) The licensee or any officer, partner or key
3519 management personnel has been convicted of fraudulent or dishonest
3520 practices, is subject to a final administrative action or is
3521 otherwise shown to be untrustworthy or incompetent;

3522 (c) The viatical settlement provider demonstrates a
3523 pattern of unreasonable payments to viators;

3524 (d) The licensee has been found guilty of, or has
3525 pleaded guilty or nolo contendere to, any * * * disqualifying
3526 crime as provided in the Fresh Start;

3527 (e) The viatical settlement provider has failed to
3528 honor contractual obligations set out in a viatical settlement
3529 contract;

3530 (f) The licensee no longer meets the requirements for
3531 initial licensure;

3532 (g) The viatical settlement provider has assigned,
3533 transferred or pledged a viaticated policy to a person other than
3534 a viatical settlement provider licensed in this state or a
3535 financing entity; or

3536 (h) The licensee has violated any provisions of
3537 Sections 83-7-201 through 83-7-223.

3538 (2) Before the commissioner shall deny a license application
3539 or suspend, revoke or refuse to renew the license of a viatical
3540 settlement provider, viatical settlement broker or viatical
3541 settlement representative, the commissioner shall conduct a
3542 hearing in accordance with Section 25-43-1.101 et seq.



3543 **SECTION 36.** Section 83-39-15, Mississippi Code of 1972, is
3544 amended as follows:

3545 83-39-15. (1) The department may deny, suspend, revoke or
3546 refuse to renew, as may be appropriate, a license to engage in the
3547 business of professional bail agent, soliciting bail agent, or
3548 bail enforcement agent for any of the following reasons:

3549 (a) Any cause for which the issuance of the license
3550 would have been refused had it then existed and been known to the
3551 department.

3552 (b) Failure to post a qualification bond in the
3553 required amount with the department during the period the person
3554 is engaged in the business within this state or, if the bond has
3555 been posted, the forfeiture or cancellation of the bond.

3556 (c) Material misstatement, misrepresentation or fraud
3557 in obtaining the license.

3558 (d) Willful failure to comply with, or willful
3559 violation of, any provision of this chapter or of any proper
3560 order, rule or regulation of the department or any court of this
3561 state.

3562 (e) Conviction of * * * a disqualifying crime as
3563 provided in the Fresh Start Act.

3564 (f) Default in payment to the court should any bond
3565 issued by such bail agent be forfeited by order of the court.

3566 (g) Being elected or employed as a law enforcement or
3567 judicial official.



3568 (h) Engaging in the practice of law.
3569 (i) Writing a bond in violation of Section
3570 83-39-3(2) (b) (i) and (ii).
3571 (j) Giving legal advice or a legal opinion in any form.
3572 (k) Acting as or impersonating a bail agent without a
3573 license.
3574 (l) Use of any other trade name than what is submitted
3575 on a license application to the department.
3576 (m) Issuing a bail bond that contains information
3577 intended to mislead a court about the proper delivery by personal
3578 service or certified mail of a writ of scire facias, judgment nisi
3579 or final judgment.
3580 (2) In addition to the grounds specified in subsection (1)
3581 of this section, the department shall be authorized to suspend the
3582 license, registration or permit of any person for being out of
3583 compliance with an order for support, as defined in Section
3584 93-11-153. The procedure for suspension of a license,
3585 registration or permit for being out of compliance with an order
3586 for support, and the procedure for the reissuance or reinstatement
3587 of a license, registration or permit suspended for that purpose,
3588 and the payment of any fees for the reissuance or reinstatement of
3589 a license, registration or permit suspended for that purpose,
3590 shall be governed by Section 93-11-157 or 93-11-163, as the case
3591 may be. If there is any conflict between any provision of Section
3592 93-11-157 or 93-11-163 and any provision of this chapter, the



3593 provisions of Section 93-11-157 or 93-11-163, as the case may be,
3594 shall control.

3595 (3) In addition to the sanctions provided in this section,
3596 the department may assess an administrative fine in an amount not
3597 to exceed One Thousand Dollars (\$1,000.00) per violation. Such
3598 administrative fines shall be in addition to any criminal
3599 penalties assessed under Section 99-5-1.

3600 **SECTION 37.** Section 9-13-109, Mississippi Code of 1972, is
3601 amended as follows:

3602 9-13-109. Every applicant for certification shall have
3603 reached the age of majority * * * and be a resident citizen of the
3604 State of Mississippi. Further, every applicant shall meet the
3605 criteria established by the board for certification or shall meet
3606 the requirements of Section 9-13-109.

3607 **SECTION 38.** Section 21-27-131, Mississippi Code of 1972, is
3608 amended as follows:

3609 21-27-131. No person may drive or operate motor vehicles for
3610 hire in any city or town in this state unless he shall first have
3611 been licensed so to do as follows: he shall make application to
3612 the mayor of such municipality in writing, accompanied by a
3613 statement of some reputable citizen thereof, that the applicant is
3614 over the age of eighteen (18) years, an experienced driver, * * *
3615 and physically and mentally capacitated to drive and operate such
3616 motor vehicle. The mayor shall place such application before the
3617 board of aldermen, or other governing authorities, whereupon



3618 inquiry may be made by such governing authorities into the * * *
3619 mental and physical fitness of the applicant. If the permit shall
3620 be granted the applicant shall receive a certificate of such
3621 permit, signed by the mayor, together with an identification
3622 badge, and the name of the municipality thereon, and which shall
3623 be worn so that the same will be displayed while engaged in or
3624 about such occupation. The governing authorities of the
3625 municipality may require the applicant to give a reasonable bond,
3626 of not more than Five Hundred Dollars (\$500.00), to guarantee the
3627 faithful observance of the law as well as the rules and
3628 regulations which may be prescribed by the said municipality, and
3629 they may also require a reasonable fee, for such permit and badge.
3630 In the event the governing authority of such municipality refuse
3631 to grant such permit to an applicant, an appeal may be taken to
3632 the circuit court, in the manner provided by law for appealing
3633 from other orders of the governing authorities of municipalities,
3634 and the questions to be tried upon appeal will be as to the age
3635 and experience and the moral, mental and physical fitness of the
3636 said applicant to pursue such vocation in such municipality.

3637 **SECTION 39.** Section 21-27-151, Mississippi Code of 1972, is
3638 amended as follows:

3639 21-27-151. No person may drive or operate any bus of a
3640 transportation system for the transportation of passengers within
3641 any city or town in this state, where the operation of such bus is
3642 subject to regulation by the authorities of such city or town



3643 under Section 21-27-121, unless he shall first have been licensed
3644 so to do as follows: he shall make application to the mayor of
3645 such municipality in writing, accompanied by a statement of some
3646 reputable citizen thereof, that the applicant is over the age of
3647 eighteen (18) years, an experienced driver, * * * and physically
3648 and mentally capacitated to drive and operate such motor vehicle.
3649 The mayor shall place such application before the board of
3650 aldermen, or other governing authorities, whereupon inquiry may be
3651 made by such governing authorities into the * * * and mental and
3652 physical fitness of the applicant. If the permit shall be granted
3653 the applicant shall receive a license, signed by the mayor,
3654 together with a metallic badge, which shall have a number and the
3655 name of the municipality thereon, and which shall be worn so that
3656 the same will be displayed while engaged in or about such
3657 occupation. The governing authorities of the municipality may
3658 require the applicant to give a reasonable bond, of not more than
3659 Five Hundred Dollars (\$500.00), to guarantee the faithful
3660 observance of the law as well as the rules and regulations which
3661 may be prescribed by the said municipality, and they may also
3662 require a reasonable fee, not to exceed Five Dollars (\$5.00) for
3663 such license, which said license fee shall be paid into the
3664 general fund of such municipality. In the event the governing
3665 authority of such municipality refuse to grant such license to an
3666 applicant, an appeal may be taken to the circuit court, in the
3667 manner provided by law for appealing from other orders of the



3668 governing authorities of municipalities, and the questions to be
3669 tried upon appeal will be as to the age and experience and
3670 the * * * mental and physical fitness of the said applicant to
3671 pursue such vocation in such municipality.

3672 **SECTION 40.** Section 27-109-5, Mississippi Code of 1972, is
3673 amended as follows:

3674 27-109-5. (1) Any person who the tax commission determines
3675 is qualified to receive a license or is found suitable under the
3676 provisions of this chapter, having due consideration for the
3677 proper protection of the health, safety, morals, good order and
3678 general welfare of the inhabitants of the State of Mississippi and
3679 the declared policy of this state, may be issued a state privilege
3680 license for the operation of a cruise vessel. The burden of
3681 proving his qualification to receive any license or be found
3682 suitable is on the applicant.

3683 (2) An application to receive a license shall not be granted
3684 unless the commission is satisfied that the applicant is:

3685 (a) A person of * * * honesty and integrity;

3686 (b) A person whose prior activities, criminal record,
3687 if any, reputation, habits and associations do not pose a threat
3688 to the public interest of this state or to the effective
3689 regulation and control of cruise vessels, or create or enhance the
3690 dangers of unsuitable, unfair or illegal practices, methods and
3691 activities in the operation of cruise vessels or the carrying on
3692 of the business and financial arrangements incidental thereto; and



3693 (c) In all other respects qualified to be licensed or
3694 found suitable consistently with the declared policy of the state.

3695 (3) A license to operate a cruise vessel shall not be
3696 granted unless the applicant has satisfied the commission that:

3697 (a) He has adequate business probity, competence and
3698 experience, in the operation of cruise vessels or generally; and

3699 (b) The proposed financing of the entire operation is:

3700 (i) Adequate for the nature of the proposed
3701 operation; and

3702 (ii) From a suitable source. Any lender or other
3703 source of money or credit which the commission finds does not meet
3704 the standards set forth in subsection (2) may be deemed
3705 unsuitable.

3706 **SECTION 41.** Section 37-3-2, Mississippi Code of 1972, is
3707 amended as follows:

3708 37-3-2. (1) There is established within the State
3709 Department of Education the Commission on Teacher and
3710 Administrator Education, Certification and Licensure and
3711 Development. It shall be the purpose and duty of the commission
3712 to make recommendations to the State Board of Education regarding
3713 standards for the certification and licensure and continuing
3714 professional development of those who teach or perform tasks of an
3715 educational nature in the public schools of Mississippi.

3716 (2) (a) The commission shall be composed of fifteen (15)
3717 qualified members. The membership of the commission shall be



3718 composed of the following members to be appointed, three (3) from
3719 each of the four (4) congressional districts, as such districts
3720 existed on January 1, 2011, in accordance with the population
3721 calculations determined by the 2010 federal decennial census,
3722 including: four (4) classroom teachers; three (3) school
3723 administrators; one (1) representative of schools of education of
3724 public institutions of higher learning located within the state to
3725 be recommended by the Board of Trustees of State Institutions of
3726 Higher Learning; one (1) representative from the schools of
3727 education of independent institutions of higher learning to be
3728 recommended by the Board of the Mississippi Association of
3729 Independent Colleges; one (1) representative from public community
3730 and junior colleges located within the state to be recommended by
3731 the Mississippi Community College Board; one (1) local school
3732 board member; and four (4) laypersons. Three (3) members of the
3733 commission, at the sole discretion of the State Board of
3734 Education, shall be appointed from the state at large.

3735 (b) All appointments shall be made by the State Board
3736 of Education after consultation with the State Superintendent of
3737 Public Education. The first appointments by the State Board of
3738 Education shall be made as follows: five (5) members shall be
3739 appointed for a term of one (1) year; five (5) members shall be
3740 appointed for a term of two (2) years; and five (5) members shall
3741 be appointed for a term of three (3) years. Thereafter, all
3742 members shall be appointed for a term of four (4) years.



3743 (3) The State Board of Education when making appointments
3744 shall designate a chairman. The commission shall meet at least
3745 once every two (2) months or more often if needed. Members of the
3746 commission shall be compensated at a rate of per diem as
3747 authorized by Section 25-3-69 and be reimbursed for actual and
3748 necessary expenses as authorized by Section 25-3-41.

3749 (4) (a) An appropriate staff member of the State Department
3750 of Education shall be designated and assigned by the State
3751 Superintendent of Public Education to serve as executive secretary
3752 and coordinator for the commission. No less than two (2) other
3753 appropriate staff members of the State Department of Education
3754 shall be designated and assigned by the State Superintendent of
3755 Public Education to serve on the staff of the commission.

3756 (b) An Office of Educator Misconduct Evaluations shall
3757 be established within the State Department of Education to assist
3758 the commission in responding to infractions and violations, and in
3759 conducting hearings and enforcing the provisions of subsections
3760 (11), (12), (13), (14) and (15) of this section, and violations of
3761 the Mississippi Educator Code of Ethics.

3762 (5) It shall be the duty of the commission to:

3763 (a) Set standards and criteria, subject to the approval
3764 of the State Board of Education, for all educator preparation
3765 programs in the state;

3766 (b) Recommend to the State Board of Education each year
3767 approval or disapproval of each educator preparation program in



3768 the state, subject to a process and schedule determined by the
3769 State Board of Education;

3770 (c) Establish, subject to the approval of the State
3771 Board of Education, standards for initial teacher certification
3772 and licensure in all fields;

3773 (d) Establish, subject to the approval of the State
3774 Board of Education, standards for the renewal of teacher licenses
3775 in all fields;

3776 (e) Review and evaluate objective measures of teacher
3777 performance, such as test scores, which may form part of the
3778 licensure process, and to make recommendations for their use;

3779 (f) Review all existing requirements for certification
3780 and licensure;

3781 (g) Consult with groups whose work may be affected by
3782 the commission's decisions;

3783 (h) Prepare reports from time to time on current
3784 practices and issues in the general area of teacher education and
3785 certification and licensure;

3786 (i) Hold hearings concerning standards for teachers'
3787 and administrators' education and certification and licensure with
3788 approval of the State Board of Education;

3789 (j) Hire expert consultants with approval of the State
3790 Board of Education;

3791 (k) Set up ad hoc committees to advise on specific
3792 areas;



3793 (1) Perform such other functions as may fall within
3794 their general charge and which may be delegated to them by the
3795 State Board of Education; and

3796 (m) Establish standards, subject to the approval of the
3797 State Board of Education, for supplemental endorsements, provided
3798 that the standards allow teachers as many options as possible to
3799 receive a supplemental endorsement, including, but not limited to,
3800 the option of taking additional coursework or earning at least the
3801 minimum qualifying score or higher on the required licensure
3802 subject assessment relevant to the endorsement area for which the
3803 licensure is sought. The subject assessment option shall not
3804 apply to certain subject areas, including, but not limited to,
3805 Early/Primary Education PreK-3, Elementary Education, or Special
3806 Education, except by special approval by the State Board of
3807 Education.

3808 (6) (a) **Standard License - Approved Program Route.** An
3809 educator entering the school system of Mississippi for the first
3810 time and meeting all requirements as established by the State
3811 Board of Education shall be granted a standard five-year license.
3812 Persons who possess two (2) years of classroom experience as an
3813 assistant teacher or who have taught for one (1) year in an
3814 accredited public or private school shall be allowed to fulfill
3815 student teaching requirements under the supervision of a qualified
3816 participating teacher approved by an accredited college of
3817 education. The local school district in which the assistant



3818 teacher is employed shall compensate such assistant teachers at
3819 the required salary level during the period of time such
3820 individual is completing student teaching requirements.

3821 Applicants for a standard license shall submit to the department:

3822 (i) An application on a department form;

3823 (ii) An official transcript of completion of a

3824 teacher education program approved by the department or a

3825 nationally accredited program, subject to the following:

3826 Licensure to teach in Mississippi prekindergarten through

3827 kindergarten classrooms shall require completion of a teacher

3828 education program or a Bachelor of Science degree with child

3829 development emphasis from a program accredited by the American

3830 Association of Family and Consumer Sciences (AAFCS) or by the

3831 National Association for Education of Young Children (NAEYC) or by

3832 the National Council for Accreditation of Teacher Education

3833 (NCATE). Licensure to teach in Mississippi kindergarten, for

3834 those applicants who have completed a teacher education program,

3835 and in Grade 1 through Grade 4 shall require the completion of an

3836 interdisciplinary program of studies. Licenses for Grades 4

3837 through 8 shall require the completion of an interdisciplinary

3838 program of studies with two (2) or more areas of concentration.

3839 Licensure to teach in Mississippi Grades 7 through 12 shall

3840 require a major in an academic field other than education, or a

3841 combination of disciplines other than education. Students

3842 preparing to teach a subject shall complete a major in the



3843 respective subject discipline. All applicants for standard
3844 licensure shall demonstrate that such person's college preparation
3845 in those fields was in accordance with the standards set forth by
3846 the National Council for Accreditation of Teacher Education
3847 (NCATE) or the National Association of State Directors of Teacher
3848 Education and Certification (NASDTEC) or, for those applicants who
3849 have a Bachelor of Science degree with child development emphasis,
3850 the American Association of Family and Consumer Sciences (AAFCS).
3851 Effective July 1, 2016, for initial elementary education
3852 licensure, a teacher candidate must earn a passing score on a
3853 rigorous test of scientifically research-based reading instruction
3854 and intervention and data-based decision-making principles as
3855 approved by the State Board of Education;

3856 (iii) A copy of test scores evidencing
3857 satisfactory completion of nationally administered examinations of
3858 achievement, such as the Educational Testing Service's teacher
3859 testing examinations;

3860 (iv) Any other document required by the State
3861 Board of Education; and

3862 (v) From and after July 1, 2020, no teacher
3863 candidate shall be licensed to teach in Mississippi who did not
3864 meet the following criteria for entrance into an approved teacher
3865 education program:

3866 1. An ACT Score of twenty-one (21) (or SAT
3867 equivalent); or



3868 2. Achieve a qualifying passing score on the
3869 Praxis Core Academic Skills for Educators examination as
3870 established by the State Board of Education; or

3871 3. A minimum GPA of 3.0 on coursework prior
3872 to admission to an approved teacher education program.

3873 (b) (i) **Standard License - Nontraditional Teaching**

3874 **Route.** From and after July 1, 2020, no teacher candidate shall be
3875 licensed to teach in Mississippi under the alternate route who did
3876 not meet the following criteria:

3877 1. An ACT Score of twenty-one (21) (or SAT
3878 equivalent); or

3879 2. Achieve a qualifying passing score on the
3880 Praxis Core Academic Skills for Educators examination as
3881 established by the State Board of Education; or

3882 3. A minimum GPA of 3.0 on coursework prior
3883 to admission to an approved teacher education program.

3884 (ii) Beginning July 1, 2020, an individual who has
3885 attained a passing score on the Praxis Core Academic Skills for
3886 Educators or an ACT Score of twenty-one (21) (or SAT equivalent)
3887 or a minimum GPA of 3.0 on coursework prior to admission to an
3888 approved teacher education program and a passing score on the
3889 Praxis Subject Assessment in the requested area of endorsement may
3890 apply for admission to the Teach Mississippi Institute (TMI)
3891 program to teach students in Grades 7 through 12 if the individual
3892 meets the requirements of this paragraph (b). The State Board of



3893 Education shall adopt rules requiring that teacher preparation
3894 institutions which provide the Teach Mississippi Institute (TMI)
3895 program for the preparation of nontraditional teachers shall meet
3896 the standards and comply with the provisions of this paragraph.

3897 1. The Teach Mississippi Institute (TMI)
3898 shall include an intensive eight-week, nine-semester-hour summer
3899 program or a curriculum of study in which the student matriculates
3900 in the fall or spring semester, which shall include, but not be
3901 limited to, instruction in education, effective teaching
3902 strategies, classroom management, state curriculum requirements,
3903 planning and instruction, instructional methods and pedagogy,
3904 using test results to improve instruction, and a one (1) semester
3905 three-hour supervised internship to be completed while the teacher
3906 is employed as a full-time teacher intern in a local school
3907 district. The TMI shall be implemented on a pilot program basis,
3908 with courses to be offered at up to four (4) locations in the
3909 state, with one (1) TMI site to be located in each of the three
3910 (3) Mississippi Supreme Court districts.

3911 2. The school sponsoring the teacher intern
3912 shall enter into a written agreement with the institution
3913 providing the Teach Mississippi Institute (TMI) program, under
3914 terms and conditions as agreed upon by the contracting parties,
3915 providing that the school district shall provide teacher interns
3916 seeking a nontraditional provisional teaching license with a
3917 one-year classroom teaching experience. The teacher intern shall



3918 successfully complete the one (1) semester three-hour intensive
3919 internship in the school district during the semester immediately
3920 following successful completion of the TMI and prior to the end of
3921 the one-year classroom teaching experience.

3922 3. Upon completion of the nine-semester-hour
3923 TMI or the fall or spring semester option, the individual shall
3924 submit his transcript to the commission for provisional licensure
3925 of the intern teacher, and the intern teacher shall be issued a
3926 provisional teaching license by the commission, which will allow
3927 the individual to legally serve as a teacher while the person
3928 completes a nontraditional teacher preparation internship program.

3929 4. During the semester of internship in the
3930 school district, the teacher preparation institution shall monitor
3931 the performance of the intern teacher. The school district that
3932 employs the provisional teacher shall supervise the provisional
3933 teacher during the teacher's intern year of employment under a
3934 nontraditional provisional license, and shall, in consultation
3935 with the teacher intern's mentor at the school district of
3936 employment, submit to the commission a comprehensive evaluation of
3937 the teacher's performance sixty (60) days prior to the expiration
3938 of the nontraditional provisional license. If the comprehensive
3939 evaluation establishes that the provisional teacher intern's
3940 performance fails to meet the standards of the approved
3941 nontraditional teacher preparation internship program, the
3942 individual shall not be approved for a standard license.



3943 5. An individual issued a provisional
3944 teaching license under this nontraditional route shall
3945 successfully complete, at a minimum, a one-year beginning teacher
3946 mentoring and induction program administered by the employing
3947 school district with the assistance of the State Department of
3948 Education.

3949 6. Upon successful completion of the TMI and
3950 the internship provisional license period, applicants for a
3951 Standard License - Nontraditional Route shall submit to the
3952 commission a transcript of successful completion of the twelve
3953 (12) semester hours required in the internship program, and the
3954 employing school district shall submit to the commission a
3955 recommendation for standard licensure of the intern. If the
3956 school district recommends licensure, the applicant shall be
3957 issued a Standard License - Nontraditional Route which shall be
3958 valid for a five-year period and be renewable.

3959 7. At the discretion of the teacher
3960 preparation institution, the individual shall be allowed to credit
3961 the twelve (12) semester hours earned in the nontraditional
3962 teacher internship program toward the graduate hours required for
3963 a Master of Arts in Teacher (MAT) Degree.

3964 8. The local school district in which the
3965 nontraditional teacher intern or provisional licensee is employed
3966 shall compensate such teacher interns at Step 1 of the required
3967 salary level during the period of time such individual is



3968 completing teacher internship requirements and shall compensate
3969 such Standard License - Nontraditional Route teachers at Step 3 of
3970 the required salary level when they complete license requirements.

3971 (iii) Implementation of the TMI program provided
3972 for under this paragraph (b) shall be contingent upon the
3973 availability of funds appropriated specifically for such purpose
3974 by the Legislature. Such implementation of the TMI program may
3975 not be deemed to prohibit the State Board of Education from
3976 developing and implementing additional alternative route teacher
3977 licensure programs, as deemed appropriate by the board. The
3978 emergency certification program in effect prior to July 1, 2002,
3979 shall remain in effect.

3980 (iv) A Standard License - Approved Program Route
3981 shall be issued for a five-year period, and may be renewed.
3982 Recognizing teaching as a profession, a hiring preference shall be
3983 granted to persons holding a Standard License - Approved Program
3984 Route or Standard License - Nontraditional Teaching Route over
3985 persons holding any other license.

3986 (c) **Special License - Expert Citizen.** In order to
3987 allow a school district to offer specialized or technical courses,
3988 the State Department of Education, in accordance with rules and
3989 regulations established by the State Board of Education, may grant
3990 a five-year expert citizen-teacher license to local business or
3991 other professional personnel to teach in a public school or
3992 nonpublic school accredited or approved by the state. Such person



3993 shall be required to have a high school diploma, an
3994 industry-recognized certification related to the subject area in
3995 which they are teaching and a minimum of five (5) years of
3996 relevant experience but shall not be required to hold an associate
3997 or bachelor's degree, provided that he or she possesses the
3998 minimum qualifications required for his or her profession, and may
3999 begin teaching upon his employment by the local school board and
4000 licensure by the Mississippi Department of Education. If a school
4001 board hires a career technical education pathway instructor who
4002 does not have an industry certification in his or her area of
4003 expertise but does have the required experience, the school board
4004 shall spread their decision on the minutes at their next meeting
4005 and provide a detailed explanation for why they hired the
4006 instructor. Such instructor shall present the minutes of the
4007 school board to the State Department of Education when he or she
4008 applies for an expert citizen license. The board shall adopt
4009 rules and regulations to administer the expert citizen-teacher
4010 license. A Special License - Expert Citizen may be renewed in
4011 accordance with the established rules and regulations of the State
4012 Department of Education.

4013 (d) **Special License - Nonrenewable.** The State Board of
4014 Education is authorized to establish rules and regulations to
4015 allow those educators not meeting requirements in paragraph (a),
4016 (b) or (c) of this subsection (6) to be licensed for a period of



4017 not more than three (3) years, except by special approval of the
4018 State Board of Education.

4019 (e) **Nonlicensed Teaching Personnel.** A nonlicensed
4020 person may teach for a maximum of three (3) periods per teaching
4021 day in a public school district or a nonpublic school
4022 accredited/approved by the state. Such person shall submit to the
4023 department a transcript or record of his education and experience
4024 which substantiates his preparation for the subject to be taught
4025 and shall meet other qualifications specified by the commission
4026 and approved by the State Board of Education. In no case shall
4027 any local school board hire nonlicensed personnel as authorized
4028 under this paragraph in excess of five percent (5%) of the total
4029 number of licensed personnel in any single school.

4030 (f) **Special License - Transitional Bilingual Education.**
4031 Beginning July 1, 2003, the commission shall grant special
4032 licenses to teachers of transitional bilingual education who
4033 possess such qualifications as are prescribed in this section.
4034 Teachers of transitional bilingual education shall be compensated
4035 by local school boards at not less than one (1) step on the
4036 regular salary schedule applicable to permanent teachers licensed
4037 under this section. The commission shall grant special licenses
4038 to teachers of transitional bilingual education who present the
4039 commission with satisfactory evidence that they (i) possess a
4040 speaking and reading ability in a language, other than English, in
4041 which bilingual education is offered and communicative skills in



4042 English; (ii) are in good health * * *; (iii) possess a bachelor's
4043 degree or an associate's degree in teacher education from an
4044 accredited institution of higher education; (iv) meet such
4045 requirements as to courses of study, semester hours therein,
4046 experience and training as may be required by the commission; and
4047 (v) are legally present in the United States and possess legal
4048 authorization for employment. A teacher of transitional bilingual
4049 education serving under a special license shall be under an
4050 exemption from standard licensure if he achieves the requisite
4051 qualifications therefor. Two (2) years of service by a teacher of
4052 transitional bilingual education under such an exemption shall be
4053 credited to the teacher in acquiring a Standard Educator License.
4054 Nothing in this paragraph shall be deemed to prohibit a local
4055 school board from employing a teacher licensed in an appropriate
4056 field as approved by the State Department of Education to teach in
4057 a program in transitional bilingual education.

4058 (g) In the event any school district meets the highest
4059 accreditation standards as defined by the State Board of Education
4060 in the accountability system, the State Board of Education, in its
4061 discretion, may exempt such school district from any restrictions
4062 in paragraph (e) relating to the employment of nonlicensed
4063 teaching personnel.

4064 (h) **Highly Qualified Teachers.** Beginning July 1, 2006,
4065 any teacher from any state meeting the federal definition of
4066 highly qualified, as described in the No Child Left Behind Act,



4067 must be granted a standard five-year license by the State
4068 Department of Education.

4069 (7) **Administrator License.** The State Board of Education is
4070 authorized to establish rules and regulations and to administer
4071 the licensure process of the school administrators in the State of
4072 Mississippi. There will be four (4) categories of administrator
4073 licensure with exceptions only through special approval of the
4074 State Board of Education.

4075 (a) **Administrator License - Nonpracticing.** Those
4076 educators holding administrative endorsement but having no
4077 administrative experience or not serving in an administrative
4078 position on January 15, 1997.

4079 (b) **Administrator License - Entry Level.** Those
4080 educators holding administrative endorsement and having met the
4081 department's qualifications to be eligible for employment in a
4082 Mississippi school district. Administrator License - Entry Level
4083 shall be issued for a five-year period and shall be nonrenewable.

4084 (c) **Standard Administrator License - Career Level.** An
4085 administrator who has met all the requirements of the department
4086 for standard administrator licensure.

4087 (d) **Administrator License - Nontraditional Route.** The
4088 board may establish a nontraditional route for licensing
4089 administrative personnel. Such nontraditional route for
4090 administrative licensure shall be available for persons holding,
4091 but not limited to, a master of business administration degree, a



4092 master of public administration degree, a master of public
4093 planning and policy degree or a doctor of jurisprudence degree
4094 from an accredited college or university, with five (5) years of
4095 administrative or supervisory experience. Successful completion
4096 of the requirements of alternate route licensure for
4097 administrators shall qualify the person for a standard
4098 administrator license.

4099 Individuals seeking school administrator licensure under
4100 paragraph (b), (c) or (d) shall successfully complete a training
4101 program and an assessment process prescribed by the State Board of
4102 Education. All applicants for school administrator licensure
4103 shall meet all requirements prescribed by the department under
4104 paragraph (b), (c) or (d), and the cost of the assessment process
4105 required shall be paid by the applicant.

4106 (8) **Reciprocity.** The department shall grant a standard
4107 five-year license to any individual who possesses a valid standard
4108 license from another state, or another country or political
4109 subdivision thereof, within a period of twenty-one (21) days from
4110 the date of a completed application. The issuance of a license by
4111 reciprocity to a military-trained applicant, military spouse or
4112 person who establishes residence in this state shall be subject to
4113 the provisions of Section 73-50-1 or 73-50-2, as applicable.

4114 (9) **Renewal and Reinstatement of Licenses.** The State Board
4115 of Education is authorized to establish rules and regulations for
4116 the renewal and reinstatement of educator and administrator



4117 licenses. Effective May 15, 1997, the valid standard license held
4118 by an educator shall be extended five (5) years beyond the
4119 expiration date of the license in order to afford the educator
4120 adequate time to fulfill new renewal requirements established
4121 pursuant to this subsection. An educator completing a master of
4122 education, educational specialist or doctor of education degree in
4123 May 1997 for the purpose of upgrading the educator's license to a
4124 higher class shall be given this extension of five (5) years plus
4125 five (5) additional years for completion of a higher degree. For
4126 all license types with a current valid expiration date of June 30,
4127 2021, the State Department of Education shall grant a one-year
4128 extension to June 30, 2022. Beginning July 1, 2022, and
4129 thereafter, applicants for licensure renewal shall meet all
4130 requirements in effect on the date that the complete application
4131 is received by the State Department of Education.

4132 (10) All controversies involving the issuance, revocation,
4133 suspension or any change whatsoever in the licensure of an
4134 educator required to hold a license shall be initially heard in a
4135 hearing de novo, by the commission or by a subcommittee
4136 established by the commission and composed of commission members,
4137 or by a hearing officer retained and appointed by the commission,
4138 for the purpose of holding hearings. Any complaint seeking the
4139 denial of issuance, revocation or suspension of a license shall be
4140 by sworn affidavit filed with the Commission on Teacher and
4141 Administrator Education, Certification and Licensure and



4142 Development. The decision thereon by the commission, its
4143 subcommittee or hearing officer, shall be final, unless the
4144 aggrieved party shall appeal to the State Board of Education,
4145 within ten (10) days, of the decision of the commission, its
4146 subcommittee or hearing officer. An appeal to the State Board of
4147 Education shall be perfected upon filing a notice of the appeal
4148 and by the prepayment of the costs of the preparation of the
4149 record of proceedings by the commission, its subcommittee or
4150 hearing officer. An appeal shall be on the record previously made
4151 before the commission, its subcommittee or hearing officer, unless
4152 otherwise provided by rules and regulations adopted by the board.
4153 The decision of the commission, its subcommittee or hearing
4154 officer shall not be disturbed on appeal if supported by
4155 substantial evidence, was not arbitrary or capricious, within the
4156 authority of the commission, and did not violate some statutory or
4157 constitutional right. The State Board of Education in its
4158 authority may reverse, or remand with instructions, the decision
4159 of the commission, its subcommittee or hearing officer. The
4160 decision of the State Board of Education shall be final.

4161 (11) (a) The State Board of Education, acting through the
4162 commission, may deny an application for any teacher or
4163 administrator license for one or more of the following:

4164 (i) Lack of qualifications which are prescribed by
4165 law or regulations adopted by the State Board of Education;



4166 (ii) The applicant has a physical, emotional or
4167 mental disability that renders the applicant unfit to perform the
4168 duties authorized by the license, as certified by a licensed
4169 psychologist or psychiatrist;

4170 (iii) The applicant is actively addicted to or
4171 actively dependent on alcohol or other habit-forming drugs or is a
4172 habitual user of narcotics, barbiturates, amphetamines,
4173 hallucinogens or other drugs having similar effect, at the time of
4174 application for a license;

4175 (iv) Fraud or deceit committed by the applicant in
4176 securing or attempting to secure such certification and license;

4177 (v) Failing or refusing to furnish reasonable
4178 evidence of identification;

4179 (vi) The applicant has been convicted, has pled
4180 guilty or entered a plea of nolo contendere to a * * *
4181 disqualifying crime as provided in the Fresh Start Act. For
4182 purposes of this subparagraph (vi) of this paragraph (a), a
4183 "guilty plea" includes a plea of guilty, entry of a plea of nolo
4184 contendere, or entry of an order granting pretrial or judicial
4185 diversion;

4186 (vii) The applicant or licensee is on probation or
4187 post-release supervision for a * * * disqualifying crime as
4188 provided in the Fresh Start Act. However, this disqualification
4189 expires upon the end of the probationary or post-release
4190 supervision period.



4191 (b) The State Board of Education, acting through the
4192 commission, shall deny an application for any teacher or
4193 administrator license, or immediately revoke the current teacher
4194 or administrator license, for one or more of the following:

4195 (i) If the applicant or licensee has been
4196 convicted, has pled guilty or entered a plea of nolo contendere to
4197 a sex offense as defined by federal or state law. For purposes of
4198 this subparagraph (i) of this paragraph (b), a "guilty plea"
4199 includes a plea of guilty, entry of a plea of nolo contendere, or
4200 entry of an order granting pretrial or judicial diversion;

4201 (ii) The applicant or licensee is on probation or
4202 post-release supervision for a sex offense conviction, as defined
4203 by federal or state law;

4204 (iii) The license holder has fondled a student as
4205 described in Section 97-5-23, or had any type of sexual
4206 involvement with a student as described in Section 97-3-95; or

4207 (iv) The license holder has failed to report
4208 sexual involvement of a school employee with a student as required
4209 by Section 97-5-24.

4210 (12) The State Board of Education, acting through the
4211 commission, may revoke, suspend or refuse to renew any teacher or
4212 administrator license for specified periods of time or may place
4213 on probation, reprimand a licensee, or take other disciplinary
4214 action with regard to any license issued under this chapter for
4215 one or more of the following:



4216 (a) Breach of contract or abandonment of employment may
4217 result in the suspension of the license for one (1) school year as
4218 provided in Section 37-9-57;

4219 (b) Obtaining a license by fraudulent means shall
4220 result in immediate suspension and continued suspension for one
4221 (1) year after correction is made;

4222 (c) Suspension or revocation of a certificate or
4223 license by another state shall result in immediate suspension or
4224 revocation and shall continue until records in the prior state
4225 have been cleared;

4226 (d) The license holder has been convicted, has pled
4227 guilty or entered a plea of nolo contendere to a * * *
4228 disqualifying crime as provided in the Fresh Start Act. For
4229 purposes of this paragraph, a "guilty plea" includes a plea of
4230 guilty, entry of a plea of nolo contendere, or entry of an order
4231 granting pretrial or judicial diversion;

4232 (e) The license holder knowingly and willfully
4233 committing any of the acts affecting validity of mandatory uniform
4234 test results as provided in Section 37-16-4(1);

4235 (f) The license holder has engaged in unethical conduct
4236 relating to an educator/student relationship as identified by the
4237 State Board of Education in its rules;

4238 (g) The license holder served as superintendent or
4239 principal in a school district during the time preceding and/or



4240 that resulted in the Governor declaring a state of emergency and
4241 the State Board of Education appointing a conservator;

4242 (h) The license holder submitted a false certification
4243 to the State Department of Education that a statewide test was
4244 administered in strict accordance with the Requirements of the
4245 Mississippi Statewide Assessment System; or

4246 (i) The license holder has failed to comply with the
4247 Procedures for Reporting Infractions as promulgated by the
4248 commission and approved by the State Board of Education pursuant
4249 to subsection (15) of this section.

4250 For purposes of this subsection, probation shall be defined
4251 as a length of time determined by the commission, its subcommittee
4252 or hearing officer, and based on the severity of the offense in
4253 which the license holder shall meet certain requirements as
4254 prescribed by the commission, its subcommittee or hearing officer.
4255 Failure to complete the requirements in the time specified shall
4256 result in immediate suspension of the license for one (1) year.

4257 (13) (a) Dismissal or suspension of a licensed employee by
4258 a local school board pursuant to Section 37-9-59 may result in the
4259 suspension or revocation of a license for a length of time which
4260 shall be determined by the commission and based upon the severity
4261 of the offense.

4262 (b) Any offense committed or attempted in any other
4263 state shall result in the same penalty as if committed or
4264 attempted in this state.



4265 (c) A person may voluntarily surrender a license. The
4266 surrender of such license may result in the commission
4267 recommending any of the above penalties without the necessity of a
4268 hearing. However, any such license which has voluntarily been
4269 surrendered by a licensed employee may only be reinstated by a
4270 majority vote of all members of the commission present at the
4271 meeting called for such purpose.

4272 (14) (a) A person whose license has been suspended or
4273 surrendered on any grounds except criminal grounds may petition
4274 for reinstatement of the license after one (1) year from the date
4275 of suspension or surrender, or after one-half (1/2) of the
4276 suspended or surrendered time has lapsed, whichever is greater. A
4277 person whose license has been suspended or revoked on any grounds
4278 or violations under subsection (12) of this section may be
4279 reinstated automatically or approved for a reinstatement hearing,
4280 upon submission of a written request to the commission. A license
4281 suspended, revoked or surrendered * * * because of a disqualifying
4282 crime as provided in the Fresh Start Act may be reinstated upon
4283 petition to the commission filed after expiration of the sentence
4284 and parole or probationary period imposed upon conviction. A
4285 revoked, suspended or surrendered license may be reinstated upon
4286 satisfactory showing of evidence of rehabilitation. The
4287 commission shall require all who petition for reinstatement to
4288 furnish evidence satisfactory to the commission of good * * *
4289 mental, emotional and physical health and such other evidence as



4290 the commission may deem necessary to establish the petitioner's
4291 rehabilitation and fitness to perform the duties authorized by the
4292 license.

4293 (b) A person whose license expires while under
4294 investigation by the Office of Educator Misconduct for an alleged
4295 violation may not be reinstated without a hearing before the
4296 commission if required based on the results of the investigation.

4297 (15) Reporting procedures and hearing procedures for dealing
4298 with infractions under this section shall be promulgated by the
4299 commission, subject to the approval of the State Board of
4300 Education. The revocation or suspension of a license shall be
4301 effected at the time indicated on the notice of suspension or
4302 revocation. The commission shall immediately notify the
4303 superintendent of the school district or school board where the
4304 teacher or administrator is employed of any disciplinary action
4305 and also notify the teacher or administrator of such revocation or
4306 suspension and shall maintain records of action taken. The State
4307 Board of Education may reverse or remand with instructions any
4308 decision of the commission, its subcommittee or hearing officer
4309 regarding a petition for reinstatement of a license, and any such
4310 decision of the State Board of Education shall be final.

4311 (16) An appeal from the action of the State Board of
4312 Education in denying an application, revoking or suspending a
4313 license or otherwise disciplining any person under the provisions
4314 of this section shall be filed in the Chancery Court of the First



4315 Judicial District of Hinds County, Mississippi, on the record
4316 made, including a verbatim transcript of the testimony at the
4317 hearing. The appeal shall be filed within thirty (30) days after
4318 notification of the action of the board is mailed or served and
4319 the proceedings in chancery court shall be conducted as other
4320 matters coming before the court. The appeal shall be perfected
4321 upon filing notice of the appeal and by the prepayment of all
4322 costs, including the cost of preparation of the record of the
4323 proceedings by the State Board of Education, and the filing of a
4324 bond in the sum of Two Hundred Dollars (\$200.00) conditioned that
4325 if the action of the board be affirmed by the chancery court, the
4326 applicant or license holder shall pay the costs of the appeal and
4327 the action of the chancery court.

4328 (17) All such programs, rules, regulations, standards and
4329 criteria recommended or authorized by the commission shall become
4330 effective upon approval by the State Board of Education as
4331 designated by appropriate orders entered upon the minutes thereof.

4332 (18) The granting of a license shall not be deemed a
4333 property right nor a guarantee of employment in any public school
4334 district. A license is a privilege indicating minimal eligibility
4335 for teaching in the public school districts of Mississippi. This
4336 section shall in no way alter or abridge the authority of local
4337 school districts to require greater qualifications or standards of
4338 performance as a prerequisite of initial or continued employment
4339 in such districts.



4340 (19) In addition to the reasons specified in subsections
4341 (12) and (13) of this section, the board shall be authorized to
4342 suspend the license of any licensee for being out of compliance
4343 with an order for support, as defined in Section 93-11-153. The
4344 procedure for suspension of a license for being out of compliance
4345 with an order for support, and the procedure for the reissuance or
4346 reinstatement of a license suspended for that purpose, and the
4347 payment of any fees for the reissuance or reinstatement of a
4348 license suspended for that purpose, shall be governed by Section
4349 93-11-157 or 93-11-163, as the case may be. Actions taken by the
4350 board in suspending a license when required by Section 93-11-157
4351 or 93-11-163 are not actions from which an appeal may be taken
4352 under this section. Any appeal of a license suspension that is
4353 required by Section 93-11-157 or 93-11-163 shall be taken in
4354 accordance with the appeal procedure specified in Section
4355 93-11-157 or 93-11-163, as the case may be, rather than the
4356 procedure specified in this section. If there is any conflict
4357 between any provision of Section 93-11-157 or 93-11-163 and any
4358 provision of this chapter, the provisions of Section 93-11-157 or
4359 93-11-163, as the case may be, shall control.

4360 (20) The Department of Education shall grant and renew all
4361 licenses and certifications of teachers and administrators within
4362 twenty-one (21) days from the date of a completed application if
4363 the applicant has otherwise met all established requirements for
4364 the license or certification.



4365 **SECTION 42.** Section 41-29-303, Mississippi Code of 1972, is
4366 amended as follows:

4367 41-29-303. No license shall be issued under Section
4368 41-29-301 * * * until the applicant therefor has furnished proof
4369 satisfactory to the State Board of Pharmacy that the applicant
4370 is * * * properly equipped as to land, buildings, and
4371 paraphernalia to carry on the business described in his
4372 application. No license shall be granted to any person who has
4373 within five (5) years been convicted of a willful violation of any
4374 law of the United States, or of any state, relating to opium, coca
4375 leaves, or other narcotic drugs, or to any person who is a
4376 narcotic drug addict. The state board of pharmacy may suspend or
4377 revoke any license for cause.

4378 **SECTION 43.** Section 51-5-3, Mississippi Code of 1972, is
4379 amended as follows:

4380 51-5-3. In order to be licensed as a water well contractor
4381 in the State of Mississippi, the applicant must be qualified as
4382 set out below:

4383 (a) Be at least twenty-one (21) years of age;

4384 * * *

4385 (* * *b) Demonstrate to the satisfaction of the
4386 commission a reasonable knowledge of this chapter and the rules
4387 and regulations adopted by the commission under the provisions of
4388 this chapter;



4389 (* * *c) Possess the necessary drilling equipment, or
4390 present to the commission sufficient evidence to show that he has
4391 access to the use of such equipment at any time he needs it; and

4392 (* * *d) Have not less than three (3) years'
4393 experience in the work for which he is applying for a license.

4394 **SECTION 44.** Section 67-3-19, Mississippi Code of 1972, is
4395 amended as follows:

4396 67-3-19. Where application is made for a permit to engage in
4397 the business of a retailer of light wine, light spirit product or
4398 beer, the applicant shall show in his application that he
4399 possesses the following qualifications:

4400 (a) Applicant must be a person at least twenty-one (21)
4401 years of age * * * and a resident of the State of Mississippi.

4402 (b) Applicant shall not have been convicted of a * * *
4403 disqualifying crime as provided in the Fresh Start Act, or of
4404 pandering or of keeping or maintaining a house of prostitution, or
4405 have been convicted within two (2) years of the date of his
4406 application of any violation of the laws of this state or the laws
4407 of the United States relating to alcoholic liquor.

4408 (c) Applicant shall not have had revoked, except for a
4409 violation of Section 67-3-52, within two (2) years next preceding
4410 his application, any license or permit issued to him pursuant to
4411 the laws of this state, or any other state, to sell alcoholic
4412 liquor of any kind.



4413 (d) Applicant shall be the owner of the premises for
4414 which the permit is sought or the holder of an existing lease
4415 thereon.

4416 (e) Applicant shall not be residentially domiciled with
4417 any person whose permit has been revoked for cause, except for a
4418 violation of Section 67-3-52, within two (2) years next preceding
4419 the date of the present application for a permit.

4420 (f) The applicant has not had any license or permit to
4421 sell beer, light spirit product or light wine at retail revoked,
4422 within five (5) years next preceding his application, due to a
4423 violation of Section 67-3-52.

4424 (g) Applicant shall not employ any person whose permit
4425 has been revoked when such person owned or operated the business
4426 on the premises for which a permit is sought or allow such person
4427 to have any financial interest in the business of the applicant,
4428 until such person is qualified to obtain a permit in his own name.

4429 (h) The applicant is not indebted to the State of
4430 Mississippi for any taxes.

4431 (i) If applicant is a partnership, all members of the
4432 partnership must be qualified to obtain a permit. Each member of
4433 the partnership must be a resident of the State of Mississippi.

4434 (j) If applicant is a corporation, all officers and
4435 directors thereof, and any stockholder owning more than five
4436 percent (5%) of the stock of such corporation, and the person or
4437 persons who shall conduct and manage the licensed premises for the



4438 corporation shall possess all the qualifications required herein
4439 for any individual permittee. However, the requirements as to
4440 residence shall not apply to officers, directors and stockholders
4441 of such corporation.

4442 Any misstatement or concealment of fact in an application
4443 shall be grounds for denial of the application or for revocation
4444 of the permit issued thereon.

4445 The commissioner may refuse to issue a permit to an applicant
4446 for a place that is frequented by known criminals, prostitutes, or
4447 other law violators or troublemakers who disturb the peace and
4448 quietude of the community and frequently require the assistance of
4449 peace officers to apprehend such law violators or to restore
4450 order. The burden of proof of establishing the foregoing shall
4451 rest upon the commissioner.

4452 **SECTION 45.** Section 73-2-7, Mississippi Code of 1972, is
4453 amended as follows:

4454 73-2-7. In order to qualify for a license as a landscape
4455 architect, an applicant must:

4456 (a) Submit evidence of his * * * integrity to the
4457 examining board.

4458 (b) Have received a degree in landscape architecture
4459 from a college or university having a minimum four-year curriculum
4460 in landscape architecture approved by the board or have completed
4461 seven (7) years of work in the practice of landscape architecture
4462 of a grade and character suitable to the board. Graduation in a



4463 curriculum other than landscape architecture from a college or
4464 university shall be equivalent to two (2) years' experience of the
4465 seven (7) specified above in this section, except that no
4466 applicant shall receive credit for more than two (2) years'
4467 experience for any scholastic training.

4468 (c) Pass such written examination as required in
4469 Section 73-2-9.

4470 Each application or filing made under this section shall
4471 include the social security number(s) of the applicant in
4472 accordance with Section 93-11-64, Mississippi Code of 1972.

4473 **SECTION 46.** Section 73-3-2, Mississippi Code of 1972, is
4474 amended as follows:

4475 73-3-2. (1) **Power to admit persons to practice.** The power
4476 to admit persons to practice as attorneys in the courts of this
4477 state is vested exclusively in the Supreme Court of Mississippi.

4478 (2) **Qualifications.** (a) Each applicant for admission to
4479 the bar, in order to be eligible for examination for admission,
4480 shall be at least twenty-one (21) years of age * * * and shall
4481 present to the Board of Bar Admissions satisfactory evidence:

4482 (i) That he has successfully completed, or is
4483 within sixty (60) days of completion of, a general course of study
4484 of law in a law school which is provisionally or fully approved by
4485 the section on legal education and admission to the bar of the
4486 American Bar Association, and that such applicant has received, or
4487 will receive within sixty (60) days, a diploma or certificate from



4488 such school evidencing the satisfactory completion of such course,
4489 but in no event shall any applicant under this paragraph be
4490 admitted to the bar until such applicant actually receives such
4491 diploma or certificate. However, an applicant who, as of November
4492 1, 1981, was previously enrolled in a law school in active
4493 existence in Mississippi for more than ten (10) years prior to the
4494 date of application shall be eligible for examination for
4495 admission; provided that such an applicant graduated prior to
4496 November 1, 1984;

4497 (ii) That he has notified the Board of Bar
4498 Admissions in writing of an intention to pursue a general course
4499 of study of law under the supervision of a Mississippi lawyer
4500 prior to July 1, 1979, and in fact began study prior to July 1,
4501 1979, and who completed the required course of study prior to
4502 November 1, 1984, in accordance with Sections 73-3-13(b) and
4503 73-3-15 as the same exist prior to November 1, 1979; or

4504 (iii) That in addition to complying with either of
4505 the above requirements, he has received a bachelor's degree from
4506 an accredited college or university or that he has received credit
4507 for the requirements of the first three (3) years of college work
4508 from a college or university offering an integrated six-year
4509 prelaw and law course, and has completed his law course at a
4510 college or university offering such an integrated six-year course.
4511 However, applicants who have already begun the general course of
4512 study of law as of November 1, 1979, either in a law school or



4513 under the supervision of a Mississippi lawyer shall submit proof
4514 they have successfully completed two (2) full years of college
4515 work.

4516 (b) The applicant shall bear the burden of establishing
4517 his or her qualifications for admission to the satisfaction of the
4518 Board of Bar Admissions. An applicant denied admission for
4519 failure to satisfy qualifications for admission shall have the
4520 right to appeal from the final order of the board to the Chancery
4521 Court of Hinds County, Mississippi, within thirty (30) days of
4522 entry of such order of denial.

4523 (3) **Creation of Board of Bar Admissions.** There is hereby
4524 created a board to be known as the "Board of Bar Admissions" which
4525 shall be appointed by the Supreme Court of Mississippi. The board
4526 shall consist of nine (9) members, who shall be members in good
4527 standing of the Mississippi State Bar and shall serve for terms of
4528 three (3) years. Three (3) members shall be appointed from each
4529 Supreme Court district, one (1) by each Supreme Court Justice from
4530 his district, with the original appointments to be as follows:
4531 Three (3) to be appointed for a term of one (1) year, three (3) to
4532 be appointed for a term of two (2) years, and three (3) to be
4533 appointed for a term of three (3) years, one (1) from each
4534 district to be appointed each year. No member of the Board of Bar
4535 Admissions may be a member of the Legislature. Vacancies during a
4536 term shall be filled by the appointing justice or his successor
4537 for the remainder of the unexpired term.



4538 The board shall promulgate the necessary rules for the
4539 administration of their duties, subject to the approval of the
4540 Chief Justice of the Supreme Court.

4541 (4) **Written examination as prerequisite to admission.** Every
4542 person desiring admission to the bar, shall be required to take
4543 and pass a written bar examination in a manner satisfactory to the
4544 Board of Bar Admissions. The Board of Bar Admissions shall
4545 conduct not less than two (2) bar examinations each year.

4546 (5) **Oath and compensation of board members.** The members of
4547 the Board of Bar Admissions shall take and subscribe an oath to be
4548 administered by one (1) of the judges of the Supreme Court to
4549 faithfully and impartially discharge the duties of the office.
4550 The members shall receive compensation as established by the
4551 Supreme Court for preparing, giving and grading the examination
4552 plus all reasonable and necessary travel expenses incurred in the
4553 performance of their duties under the provisions of this section.

4554 (6) **Procedure for applicants who have failed.** Any applicant
4555 who fails the examination shall be allowed to take the next
4556 scheduled examination. A failing applicant may request in writing
4557 from the board, within thirty (30) days after the results of the
4558 examination have been made public, copies of his answers and model
4559 answers used in grading the examination, at his expense. If a
4560 uniform, standardized examination is administered, the board shall
4561 only be required to provide the examination grade and such other
4562 information concerning the applicant's examination results which



4563 are available to the board. Any failing applicant shall have a
4564 right to a review of his failure by the board. The board shall
4565 enter an order on its minutes, prior to the administration of the
4566 next bar examination, either granting or denying the applicant's
4567 review, and shall notify the applicant of such order. The
4568 applicant shall have the right to appeal from this order to the
4569 Chancery Court of Hinds County, Mississippi, within thirty (30)
4570 days of entry of such order.

4571 (7) **Fees.** The board shall set and collect the fees for
4572 examination and for admission to the bar. The fees for
4573 examination shall be based upon the annual cost of administering
4574 the examinations. The fees for admission shall be based upon the
4575 cost of conducting an investigation of the applicant and the
4576 administrative costs of sustaining the board, which shall include,
4577 but shall not be limited to:

- 4578 (a) Expenses and travel for board members;
4579 (b) Office facilities, supplies and equipment; and
4580 (c) Clerical assistance.

4581 All fees collected by the board shall be paid to the State
4582 Treasurer, who shall issue receipts therefor and who shall deposit
4583 such funds in the State Treasury in a special fund to the credit
4584 of said board. All such funds shall be expended only in
4585 accordance with the provisions of Chapter 496, Laws of 1962, as
4586 amended, being Section 27-103-1 et seq., Mississippi Code of 1972.



4587 (8) The board, upon finding the applicant qualified for
4588 admission, shall issue to the applicant a certificate of
4589 admission. The applicant shall file the certificate and a
4590 petition for admission in the Chancery Court of Hinds County,
4591 Mississippi, or in the chancery court in the county of his
4592 residence, or, in the case of an applicant who is a nonresident of
4593 the State of Mississippi, in the chancery court of a county in
4594 which the applicant intends to practice. The chancery court
4595 shall, in termtime or in vacation, enter on the minutes of that
4596 court an order granting to the applicant license to practice in
4597 all courts in this state, upon taking by the applicant in the
4598 presence of the court, the oath prescribed by law, Section
4599 73-3-35, Mississippi Code of 1972.

4600 (9) Each application or filing made under this section shall
4601 include the social security number(s) of the applicant in
4602 accordance with Section 93-11-64, Mississippi Code of 1972.

4603 **SECTION 47.** Section 73-3-25, Mississippi Code of 1972, is
4604 amended as follows:

4605 73-3-25. Any lawyer from another state whose requirements
4606 for admission to the bar are equivalent to those of this state,
4607 who has practiced not less than five (5) years in a state where he
4608 was then admitted may be admitted to * * * practice in this state
4609 upon taking and passing such examination as to his knowledge of
4610 law as may be prescribed by rules adopted by the Board of Bar
4611 Admissions and approved by the Supreme Court and upon complying



4612 with the other requirements as set out in the laws and rules
4613 governing admission to the bar. Provided, however, the laws of
4614 the state from which the applicant comes grant similar privileges
4615 to the applicants from this state.

4616 Any lawyer from another state desiring to be admitted to
4617 practice in Mississippi must make application to the Board of Bar
4618 Admissions. Such applicant shall present to the bar evidence of
4619 his good standing in the state from which he came, including a
4620 certificate from the clerk of the highest appellate court of the
4621 state from which he came, and from two (2) members of the bar of
4622 such state, certifying to his qualifications * * * and good
4623 standing * * *, and may require the submission of additional
4624 evidence by the applicant. Upon satisfactory proof of the
4625 applicant's qualifications and upon the applicant's compliance
4626 with the requirements of this section, the board shall issue a
4627 certificate of admission to the applicant, as prescribed in
4628 Section 73-3-2(8). Each such applicant shall pay an application
4629 fee prescribed by the Board of Bar Admissions according to Section
4630 73-3-2(7).

4631 **SECTION 48.** Section 73-4-17, Mississippi Code of 1972, is
4632 amended as follows:

4633 73-4-17. There shall be two (2) classes of auctioneers'
4634 licenses, which shall be auctioneer and auction firm. All
4635 applicants for a license under this chapter shall possess the
4636 following minimum qualifications:



4637 (a) Applicants shall have attained the age of eighteen
4638 (18) years by the issuance date of the license.

4639 (b) Applicants shall have obtained at a minimum a high
4640 school diploma or G.E.D. equivalent and shall be graduates of an
4641 auctioneering school approved by the commission.

4642 (c) Each applicant for a license under this chapter
4643 shall demonstrate to the commission that he is * * * worthy of
4644 public trust through background information to be provided on his
4645 application form and two (2) letters of reference from persons not
4646 related to the applicant who have known the applicant at least
4647 three (3) years. The commission may require additional
4648 information or a personal interview with the applicant to
4649 determine if such applicant should be granted a license.

4650 (d) Each applicant for a license under this chapter
4651 shall take and successfully complete an examination as prescribed
4652 by the commission. The examination shall include questions on
4653 ethics, reading comprehension, writing, spelling, elementary
4654 arithmetic, elementary principals of land economics, general
4655 knowledge of bulk sales law, contracts of sale, agency, leases,
4656 brokerage, knowledge of various goods commonly sold at auction,
4657 ability to call bids, knowledge of sale preparation and proper
4658 sale advertising and sale summary, and knowledge of the provisions
4659 of this chapter and the commission's rules and regulations. There
4660 shall be separate examinations for auctioneer and auction firm
4661 each based upon relevant subject matter appropriate to the license



4662 classification as set forth herein. Examinations shall be
4663 administered at least once a year and may be administered
4664 quarterly at the commission's discretion provided there are at
4665 least twenty-five (25) examinees. The commission shall ensure
4666 that the various forms of the test remain secure.

4667 (e) In order to defray the cost of administration of
4668 the examinations, applicants for the examination shall pay fees as
4669 follows:

4670 (i) Auctioneer.....\$100.00.

4671 (ii) Auction firm.....\$100.00.

4672 (f) Each applicant desiring to sit for the examination
4673 for any license required under this chapter shall be required to
4674 furnish to the commission at least thirty (30) days prior to the
4675 examination evidence of a surety bond in the following minimum
4676 amounts:

4677 (i) Auctioneer.....\$10,000.00.

4678 (ii) Auction firm.....\$10,000.00.

4679 (g) In addition to the bond required herein, applicants
4680 for the auction firm license shall furnish the commission with all
4681 relevant information concerning the premises to be licensed, to
4682 include location, whether the premises are owned or leased, and an
4683 affidavit that the proposed use of the premises as an auction firm
4684 does not violate zoning or any other use restrictions. A separate
4685 license shall be required for each business location of the owner
4686 of multiple auction galleries.



4687 (h) Except as provided in Section 33-1-39, all licenses
4688 granted pursuant to this chapter shall be for a term of two (2)
4689 years and shall expire on the first day of March at the end of
4690 such two-year term. The biennial license fees shall be set from
4691 time to time by the commission with a maximum fee of Two Hundred
4692 Dollars (\$200.00). License fees shall not be prorated for any
4693 portion of a year but shall be paid for the entire biennial period
4694 regardless of the date of the application. Individuals failing to
4695 submit license renewal fees on or before March 1 of the year for
4696 renewal shall be required to successfully pass the next
4697 administration of the examination in order to renew a license.

4698 (i) Each application or filing made under this section
4699 shall include the social security number(s) of the applicant in
4700 accordance with Section 93-11-64, Mississippi Code of 1972.

4701 (j) A licensee shall keep such books, accounts and
4702 records as will enable the commission to determine whether such
4703 licensee is in compliance with the provisions of this chapter, and
4704 rules and regulations made pursuant thereto, and any other law,
4705 rule and regulation applicable to the conduct of such business.
4706 The commission and its employees or representatives shall have the
4707 right to enter and make inspections of any place where the auction
4708 business is carried on and inspect and copy any record pertaining
4709 to the auction business under this chapter. The commission may
4710 conduct or cause to be conducted an examination or audit of the
4711 books and records of any licensee at any time the commission deems



4712 proper, the cost of the examination or audit to be borne by the
4713 licensee. The refusal of access to the books and records shall be
4714 cause for the revocation of its license.

4715 **SECTION 49.** Section 73-5-1, Mississippi Code of 1972, is
4716 amended as follows:

4717 73-5-1. The State Board of Barber Examiners is continued and
4718 reconstituted as follows: The Board of Barber Examiners shall
4719 consist of five (5) members, to be appointed by the Governor, with
4720 the advice and consent of the Senate, one (1) member to be
4721 appointed from each of the congressional districts as existing on
4722 January 1, 1991. Each member shall be a practical barber and a
4723 qualified elector of this state. He shall have been engaged in
4724 the practice of barbering in the State of Mississippi for at least
4725 five (5) years immediately before the time of his
4726 appointment * * *. From and after July 1, 1983, the appointments
4727 to the board shall be made in the manner hereinafter provided, and
4728 the present members of the State Board of Barber Examiners whose
4729 terms have not expired by July 1, 1983, shall continue to serve
4730 until their successors have been appointed and qualified. The
4731 Governor shall appoint, with the advice and consent of the Senate,
4732 five (5) members from the congressional districts as follows: The
4733 member from the First Congressional District shall be appointed
4734 for a term of two (2) years to commence on July 1, 1983; the
4735 member from the Second Congressional District shall be appointed
4736 for a term of four (4) years to commence on July 1, 1984; the



4737 member from the Third Congressional District shall be appointed
4738 for a term of two (2) years to commence on July 1, 1983; the
4739 member from the Fourth Congressional District shall be appointed
4740 for a term of four (4) years to commence on July 1, 1984; and the
4741 member from the Fifth Congressional District shall be appointed
4742 for a term of one (1) year to commence on July 1, 1983. The
4743 members of the board as constituted on July 1, 2002, whose terms
4744 have not expired shall serve the balance of their terms, after
4745 which time the membership of the board shall be appointed as
4746 follows: There shall be appointed one (1) member of the board
4747 from each of the four (4) Mississippi congressional districts as
4748 they currently exist, and one (1) from the state at large, and the
4749 Governor shall make appointments from the congressional district
4750 having the smallest number of board members until the membership
4751 includes one (1) member from each district as required. From and
4752 after July 1, 2002, no member of the board who is connected in any
4753 way with any barbering school shall participate in the
4754 administration of examinations of barber applicants. From and
4755 after July 1, 2004, no member of the board shall be connected in
4756 any way with any school in which barbering is taught.

4757 All members of the board shall be appointed by the Governor,
4758 with the advice and consent of the Senate, for terms of four (4)
4759 years each from the expiration date of the previous term, until
4760 their successors have been appointed and qualified. No member of
4761 the board shall hold any elected office. Appointments made to



4762 fill a vacancy of a term shall be made by the Governor within
4763 sixty (60) days after the vacancy occurs.

4764 The Governor may remove any one or more members of the board
4765 for just cause. Members appointed to fill vacancies caused by
4766 death, resignation or removal of any member or members shall serve
4767 only for the unexpired term of their predecessors. Any member who
4768 does not attend two (2) consecutive meetings of the board for
4769 reasons other than illness of the member shall be subject to
4770 removal by the Governor. The president of the board shall notify
4771 the Governor in writing when any such member has failed to attend
4772 two (2) consecutive regular meetings.

4773 **SECTION 50.** Section 73-5-11, Mississippi Code of 1972, is
4774 amended as follows:

4775 73-5-11. (1) To be eligible for enrollment at a barbering
4776 school approved by the Board of Barber Examiners, a person shall
4777 have a high school education or its equivalent, and/or shall have
4778 satisfactorily passed the ability-to-benefit examinations approved
4779 by the U.S. Department of Education.

4780 (2) Any person is qualified to receive a certificate of
4781 registration to practice barbering:

4782 (a) Who is qualified under the provisions of this
4783 chapter;

4784 (b) Who is of * * * temperate habits;



4785 (c) Who has completed not less than fifteen hundred
4786 (1500) hours at a barbering school approved by the State Board of
4787 Barber Examiners; and

4788 (d) Who has passed a satisfactory examination conducted
4789 by the board of examiners to determine his fitness to practice
4790 barbering.

4791 (3) A temporary permit to practice barbering until the next
4792 examination is given may be issued to a student who has completed
4793 not less than fifteen hundred (1500) hours at a barbering school
4794 approved by the Board of Barber Examiners. In no event shall a
4795 person be allowed to practice barbering on a temporary permit
4796 beyond the date the next examination is given, except because of
4797 personal illness.

4798 **SECTION 51.** Section 73-5-21, Mississippi Code of 1972, is
4799 amended as follows:

4800 73-5-21. Any person possessed of the following
4801 qualifications shall, upon payment of the required fee, receive a
4802 certificate of registration as a registered barber:

4803 (a) Is at least eighteen (18) years old;

4804 (b) Is of * * * temperate habits; and

4805 (c) Either has a license or certificate of registration
4806 as a practicing barber in another state or country that has
4807 substantially the same requirements for licensing or registration
4808 of barbers as are contained in this chapter, or can prove by sworn
4809 affidavits that he has lawfully practiced as a barber in another



4810 state or country for at least five (5) years immediately before
4811 making application in this state, or can show to the satisfaction
4812 of the board that he had held a rating in a branch of the military
4813 service for two (2) or more years that required him to perform the
4814 duties of a barber. The issuance of a certificate of registration
4815 by reciprocity to a military-trained applicant, military spouse or
4816 person who establishes residence in this state shall be subject to
4817 the provisions of Section 73-50-1 or 73-50-2, as applicable.

4818 In addition to the above, the board may require the applicant
4819 to successfully demonstrate sufficient knowledge of the Barber Law
4820 of the State of Mississippi, as well as sufficient practical skill
4821 by requiring the applicant to take a practical examination
4822 approved by the board.

4823 **SECTION 52.** Section 73-6-13, Mississippi Code of 1972, is
4824 amended as follows:

4825 73-6-13. (1) Any adult * * * who has (a) graduated from a
4826 school or college of chiropractic recognized by the State Board of
4827 Chiropractic Examiners, preceded by the successful completion of
4828 at least two (2) academic years at an accredited institution of
4829 higher learning, or accredited junior college, and (b)
4830 successfully completed parts 1, 2, 3 and 4 and the physical
4831 modality section of the examination prepared by the National Board
4832 of Chiropractic Examiners, shall be entitled to take the
4833 examination for a license to practice chiropractic in Mississippi.
4834 The State Board of Chiropractic Examiners shall keep on file a



4835 list of schools or colleges of chiropractic which are so
4836 recognized. No chiropractic school shall be approved unless it is
4837 recognized and approved by the Council on Chiropractic Education,
4838 its successor or an equivalent accrediting agency, offers an
4839 accredited course of study of not less than four (4) academic
4840 years of at least nine (9) months in length, and requires its
4841 graduates to receive not less than forty (40) clock hours of
4842 instruction in the operation of x-ray machinery and not less than
4843 forty (40) clock hours of instruction in x-ray interpretation and
4844 diagnosis.

4845 (2) Except as otherwise provided in this section, the State
4846 Board of Health shall prescribe rules and regulations for the
4847 operation and use of x-ray machines.

4848 (3) The examination to practice chiropractic used by the
4849 board shall consist of testing on the statutes and the rules and
4850 regulations regarding the practice of chiropractic in the State of
4851 Mississippi.

4852 (4) Reciprocity privileges for a chiropractor from another
4853 state shall be granted at the board's option on an individual
4854 basis and by a majority vote of the State Board of Chiropractic
4855 Examiners to an adult * * * who (a) is currently an active
4856 competent practitioner for at least eight (8) years and holds an
4857 active chiropractic license in another state with no disciplinary
4858 proceeding or unresolved complaint pending anywhere at the time a
4859 license is to be issued by this state, (b) demonstrates having



4860 obtained licensure as a chiropractor in another state under the
4861 same education requirements which were equivalent to the education
4862 requirements in this state to obtain a chiropractic license at the
4863 time the applicant obtained the license in the other state, (c)
4864 satisfactorily passes the examination administered by the State
4865 Board of Chiropractic Examiners, and (d) meets the requirements of
4866 Section 73-6-1(3) pertaining to therapeutic modalities. The
4867 issuance of a license by reciprocity to a military-trained
4868 applicant, military spouse or person who establishes residence in
4869 this state shall be subject to the provisions of Section 73-50-1
4870 or 73-50-2, as applicable.

4871 **SECTION 53.** Section 73-9-23, Mississippi Code of 1972, is
4872 amended as follows:

4873 73-9-23. (1) No person who desires to practice dentistry or
4874 dental hygiene in the State of Mississippi shall be licensed until
4875 that person has passed an examination by the board. Applicants
4876 for examination shall apply in writing to the board for an
4877 examination at least thirty (30) days before the examination and
4878 shall upon application pay a nonrefundable fee as elsewhere
4879 provided in this chapter.

4880 (2) An applicant for licensure by examination as a dentist
4881 who is a graduate of a dental school accredited by the Commission
4882 on Dental Accreditation of the American Dental Association (ADA),
4883 or its successor commission, shall:



4884 (a) Be * * * possessed of a high school education, and
4885 have attained the age of twenty-one (21) years;

4886 (b) Exhibit with the application a diploma or
4887 certificate of graduation from the ADA accredited dental school;
4888 and

4889 (c) Have successfully completed Parts I and II of the
4890 National Board Examinations of the Joint Commission on National
4891 Dental Examinations, or its successor commission, unless the
4892 applicant graduated from an accredited dental school before 1960.

4893 (3) An applicant for licensure by examination as a dentist
4894 who is a graduate of a non-ADA accredited foreign country dental
4895 school shall:

4896 (a) * * * Have attained the age of twenty-one (21)
4897 years;

4898 (b) Be proficient in oral and written communications in
4899 the English language;

4900 (c) Have completed not less than six (6) academic years
4901 of postsecondary study and graduated from a foreign dental school
4902 that is recognized by the licensure authorities in that country;

4903 (d) Have been licensed as a dentist or admitted to the
4904 practice of dentistry in the foreign country in which the
4905 applicant received foreign dental school training;

4906 (e) Present documentation of having completed at least
4907 two (2) or more years of full-time postdoctoral dental education
4908 in a dental school accredited by the Commission on Dental



4909 Accreditation of the American Dental Association, or its successor
4910 commission, and has been certified by the dean of the accredited
4911 dental school as having achieved the same level of didactic and
4912 clinical competence as expected of a graduate of the school; and

4913 (f) Have successfully completed Parts I and II of the
4914 National Board Examinations of the Joint Commission on National
4915 Dental Examinations, or its successor commission, unless the
4916 applicant graduated from an approved dental school before 1960.

4917 (4) An applicant for licensure by examination as a dental
4918 hygienist who is a graduate of a dental hygiene school accredited
4919 by the Commission on Dental Accreditation of the American Dental
4920 Association (ADA), or its successor commission, shall:

4921 (a) Be * * * possessed of a high school education and
4922 have attained the age of eighteen (18) years;

4923 (b) Exhibit with the application a diploma or
4924 certificate of graduation from the ADA accredited dental hygiene
4925 school; and

4926 (c) Have successfully completed the National Board
4927 Dental Hygiene Examinations of the Joint Commission on National
4928 Dental Examinations, or its successor commission.

4929 (5) An applicant for licensure by examination as a dental
4930 hygienist who is a graduate of a non-ADA accredited foreign
4931 country dental hygiene school shall:

4932 (a) * * * Have attained the age of eighteen (18) years;



4933 (b) Be proficient in oral and written communications in
4934 the English language;

4935 (c) Have completed not less than two (2) academic years
4936 of postsecondary study and graduated from a foreign dental hygiene
4937 school that is recognized by the licensure authorities in that
4938 country;

4939 (d) Have been licensed as a dental hygienist or
4940 admitted to the practice of dental hygiene in the foreign country
4941 in which the applicant received foreign dental hygiene school
4942 training;

4943 (e) Present documentation of having completed at least
4944 one or more years of full-time postgraduate clinical education in
4945 a dental hygiene school accredited by the Commission on Dental
4946 Accreditation of the American Dental Association, or its successor
4947 commission, and has been certified by the dean of the accredited
4948 dental hygiene school as having achieved the same level of
4949 didactic and clinical competence as expected of a graduate of the
4950 school; and

4951 (f) Have successfully completed the National Board
4952 Dental Hygiene Examinations of the Joint Commission on National
4953 Dental Examinations, or its successor commission.

4954 (6) Applications shall be made in the form and content as
4955 required in this section and as shall be prescribed by the board,
4956 and each applicant shall submit upon request such proof as the
4957 board may require as to age * * * and qualifications.



4958 Applications must be signed by two (2) citizens of the state of
4959 which the applicant is a resident * * *. All applicants for
4960 licensure shall submit an endorsement from all states in which he
4961 or she is currently licensed or has ever been licensed to practice
4962 dentistry or dental hygiene. The board may disallow the licensure
4963 examination to any applicant who has been found guilty of any of
4964 the grounds for disciplinary action as enumerated in Section
4965 73-9-61.

4966 (7) Examination shall be as elsewhere provided in this
4967 chapter and the board may by its rules and regulations prescribe
4968 reasonable professional standards for oral, written, clinical and
4969 other examinations given to applicants, and, if deemed necessary
4970 by the board, include a requirement that licensure examinations of
4971 applicants be conducted utilizing live human subjects. Each
4972 applicant shall appear before the board and be examined to
4973 determine his or her learning and skill in dentistry or dental
4974 hygiene. If found by the members of the board conducting the
4975 examination to possess sufficient learning and skill
4976 therein * * *, the board shall, as early as practicable, grant to
4977 the person a license to practice dentistry or dental hygiene, as
4978 the case may be, which shall be signed by each member of the board
4979 who attended the examination and approved the issuance of a
4980 license.

4981 (8) The Board of Dental Examiners may, at its own
4982 discretion, accept certification of a licensure applicant, either



4983 dentist or dental hygienist, by the National Board Examinations of
4984 the Joint Commission on National Dental Examinations, or its
4985 successor commission, in lieu of the written examination.
4986 However, in all such instances the board shall retain the right to
4987 administer such further written and practical examinations and
4988 demonstrations as it deems necessary.

4989 (9) Each application or filing made under this section shall
4990 include the social security number(s) of the applicant in
4991 accordance with Section 93-11-64.

4992 **SECTION 54.** Section 73-11-51, Mississippi Code of 1972, is
4993 amended as follows:

4994 73-11-51. (1) No person shall engage in the business or
4995 practice of funeral service, including embalming, and/or funeral
4996 directing or hold himself out as transacting or practicing or
4997 being entitled to transact or practice funeral service, including
4998 embalming, and/or funeral directing in this state unless duly
4999 licensed under the provisions of this chapter.

5000 (2) The board is authorized and empowered to examine
5001 applicants for licenses for the practice of funeral service and
5002 funeral directing and shall issue the proper license to those
5003 persons who successfully pass the applicable examination and
5004 otherwise comply with the provisions of this chapter.

5005 (3) To be licensed for the practice of funeral directing
5006 under this chapter, a person must furnish satisfactory evidence to
5007 the board that he or she:



5008 (a) Is at least eighteen (18) years of age;
5009 (b) Has a high school diploma or the equivalent
5010 thereof;
5011 (c) Has served as a resident trainee for not less than
5012 twelve (12) months under the supervision of a person licensed for
5013 the practice of funeral service or funeral directing in this
5014 state; and
5015 (d) Has successfully passed a written and/or oral
5016 examination as prepared or approved by the board * * *.

5017 * * *

5018 (4) To be licensed for the practice of funeral service under
5019 this chapter, a person must furnish satisfactory evidence to the
5020 board that he or she:

5021 (a) Is at least eighteen (18) years of age;
5022 (b) Has a high school diploma or the equivalent
5023 thereof;
5024 (c) Has successfully completed twelve (12) months or
5025 more of academic and professional instruction from an institution
5026 accredited by the United States Department of Education for
5027 funeral service education and have a certificate of completion
5028 from an institution accredited by the American Board of Funeral
5029 Service Education or any other successor recognized by the United
5030 States Department of Education for funeral service education;
5031 (d) Has served as a resident trainee for not less than
5032 twelve (12) months, either before or after graduation from an



5033 accredited institution mentioned above, under the supervision of a
5034 person licensed for the practice of funeral service in this state
5035 and in an establishment licensed in this state; and

5036 (e) Has successfully passed the National Conference of
5037 Funeral Examiners examination and/or such other examination as
5038 approved by the board * * *.

5039 * * *

5040 (5) All applications for examination and license for the
5041 practice of funeral service or funeral directing shall be upon
5042 forms furnished by the board and shall be accompanied by an
5043 examination fee, a licensing fee and a nonrefundable application
5044 fee in amounts fixed by the board in accordance with Section
5045 73-11-56. The fee for an initial license, however, may be
5046 prorated in proportion to the period of time from the date of
5047 issuance to the date of biennial license renewal prescribed in
5048 subsection (8) of this section. All applications for examination
5049 shall be filed with the board office at least sixty (60) days
5050 before the date of examination. A candidate shall be deemed to
5051 have abandoned the application for examination if he does not
5052 appear on the scheduled date of examination unless such failure to
5053 appear has been approved by the board.

5054 (6) The practice of funeral service or funeral directing
5055 must be engaged in at a licensed funeral establishment, at least
5056 one (1) of which is listed as the licensee's place of business;
5057 and no person, partnership, corporation, association or other



5058 organization shall open or maintain a funeral establishment at
5059 which to engage in or conduct or hold himself or itself out as
5060 engaging in the practice of funeral service or funeral directing
5061 until such establishment has complied with the licensing
5062 requirements of this chapter. A license for the practice of
5063 funeral service or funeral directing shall be used only at
5064 licensed funeral establishments; however, this provision shall not
5065 prevent a person licensed for the practice of funeral service or
5066 funeral directing from conducting a funeral service at a church, a
5067 residence, public hall, lodge room or cemetery chapel, if such
5068 person maintains a fixed licensed funeral establishment of his own
5069 or is in the employ of or an agent of a licensed funeral
5070 establishment.

5071 (7) Any person holding a valid, unrevoked and unexpired
5072 nonreciprocal license in another state or territory having
5073 requirements greater than or equal to those of this state as
5074 determined by the board may apply for a license to practice in
5075 this state by filing with the board a certified statement from the
5076 secretary of the licensing board of the state or territory in
5077 which the applicant holds his license certifying to his
5078 qualifications and good standing with that board. He/she must
5079 also successfully pass a written and/or oral examination on the
5080 Mississippi Funeral Service licensing law and rules and
5081 regulations as prepared or approved by the board, and must pay a
5082 nonrefundable application fee set by the board. If the board



5083 finds that the applicant has fulfilled aforesaid requirements and
5084 has fulfilled substantially similar requirements of those required
5085 for a Mississippi licensee, the board shall grant such license
5086 upon receipt of a fee in an amount equal to the renewal fee set by
5087 the board for a license for the practice of funeral service or
5088 funeral directing, as the case may be, in this state. The board
5089 may issue a temporary funeral service or funeral directing work
5090 permit before a license is granted, before the next regular
5091 meeting of the board, if the applicant for a reciprocal license
5092 has complied with all requirements, rules and regulations of the
5093 board. The temporary permit will expire at the next regular
5094 meeting of the board. The issuance of a license or temporary
5095 permit by reciprocity to a military-trained applicant, military
5096 spouse or person who establishes residence in this state shall be
5097 subject to the provisions of Section 73-50-1 or 73-50-2, as
5098 applicable.

5099 (8) (a) Except as provided in Section 33-1-39, any person
5100 holding a license for the practice of funeral service or funeral
5101 directing may have the same renewed for a period of two (2) years
5102 by making and filing with the board an application on or before
5103 the due date. Payment of the renewal fee shall be in an amount
5104 set by the board in accordance with Section 73-11-56. The board
5105 shall mail the notice of renewal and the due date for the payment
5106 of the renewal fee to the last-known address of each licensee at
5107 least thirty (30) days before that date. It is the responsibility



5108 of the licensee to notify the board in writing of any change of
5109 address. An application will be considered late if the
5110 application and proper fees are not in the board's office or
5111 postmarked by the due date. Failure of a license holder to
5112 receive the notice of renewal shall not exempt or excuse a license
5113 holder from the requirement of renewing the license on or before
5114 the license expiration date.

5115 (b) If the renewal fee is not paid on or postmarked by
5116 the due date, the license of such person shall by operation of law
5117 automatically expire and become void without further action of the
5118 board. The board may reinstate such license if application for
5119 licensure is made within a period of five (5) years, upon payment
5120 of the renewal fee for the current year, all renewal fees in
5121 arrears, and a reinstatement fee. After a period of five (5)
5122 years, the licensee must make application, pay the current renewal
5123 fee, all fees in arrears, and pass a written and/or oral
5124 examination as prepared or approved by the board.

5125 (9) No license shall be assignable or valid for any person
5126 other than the original licensee.

5127 (10) The board may, in its discretion, if there is a major
5128 disaster or emergency where human death is likely to occur,
5129 temporarily authorize the practice of funeral directing and
5130 funeral service by persons licensed to practice in another state
5131 but not licensed to practice in this state. Only persons licensed
5132 in this state, however, may sign death certificates.



5133 (11) Any funeral service technology or mortuary science
5134 program accredited by the American Board of Funeral Service
5135 Education in the State of Mississippi, as well as students
5136 enrolled in such a program, shall be exempt from licensing under
5137 this chapter when embalming or otherwise preparing a deceased
5138 human body for disposition as part of a student practicum
5139 experience, when the student is directly supervised by an
5140 instructor or preceptor who holds a current funeral service
5141 license. This exemption shall apply to practicum experiences
5142 performed at an accredited institution of funeral service
5143 technology or mortuary science program or at a duly licensed
5144 funeral establishment or commercial mortuary service. Nothing in
5145 this subsection shall be construed to allow any funeral service
5146 technology or mortuary science program, or those students enrolled
5147 in such a program, to engage in practicum experiences for
5148 remuneration.

5149 (12) Each application or filing made under this section
5150 shall include the social security number(s) of the applicant in
5151 accordance with Section 93-11-64.

5152 **SECTION 55.** Section 73-13-23, Mississippi Code of 1972, is
5153 amended as follows:

5154 73-13-23. (1) (a) The following shall be considered as
5155 minimum evidence satisfactory to the board that the applicant is
5156 qualified for licensure as a professional engineer:



5157 Graduation in an engineering curriculum of four (4) years or
5158 more from a school or college approved by the board as of
5159 satisfactory standing or graduation in an engineering, engineering
5160 technology, or related science curriculum of four (4) scholastic
5161 years from a school or college other than those approved by the
5162 board plus a graduate degree in an engineering curriculum from a
5163 school or college wherein the same engineering curriculum at the
5164 undergraduate level is approved by the board as of satisfactory
5165 standing; a specific record of four (4) years of qualifying
5166 engineering experience indicating that the applicant is competent
5167 to practice engineering (in counting years of experience, the
5168 board at its discretion may give credit not in excess of three (3)
5169 years for satisfactory graduate study in engineering), and the
5170 successful passing of examinations in engineering as prescribed by
5171 the board.

5172 (b) In considering the qualifications of applicants,
5173 engineering teaching may be construed as engineering experience.

5174 (c) The mere execution, as a contractor, of work
5175 designed by a professional engineer, or the supervision of the
5176 construction of such work as a foreman or superintendent shall not
5177 be deemed to be the practice of engineering.

5178 (d) Any person having the necessary qualifications
5179 prescribed in Sections 73-13-1 through 73-13-45 to entitle him to
5180 licensure shall be eligible for such licensure although he may not



5181 be practicing his profession at the time of making his
5182 application.

5183 (e) No person shall be eligible for licensure as a
5184 professional engineer who * * * presents claims in support of his
5185 application which contain major discrepancies.

5186 (2) The following shall be considered as minimum evidence
5187 satisfactory to the board that the applicant is qualified for
5188 enrollment as an engineer intern:

5189 (a) Graduation in an engineering curriculum of four (4)
5190 scholastic years or more from a school or college approved by the
5191 board as of satisfactory standing or graduation in an engineering,
5192 engineering technology, or related science curriculum of four (4)
5193 scholastic years from a school or college other than those
5194 approved by the board plus a graduate degree in an engineering
5195 curriculum from a school or college wherein that same engineering
5196 curriculum at the undergraduate level is approved by the board as
5197 of satisfactory standing; and

5198 (b) Successfully passing a written examination in the
5199 fundamental engineering subjects.

5200 **SECTION 56.** Section 73-13-77, Mississippi Code of 1972, is
5201 amended as follows:

5202 73-13-77. (1) The following shall be considered as minimum
5203 evidence satisfactory to the board that the applicant is qualified
5204 for licensure as a professional surveyor:



5205 (a) (i) A bachelor's degree in geomatics, surveying or
5206 surveying technology approved by the board consisting of a minimum
5207 of one hundred twenty (120) semester hours, or the equivalent, in
5208 surveying curriculum subjects and a specific record of four (4)
5209 years of qualifying surveying experience; or

5210 (ii) A bachelor's degree in a related science
5211 curriculum defined by board rule, consisting of sixty-two (62)
5212 semester hours in surveying curriculum subjects as defined by
5213 board rule, and a specific record of five (5) years of qualifying
5214 surveying experience; or

5215 (iii) A bachelor's degree in a related science
5216 curriculum defined by board rule, and a specific record of six (6)
5217 years of qualifying surveying experience; or

5218 (iv) An associate degree, or its equivalent, in a
5219 curriculum approved by the board consisting of sixty-two (62)
5220 semester hours in surveying curriculum subjects as defined by
5221 board rule, and a specific record of seven (7) years or more of
5222 qualifying surveying experience; or

5223 (v) A high school diploma, or its equivalent, and
5224 a specific record of twelve (12) years or more of qualifying
5225 surveying experience; and

5226 (b) Successfully passing examinations in surveying
5227 prescribed by the board.



5228 (2) The following shall be considered as minimum evidence
5229 satisfactory to the board that the applicant is qualified for
5230 enrollment as a surveyor intern:

5231 (a) (i) A bachelor's degree in geomatics, surveying or
5232 surveying technology approved by the board consisting of a minimum
5233 of one hundred twenty (120) semester hours, or the equivalent, in
5234 surveying curriculum subjects; or

5235 (ii) A bachelor's degree in a related science
5236 curriculum defined by board rule consisting of sixty-two (62)
5237 semester hours in surveying curriculum subjects as defined by
5238 board rule; or

5239 (iii) A bachelor's degree in a related science
5240 curriculum defined by board rule; or

5241 (iv) An associate degree, or its equivalent, in a
5242 curriculum approved by the board consisting of sixty-two (62)
5243 semester hours in surveying curriculum subjects as defined by
5244 board rule; or

5245 (v) A high school diploma, or its equivalent, and
5246 a specific record of eight (8) years or more of qualifying
5247 surveying experience; and

5248 (b) Successfully passing examinations in surveying
5249 fundamentals prescribed by the board.

5250 * * *

5251 **SECTION 57.** Section 73-15-19, Mississippi Code of 1972, is
5252 amended as follows:



5253 73-15-19. (1) **Registered nurse applicant qualifications.**

5254 Any applicant for a license to practice as a registered nurse
5255 shall submit to the board:

5256 (a) An attested written application on a Board of
5257 Nursing form;

5258 (b) Written official evidence of completion of a
5259 nursing program approved by the Board of Trustees of State
5260 Institutions of Higher Learning, or one approved by a legal
5261 accrediting agency of another state, territory or possession of
5262 the United States, the District of Columbia, or a foreign country
5263 which is satisfactory to this board;

5264 (c) Evidence of competence in English related to
5265 nursing, provided the first language is not English;

5266 (d) Any other official records required by the board.

5267 In addition to the requirements specified in paragraphs (a)
5268 through (d) of this subsection, in order to qualify for a license
5269 to practice as a registered nurse, an applicant must have
5270 successfully been cleared for licensure through an investigation
5271 that shall consist of a * * * verification that the prospective
5272 licensee is not guilty of or in violation of any statutory ground
5273 for denial of licensure as set forth in Section 73-15-29 or guilty
5274 of any offense specified in Section 73-15-33. To assist the board
5275 in conducting its licensure investigation, all applicants shall
5276 undergo a fingerprint-based criminal history records check of the
5277 Mississippi central criminal database and the Federal Bureau of



5278 Investigation criminal history database. Each applicant shall
5279 submit a full set of his or her fingerprints in a form and manner
5280 prescribed by the board, which shall be forwarded to the
5281 Mississippi Department of Public Safety (department) and the
5282 Federal Bureau of Investigation Identification Division for this
5283 purpose.

5284 Any and all state or national criminal history records
5285 information obtained by the board that is not already a matter of
5286 public record shall be deemed nonpublic and confidential
5287 information restricted to the exclusive use of the board, its
5288 members, officers, investigators, agents and attorneys in
5289 evaluating the applicant's eligibility or disqualification for
5290 licensure, and shall be exempt from the Mississippi Public Records
5291 Act of 1983. Except when introduced into evidence in a hearing
5292 before the board to determine licensure, no such information or
5293 records related thereto shall, except with the written consent of
5294 the applicant or by order of a court of competent jurisdiction, be
5295 released or otherwise disclosed by the board to any other person
5296 or agency.

5297 The board shall provide to the department the fingerprints of
5298 the applicant, any additional information that may be required by
5299 the department, and a form signed by the applicant consenting to
5300 the check of the criminal records and to the use of the
5301 fingerprints and other identifying information required by the
5302 state or national repositories.



5303 The board shall charge and collect from the applicant, in
5304 addition to all other applicable fees and costs, such amount as
5305 may be incurred by the board in requesting and obtaining state and
5306 national criminal history records information on the applicant.

5307 The board may, in its discretion, refuse to accept the
5308 application of any person who has been convicted of a criminal
5309 offense under any provision of Title 97 of the Mississippi Code of
5310 1972, as now or hereafter amended, or any provision of this
5311 article.

5312 (2) **Licensure by examination.** (a) Upon the board being
5313 satisfied that an applicant for a license as a registered nurse
5314 has met the qualifications set forth in subsection (1) of this
5315 section, the board shall proceed to examine such applicant in such
5316 subjects as the board shall, in its discretion, determine. The
5317 subjects in which applicants shall be examined shall be in
5318 conformity with curricula in schools of nursing approved by the
5319 Board of Trustees of State Institutions of Higher Learning, or one
5320 approved by a legal accrediting agency of another state, territory
5321 or possession of the United States, the District of Columbia, or a
5322 foreign country which is satisfactory to the board.

5323 (b) The applicant shall be required to pass the written
5324 examination as selected by the board.

5325 (c) Upon successful completion of such examination, the
5326 board shall issue to the applicant a license to practice as a
5327 registered nurse.



5328 (d) The board may use any part or all of the state
5329 board test pool examination for registered nurse licensure, its
5330 successor examination, or any other nationally standardized
5331 examination identified by the board in its rules. The passing
5332 score shall be established by the board in its rules.

5333 (3) **Licensure by endorsement.** The board may issue a license
5334 to practice nursing as a registered nurse without examination to
5335 an applicant who has been duly licensed as a registered nurse
5336 under the laws of another state, territory or possession of the
5337 United States, the District of Columbia, or a foreign country if,
5338 in the opinion of the board, the applicant meets the
5339 qualifications required of licensed registered nurses in this
5340 state and has previously achieved the passing score or scores on
5341 the licensing examination required by this state, at the time of
5342 his or her graduation. The issuance of a license by endorsement
5343 to a military-trained applicant, military spouse or person who
5344 establishes residence in this state shall be subject to the
5345 provisions of Section 73-50-1 or 73-50-2, as applicable.

5346 (4) **Requirements for rewriting the examination.** The board
5347 shall establish in its rules the requirements for rewriting the
5348 examination for those persons failing the examination on the first
5349 writing or subsequent rewriting.

5350 (5) **Fee.** The applicant applying for a license by
5351 examination or by endorsement to practice as a registered nurse



5352 shall pay a fee not to exceed One Hundred Dollars (\$100.00) to the
5353 board.

5354 (6) **Temporary permit.** (a) The board may issue a temporary
5355 permit to practice nursing to a graduate of an approved school of
5356 nursing pending the results of the examination in Mississippi, and
5357 to a qualified applicant from another state, territory or
5358 possession of the United States, or District of Columbia, or
5359 pending licensure procedures as provided for elsewhere in this
5360 article. The fee shall not exceed Twenty-five Dollars (\$25.00).

5361 (b) The board may issue a temporary permit for a period
5362 of ninety (90) days to a registered nurse who is currently
5363 licensed in another state, territory or possession of the United
5364 States or the District of Columbia and who is an applicant for
5365 licensure by endorsement. Such permit is not renewable except by
5366 board action. The issuance of a temporary permit to a
5367 military-trained applicant, military spouse or person who
5368 establishes residence in this state shall be subject to the
5369 provisions of Section 73-50-1 or 73-50-2, as applicable.

5370 (c) The board may issue a temporary permit to a
5371 graduate of an approved school of nursing pending the results of
5372 the first licensing examination scheduled after application. Such
5373 permit is not renewable except by board action.

5374 (d) The board may issue a temporary permit for a period
5375 of thirty (30) days to any registered nurse during the time
5376 enrolled in a nursing reorientation program. This time period may



5377 be extended by board action. The fee shall not exceed Twenty-five
5378 Dollars (\$25.00).

5379 (e) The board may adopt such regulations as are
5380 necessary to limit the practice of persons to whom temporary
5381 permits are issued.

5382 (7) **Temporary license.** The board may issue a temporary
5383 license to practice nursing at a youth camp licensed by the State
5384 Board of Health to nonresident registered nurses and retired
5385 resident registered nurses under the provisions of Section
5386 75-74-8.

5387 (8) **Title and abbreviation.** Any person who holds a license
5388 or holds the privilege to practice as a registered nurse in this
5389 state shall have the right to use the title "registered nurse" and
5390 the abbreviation "R.N." No other person shall assume such title
5391 or use such abbreviation, or any words, letters, signs or devices
5392 to indicate that the person using the same is a registered nurse.

5393 (9) **Registered nurses licensed under a previous law.** Any
5394 person holding a license to practice nursing as a registered nurse
5395 issued by this board which is valid on July 1, 1981, shall
5396 thereafter be deemed to be licensed as a registered nurse under
5397 the provisions of this article upon payment of the fee provided in
5398 Section 73-15-27.

5399 (10) Each application or filing made under this section
5400 shall include the social security number(s) of the applicant in
5401 accordance with Section 93-11-64.



5402 **SECTION 58.** Section 73-15-21, Mississippi Code of 1972, is
5403 amended as follows:

5404 73-15-21. (1) **Licensed practical nurse applicant**
5405 **qualifications.** Any applicant for a license to practice practical
5406 nursing as a licensed practical nurse shall submit to the board:

5407 (a) An attested written application on a Board of
5408 Nursing form;

5409 (b) A diploma from an approved high school or the
5410 equivalent thereof, as determined by the appropriate educational
5411 agency;

5412 (c) Written official evidence of completion of a
5413 practical nursing program approved by the State Department of
5414 Education through its Division of Vocational Education, or one
5415 approved by a legal accrediting agency of another state, territory
5416 or possession of the United States, the District of Columbia, or a
5417 foreign country which is satisfactory to this board;

5418 (d) Evidence of competence in English related to
5419 nursing, provided the first language is not English;

5420 (e) Any other official records required by the board.

5421 In addition to the requirements specified in paragraphs (a)
5422 through (e) of this subsection, in order to qualify for a license
5423 to practice practical nursing as a licensed practical nurse, an
5424 applicant must have successfully been cleared for licensure
5425 through an investigation that shall consist of a * * *
5426 verification that the prospective licensee is not guilty of or in



5427 violation of any statutory ground for denial of licensure as set
5428 forth in Section 73-15-29 or guilty of any offense specified in
5429 Section 73-15-33. To assist the board in conducting its licensure
5430 investigation, all applicants shall undergo a fingerprint-based
5431 criminal history records check of the Mississippi central criminal
5432 database and the Federal Bureau of Investigation criminal history
5433 database. Each applicant shall submit a full set of his or her
5434 fingerprints in a form and manner prescribed by the board, which
5435 shall be forwarded to the Mississippi Department of Public Safety
5436 (department) and the Federal Bureau of Investigation
5437 Identification Division for this purpose.

5438 Any and all state or national criminal history records
5439 information obtained by the board that is not already a matter of
5440 public record shall be deemed nonpublic and confidential
5441 information restricted to the exclusive use of the board, its
5442 members, officers, investigators, agents and attorneys in
5443 evaluating the applicant's eligibility or disqualification for
5444 licensure, and shall be exempt from the Mississippi Public Records
5445 Act of 1983. Except when introduced into evidence in a hearing
5446 before the board to determine licensure, no such information or
5447 records related thereto shall, except with the written consent of
5448 the applicant or by order of a court of competent jurisdiction, be
5449 released or otherwise disclosed by the board to any other person
5450 or agency.



5451 The board shall provide to the department the fingerprints of
5452 the applicant, any additional information that may be required by
5453 the department, and a form signed by the applicant consenting to
5454 the check of the criminal records and to the use of the
5455 fingerprints and other identifying information required by the
5456 state or national repositories.

5457 The board shall charge and collect from the applicant, in
5458 addition to all other applicable fees and costs, such amount as
5459 may be incurred by the board in requesting and obtaining state and
5460 national criminal history records information on the applicant.

5461 The board may, in its discretion, refuse to accept the
5462 application of any person who has been convicted of a criminal
5463 offense under any provision of Title 97 of the Mississippi Code of
5464 1972, as now or hereafter amended, or any provision of this
5465 article.

5466 (2) **Licensure by examination.** (a) Upon the board being
5467 satisfied that an applicant for a license as a practical nurse has
5468 met the qualifications set forth in subsection (1) of this
5469 section, the board shall proceed to examine such applicant in such
5470 subjects as the board shall, in its discretion, determine. The
5471 subjects in which applicants shall be examined shall be in
5472 conformity with curricula in schools of practical nursing approved
5473 by the State Department of Education.

5474 (b) The applicant shall be required to pass the written
5475 examination selected by the board.



5476 (c) Upon successful completion of such examination, the
5477 board shall issue to the applicant a license to practice as a
5478 licensed practical nurse.

5479 (d) The board may use any part or all of the state
5480 board test pool examination for practical nurse licensure, its
5481 successor examination, or any other nationally standardized
5482 examination identified by the board in its rules. The passing
5483 score shall be established by the board in its rules.

5484 (3) **Licensure by endorsement.** The board may issue a license
5485 to practice practical nursing as a licensed practical nurse
5486 without examination to an applicant who has been duly licensed as
5487 a licensed practical nurse under the laws of another state,
5488 territory or possession of the United States, the District of
5489 Columbia, or a foreign country if, in the opinion of the board,
5490 the applicant meets the qualifications required of licensed
5491 practical nurses in this state and has previously achieved the
5492 passing score or scores on the licensing examination required by
5493 this state at the time of his or her graduation. The issuance of
5494 a license by endorsement to a military-trained applicant, military
5495 spouse or person who establishes residence in this state shall be
5496 subject to the provisions of Section 73-50-1 or 73-50-2, as
5497 applicable.

5498 (4) **Licensure by equivalent amount of theory and clinical**
5499 **experience.** In the discretion of the board, former students of a
5500 state-accredited school preparing students to become registered



5501 nurses may be granted permission to take the examination for
5502 licensure to practice as a licensed practical nurse, provided the
5503 applicant's record or transcript indicates the former student
5504 completed an equivalent amount of theory and clinical experiences
5505 as required of a graduate of a practical nursing program, and
5506 provided the school attended was, at the time of the student's
5507 attendance, an accredited school of nursing.

5508 (5) **Requirements for rewriting the examination.** The board
5509 shall establish in its rules the requirements for rewriting the
5510 examination for those persons failing the examination on the first
5511 writing or subsequent writing.

5512 (6) **Fee.** The applicant applying for a license by
5513 examination or by endorsement to practice as a licensed practical
5514 nurse shall pay a fee not to exceed Sixty Dollars (\$60.00) to the
5515 board.

5516 (7) **Temporary permit.** (a) The board may issue a temporary
5517 permit to practice practical nursing to a graduate of an approved
5518 school of practical nursing pending the results of the examination
5519 in Mississippi, and to a qualified applicant from another state,
5520 territory or possession of the United States, or the District of
5521 Columbia, pending licensing procedures as provided for elsewhere
5522 in this article. The fee shall not exceed Twenty-five Dollars
5523 (\$25.00).

5524 (b) The board may issue a temporary permit for a period
5525 of ninety (90) days to a licensed practical nurse who is currently



5526 licensed in another state, territory or possession of the United
5527 States or the District of Columbia and who is an applicant for
5528 licensure by endorsement. Such permit is not renewable except by
5529 board action. The issuance of a temporary permit to a
5530 military-trained applicant, military spouse or person who
5531 establishes residence in this state shall be subject to the
5532 provisions of Section 73-50-1 or 73-50-2, as applicable.

5533 (c) The board may issue a temporary permit to a
5534 graduate of an approved practical nursing education program or an
5535 equivalent program satisfactory to the board pending the results
5536 of the first licensing examination scheduled after application.
5537 Such permit is not renewable except by board action.

5538 (d) The board may issue a temporary permit for a period
5539 of thirty (30) days to any licensed practical nurse during the
5540 time enrolled in a nursing reorientation program. This time
5541 period may be extended by board action. The fee shall not exceed
5542 Twenty-five Dollars (\$25.00).

5543 (e) The board may adopt such regulations as are
5544 necessary to limit the practice of persons to whom temporary
5545 permits are issued.

5546 (8) **Title and abbreviation.** Any person who holds a license
5547 or holds the privilege to practice as a licensed practical nurse
5548 in this state shall have the right to use the title "licensed
5549 practical nurse" and the abbreviation "L.P.N." No other person
5550 shall assume such title or use such abbreviation, or any words,



5551 letters, signs or devices to indicate that a person using the same
5552 is a licensed practical nurse.

5553 (9) **Licensed practical nurses licensed under a previous law.**

5554 Any person holding a license to practice nursing as a practical
5555 nurse issued by this board which is valid on July 1, 1981, shall
5556 thereafter be deemed to be licensed as a practical nurse under the
5557 provisions of this article upon payment of the fee prescribed in
5558 Section 73-15-27.

5559 (10) Each application or filing made under this section
5560 shall include the social security number(s) of the applicant in
5561 accordance with Section 93-11-64.

5562 **SECTION 59.** Section 73-17-9, Mississippi Code of 1972, is
5563 amended as follows:

5564 73-17-9. It shall be the function and duty of the board to:

5565 (a) Develop, impose, and enforce standards which must
5566 be met by individuals in order to receive a license as a nursing
5567 home administrator, which standards shall be designed to * * *
5568 ensure that nursing home administrators will be individuals who
5569 are * * * suitable, and who, by training or experience in the
5570 field of institutional administration, are qualified to serve as
5571 nursing home administrators;

5572 (b) Develop and apply appropriate techniques, including
5573 examinations and investigations, for determining whether an
5574 individual meets such standards;



5575 (c) Issue licenses to individuals determined, after the
5576 application of such techniques, to meet such standards, and revoke
5577 or suspend licenses previously issued by the board in any case
5578 where the individual holding any such license is determined
5579 substantially to have failed to conform to the requirements of
5580 such standards;

5581 (d) Establish and carry out procedures designed
5582 to * * * ensure that individuals licensed as nursing home
5583 administrators will, during any period that they serve as such,
5584 comply with the requirements of such standards;

5585 (e) Receive, investigate, and take appropriate action
5586 with respect to any charge or complaint filed with the board to
5587 the effect that any individual licensed as a nursing home
5588 administrator has failed to comply with the requirements of such
5589 standards;

5590 (f) Conduct a continuing study and investigation of
5591 nursing homes and administrators of nursing homes within the state
5592 with a view to the improvement of the standards imposed for the
5593 licensing of such administrators and of procedures and methods for
5594 the enforcement of such standards with respect to administrators
5595 of nursing homes who have been licensed as such; and

5596 (g) To devise and implement an educational program
5597 designed to increase the professional proficiency of nursing home
5598 administrators and to assist otherwise qualified individuals to
5599 prepare for careers in nursing home administration.



5600 **SECTION 60.** Section 73-17-11, Mississippi Code of 1972, is
5601 amended as follows:

5602 73-17-11. (1) From and after July 1, 2011, in order to be
5603 eligible to be licensed as a nursing home administrator, an
5604 individual must submit evidence satisfactory to the board that he
5605 or she:

5606 (a) Is at least twenty-one (21) years of age;

5607 (b) * * * Has not been convicted of a disqualifying
5608 crime as provided in the Fresh Start Act, including evidence of a
5609 criminal background check within the last six (6) months, under
5610 Section 43-11-13 and Section G.407.3 of the Minimum Standards for
5611 Institutions for the Aged or Infirm;

5612 (c) Is in good health;

5613 (d) Has satisfied at least one (1) of the following
5614 requirements for education and experience:

5615 (i) Has sixty-four (64) hours of college work from
5616 an accredited institution and has worked in a supervisory capacity
5617 in a Mississippi-licensed nursing home for a minimum of two (2)
5618 years immediately before making application for the
5619 Administrator-in-Training Program established by board rule;

5620 (ii) Has an associate degree from an accredited
5621 institution and has worked in a supervisory capacity in a
5622 Mississippi-licensed nursing home for a minimum of two (2) years
5623 immediately before making application for the
5624 Administrator-in-Training Program established by board rule;



5625 (iii) Has a bachelor's degree in any other field
5626 of study from an accredited institution before making application
5627 for the Administrator-in-Training Program established by board
5628 rule; or

5629 (iv) Has a bachelor's degree in health care
5630 administration or a health care related field or business from an
5631 accredited institution before making application for the
5632 Administrator-in-Training Program established by board rule;

5633 (e) Has (i) completed a nursing home
5634 Administrator-in-Training Program and successfully completed the
5635 National Association of Long-Term Care Administrator Board (NAB)
5636 examination, or (ii) completed an Administrator-in-Training
5637 Program in Long-Term Care Administration from an academic
5638 institution during which time the institution held National
5639 Association of Long-Term Care Administrator Board (NAB) Program
5640 Approval through the academic approval process, to the
5641 satisfaction of the board;

5642 (f) Has successfully passed the National Association of
5643 Long-Term Care Administrator Board (NAB) examination and the
5644 Mississippi State Board of Nursing Home Administrators examination
5645 to test his or her proficiency and basic knowledge in the area of
5646 nursing home administration. The board may establish the
5647 frequency of the offering of those examinations and the contents
5648 thereof; and



5649 (g) Has met all of the requirements established by
5650 federal law.

5651 (2) The board is authorized to conduct a criminal history
5652 records check on applicants for licensure. In order to determine
5653 the applicant's suitability for licensing, the applicant shall be
5654 fingerprinted. The board shall submit the fingerprints to the
5655 Department of Public Safety for a check of the state criminal
5656 records and forward to the Federal Bureau of Investigation for a
5657 check of the national criminal records. The Department of Public
5658 Safety shall disseminate the results of the state check and the
5659 national check to the board for a suitability determination. The
5660 applicant shall not be charged any of the costs of requesting and
5661 obtaining the state and national criminal history records
5662 information on the applicant.

5663 (3) Reciprocity shall be extended to individuals holding
5664 licenses as nursing home administrators in other states, upon
5665 proper application and a finding on the part of the board that:

5666 (a) The applicant possesses the basic qualifications
5667 listed in this chapter and in the rules and regulations adopted
5668 under federal law;

5669 (b) The applicant has met all of the requirements
5670 established by federal law; and

5671 (c) The standards for licensure in the other states are
5672 at least the substantial equivalent of those in this state,
5673 including education and experience, and the applicant has passed



5674 both the National Association of Long-Term Care Administrator
5675 Board (NAB) and the state exams.

5676 The issuance of a license by reciprocity to a
5677 military-trained applicant, military spouse or person who
5678 establishes residence in this state shall be subject to the
5679 provisions of Section 73-50-1 or 73-50-2, as applicable.

5680 (4) The board may prescribe appropriate fees for the taking
5681 of those examinations and for the issuance of licenses. Those
5682 fees shall be not more than the cost of the examinations and Five
5683 Hundred Fifty Dollars (\$550.00) for the issuance of a license.
5684 However, the fee for an initial license may be prorated in
5685 proportion to the period of time from the date of issuance and the
5686 date of biennial license renewal prescribed in subsection (5).
5687 All licenses issued under this chapter shall be for a maximum
5688 period of two (2) years.

5689 (5) Except as provided in Section 33-1-39, the board may
5690 renew licenses biennially upon the payment of a fee to be
5691 established by the board, which shall be not more than Five
5692 Hundred Fifty Dollars (\$550.00), plus any administrative costs for
5693 late payment.

5694 (6) Any person who is not licensed under this chapter on
5695 July 1, 2011, who makes application with the board on or before
5696 June 30, 2012, may qualify for a license under this chapter
5697 provided that on or before January 31, 2014, he or she
5698 demonstrates to the satisfaction of the board that he or she (a)



5699 meets the eligibility requirements for a nursing home
5700 administrator's license prescribed in this section as those
5701 requirements existed on June 30, 2011; (b) has successfully
5702 completed the Administrator-in-Training Program requirements
5703 existing on June 30, 2011; and (c) has paid all required fees for
5704 licensure.

5705 (7) Current licensure by the Department of Mental Health
5706 under Section 41-4-7(r) as a mental health/intellectual disability
5707 program administrator shall exempt the licensee from the
5708 requirement of licensure as a nursing home administrator if the
5709 licensee is employed in the state mental health system as
5710 Administrator of Intermediate Care Facility or Facilities for
5711 Persons with Intellectual Disabilities (ICF/ID) no larger than
5712 sixteen (16) beds.

5713 (8) Any member of the Legislature who serves on the Public
5714 Health and/or Medicaid Committee who is a licensed nursing home
5715 administrator shall be exempt from continuing education
5716 requirements for license renewal.

5717 **SECTION 61.** Section 73-19-17, Mississippi Code of 1972, is
5718 amended as follows:

5719 73-19-17. Any person over the age of twenty-one (21)
5720 years * * * who has graduated from a reputable school or college
5721 of optometry, shall be entitled to stand for the examination for
5722 license to practice optometry in Mississippi. The examining Board
5723 of Optometry shall keep on file a list of schools or colleges of



5724 optometry which are recognized by said board. The examination to
5725 practice optometry shall consist of tests in practical,
5726 theoretical and physiological optics, in theoretical and practical
5727 optometry and in anatomy and physiology of the eye and in
5728 pathology as applied to optometry. The State Board of Optometry
5729 shall not examine or certify any optometrist in any therapeutic
5730 procedures unless the optometrist has successfully completed the
5731 proper didactic education and supervised clinical training taught
5732 by an institution accredited by a regional or professional
5733 accreditation organization that is recognized or approved by the
5734 Council on Postsecondary Accreditation of the United States
5735 Department of Education, or its successor, and approved by the
5736 State Board of Optometry with the advice and consultation of the
5737 designated members of the State Board of Medical Licensure and the
5738 State Board of Pharmacy.

5739 **SECTION 62.** Section 73-21-85, Mississippi Code of 1972, is
5740 amended as follows:

5741 73-21-85. (1) To obtain a license to engage in the practice
5742 of pharmacy by examination, or by score transfer, the applicant
5743 shall:

5744 (a) Have submitted a written application on the form
5745 prescribed by the board;

5746 * * *



5747 (* * *b) Have graduated from a school or college of
5748 pharmacy accredited by the American Council of Pharmaceutical
5749 Education and have been granted a pharmacy degree therefrom;

5750 (* * *c) Have successfully passed an examination
5751 approved by the board;

5752 (* * *d) Have paid all fees specified by the board for
5753 examination, not to exceed the cost to the board of administering
5754 the examination;

5755 (* * *e) Have paid all fees specified by the board for
5756 licensure; and

5757 (* * *f) Have submitted evidence of externship and/or
5758 internship as specified by the board.

5759 (2) To obtain a license to engage in the practice of
5760 pharmacy, a foreign pharmacy graduate applicant shall obtain the
5761 National Association of Boards of Pharmacy's Foreign Pharmacy
5762 Graduate Examination Committee's certification, which shall
5763 include, but not be limited to, successfully passing the Foreign
5764 Pharmacy Graduate Equivalency Examination and attaining a total
5765 score of at least five hundred fifty (550) on the Test of English
5766 as a Foreign Language (TOEFL), and shall:

5767 (a) Have submitted a written application on the form
5768 prescribed by the board;

5769 * * *

5770 (* * *b) Have graduated and been granted a pharmacy
5771 degree from a college or school of pharmacy recognized and



5772 approved by the National Association of Boards of Pharmacy's
5773 Foreign Pharmacy Graduate Examination Committee;

5774 (* * *c) Have paid all fees specified by the board for
5775 examination, not to exceed the cost to the board of administering
5776 the examination;

5777 (* * *d) Have successfully passed an examination
5778 approved by the board;

5779 (* * *e) Have completed the number of internship hours
5780 as set forth by regulations of the board; and

5781 (* * *f) Have paid all fees specified by the board for
5782 licensure.

5783 (3) Each application or filing made under this section shall
5784 include the social security number(s) of the applicant in
5785 accordance with Section 93-11-64.

5786 (4) * * * The board shall conduct a criminal history records
5787 check on all applicants for a license. In order to determine the
5788 applicant's suitability for licensing, the applicant shall be
5789 fingerprinted. The board shall submit the fingerprints to the
5790 Department of Public Safety for a check of the state criminal
5791 records and forward to the Federal Bureau of Investigation for a
5792 check of the national criminal records. The Department of Public
5793 Safety shall disseminate the results of the state check and the
5794 national check to the board for a suitability determination. The
5795 board shall be authorized to collect from the applicant the amount
5796 of the fee that the Department of Public Safety charges the board



5797 for the fingerprinting, whether manual or electronic, and the
5798 state and national criminal history records checks.

5799 (5) * * * The board, upon request of the Dean of the
5800 University of Mississippi School of Pharmacy, shall be authorized
5801 to conduct a criminal history records check on all applicants for
5802 enrollment into the School of Pharmacy. In order to determine the
5803 applicant's suitability for enrollment and licensing, the
5804 applicant shall be fingerprinted. The board shall submit the
5805 fingerprints to the Department of Public Safety for a check of the
5806 state criminal records and forward to the Federal Bureau of
5807 Investigation for a check of the national criminal records. The
5808 Department of Public Safety shall disseminate the results of the
5809 state check and the national check to the board for a suitability
5810 determination and the board shall forward the results to the Dean
5811 of the School of Pharmacy. The board shall be authorized to
5812 collect from the applicant the amount of the fee that the
5813 Department of Public Safety charges the board for the
5814 fingerprinting, whether manual or electronic, and the state and
5815 national criminal history records checks.

5816 **SECTION 63.** Section 73-21-87, Mississippi Code of 1972, is
5817 amended as follows:

5818 73-21-87. (1) To obtain a license to engage in the practice
5819 of pharmacy by reciprocity or license transfer, the applicant
5820 shall:



5821 (a) Have submitted a written application on the form
5822 prescribed by the board;

5823 * * *

5824 (* * *b) Have possessed at the time of initial
5825 licensure as a pharmacist such other qualifications necessary to
5826 have been eligible for licensure at that time in that state;

5827 (* * *c) Have presented to the board proof that any
5828 license or licenses granted to the applicant by any other states
5829 have not been suspended, revoked, cancelled or otherwise
5830 restricted for any reason except nonrenewal or the failure to
5831 obtain required continuing education credits; and

5832 (* * *d) Have paid all fees specified by the board for
5833 licensure.

5834 (2) No applicant shall be eligible for licensure by
5835 reciprocity or license transfer unless the state in which the
5836 applicant was initially licensed also grants a reciprocal license
5837 or transfer license to pharmacists licensed by this state under
5838 like circumstances and conditions.

5839 (3) The issuance of a license by reciprocity to a
5840 military-trained applicant, military spouse or person who
5841 establishes residence in this state shall be subject to the
5842 provisions of Section 73-50-1 or 73-50-2, as applicable.

5843 (4) Each application or filing made under this section shall
5844 include the social security number(s) of the applicant in
5845 accordance with Section 93-11-64.



5846 **SECTION 64.** Section 73-21-111, Mississippi Code of 1972, is
5847 amended as follows:

5848 73-21-111. (1) The board shall make, adopt, amend and
5849 repeal, from time to time, such rules and regulations for the
5850 regulation of supportive personnel as may be deemed necessary by
5851 the board.

5852 (2) Every person who acts or serves as a pharmacy technician
5853 in a pharmacy that is located in this state and permitted by the
5854 board shall obtain a registration from the board. To obtain a
5855 pharmacy technician registration the applicant must:

5856 (a) Have submitted a written application on a form(s)
5857 prescribed by the board; and

5858 * * *

5859 (* * *b) Have paid the initial registration fee not to
5860 exceed One Hundred Dollars (\$100.00).

5861 (3) Each pharmacy technician shall renew his or her
5862 registration annually. To renew his or her registration, a
5863 technician must:

5864 (a) Submit an application on a form prescribed by the
5865 board; and

5866 (b) Pay a renewal fee not to exceed One Hundred Dollars
5867 (\$100.00) for each annual registration period. The board may add
5868 a surcharge of not more than Five Dollars (\$5.00) to the
5869 registration renewal fee to assist in funding a program that



5870 assists impaired pharmacists, pharmacy students and pharmacy
5871 technicians.

5872 (4) * * * The board shall conduct a criminal history records
5873 check on all applicants for a license. In order to determine the
5874 applicant's suitability for licensing, the applicant shall be
5875 fingerprinted. The board shall submit the fingerprints to the
5876 Department of Public Safety for a check of the state criminal
5877 records and forward to the Federal Bureau of Investigation for a
5878 check of the national criminal records. The Department of Public
5879 Safety shall disseminate the results of the state check and the
5880 national check to the board for a suitability determination. The
5881 board shall be authorized to collect from the applicant the amount
5882 of the fee that the Department of Public Safety charges the board
5883 for the fingerprinting, whether manual or electronic, and the
5884 state and national criminal history records checks.

5885 **SECTION 65.** Section 73-23-47, Mississippi Code of 1972, is
5886 amended as follows:

5887 73-23-47. (1) Any person who desires to be licensed under
5888 this chapter must: (a) * * * have graduated from a physical
5889 therapy or physical therapist assistant program, as the case may
5890 be, accredited by an agency recognized by the United States
5891 Department of Education, Office on Postsecondary Education; and
5892 (* * *b) pay a nonrefundable examination fee as set by the board;
5893 (* * *c) pay an application fee, no part of which shall be
5894 refunded; (* * *d) be examined for licensure by the board; and



5895 meet the requirements established by the rules of the board. The
5896 licensure examination for physical therapists and for physical
5897 therapist assistants shall be selected by the board and may also
5898 include an oral examination or practical examination or both at
5899 the discretion of the board.

5900 (2) Any person who desires to exercise the privilege to
5901 practice under the Physical Therapy Licensure Compact must
5902 complete the terms and provisions of the compact as prescribed in
5903 Section 73-23-101.

5904 (3) Each application or filing made under this section shall
5905 include the social security number(s) of the applicant in
5906 accordance with Section 93-11-64.

5907 **SECTION 66.** Section 73-23-51, Mississippi Code of 1972, is
5908 amended as follows:

5909 73-23-51. (1) The board may license as a physical therapist
5910 or as a physical therapist assistant, and furnish a certificate of
5911 licensure without examination to, any applicant who presents
5912 evidence, satisfactory to the board, of having passed an
5913 examination before a similar lawfully authorized examining agency
5914 or board in physical therapy of another state or the District of
5915 Columbia, if the standards for registration in physical therapy or
5916 for licensure as a physical therapist assistant in such other
5917 state or district are determined by the board to be as high as
5918 those of this state. The issuance of a license by reciprocity to
5919 a military-trained applicant, military spouse or person who



5920 establishes residence in this state shall be subject to the
5921 provisions of Section 73-50-1 or 73-50-2, as applicable.

5922 (2) Any person who has been trained as a physical therapist
5923 in a foreign country and desires to be licensed under this chapter
5924 and who: (a) * * * holds a diploma from an educational program
5925 for physical therapists approved by the board; (* * *b) submits
5926 documentary evidence to the board that he has completed a course
5927 of professional instruction substantially equivalent to that
5928 obtained by an applicant for licensure; (* * *c) demonstrates
5929 satisfactory proof of proficiency in the English language; and
5930 (* * *d) meets other requirements established by rules of the
5931 board, may make application on a form furnished by the board for
5932 examination as a foreign-trained physical therapist. At the time
5933 of making such application, the applicant shall pay the fee
5934 prescribed by the board, no portion of which shall be returned.

5935 Any person who desires to be licensed under this subsection
5936 shall take an examination approved by the board and shall obtain a
5937 permanent license. If this requirement is not met, the license of
5938 the foreign-trained therapist may be revoked.

5939 **SECTION 67.** Section 73-24-19, Mississippi Code of 1972, is
5940 amended as follows:

5941 73-24-19. (1) An applicant applying for a license as an
5942 occupational therapist or as an occupational therapy assistant
5943 shall file a written application on forms provided by the board,



5944 showing to the satisfaction of the board that he or she meets the
5945 following requirements:

5946 * * *

5947 (* * *a) Has been awarded a degree from an education
5948 program in occupational therapy recognized by the board, with a
5949 concentration of instruction in basic human sciences, the human
5950 development process, occupational tasks and activities, the
5951 health-illness-health continuum, and occupational therapy theory
5952 and practice:

5953 (i) For an occupational therapist, such program
5954 shall be accredited by the Accreditation Council for Occupational
5955 Therapy Education of the American Occupational Therapy Association
5956 or the board-recognized accrediting body;

5957 (ii) For an occupational therapy assistant, such a
5958 program shall be accredited by the Accreditation Council for
5959 Occupational Therapy Education of the American Occupational
5960 Therapy Association or the board-recognized accrediting body;

5961 (* * *b) Has successfully completed a period of
5962 supervised fieldwork experience at a recognized educational
5963 institution or a training program approved by the educational
5964 institution where he or she met the academic requirements:

5965 (i) For an occupational therapist, the required
5966 supervised fieldwork experience shall meet current national
5967 standards that are published annually by the board;



5968 (ii) For an occupational therapy assistant, the
5969 required supervised fieldwork experience shall meet national
5970 standards that are published annually by the board.

5971 (2) The board shall approve an examination for occupational
5972 therapists and an examination for occupational therapy assistants
5973 that will be used as the examination for licensure.

5974 (3) Any person applying for licensure shall, in addition to
5975 demonstrating his or her eligibility in accordance with the
5976 requirements of this section, make application to the board for
5977 review of proof of his or her eligibility for certification by the
5978 National Board for Certification in Occupational Therapy, Inc.

5979 (NBCOT), or its successor organization, on a form and in such a
5980 manner as the board shall prescribe. The application shall be
5981 accompanied by the fee fixed in accordance with the provisions of
5982 Section 73-24-29. The board shall establish standards for
5983 acceptable performance on the examination. A person who fails an
5984 examination may apply for reexamination upon payment of the
5985 prescribed fee.

5986 (4) Applicants for licensure shall be examined at a time and
5987 place and under such supervision as the board may require. The
5988 board shall give reasonable public notice of these examinations in
5989 accordance with its rules and regulations.

5990 (5) An applicant may be licensed as an occupational
5991 therapist if he or she: (a) has practiced as an occupational
5992 therapy assistant for four (4) years, (b) has completed the



5993 requirements of a period of six (6) months of supervised fieldwork
5994 experience at a recognized educational institution or a training
5995 program approved by a recognized accredited educational
5996 institution before January 1, 1988, and (c) has passed the
5997 examination for occupational therapists.

5998 (6) An applicant applying for a compact privilege to
5999 practice as an occupational therapist or as an occupational
6000 therapy assistant must meet the requirements set out in the
6001 Occupational Therapy Licensure Compact provided for in Section
6002 73-24-51.

6003 (7) Each application or filing made under this section shall
6004 include the social security number(s) of the applicant in
6005 accordance with Section 93-11-64.

6006 **SECTION 68.** Section 73-24-21, Mississippi Code of 1972, is
6007 amended as follows:

6008 73-24-21. (1) The board shall grant a license to any person
6009 certified prior to July 1, 1988, as an Occupational Therapist
6010 Registered (OTR) or a Certified Occupational Therapy Assistant
6011 (COTA) by the American Occupational Therapy Association (AOTA).
6012 The board may waive the examination, education or experience
6013 requirements and grant a license to any person certified by AOTA
6014 after July 1, 1988, if the board determines the requirements for
6015 such certification are equivalent to the requirements for
6016 licensure in this article.



6017 (2) The board may waive the examination, education or
6018 experience requirements and grant a license to any applicant who
6019 shall present proof of current licensure as an occupational
6020 therapist or occupational therapy assistant in another state, the
6021 District of Columbia or territory of the United States which
6022 requires standards for licensure considered by the board to be
6023 equivalent to the requirements for licensure of this article. The
6024 issuance of a license by reciprocity to a military-trained
6025 applicant, military spouse or person who establishes residence in
6026 this state shall be subject to the provisions of Section 73-50-1
6027 or 73-50-2, as applicable.

6028 (3) Foreign-trained occupational therapists and occupational
6029 therapy assistants shall satisfy the examination requirements of
6030 Section 73-24-19. The board shall require foreign-trained
6031 applicants to furnish proof of * * * completion of educational and
6032 supervised fieldwork requirements substantially equal to those
6033 contained in Section 73-24-19 before taking the examination.

6034 **SECTION 69.** Section 73-25-3, Mississippi Code of 1972, is
6035 amended as follows:

6036 73-25-3. Every person who desires to obtain a license to
6037 practice medicine must apply therefor, in writing, to the State
6038 Board of Medical Licensure at least ten (10) days before the date
6039 of the examination and must be examined by the board according to
6040 the methods deemed by it to be the most practical and expeditious
6041 to test the applicants' qualifications. If the applicant is found



6042 by the board, upon examination, to possess sufficient learning in
6043 those branches * * *, the board shall issue him a license to
6044 practice medicine; however, no applicant shall be granted a
6045 license unless the applicant holds a diploma from a reputable
6046 medical college or college of osteopathic medicine that requires a
6047 four-year course of at least thirty-two (32) weeks for each
6048 session, or its equivalent.

6049 To qualify for a Mississippi medical license, an applicant
6050 must have successfully been cleared for licensure through an
6051 investigation that shall consist of a * * * verification that the
6052 prospective licensee is not guilty of or in violation of any
6053 statutory ground for denial of licensure as set forth in Sections
6054 73-25-29 and 73-25-83. To assist the board in conducting its
6055 licensure investigation, all applicants shall undergo a
6056 fingerprint-based criminal history records check of the
6057 Mississippi central criminal database and the Federal Bureau of
6058 Investigation criminal history database. Each applicant shall
6059 submit a full set of the applicant's fingerprints in a form and
6060 manner prescribed by the board, which shall be forwarded to the
6061 Mississippi Department of Public Safety (department) and the
6062 Federal Bureau of Investigation Identification Division for this
6063 purpose.

6064 Any and all state or national criminal history records
6065 information obtained by the board that is not already a matter of
6066 public record shall be deemed nonpublic and confidential



6067 information restricted to the exclusive use of the board, its
6068 members, officers, investigators, agents and attorneys in
6069 evaluating the applicant's eligibility or disqualification for
6070 licensure, and shall be exempt from the Mississippi Public Records
6071 Act of 1983. Except when introduced into evidence in a hearing
6072 before the board to determine licensure, no such information or
6073 records related thereto shall, except with the written consent of
6074 the applicant or by order of a court of competent jurisdiction, be
6075 released or otherwise disclosed by the board to any other person
6076 or agency.

6077 The board shall provide to the department the fingerprints of
6078 the applicant, any additional information that may be required by
6079 the department, and a form signed by the applicant consenting to
6080 the check of the criminal records and to the use of the
6081 fingerprints and other identifying information required by the
6082 state or national repositories.

6083 The board shall charge and collect from the applicant, in
6084 addition to all other applicable fees and costs, such amount as
6085 may be incurred by the board in requesting and obtaining state and
6086 national criminal history records information on the applicant.

6087 This section shall not apply to applicants for a special
6088 volunteer medical license authorized under Section 73-25-18.

6089 **SECTION 70.** Section 73-25-14, Mississippi Code of 1972, is
6090 amended as follows:



6091 73-25-14. (1) Except as provided in Section 33-1-39, the
6092 license of every person licensed to practice medicine or
6093 osteopathy in the State of Mississippi shall be renewed annually.

6094 On or before May 1 of each year, the State Board of Medical
6095 Licensure shall mail a notice of renewal of license to every
6096 physician or osteopath to whom a license was issued or renewed
6097 during the current licensing year. The notice shall provide
6098 instructions for obtaining and submitting applications for
6099 renewal. The State Board of Medical Licensure is authorized to
6100 make applications for renewal available via electronic means. The
6101 applicant shall obtain and complete the application and submit it
6102 to the board in the manner prescribed by the board in the notice
6103 before June 30 with the renewal fee of an amount established by
6104 the board, but not to exceed Three Hundred Dollars (\$300.00), a
6105 portion of which fee shall be used to support a program to aid
6106 impaired physicians and osteopaths. The payment of the annual
6107 license renewal fee shall be optional with all physicians over the
6108 age of seventy (70) years. Upon receipt of the application and
6109 fee, the board shall verify the accuracy of the application and
6110 issue to applicant a certificate of renewal for the ensuing year,
6111 beginning July 1 and expiring June 30 of the succeeding calendar
6112 year. That renewal shall render the holder thereof a legal
6113 practitioner as stated on the renewal form.

6114 (2) Any physician or osteopath practicing in Mississippi who
6115 allows his or her license to lapse by failing to renew the license



6116 as provided in subsection (1) may be reinstated by the board on
6117 satisfactory explanation for the failure to renew, by completion
6118 of a reinstatement form, and upon payment of the renewal fee for
6119 the current year, and shall be assessed a fine of Twenty-five
6120 Dollars (\$25.00) plus an additional fine of Five Dollars (\$5.00)
6121 for each month thereafter that the license renewal remains
6122 delinquent.

6123 (3) Any physician or osteopath not practicing in Mississippi
6124 who allows his or her license to lapse by failing to renew the
6125 license as provided in subsection (1) may be reinstated by the
6126 board on satisfactory explanation for the failure to renew, by
6127 completion of a reinstatement form and upon payment of the
6128 arrearages for the previous five (5) years and the renewal fee for
6129 the current year.

6130 (4) Any physician or osteopath who allows his or her license
6131 to lapse shall be notified by the board within thirty (30) days of
6132 that lapse.

6133 (5) Any person practicing as a licensed physician or
6134 osteopath during the time his or her license has lapsed shall be
6135 considered an illegal practitioner and shall be subject to
6136 penalties provided for violation of the Medical Practice Act, if
6137 he or she had not submitted the required reinstatement form and
6138 fee within fifteen (15) days after notification by the board of
6139 the lapse.



6140 (6) Any physician or osteopath practicing in the State of
6141 Mississippi whose license has lapsed and is deemed an illegal
6142 practitioner under subsection (5) of this section may petition the
6143 board for reinstatement of his or her license on a retroactive
6144 basis, if the physician or osteopath was unable to meet the June
6145 30 deadline due to extraordinary or other legitimate reasons, and
6146 retroactive reinstatement of licensure shall be granted or may be
6147 denied by the board only for good cause. Failure to advise the
6148 board of change of address shall not be considered a basis of
6149 reinstatement.

6150 (7) None of the fees or fines provided for in this section
6151 shall be applicable to the renewal of a special volunteer medical
6152 license authorized under Section 73-25-18.

6153 (8) Fees collected under the provisions of this section
6154 shall be used by the board to defray expenses of administering the
6155 licensure provisions of the Medical Practice Act (Title 73,
6156 Chapter 25, Mississippi Code of 1972) and to support a program to
6157 aid impaired physicians and osteopaths in an amount determined by
6158 the board.

6159 (9) In order for a physician or osteopath whose medical
6160 license has been expired for five (5) years or more to qualify for
6161 reinstatement of license, the physician or osteopath must have
6162 successfully been cleared for reinstatement through an
6163 investigation that shall consist of a * * * verification that the
6164 prospective licensee is not guilty of or in violation of any



6165 statutory ground for denial of licensure as set forth in Sections
6166 73-25-29 and 73-25-83. To assist the board in conducting its
6167 licensure investigation, all applicants shall undergo a
6168 fingerprint-based criminal history records check of the
6169 Mississippi central criminal database and the Federal Bureau of
6170 Investigation criminal history database. Each applicant shall
6171 submit a full set of the applicant's fingerprints in a form and
6172 manner prescribed by the board, which shall be forwarded to the
6173 Mississippi Department of Public Safety (department) and the
6174 Federal Bureau of Investigation Identification Division for this
6175 purpose.

6176 Any and all state or national criminal history records
6177 information obtained by the board that is not already a matter of
6178 public record shall be deemed nonpublic and confidential
6179 information restricted to the exclusive use of the board, its
6180 members, officers, investigators, agents and attorneys in
6181 evaluating the applicant's eligibility or disqualification for
6182 licensure, and shall be exempt from the Mississippi Public Records
6183 Act of 1983. Except when introduced into evidence in a hearing
6184 before the board to determine licensure, no such information or
6185 records related thereto shall, except with the written consent of
6186 the applicant or by order of a court of competent jurisdiction, be
6187 released or otherwise disclosed by the board to any other person
6188 or agency.



6189 The board shall provide to the department the fingerprints of
6190 the applicant, any additional information that may be required by
6191 the department, and a form signed by the applicant consenting to
6192 the check of the criminal records and to the use of the
6193 fingerprints and other identifying information required by the
6194 state or national repositories.

6195 The board shall charge and collect from the applicant, in
6196 addition to all other applicable fees and costs, such amount as
6197 may be incurred by the board in requesting and obtaining state and
6198 national criminal history records information on the applicant.

6199 **SECTION 71.** Section 73-25-32, Mississippi Code of 1972, is
6200 amended as follows:

6201 73-25-32. (1) A person whose license to practice medicine
6202 or osteopathy has been revoked or suspended may petition the
6203 Mississippi State Board of Medical Licensure to reinstate this
6204 license after a period of not less than one (1) year has elapsed
6205 from the date of the revocation or suspension. The procedure for
6206 the reinstatement of a license that is suspended for being out of
6207 compliance with an order for support, as defined in Section
6208 93-11-153, shall be governed by Section 93-11-157 or 93-11-163, as
6209 the case may be.

6210 (2) The petition shall be accompanied by two (2) or more
6211 verified recommendations from physicians or osteopaths licensed by
6212 the Board of Medical Licensure to which the petition is addressed
6213 and by two (2) or more recommendations from citizens each having



6214 personal knowledge of the activities of the petitioner since the
6215 disciplinary penalty was imposed and such facts as may be required
6216 by the Board of Medical Licensure.

6217 The petition may be heard at the next regular meeting of the
6218 Board of Medical Licensure but not earlier than thirty (30) days
6219 after the petition was filed. No petition shall be considered
6220 while the petitioner is under sentence for any criminal offense,
6221 including any period during which he is under probation or parole.
6222 The hearing may be continued from time to time as the Board of
6223 Medical Licensure finds necessary.

6224 (3) In determining whether the disciplinary penalty should
6225 be set aside and the terms and conditions, if any, that should be
6226 imposed if the disciplinary penalty is set aside, the Board of
6227 Medical Licensure may investigate and consider all activities of
6228 the petitioner since the disciplinary action was taken against
6229 him, the offense for which he was disciplined, his activity during
6230 the time his certificate was in good standing, his general
6231 reputation for truth * * * and professional ability * * *; and it
6232 may require the petitioner to pass an oral examination.

6233 (4) The investigation shall require the petitioner to
6234 undergo a fingerprint-based criminal history records check of the
6235 Mississippi central criminal database and the Federal Bureau of
6236 Investigation criminal history database. Each petitioner shall
6237 submit a full set of the petitioner's fingerprints in a form and
6238 manner prescribed by the board, which shall be forwarded to the



6239 Mississippi Department of Public Safety (department) and the
6240 Federal Bureau of Investigation Identification Division for this
6241 purpose.

6242 Any and all state or national criminal history records
6243 information obtained by the board that is not already a matter of
6244 public record shall be deemed nonpublic and confidential
6245 information restricted to the exclusive use of the board, its
6246 members, officers, investigators, agents and attorneys in
6247 evaluating the applicant's eligibility or disqualification for
6248 licensure, and shall be exempt from the Mississippi Public Records
6249 Act of 1983. Except when introduced into evidence in a hearing
6250 before the board to determine licensure, no such information or
6251 records related thereto shall, except with the written consent of
6252 the applicant or by order of a court of competent jurisdiction, be
6253 released or otherwise disclosed by the board to any other person
6254 or agency.

6255 The board shall provide to the department the fingerprints of
6256 the petitioner, any additional information that may be required by
6257 the department, and a form signed by the petitioner consenting to
6258 the check of the criminal records and to the use of the
6259 fingerprints and other identifying information required by the
6260 state or national repositories.

6261 The board shall charge and collect from the petitioner, in
6262 addition to all other applicable fees and costs, such amount as



6263 may be incurred by the board in requesting and obtaining state and
6264 national criminal history records information on the applicant.

6265 (5) The Secretary-Treasurer of the Board of Medical
6266 Licensure shall enter into his records of the case all actions of
6267 the board in setting aside a disciplinary penalty under this
6268 section and he shall certify notices to the proper court clerk.
6269 The clerk shall make such changes on his records as may be
6270 necessary.

6271 **SECTION 72.** Section 73-26-3, Mississippi Code of 1972, is
6272 amended as follows:

6273 73-26-3. (1) The State Board of Medical Licensure shall
6274 license and regulate the practice of physician assistants in
6275 accordance with the provisions of this chapter.

6276 (2) All physician assistants who are employed as physician
6277 assistants by a Department of Veterans Affairs health care
6278 facility, a branch of the United States military or the Federal
6279 Bureau of Prisons, and who are practicing as physician assistants
6280 in a federal facility in Mississippi on July 1, 2000, and those
6281 physician assistants who trained in a Mississippi physician
6282 assistant program and have been continuously practicing as a
6283 physician assistant in Mississippi since 1976, shall be eligible
6284 for licensure if they submit an application for licensure to the
6285 board by December 31, 2000. Physician assistants licensed under
6286 this subsection will be eligible for license renewal so long as
6287 they meet standard renewal requirements.



6288 (3) Before December 31, 2004, applicants for physician
6289 assistant licensure, except those licensed under subsection (2) of
6290 this section, must be graduates of physician assistant educational
6291 programs accredited by the Commission on Accreditation of Allied
6292 Health Educational Programs or its predecessor or successor
6293 agency, have passed the certification examination administered by
6294 the National Commission on Certification of Physician Assistants
6295 (NCCPA), have current NCCPA certification, and possess a minimum
6296 of a baccalaureate degree. Physician assistants meeting these
6297 licensure requirements will be eligible for license renewal so
6298 long as they meet standard renewal requirements.

6299 (4) On or after December 31, 2004, applicants for physician
6300 assistant licensure must meet all of the requirements in
6301 subsection (3) of this section and, in addition, must have
6302 obtained a minimum of a master's degree in a health-related or
6303 science field.

6304 (5) Applicants for licensure who meet all licensure
6305 requirements except for the master's degree may be granted a
6306 temporary license by the board so long as they can show proof of
6307 enrollment in a master's program that will, when completed, meet
6308 the master's degree requirement. The temporary license will be
6309 valid for no longer than one (1) year, and may not be renewed.

6310 (6) For new graduate physician assistants and all physician
6311 assistants receiving initial licenses in the state, except those
6312 licensed under subsection (2) of this section, supervision shall



6313 require the on-site presence of a supervising physician for one
6314 hundred twenty (120) days.

6315 (7) To qualify for a Mississippi physician assistant
6316 license, an applicant must have successfully been cleared for
6317 licensure through an investigation that shall consist of a * * *
6318 verification that the prospective licensee is not guilty of or in
6319 violation of any statutory ground for denial of licensure. To
6320 assist the board in conducting its licensure investigation, all
6321 applicants shall undergo a fingerprint-based criminal history
6322 records check of the Mississippi central criminal database and the
6323 Federal Bureau of Investigation criminal history database. Each
6324 applicant shall submit a full set of the applicant's fingerprints
6325 in a form and manner prescribed by the board, which shall be
6326 forwarded to the Mississippi Department of Public Safety
6327 (department) and the Federal Bureau of Investigation
6328 Identification Division for this purpose.

6329 Any and all state or national criminal history records
6330 information obtained by the board that is not already a matter of
6331 public record shall be deemed nonpublic and confidential
6332 information restricted to the exclusive use of the board, its
6333 members, officers, investigators, agents and attorneys in
6334 evaluating the applicant's eligibility or disqualification for
6335 licensure, and shall be exempt from the Mississippi Public Records
6336 Act of 1983. Except when introduced into evidence in a hearing
6337 before the board to determine licensure, no such information or



6338 records related thereto shall, except with the written consent of
6339 the applicant or by order of a court of competent jurisdiction, be
6340 released or otherwise disclosed by the board to any other person
6341 or agency.

6342 The board shall provide to the department the fingerprints of
6343 the applicant, any additional information that may be required by
6344 the department, and a form signed by the applicant consenting to
6345 the check of the criminal records and to the use of the
6346 fingerprints and other identifying information required by the
6347 state or national repositories.

6348 The board shall charge and collect from the applicant, in
6349 addition to all other applicable fees and costs, such amount as
6350 may be incurred by the board in requesting and obtaining state and
6351 national criminal history records information on the applicant.

6352 **SECTION 73.** Section 73-27-5, Mississippi Code of 1972, is
6353 amended as follows:

6354 73-27-5. All applicants for license shall have attained the
6355 age of twenty-one (21) years, and shall * * * have had at least
6356 four (4) years high school and be graduates of same; they shall
6357 have at least one (1) year prepodiatry college education and be
6358 graduates of some college of podiatry recognized as being in good
6359 standing by the State Board of Medical Licensure. No college of
6360 podiatry or chiropody shall be accredited by the board as a
6361 college of good standing that does not require for graduation a
6362 course of study of at least four (4) years (eight and one-half



6363 (8-1/2) months each) and be recognized by the Council on Education
6364 of the American Podiatry Association. However, all podiatrists
6365 actively engaged in the practice of podiatry in the State of
6366 Mississippi, prior to January 1, 1938, whether graduates or not,
6367 shall, upon furnishing proof thereof by displaying their state
6368 privilege tax license to the Secretary of the State Board of
6369 Medical Licensure, and upon payment of fee of Ten Dollars and
6370 Twenty-five Cents (\$10.25), be entitled to a license without an
6371 examination, and applications for the license shall be filed not
6372 later than sixty (60) days after February 17, 1938. Upon payment
6373 of a fee prescribed by the State Board of Medical Licensure, not
6374 to exceed Five Hundred Dollars (\$500.00), a license without
6375 examination may be issued to podiatrists of other states
6376 maintaining equal statutory requirements for the practice of
6377 podiatry and extending the same reciprocal privileges to this
6378 state. The State Board of Medical Licensure may affiliate with
6379 the National Board of Chiropractic or Podiatry Licensure in granting
6380 licenses to practice podiatry in Mississippi, provided the written
6381 examination covers at least two-thirds (2/3) of the subjects set
6382 forth in Section 73-27-9. The issuance of a license by
6383 reciprocity to a military-trained applicant, military spouse or
6384 person who establishes residence in this state shall be subject to
6385 the provisions of Section 73-50-1 or 73-50-2, as applicable.

6386 To qualify for a Mississippi podiatry license, an applicant
6387 must have successfully been cleared for licensure through an



6388 investigation that shall consist of a * * * verification that the
6389 prospective licensee is not guilty of or in violation of any
6390 statutory ground for denial of licensure as set forth in Section
6391 73-27-13. To assist the board in conducting its licensure
6392 investigation, all applicants shall undergo a fingerprint-based
6393 criminal history records check of the Mississippi central criminal
6394 database and the Federal Bureau of Investigation criminal history
6395 database. Each applicant shall submit a full set of the
6396 applicant's fingerprints in a form and manner prescribed by the
6397 board, which shall be forwarded to the Mississippi Department of
6398 Public Safety (department) and the Federal Bureau of Investigation
6399 Identification Division for this purpose.

6400 Any and all state or national criminal history records
6401 information obtained by the board that is not already a matter of
6402 public record shall be deemed nonpublic and confidential
6403 information restricted to the exclusive use of the board, its
6404 members, officers, investigators, agents and attorneys in
6405 evaluating the applicant's eligibility or disqualification for
6406 licensure, and shall be exempt from the Mississippi Public Records
6407 Act of 1983. Except when introduced into evidence in a hearing
6408 before the board to determine licensure, no such information or
6409 records related thereto shall, except with the written consent of
6410 the applicant or by order of a court of competent jurisdiction, be
6411 released or otherwise disclosed by the board to any other person
6412 or agency.



6413 The board shall provide to the department the fingerprints of
6414 the applicant, any additional information that may be required by
6415 the department, and a form signed by the applicant consenting to
6416 the check of the criminal records and to the use of the
6417 fingerprints and other identifying information required by the
6418 state or national repositories.

6419 The board shall charge and collect from the applicant, in
6420 addition to all other applicable fees and costs, such amount as
6421 may be incurred by the board in requesting and obtaining state and
6422 national criminal history records information on the applicant.

6423 Each application or filing made under this section shall
6424 include the social security number(s) of the applicant in
6425 accordance with Section 93-11-64.

6426 **SECTION 74.** Section 73-27-12, Mississippi Code of 1972, is
6427 amended as follows:

6428 73-27-12. (1) Except as provided in Section 33-1-39, the
6429 license of every person licensed to practice podiatry in the State
6430 of Mississippi shall be renewed annually.

6431 On or before May 1 of each year, the board shall mail a
6432 notice of renewal of license to every podiatrist to whom a license
6433 was issued or renewed during the current licensing year. The
6434 notice shall provide instructions for obtaining and submitting
6435 applications for renewal. The State Board of Medical Licensure is
6436 authorized to make applications for renewal available via
6437 electronic means. The applicant shall obtain and complete the



6438 application and submit it to the board in the manner prescribed by
6439 the board in the notice before June 30 with the renewal fee of an
6440 amount established by the board, but not to exceed Three Hundred
6441 Dollars (\$300.00), a portion of which fee shall be used to support
6442 a program to aid impaired podiatrists. Upon receipt of the
6443 application and fee, the board shall verify the accuracy of the
6444 application and issue to applicant a certificate of renewal for
6445 the ensuing year, beginning July 1 and expiring June 30 of the
6446 succeeding calendar year. That renewal shall render the holder
6447 thereof a legal practitioner as stated on the renewal form.

6448 (2) Any podiatrist practicing in Mississippi who allows his
6449 or her license to lapse by failing to renew the license as
6450 provided in subsection (1) may be reinstated by the board on
6451 satisfactory explanation for the failure to renew, by completion
6452 of a reinstatement form, and upon payment of the renewal fee for
6453 the current year, and shall be assessed a fine of Twenty-five
6454 Dollars (\$25.00) plus an additional fine of Five Dollars (\$5.00)
6455 for each month thereafter that the license renewal remains
6456 delinquent.

6457 (3) Any podiatrist not practicing in Mississippi who allows
6458 his or her license to lapse by failing to renew the license as
6459 provided in subsection (1) may be reinstated by the board on
6460 satisfactory explanation for the failure to renew, by completion
6461 of a reinstatement form and upon payment of the arrearages for the
6462 previous five (5) years and the renewal fee for the current year.



6463 (4) Any podiatrist who allows his or her license to lapse
6464 shall be notified by the board within thirty (30) days of that
6465 lapse.

6466 (5) Any person practicing as a licensed podiatrist during
6467 the time his or her license has lapsed shall be considered an
6468 illegal practitioner and shall be subject to penalties set forth
6469 in Section 73-27-17, provided that he or she has not submitted the
6470 required reinstatement form and fee within fifteen (15) days after
6471 notification by the board of the lapse.

6472 (6) Any podiatrist practicing in the State of Mississippi
6473 whose license has lapsed and is deemed an illegal practitioner
6474 under subsection (5) of this section may petition the board for
6475 reinstatement of his or her license on a retroactive basis, if the
6476 podiatrist was unable to meet the June 30 deadline due to
6477 extraordinary or other legitimate reasons, and retroactive
6478 reinstatement of licensure shall be granted or may be denied by
6479 the board only for good cause. Failure to advise the board of
6480 change of address shall not be considered a basis for
6481 reinstatement.

6482 (7) Fees collected under the provisions of this section
6483 shall be used by the board to defray expenses of administering the
6484 licensure provisions of Title 73, Chapter 27, Mississippi Code of
6485 1972, and to support a program to aid impaired podiatrists in an
6486 amount determined by the board.



6487 (8) In order for a podiatrist whose podiatric medical
6488 license has been expired for five (5) years or more to qualify for
6489 reinstatement of license, the podiatrist must have successfully
6490 been cleared for reinstatement through an investigation that shall
6491 consist of a * * * verification that the prospective licensee is
6492 not guilty of or in violation of any statutory ground for denial
6493 of licensure as set forth in Section 73-27-13. To assist the
6494 board in conducting its licensure investigation, all applicants
6495 shall undergo a fingerprint-based criminal history records check
6496 of the Mississippi central criminal database and the Federal
6497 Bureau of Investigation criminal history database. Each applicant
6498 shall submit a full set of the applicant's fingerprints in a form
6499 and manner prescribed by the board, which shall be forwarded to
6500 the Mississippi Department of Public Safety (department) and the
6501 Federal Bureau of Investigation Identification Division for this
6502 purpose.

6503 Any and all state or national criminal history records
6504 information obtained by the board that is not already a matter of
6505 public record shall be deemed nonpublic and confidential
6506 information restricted to the exclusive use of the board, its
6507 members, officers, investigators, agents and attorneys in
6508 evaluating the applicant's eligibility or disqualification for
6509 licensure, and shall be exempt from the Mississippi Public Records
6510 Act of 1983. Except when introduced into evidence in a hearing
6511 before the board to determine licensure, no such information or



6512 records related thereto shall, except with the written consent of
6513 the applicant or by order of a court of competent jurisdiction, be
6514 released or otherwise disclosed by the board to any other person
6515 or agency.

6516 The board shall provide to the department the fingerprints of
6517 the applicant, any additional information that may be required by
6518 the department, and a form signed by the applicant consenting to
6519 the check of the criminal records and to the use of the
6520 fingerprints and other identifying information required by the
6521 state or national repositories.

6522 The board shall charge and collect from the applicant, in
6523 addition to all other applicable fees and costs, such amount as
6524 may be incurred by the board in requesting and obtaining state and
6525 national criminal history records information on the applicant.

6526 **SECTION 75.** Section 73-27-16, Mississippi Code of 1972, is
6527 amended as follows:

6528 73-27-16. (1) A person whose license to practice podiatry
6529 has been revoked or suspended may petition the Mississippi State
6530 Board of Medical Licensure to reinstate this license after a
6531 period of not less than one (1) year has elapsed from the date of
6532 the revocation or suspension. The procedure for the reinstatement
6533 of a license that is suspended for being out of compliance with an
6534 order for support, as defined in Section 93-11-153, shall be
6535 governed by Section 93-11-157 or 93-11-163, as the case may be.



6536 (2) The petition shall be accompanied by two (2) or more
6537 verified recommendations from podiatrists licensed by the Board of
6538 Medical Licensure to which the petition is addressed and by two
6539 (2) or more recommendations from citizens each having personal
6540 knowledge of the activities of the petitioner since the
6541 disciplinary penalty was imposed and such facts as may be required
6542 by the board.

6543 The petition may be heard at the next regular meeting of the
6544 Board of Medical Licensure but not earlier than thirty (30) days
6545 after the petition was filed. No petition shall be considered
6546 while the petitioner is under sentence for any criminal offense,
6547 including any period during which he is under probation or parole.
6548 The hearing may be continued from time to time as the Board of
6549 Medical Licensure finds necessary. Any final action by the board
6550 on a petition under this section shall be made with the advice of
6551 the advisory committee.

6552 (3) In determining whether the disciplinary penalty should
6553 be set aside and the terms and conditions, if any, which should be
6554 imposed if the disciplinary penalty is set aside, the Board of
6555 Medical Licensure may investigate and consider all activities of
6556 the petitioner since the disciplinary action was taken against
6557 him, the offense for which he was disciplined, his activity during
6558 the time his certificate was in good standing, his general
6559 reputation for truth * * * and professional ability * * *; and it
6560 may require the petitioner to pass an oral examination.



6561 (4) The Secretary-Treasurer of the Board of Medical
6562 Licensure shall enter into his records of the case all actions of
6563 the Board of Medical Licensure in setting aside a disciplinary
6564 penalty under this section and he shall certify notices to the
6565 proper court clerk. The clerk shall make such changes on his
6566 records as may be necessary.

6567 **SECTION 76.** Section 73-29-19, Mississippi Code of 1972, is
6568 amended as follows:

6569 73-29-19. An applicant who is a polygraph examiner licensed
6570 under the laws of another state or territory of the United States
6571 may be issued a license upon payment of a fee of Fifty Dollars
6572 (\$50.00) and the production of satisfactory proof that:

- 6573 (1) He is at least twenty-one (21) years of age;
6574 (2) He is a citizen of the United States;

6575 * * *

6576 (* * *3) The requirements for the licensing of
6577 polygraph examiners in such particular state or territory of the
6578 United States were, at the date of the applicant's licensing
6579 therein, substantially equivalent to the requirements now in force
6580 in this state;

6581 (* * *4) The applicant had lawfully engaged in the
6582 administration of polygraph examinations under the laws of such
6583 state or territory for at least two (2) years prior to his
6584 application for license hereunder;



6585 (* * *5) Such other state or territory grants similar
6586 reciprocity to license holders of this state; and

6587 (* * *6) He has complied with Section 73-29-17.

6588 The issuance of a license by reciprocity to a
6589 military-trained applicant, military spouse or person who
6590 establishes residence in this state shall be subject to the
6591 provisions of Section 73-50-1 or 73-50-2, as applicable.

6592 **SECTION 77.** Section 73-30-9, Mississippi Code of 1972, is
6593 amended as follows:

6594 73-30-9. (1) The board shall issue a license as a
6595 provisional licensed professional counselor, without regard to
6596 race, religion, sex or national origin, to each applicant who
6597 furnishes satisfactory evidence of the following:

6598 (a) The applicant has completed an application on a
6599 form prescribed by the board accompanied by a nonrefundable
6600 application fee of Fifty Dollars (\$50.00).

6601 (b) The applicant is at least twenty-one (21) years of
6602 age.

6603 * * *

6604 (* * *c) The applicant is a citizen of the United
6605 States, or has an immigration document to verify legal alien work
6606 status in the United States. The immigration document must be
6607 current and issued by the United States Immigration Bureau.



6608 (* * *d) The applicant is not in violation of any of
6609 the provisions of this article and the rules and regulations
6610 adopted hereunder.

6611 (* * *e) The applicant shall have a minimum acceptable
6612 graduate semester hour or acceptable quarter-hour master's degree
6613 as determined by the board primarily in counseling or a related
6614 counseling field from a regionally or nationally accredited
6615 college or university program in counselor education or a related
6616 counseling program subject to board approval. All applicants
6617 shall provide official transcripts of all graduate work.

6618 (* * *f) The applicant must pass the examination
6619 approved by the board, as set forth in Section 73-30-7(5).

6620 (* * *g) A provisional license issued under this
6621 section shall require that the individual confine one's practice
6622 to a board-approved site and accrue counseling experience under
6623 the supervision of a board-qualified supervisor.

6624 (* * *h) The limited license shall be renewable for
6625 not more than four (4) years, with a nonrefundable license fee in
6626 the amount provided in Section 73-30-29. Licensees may appeal to
6627 the board for an extension of the renewal period.

6628 (* * *i) Each applicant for licensure shall apply to
6629 undergo a fingerprint-based criminal history records check of the
6630 Mississippi central criminal database and the Federal Bureau of
6631 Investigation criminal history database. Each applicant shall
6632 submit a full set of the applicant's fingerprints in a form and



6633 manner prescribed by the board, which shall be forwarded to the
6634 Mississippi Department of Public Safety and the Federal Bureau of
6635 Investigation Identification Division for this purpose.

6636 (2) The board shall issue a license or the privilege to
6637 practice as a licensed professional counselor, without regard to
6638 race, religion, sex or national origin, to each applicant who
6639 furnishes satisfactory evidence of the following:

6640 (a) The applicant has completed an application on a
6641 form prescribed by the board accompanied by a nonrefundable full
6642 application fee of Fifty Dollars (\$50.00).

6643 (b) The applicant is at least twenty-one (21) years of
6644 age.

6645 * * *

6646 (* * *c) The applicant is a citizen of the United
6647 States, or has an immigration document to verify legal alien work
6648 status in the United States. The immigration document must be
6649 current and issued by the United States Immigration Bureau.

6650 (* * *d) The applicant is not in violation of any of
6651 the provisions of this article and the rules and regulations
6652 adopted hereunder.

6653 (* * *e) The applicant shall have a minimum acceptable
6654 graduate semester hour or acceptable quarter-hour master's degree
6655 as determined by the board primarily in counseling or a related
6656 counseling field from a regionally or nationally accredited
6657 college or university program in counselor education or a related



6658 counseling program subject to board approval. All applicants
6659 shall provide official transcripts of all graduate work.

6660 (* * *f) The applicant for licensure must pass the
6661 examination approved by the board, as set forth in Section
6662 73-30-7(5).

6663 (* * *g) The applicant has had post graduate
6664 supervised experience in professional counseling acceptable to the
6665 board. Applicant shall submit verification of supervised
6666 experience.

6667 Each application or filing made under this section shall
6668 include the social security number(s) of the applicant in
6669 accordance with Section 93-11-64.

6670 (* * *h) The board shall require each first-time
6671 applicant for licensure or the initial privilege to practice and
6672 may require applicants for license renewal to undergo a
6673 fingerprint-based criminal history records check of the
6674 Mississippi central criminal database and the Federal Bureau of
6675 Investigation criminal history database. Each applicant for
6676 licensure and each renewal applicant as required by the board
6677 shall apply to undergo a fingerprint-based criminal history
6678 records check of the Mississippi central criminal database and the
6679 Federal Bureau of Investigation criminal history database. Each
6680 applicant shall submit a full set of the applicant's fingerprints
6681 in a form and manner prescribed by the board, which shall be
6682 forwarded to the Mississippi Department of Public Safety and the



6683 Federal Bureau of Investigation Identification Division for this
6684 purpose.

6685 (3) The board shall administer the privilege to practice in
6686 accordance with the Professional Counseling Compact.

6687 **SECTION 78.** Section 73-31-13, Mississippi Code of 1972, is
6688 amended as follows:

6689 73-31-13. The board shall issue a license as a psychologist
6690 to each applicant who files an application upon a form and in the
6691 manner as the board prescribes, accompanied by the fee as is
6692 required by this chapter; and who furnishes evidence satisfactory
6693 to the board that he or she:

6694 (a) Is at least twenty-one (21) years of age; and

6695 (b) * * * Has not been convicted of a disqualifying
6696 crime as provided in the Fresh Start Act. Applicants shall
6697 undergo a fingerprint-based criminal history records check of the
6698 Mississippi central criminal database and the Federal Bureau of
6699 Investigation criminal history database. Each applicant shall
6700 submit a full set of the applicant's fingerprints in a form and
6701 manner prescribed by the board, which shall be forwarded to the
6702 Mississippi Department of Public Safety (department) and the
6703 Federal Bureau of Investigation Identification Division for this
6704 purpose; and

6705 (c) Is not in violation of any of the provisions of
6706 this chapter and the rules and regulations adopted under this



6707 chapter, and is not currently under investigation by another
6708 licensure board; and

6709 (d) Holds a doctoral degree in psychology from an
6710 institution of higher education that is: regionally accredited by
6711 an accrediting body recognized by the United States Department of
6712 Education, or authorized by Provincial statute or Royal Charter to
6713 grant doctoral degrees. From a program accredited by the American
6714 Psychological Association, or the Canadian Psychological
6715 Association, and from a program that requires at least one (1)
6716 year of continuous, full-time residence at the educational
6717 institution granting the doctoral degree. For graduates from
6718 newly established programs seeking accreditation or in areas where
6719 no accreditation exists, applicants for licensure shall have
6720 completed a doctoral program in psychology that meets recognized
6721 acceptable professional standards as determined by the board. For
6722 applicants graduating from doctoral level psychology training
6723 programs outside of the United States of America or Canada,
6724 applicants for licensure shall have completed a doctoral program
6725 in psychology that meets recognized acceptable professional
6726 standards as determined by the board; and

6727 (e) Has completed a supervised internship from a
6728 program accredited by the American Psychological Association or
6729 the Canadian Psychological Association that meet the standards of
6730 training as defined by the board. The internship shall be
6731 comprised of at least one thousand eight hundred (1,800) hours of



6732 actual work, to include direct service, training and supervisory
6733 time; and

6734 (f) Demonstrates professional knowledge by passing
6735 written (as used in this paragraph, the term "written" means
6736 either paper and pencil or computer-administered or computerized
6737 testing) and oral examinations in psychology prescribed by the
6738 board; except that upon examination of credentials, the board may,
6739 by unanimous consent, consider these credentials adequate evidence
6740 of professional knowledge.

6741 Upon investigation of the application and other evidence
6742 submitted, the board shall, not less than thirty (30) days before
6743 the examination, notify each applicant that the application and
6744 evidence submitted is satisfactory and accepted or unsatisfactory
6745 and rejected; if rejected, the notice shall state the reasons for
6746 the rejection.

6747 The place of examination shall be designated in advance by
6748 the board, and the examination shall be given at such time and
6749 place and under such supervision as the board may determine. The
6750 examination used by the board shall consist of written tests and
6751 oral tests, and shall fairly test the applicant's knowledge and
6752 application thereof in those areas deemed relevant by the
6753 board. All examinations serve the purpose of verifying that a
6754 candidate for licensure has acquired a basic core of knowledge in
6755 the discipline of psychology and can apply that knowledge to the



6756 problems confronted in the practice of psychology within the
6757 applicant's area of practice.

6758 The board shall evaluate the results from both the written
6759 and oral examinations. The passing scores for the written and
6760 oral examinations shall be established by the board in its rules
6761 and regulations. If an applicant fails to receive a passing score
6762 on the entire examination, he or she may reapply and shall be
6763 allowed to take a later examination. An applicant who has failed
6764 two (2) successive examinations by the board may not reapply until
6765 after two (2) years from the date of the last examination failed.
6766 The board shall keep the written examination scores, and an
6767 accurate transcript of the questions and answers relating to the
6768 oral examinations, and the grade assigned to each answer thereof,
6769 as part of its records for at least two (2) years after the date
6770 of examination.

6771 Each application or filing made under this section shall
6772 include the social security number(s) of the applicant in
6773 accordance with Section 93-11-64.

6774 **SECTION 79.** Section 73-33-1, Mississippi Code of 1972, is
6775 amended as follows:

6776 73-33-1. (1) Any person residing or having a place for the
6777 regular transaction of business in the State of Mississippi * * *,
6778 and who shall have received from the State Board of Public
6779 Accountancy a license certifying his qualifications as a certified
6780 public accountant as hereinafter provided, shall be styled or



6781 known as a certified public accountant, and it shall be unlawful
6782 for any other person or persons to assume such title or use any
6783 letters, abbreviations or words to indicate that such person using
6784 same is a certified public accountant, unless such person
6785 qualifies for a practice privilege under Section 73-33-17, or at
6786 the discretion of the board, such person has been granted use of
6787 the title of "certified public accountant retired" by the
6788 Mississippi State Board of Public Accountancy or has received a
6789 reciprocal certified public accountant license from the State
6790 Board of Public Accountancy.

6791 (2) A certified public accountant practicing public
6792 accounting under a Mississippi license must be associated and
6793 registered with a certified public accountant firm.

6794 (3) The State Board of Public Accountancy shall grant and
6795 renew permits to practice as a CPA firm to applicants that
6796 demonstrate their qualifications in accordance with this section.

6797 (a) The following shall hold a permit issued under this
6798 section: any firm with an office in this state that practices
6799 public accountancy or that uses the title "CPA" or "CPA firm," and
6800 any firm that does not have an office in this state but performs
6801 the services described in Section 73-33-17(4) for a client having
6802 its home office in this state.

6803 (b) A firm that does not have an office in this state
6804 may perform a review of a financial statement to be performed in
6805 accordance with Statements on Standards for Accounting and Review



6806 Services, or a compilation as defined in Section 73-33-2(d), for a
6807 client having its home office in this state and may use the title
6808 "CPA" and "CPA firm" without a permit issued under this section
6809 only if such firm has the qualifications described in subsection
6810 (4), complies with the peer review requirements set forth by board
6811 rule, and performs such services through an individual with
6812 practice privileges under Section 73-33-17.

6813 (c) A firm that is not subject to the requirements of
6814 paragraph (a) or (b) of this subsection may perform other
6815 professional services within the practice of public accountancy
6816 while using the title "CPA" and "CPA firm" in this state without a
6817 permit issued under this section only if such firm performs such
6818 services through an individual with practice privileges under
6819 Section 73-33-17 and such firm can lawfully do so in the state
6820 where the individuals with practice privileges have their
6821 principal place of business.

6822 (4) In order to obtain and maintain a firm permit, a
6823 certified public accountant firm shall be required to show the
6824 following:

6825 (a) It is wholly owned by natural persons and not owned
6826 in whole or in part by business entities; and

6827 (b) A simple majority of the ownership of the firm in
6828 terms of financial interests and/or voting rights hold certified
6829 public accountant licenses in any state; however, the individuals
6830 whose principal place of business is in Mississippi and who



6831 perform professional services in this state shall hold a
6832 Mississippi certified public accountant license, and that
6833 individuals who qualify for practice privileges under Section
6834 73-33-17 who perform services for which a firm permit is required
6835 under Section 73-33-17(4) shall not be required to obtain a
6836 certificate pursuant to Section 73-33-3 or 73-33-9.

6837 (5) Any certified public accountant firm may include
6838 nonlicensee owners, provided that:

6839 (a) The firm designates a licensee of this state who is
6840 responsible for the proper registration of the firm and identifies
6841 that individual to the board; or in the case of a firm without a
6842 Mississippi office which must have a permit pursuant to subsection
6843 (3)(a), the firm designates a licensee of another state who meets
6844 the requirements provided in Section 73-33-17;

6845 (b) All nonlicensee owners are active individual
6846 participants in the certified public accountant firm or affiliated
6847 entities; and

6848 (c) The firm complies with such other requirements as
6849 the board may impose by rule.

6850 (6) Unless exempt from the firm permit requirement under
6851 Section 73-33-1(3), no person or persons shall engage in the
6852 practice of public accounting as defined herein as a partnership,
6853 joint venture or professional corporation, sole proprietor, or
6854 other business organization allowed by law, unless and until each
6855 business organization or office thereof located inside the State



6856 of Mississippi has registered with and been issued a firm permit
6857 by the State Board of Public Accountancy.

6858 **SECTION 80.** Section 73-38-9, Mississippi Code of 1972, is
6859 amended as follows:

6860 73-38-9. (1) To be eligible for licensure by the board as a
6861 speech-language pathologist or audiologist and to be eligible for
6862 registration as a speech-language pathology aide or audiology
6863 aide, a person shall:

6864 * * *

6865 (* * *a) (* * *i) For speech-language pathologists
6866 or audiologists, possess at least a master's degree or its
6867 equivalent in the area of speech-language pathology or audiology,
6868 as the case may be, from an educational institution recognized by
6869 the board;

6870 (* * *ii) For speech-language pathology aide or
6871 audiology aide, the board shall set minimum educational standards
6872 which shall be less than a bachelor's degree;

6873 (* * *b) For speech-language pathologists and
6874 audiologists, submit evidence of the completion of the
6875 educational, clinical experience and employment requirements,
6876 which requirements shall be based on appropriate national
6877 standards and prescribed by the rules and regulations adopted
6878 pursuant to this article;

6879 (* * *c) For speech-language pathologists and
6880 audiologists licensure applicants, pass an examination approved by



6881 the board. This examination may be taken either before or after
6882 the completion of the employment requirement specified pursuant to
6883 paragraph (c) of this subsection;

6884 (* * *d) For speech-language pathology aides and
6885 audiology aides, no examination shall be required.

6886 (2) To be eligible for the privilege to practice, applicants
6887 must meet the requirements set out in the Audiology and
6888 Speech-Language Pathology Interstate Compact.

6889 **SECTION 81.** Section 73-39-67, Mississippi Code of 1972, is
6890 amended as follows:

6891 73-39-67. (1) To obtain a license to practice veterinary
6892 medicine, a person shall file a written application and
6893 application fee with the board. The application shall show that
6894 the applicant is a graduate of an accredited college of veterinary
6895 medicine or has the educational equivalence as set by the board.
6896 The application shall also show * * * any other information and
6897 proof as the board may require.

6898 (2) If the board determines that the applicant possesses the
6899 proper qualifications, it shall admit the applicant to the next
6900 examination, or if the applicant is eligible for license by
6901 endorsement, the board may grant him a license. If an applicant
6902 is found not qualified to take the examination or for a license by
6903 endorsement, the board shall notify the applicant in writing
6904 within thirty (30) days of its finding and the grounds for its



6905 findings. An applicant found unqualified may request a hearing
6906 before the board.

6907 (3) The board may grant a temporary license to an applicant
6908 to practice veterinary medicine until the scheduled state board
6909 examination, if the applicant pays the application fee, provides
6910 sufficient evidence that he meets the qualifications for
6911 licensure, and provides evidence that he resides in the State of
6912 Mississippi. The board may grant a second temporary permit, but
6913 the board may not grant more than two (2) temporary permits to any
6914 one (1) person.

6915 (4) A person licensed by the board shall display the license
6916 in the facility in which the licensee practices.

6917 **SECTION 82.** Section 73-39-71, Mississippi Code of 1972, is
6918 amended as follows:

6919 73-39-71. (1) The board may issue a license by endorsement
6920 to an applicant who furnishes satisfactory proof that he is a
6921 graduate of an accredited college of veterinary medicine or the
6922 educational equivalence. The applicant must also show that
6923 he * * * is licensed to practice veterinary medicine in at least
6924 one (1) state, territory or district of the United States and has
6925 practiced veterinary medicine in one or more of those states
6926 without disciplinary action by any state or federal agency for at
6927 least the three (3) years immediately before filing the
6928 application.



6929 (2) The board may examine any person qualifying for
6930 licensing under this section.

6931 (3) The issuance of a license by endorsement to a
6932 military-trained applicant, military spouse or person who
6933 establishes residence in this state shall be subject to the
6934 provisions of Section 73-50-1 or 73-50-2, as applicable.

6935 **SECTION 83.** Section 73-53-13, Mississippi Code of 1972, is
6936 amended as follows:

6937 73-53-13. The board shall issue the appropriate license to
6938 applicants who meet the qualifications of this section.

6939 (a) A license as a "licensed social worker" shall be
6940 issued to an applicant who demonstrates to the satisfaction of the
6941 board that he or she meets the following qualifications:

6942 (i) Has a baccalaureate degree in social work from
6943 a college or university accredited by the Council on Social Work
6944 Education or Southern Association of Colleges and Schools and has
6945 satisfactorily completed the Association for Social Work Boards
6946 (ASWB) examination for this license; or

6947 (ii) Has a comparable license or registration from
6948 another state or territory of the United States of America that
6949 imposes qualifications substantially similar to those of this
6950 chapter.

6951 (b) A license as a "licensed master's social worker"
6952 shall be issued to an applicant who demonstrates to the



6953 satisfaction of the board that he or she meets the following
6954 qualifications:

6955 (i) Has a doctorate or master's degree from a
6956 school of social work accredited by the Council on Social Work
6957 Education; and

6958 (ii) Has satisfactorily completed the ASWB
6959 examination for this license; or

6960 (iii) Has a comparable license or registration
6961 from another state or territory of the United States of America
6962 that imposes qualifications substantially similar to those of this
6963 chapter.

6964 (c) A license as a "licensed certified social worker"
6965 shall be issued to an applicant who demonstrates to the
6966 satisfaction of the board that he or she meets the following
6967 qualifications:

6968 (i) Is licensed under this section as a "master's
6969 social worker"; and

6970 (ii) Has twenty-four (24) months of professional
6971 supervision and clinical or macro social work practice experience
6972 acceptable to the board, under appropriate supervision; and

6973 (iii) Has satisfactorily completed the ASWB
6974 examination for this license; or

6975 (iv) Has a comparable license or registration from
6976 another state or territory of the United States of America that



6977 imposes qualifications substantially similar to those of this
6978 chapter.

6979 (d) In addition to the above qualifications, an
6980 applicant for any of the above licenses must prove to the board's
6981 satisfaction:

6982 (i) Age of at least twenty-one (21) years, and

6983 * * *

6984 (* * *ii) United States of America citizenship or
6985 status as a legal resident alien, and

6986 (* * *iii) Absence of conviction of a * * *
6987 disqualifying crime as provided in the Fresh Start Act.

6988 Conviction, as used in this subparagraph, includes a deferred
6989 conviction, deferred prosecution, deferred sentence, finding or
6990 verdict of guilt, an admission of guilty, or a plea of nolo
6991 contendere, and

6992 (* * *iv) That the applicant has not been
6993 declared mentally incompetent by any court, and if any such decree
6994 has ever been rendered, that the decree has since been changed,
6995 and

6996 (* * *y) Freedom from dependency on alcohol or
6997 drugs, and

6998 (* * *vi) Complete criminal history records
6999 check, including a fingerprint and an acceptable sex offender
7000 check, by appropriate governmental authorities as prescribed by
7001 the board.



7002 (e) Only individuals licensed as "certified social
7003 workers" shall be permitted to call themselves "clinical social
7004 workers."

7005 The issuance of a license by reciprocity to a
7006 military-trained applicant, military spouse or person who
7007 establishes residence in this state shall be subject to the
7008 provisions of Section 73-50-1 or 73-50-2, as applicable.

7009 Each application or filing made under this section shall
7010 include the social security number(s) of the applicant in
7011 accordance with Section 93-11-64.

7012 **SECTION 84.** Section 73-54-13, Mississippi Code of 1972, is
7013 amended as follows:

7014 73-54-13. Each person desiring to obtain a license as
7015 a marriage and family therapist or marriage and family therapy
7016 associate shall make application thereof to the board in such
7017 manner as the board prescribes and with required application fees
7018 and shall furnish evidence satisfactory to the board that he or
7019 she:

7020 * * *

7021 (* * *a) Has not engaged or is not engaged in any
7022 practice or conduct which would be a ground for refusing to issue
7023 a license under Section 73-54-29 or Section 73-53-17;

7024 (* * *b) Is qualified for licensure pursuant to the
7025 requirements of this chapter; and

7026 (* * *c) Is at least twenty-one (21) years of age.



7027 **SECTION 85.** Section 73-63-27, Mississippi Code of 1972, is
7028 amended as follows:

7029 73-63-27. (1) (a) Except as provided in subsections (2)
7030 and (3) of this section, the following shall be considered as
7031 minimum evidence satisfactory to the board that the applicant is
7032 qualified for registration as a registered professional geologist:

7033 (i) Graduation from a course of study in geology
7034 satisfactory to the board from an accredited college or
7035 university, or from a program accredited by an organization
7036 recognized by the board, of four (4) or more years and which
7037 includes at least thirty (30) semester or forty-five (45) quarter
7038 hours of credit, with a major in geology or a geological
7039 specialty;

7040 (ii) Demonstration through a specific record of a
7041 minimum of four (4) years of qualifying experience, after
7042 completion of the academic requirements, in geology or a specialty
7043 indicating that the applicant is competent to practice geology or
7044 a specialty. The board may require the experience be gained under
7045 the supervision of a geologist registered in this state or any
7046 other state with at least as stringent geologic registration
7047 requirements, or under the supervision of others who, in the
7048 opinion of the board, are qualified to have responsible charge of
7049 geological work;



7050 (iii) Successful passage of at least one (1)
7051 examination in geology as determined and prescribed by the board;
7052 and

7053 (iv) Other requirements as may be established in
7054 rules and regulations by the board.

7055 (b) In addition to the qualifications named in
7056 paragraph (a) of this subsection, applicants for registration as a
7057 registered professional geologist shall include with their
7058 application at least three (3) letters of reference from
7059 geologists having personal knowledge of the applicant's geologic
7060 experience.

7061 (c) The board may give credit for a master's degree in
7062 the geological sciences or in a specialty as one (1) year of
7063 professional experience and an earned doctorate degree in the
7064 geological sciences or in a specialty as two (2) years of
7065 professional experience. The board shall not give more than two
7066 (2) years of professional experience credit for the completion of
7067 all graduate degrees.

7068 (d) The board may give credit for geological research
7069 or teaching of persons studying geology or a specialty at an
7070 accredited college or university level as qualifying experience,
7071 if the research or teaching, in the opinion of the board, is
7072 comparable to experience obtained in the practice of geology or a
7073 specialty.



7074 (e) The board may adopt qualifications which, in its
7075 judgment, are equivalent to the educational and experience
7076 requirements in subsection (1)(a) of this section.

7077 * * *

7078 (2) Before December 31, 1998, any applicant who applies for
7079 registration or enrollment shall be considered qualified, without
7080 written examination, if the applicant possesses the qualifications
7081 prescribed in subsection (1) or (3) of this section, as the case
7082 may be.

7083 (3) An applicant who applies for registration before July 1,
7084 1998, shall be qualified without written examination, if the
7085 applicant possesses the following qualifications:

7086 (a) A bachelor's degree from an accredited college or
7087 university in civil engineering with a minimum of fifteen (15)
7088 semester hours or an equivalent number of quarter hours of credit
7089 in geology or a geologically-related course, as determined by the
7090 board;

7091 (b) A certificate of registration as a professional
7092 engineer in the State of Mississippi; and

7093 (c) A minimum of ten (10) years of qualifying
7094 experience in geotechnical or geological engineering work
7095 demonstrated by a specific record.

7096 If the board determines after review of the academic and
7097 experience qualifications required by this subsection that the



7098 applicant is competent to practice geology, the board may issue a
7099 certificate of registration under this chapter.

7100 (4) Applicants for enrollment as a geologist-in-training
7101 shall meet the qualifications for a registered professional
7102 geologist, except the requirement for four (4) years of
7103 experience.

7104 (5) The board may adopt requirements for the issuance of
7105 temporary registrations. Qualifications for temporary
7106 registrations shall be consistent with those required under this
7107 chapter.

7108 (6) Upon written request of an applicant, the board may
7109 waive, on a case-by-case basis, any requirement for registration
7110 or enrollment, except payment of the applicable fees. The request
7111 shall state the reasons a waiver should be granted. The
7112 requirements waived and the basis for that waiver shall be
7113 recorded in the applicant's record and in the proceedings of the
7114 board, and any waiver may be subject to repeal or suspension as
7115 determined by the board.

7116 **SECTION 86.** Section 73-67-21, Mississippi Code of 1972, is
7117 amended as follows:

7118 73-67-21. (1) It shall be the responsibility of a massage
7119 therapy establishment to verify the current license of any and all
7120 persons practicing massage therapy at the location of or on behalf
7121 of the establishment. Failure to comply is subject to penalty
7122 assessed by the board of not less than Five Hundred Dollars



7123 (\$500.00) and not more than One Thousand Dollars (\$1,000.00) per
7124 offense.

7125 (2) No person may advertise massage or practice massage for
7126 compensation in this state unless he is licensed as a massage
7127 therapist by the board. No person may use the title of or
7128 represent himself to be a massage therapist or use any other
7129 title, abbreviations, letters, figures, signs or devices that
7130 indicate that the person is a massage therapist unless he is
7131 licensed to practice massage therapy under the provisions of this
7132 chapter. A current massage therapy license issued by the board
7133 shall at all times be prominently displayed in any place where
7134 massage therapy is being practiced.

7135 (3) The following are requirements for licensure:

7136 (a) An applicant must be eighteen (18) years of age, or
7137 older, on the date the application is submitted.

7138 (b) An application must provide proof of high school
7139 graduate equivalency.

7140 (c) An applicant must be of legal status not only to
7141 receive a license, but also to work in the State of Mississippi
7142 with that license.

7143 (d) An applicant must supply proof of current
7144 certification in cardiopulmonary resuscitation (CPR) and first aid
7145 of at least eight (8) hours of training, including practical
7146 testing, and supply documentation of familiarity with the
7147 Americans with Disabilities Act.



7148 (e) All required fees for licensure must be submitted
7149 by the applicant.

7150 (f) Any and all requirements regarding * * *
7151 competency, as provided for in this chapter and in accepted codes
7152 of ethics, shall be met.

7153 (g) An applicant must have completed an approved course
7154 on communicable diseases, including HIV/AIDS information and
7155 prevention.

7156 (h) The applicant's official and certified
7157 transcript(s) from the applicant's massage therapy school. The
7158 transcript must verify that the applicant has completed a
7159 board-approved training program of no less than the minimum
7160 requirement for massage therapy instruction and student clinic,
7161 with a minimum grade requirement of "C" or better in every course
7162 of instruction, as stated for school requirements.

7163 (4) The following pre-act practitioners are exempt from
7164 having to take any examination for licensure, but must fulfill all
7165 other requirements as stated in this chapter, except for the
7166 requirements in subsection (3) (h) of this section:

7167 (a) Those having more than three hundred (300)
7168 documented, board-accepted hours of massage therapy education
7169 before January 1, 2001.

7170 (b) Those having more than five (5) years of
7171 professional massage therapy experience and a minimum of one
7172 hundred fifty (150) hours of approved massage therapy education.



7173 (c) Those having no formal training, but who have
7174 successfully passed the National Certification Examination for
7175 Therapeutic Massage and Bodywork.

7176 (d) All grandfathering exemption allowances as stated
7177 in this subsection (4) shall end on July 1, 2002, for nonstudents,
7178 and on June 1, 2003, for students who were enrolled in a part-time
7179 massage school curriculum on July 1, 2001. Individuals may apply
7180 for a license until the grandfathering exemption ends, but may not
7181 practice massage beyond the allowed grace period as provided for
7182 in Section 73-67-37 unless a valid massage therapy license or
7183 provisional permit is obtained. Except as provided in subsection
7184 (5) of this section, all other pre-act practitioners and anyone
7185 not practicing massage therapy before January 1, 2001, must take
7186 and pass the licensure examination and follow the requirements in
7187 this chapter to practice massage therapy for compensation in
7188 Mississippi.

7189 (e) Students enrolled in a massage therapy curriculum
7190 of at least five hundred (500) hours on July 1, 2001, who complete
7191 graduation from the same curriculum.

7192 (5) Any person who has practiced massage therapy for a
7193 period of more than twenty-five (25) years before March 14, 2005,
7194 who is employed as a massage therapist by a YMCA or YWCA
7195 authorized and existing as a nonprofit corporation under the laws
7196 of this state on March 14, 2005, is exempt from having to take any
7197 examination for licensure, but must fulfill all other requirements



7198 as stated in this chapter, except for the requirements in
7199 subsection (3) (b), (d), (g) and (h) of this section. Persons
7200 exempt under this subsection may apply for a massage therapy
7201 license until January 1, 2006, but may not practice massage
7202 therapy after January 1, 2006, unless a valid license is obtained.

7203 (6) Certificates of registration issued by the board before
7204 July 1, 2008, shall remain valid as licenses until the next
7205 renewal period.

7206 (7) An applicant must have successfully been cleared for
7207 licensure through an investigation that shall consist of a * * *
7208 verification that the prospective licensee is not guilty of or in
7209 violation of any statutory ground for denial of licensure as set
7210 forth in Section 73-67-27.

7211 (a) To assist the board in conducting its licensure
7212 investigation, all applicants shall undergo a fingerprint-based
7213 criminal history records check of the Mississippi central criminal
7214 database and the Federal Bureau of Investigation criminal history
7215 database. Each applicant shall submit a full set of the
7216 applicant's fingerprints in a form and manner prescribed by the
7217 board, which shall be forwarded to the Mississippi Department of
7218 Public Safety (department) and the Federal Bureau of Investigation
7219 Identification Division for this purpose.

7220 (b) Any and all state or national criminal history
7221 records information obtained by the board that is not already a
7222 matter of public record shall be deemed nonpublic and confidential



7223 information restricted to the exclusive use of the board, its
7224 members, officers, investigators, agents and attorneys in
7225 evaluating the applicant's eligibility or disqualification for
7226 licensure, and shall be exempt from the Mississippi Public Records
7227 Act of 1983. Except when introduced into evidence in a hearing
7228 before the board to determine licensure, no such information or
7229 records related thereto shall, except with the written consent of
7230 the applicant or by order of a court of competent jurisdiction, be
7231 released or otherwise disclosed by the board to any other person
7232 or agency.

7233 (c) The board shall provide to the department the
7234 fingerprints of the applicant, any additional information that may
7235 be required by the department, and a form signed by the applicant
7236 consenting to the check of the criminal records and to the use of
7237 the fingerprints and other identifying information required by the
7238 state or national repositories.

7239 (d) The board shall charge and collect from the
7240 applicant, in addition to all other applicable fees and costs,
7241 such amount as may be incurred by the board in requesting and
7242 obtaining state and national criminal history records information
7243 on the applicant.

7244 **SECTION 87.** Section 73-71-19, Mississippi Code of 1972, is
7245 amended as follows:

7246 73-71-19. (1) No person shall be licensed to practice
7247 acupuncture unless he or she has passed an examination and/or has



7248 been found to have the necessary qualifications as prescribed in
7249 the regulations adopted by the board.

7250 (2) Before any applicant is eligible for an examination or
7251 qualification, he or she shall furnish satisfactory proof that he
7252 or she:

7253 (a) Is a citizen or permanent resident of the United
7254 States;

7255 (b) Has demonstrated proficiency in the English
7256 language;

7257 (c) Is at least twenty-one (21) years of age;

7258 * * *

7259 (* * *d) Has completed a program of acupuncture and
7260 has received a certificate or diploma from an institute approved
7261 by the board, according to the provisions of this chapter;

7262 (* * *e) Has completed a clinical internship training
7263 as approved by the board; and

7264 (* * *f) Has received training in cardiopulmonary
7265 resuscitation (CPR).

7266 (3) The board may hold an examination at least once a year,
7267 and all applicants shall be notified in writing of the date and
7268 time of all examinations. The board may use a NCCAOM examination
7269 if it deems that national examination to be sufficient to qualify
7270 a practitioner for licensure in this state. In no case shall the
7271 state's own examination be less rigorous than the nationally
7272 recognized examination.



7273 (4) In addition to the written examination, if the
7274 nationally recognized examination does not provide a suitable
7275 practical examination comparable to board standards, the board
7276 shall examine each applicant in the practical application of
7277 Oriental medical diagnostic and treatment techniques in a manner
7278 and by methods that reveal the applicant's skill and knowledge.

7279 (5) The board shall require all qualified applicants to be
7280 examined in the following subjects:

- 7281 (a) Anatomy and physiology;
- 7282 (b) Pathology;
- 7283 (c) Diagnosis;
- 7284 (d) Hygiene, sanitation and sterilization techniques;
- 7285 (e) All major acupuncture principles, practices and
7286 techniques; and
- 7287 (f) Clean Needle Technique Exam.

7288 (6) To assist the board in conducting its licensure
7289 investigation, all applicants shall undergo a fingerprint-based
7290 criminal history records check of the Mississippi central criminal
7291 database and the Federal Bureau of Investigation criminal history
7292 database. Each applicant shall submit a full set of the
7293 applicant's fingerprints in a form and manner prescribed by the
7294 board, which shall be forwarded to the Mississippi Department of
7295 Public Safety (department) and the Federal Bureau of Investigation
7296 Identification Division for this purpose. Any and all state or
7297 national criminal history records information obtained by the



7298 board that is not already a matter of public record shall be
7299 deemed nonpublic and confidential information restricted to the
7300 exclusive use of the board, its members, officers, investigators,
7301 agents and attorneys in evaluating the applicant's eligibility or
7302 disqualification for licensure, and shall be exempt from the
7303 Mississippi Public Records Act of 1983. Except when introduced
7304 into evidence in a hearing before the board to determine
7305 licensure, no such information or records related thereto shall,
7306 except with the written consent of the applicant or by order of a
7307 court of competent jurisdiction, be released or otherwise
7308 disclosed by the board to any other person or agency. The board
7309 shall provide to the department the fingerprints of the applicant,
7310 any additional information that may be required by the department,
7311 and a form signed by the applicant consenting to the check of the
7312 criminal records and to the use of the fingerprints and other
7313 identifying information required by the state or national
7314 repositories. The board shall charge and collect from the
7315 applicant, in addition to all other applicable fees and costs,
7316 such amount as may be incurred by the board in requesting and
7317 obtaining state and national criminal history records information
7318 on the applicant.

7319 (7) The board shall issue a license to every applicant whose
7320 application has been filed with and approved by the board and who
7321 has paid the required fees and who either:



7322 (a) Has passed the board's written examination and
7323 practical examination, with a score of not less than seventy
7324 percent (70%) on each examination; or

7325 (b) Has achieved a passing score on a board approved
7326 nationally recognized examination, which examination includes a
7327 written and practical portion, as determined by the board; or

7328 (c) Has received certification from a board approved
7329 national certification process; or

7330 (d) Has achieved a passing score on a board approved
7331 nationally recognized written examination and has passed the
7332 board's practical examination with a score of not less than
7333 seventy percent (70%).

7334 (8) The board shall keep a record of all examinations held,
7335 together with the names and addresses of all persons taking
7336 examinations, and the examination results. Within forty-five (45)
7337 days after the examination, the board shall give written notice of
7338 the results of the examination to each applicant.

7339 **SECTION 88.** Section 75-27-305, Mississippi Code of 1972, is
7340 amended as follows:

7341 75-27-305. (1) A citizen of the United States or a person
7342 who has declared his or her intention of becoming such a citizen,
7343 who is a resident of the State of Mississippi, not less than
7344 twenty-one (21) years of age, * * * who has the ability to weigh
7345 accurately and to make correct weight certificates, and who has



7346 received from the commissioner a license as a bonded weighmaster,
7347 shall be styled and authorized to act as a bonded weighmaster.

7348 (2) The commissioner may adopt rules and regulations for
7349 determining the qualifications of the applicant for license as a
7350 bonded weighmaster. The commissioner may pass upon the
7351 qualifications of the applicant upon the basis of the information
7352 supplied in the application, may examine such applicant orally or
7353 in writing, or both, for the purpose of determining his or her
7354 qualifications. The commissioner shall grant licenses to such
7355 applicants as may be found to possess the qualifications required
7356 herein. The commissioner shall keep a record of all such
7357 applications and of all licenses issued thereon.

7358 **SECTION 89.** Section 75-57-49, Mississippi Code of 1972, is
7359 amended as follows:

7360 75-57-49. (1) Before any person shall be granted a permit
7361 to, or shall engage in or continue in the business of the
7362 distributing, either wholesale or retail, installing, altering,
7363 extending, changing or repairing of any liquefied compressed gas
7364 system, appliance or container, or in the business of distributing
7365 and selling liquefied compressed gas, either at wholesale or
7366 retail, whether from trucks or other vessels, in cylinders or in
7367 any other manner, such person shall satisfy the State Liquefied
7368 Compressed Gas Board that he or she is * * * competent to transact
7369 business so as to safeguard the interest of the public, and is
7370 financially responsible; and this provision as to financial



7371 responsibility shall be met by such person by filing with the
 7372 State Liquefied Compressed Gas Board evidence that he or she has
 7373 in force such of the hereinafter listed insurance policies on
 7374 standard contract forms and written by an insurance company, or
 7375 companies, qualified to do business in the State of Mississippi,
 7376 as the State Liquefied Compressed Gas Board shall require, based
 7377 upon those activities listed above in which such person is
 7378 engaged, to wit:

7379 **ANY PERSON THAT ENGAGES IN FILLING CYLINDERS AND MOTOR FUEL**
 7380 **TANKS WITH LIQUEFIED COMPRESSED GAS ON THEIR PREMISES OR ANY**
 7381 **PERSON WHO IS IN THE BUSINESS OF INSTALLING LC GAS CARBURETION OR**
 7382 **APPLIANCES:**

| | Limits of Liability | |
|------------------------------------|---------------------|-----------|
| | Each | |
| | Occasion | Aggregate |
| 7386 Manufacturers and Contractors | | |
| 7387 Public Liability | \$100,000 | \$300,000 |
| 7388 Products Liability | \$100,000 | \$300,000 |
| 7389 Workers' Compensation and | | |
| 7390 Employers' Liability | | |
| 7391 Insurance | State Statute | |

7392 **ANY PERSON THAT ENGAGES IN ANY PHASE OF THE LIQUEFIED**
 7393 **COMPRESSED GAS BUSINESS OTHER THAN CYLINDER-FILLING LOCATIONS:**

| | Limits of Liability | |
|------|---------------------|----------|
| | Bodily Injury | Property |
| 7395 | | |



| | | | | |
|------|-------------------------------|---------------|-------------|-------------|
| 7396 | | Each | Each | Damage Each |
| 7397 | | Person | Accident | Accident |
| 7398 | Automobile Public Liability | \$500,000 | \$1,000,000 | \$1,000,000 |
| 7399 | | Each | | |
| 7400 | | Occasion | Aggregate | |
| 7401 | Manufacturers and Contractors | | | |
| 7402 | Public Liability | \$1,000,000 | \$1,000,000 | |
| 7403 | Products Liability | \$1,000,000 | \$1,000,000 | |
| 7404 | Workers' Compensation and | | | |
| 7405 | Employers' Liability | | | |
| 7406 | Insurance | State Statute | | |

7407 (2) The State Liquefied Compressed Gas Board shall not
7408 require insurance coverage as specified above unless the hazard of
7409 liquefied compressed gases is involved.

7410 (3) No policy issued under the provisions of this chapter
7411 may be cancelled before thirty (30) days from the date of receipt
7412 by the Commissioner of Insurance of written notice of intention to
7413 cancel the policy.

7414 (4) It is expressly provided, however, that in lieu of
7415 filing with the State Liquefied Compressed Gas Board evidence that
7416 such insurance, as outlined above, is in force, any such person
7417 may file with the State Liquefied Compressed Gas Board a good and
7418 sufficient surety bond executed by a surety company licensed to do
7419 business in this state in the amount of One Million Dollars
7420 (\$1,000,000.00), which such bond shall be payable to the State of



7421 Mississippi and shall be conditioned to guarantee the payment of
7422 all damages which proximately result from any act of negligence on
7423 the part of such person, or their agents or employees, while
7424 engaged in any of the activities herein specified. In lieu of the
7425 surety bond, any such person may execute and file a good and
7426 sufficient personal bond in the amount and conditioned as
7427 specified above, which such personal bond shall be secured by
7428 bonds or other obligations of the State of Mississippi or the
7429 United States government, of equal value.

7430 (5) Upon compliance with the provisions of this section,
7431 where such compliance is required, and upon compliance with all
7432 other provisions of this chapter, the State Liquefied Compressed
7433 Gas Board shall issue to such dealer a permit to engage in such
7434 business, but not before. All such permits shall be valid until
7435 voluntarily surrendered, or until suspended, revoked or cancelled
7436 by the State Liquefied Compressed Gas Board, the Commissioner of
7437 Insurance or the chancery or circuit court. All permits issued
7438 under the provisions of Chapter 170, Laws of 1940, as amended, or
7439 Chapter 265, Laws of 1946, shall remain in full force and effect
7440 until the expiration date thereof at which time they must be
7441 renewed under the terms and conditions of this chapter.

7442 **SECTION 90.** Section 75-60-31, Mississippi Code of 1972, is
7443 amended as follows:

7444 75-60-31. No agent permit shall be issued pursuant to
7445 Section 75-60-25 to any person found by the Commission on



7446 Proprietary School and College Registration * * * to have been
7447 convicted of a disqualifying crime as provided in the Fresh Start
7448 Act.

7449 **SECTION 91.** Section 75-60-33, Mississippi Code of 1972, is
7450 amended as follows:

7451 75-60-33. Any agent permit issued may be revoked by the
7452 Commission on Proprietary School and College Registration if the
7453 holder of the permit solicits or enrolls students through fraud,
7454 deception or misrepresentation * * *.

7455 The Commission on Proprietary School and College Registration
7456 shall hold informal conferences pursuant to Section 75-60-19 with
7457 an agent believed to be in violation of one or more of the above
7458 conditions. If these conferences fail to eliminate the agent's
7459 objectionable practices or procedures, the commission shall hold a
7460 public hearing. A record of such proceedings shall be taken and
7461 appeals to the commission shall be upon such record, except as may
7462 be provided by rules and regulations to be adopted by the
7463 commission. Nothing said or done in the informal conferences
7464 shall be disclosed by the staff of the commission nor be used as
7465 evidence in any subsequent proceedings.

7466 **SECTION 92.** Section 75-76-67, Mississippi Code of 1972, is
7467 amended as follows:

7468 75-76-67. (1) Any person who the commission determines is
7469 qualified to receive a license or be found suitable under the
7470 provisions of this chapter, having due consideration for the



7471 proper protection of the health, safety, morals, good order and
7472 general welfare of the inhabitants of the State of Mississippi and
7473 the declared policy of this state, may be issued a state gaming
7474 license or found suitable. The burden of proving his
7475 qualification to receive any license or be found suitable is on
7476 the applicant.

7477 (2) An application to receive a license or be found suitable
7478 shall not be granted unless the commission is satisfied that the
7479 applicant is:

7480 (a) A person of * * * honesty and integrity;

7481 (b) A person whose prior activities, criminal record,
7482 if any, reputation, habits and associations do not pose a threat
7483 to the public interest of this state or to the effective
7484 regulation and control of gaming, or create or enhance the dangers
7485 of unsuitable, unfair or illegal practices, methods and activities
7486 in the conduct of gaming or the carrying on of the business and
7487 financial arrangements incidental thereto; and

7488 (c) In all other respects qualified to be licensed or
7489 found suitable consistent with the declared laws of the state.

7490 (3) No person shall be granted a license or found suitable
7491 under the provisions of this chapter who has been convicted of
7492 a * * * disqualifying crime as provided in the Fresh Start Act in
7493 any court of this state, another state, or the United States; and
7494 no person shall be granted a license or found suitable hereunder
7495 who has been convicted of a * * * disqualifying crime as provided



7496 in the Fresh Start Act in any court of another state or the United
7497 States which, if committed in this state, would be a * * *
7498 disqualifying crime; and no person shall be granted a license or
7499 found suitable under the provisions of this chapter who has been
7500 convicted of a misdemeanor in any court of this state or of
7501 another state, when such conviction was for gambling, sale of
7502 alcoholic beverages to minors, prostitution, or procuring or
7503 inducing individuals to engage in prostitution.

7504 (4) A license to operate a gaming establishment shall not be
7505 granted unless the applicant has satisfied the commission that:

7506 (a) He has adequate business probity, competence and
7507 experience, in gaming or generally; and

7508 (b) The proposed financing of the entire operation is:

7509 (i) Adequate for the nature of the proposed
7510 operation; and

7511 (ii) From a suitable source. Any lender or other
7512 source of money or credit which the commission finds does not meet
7513 the standards set forth in subsection (2) may be deemed
7514 unsuitable.

7515 (5) An application to receive a license or be found suitable
7516 constitutes a request for a determination of the applicant's
7517 general * * * integrity and ability to participate or engage in,
7518 or be associated with gaming. Any written or oral statement made
7519 in the course of an official proceeding of the commission or the
7520 executive director or any witness testifying under oath which is



7521 relevant to the purpose of the proceeding is absolutely privileged
7522 and does not impose liability for defamation or constitute a
7523 ground for recovery in any civil action.

7524 (6) The commission may, in its discretion, grant a license
7525 to a corporation which has complied with the provisions of this
7526 chapter.

7527 (7) The commission may, in its discretion, grant a license
7528 to a limited partnership which has complied with the provisions of
7529 this chapter.

7530 (8) No limited partnership, except one whose sole limited
7531 partner is a publicly traded corporation which has registered with
7532 the commission, or business trust or organization or other
7533 association of a quasi-corporate character is eligible to receive
7534 or hold any license under this chapter unless all persons having
7535 any direct or indirect interest therein of any nature whatsoever,
7536 whether financial, administrative, policymaking or supervisory,
7537 are individually qualified to be licensed under the provisions of
7538 this chapter.

7539 (9) The commission may, by regulation, limit the number of
7540 persons who may be financially interested and the nature of their
7541 interest in any corporation or other organization or association
7542 licensed under this chapter, and may establish such other
7543 qualifications of licenses as the commission, in its discretion,
7544 deems to be in the public interest and consistent with the
7545 declared policy of the state.



7546 **SECTION 93.** Section 81-18-9, Mississippi Code of 1972, is
7547 amended as follows:

7548 81-18-9. (1) Applicants for a license shall apply in a form
7549 as prescribed by the commissioner. Each such form shall contain
7550 content as set forth by rule, regulation, instruction or procedure
7551 of the commissioner and may be changed or updated as necessary by
7552 the commissioner in order to carry out the purposes of this
7553 chapter.

7554 (2) The mortgage broker and mortgage lender application
7555 through the Nationwide Mortgage Licensing System and Registry
7556 shall include, but is not limited to, the following:

7557 (a) The legal name, residence and business address of
7558 the applicant and, if applicable, the legal name, residence and
7559 business address of every principal and executive officer,
7560 together with the résumé of the applicant and of every principal
7561 and executive officer of the applicant. In addition, an
7562 independent credit report obtained from a consumer-reporting
7563 agency described in Section 603(p) of the Fair Credit Reporting
7564 Act and information related to any administrative, civil or
7565 criminal findings by any governmental jurisdiction of every
7566 principal and executive officer.

7567 (b) The legal name of the mortgage broker or mortgage
7568 lender in addition to the name under which the applicant will
7569 conduct business in the state, neither of which may be already
7570 assigned to a licensed mortgage broker or mortgage lender.



7571 (c) The complete address of the applicant's principal
7572 place of business, branch office(s) and any other locations at
7573 which the applicant will engage in any business activity covered
7574 by this chapter. All locations shall be within the United States
7575 of America or a territory of the United States of America,
7576 including Puerto Rico and the U.S. Virgin Islands.

7577 (d) A copy of the certificate of incorporation, if a
7578 Mississippi corporation.

7579 (e) Documentation satisfactory to the department as to
7580 a certificate of existence of authority to transact business
7581 lawfully in Mississippi from the Mississippi Secretary of State's
7582 office, if a limited liability company, partnership, trust or any
7583 other group of persons, however organized. This paragraph does
7584 not pertain to applicants organized as an individual or as a sole
7585 proprietorship.

7586 (f) If a foreign entity, a copy of a certificate of
7587 authority to conduct business in Mississippi and the address of
7588 the principal place of business of the foreign entity.

7589 (g) Documentation of a minimum of two (2) years'
7590 experience directly related to mortgage activities by a person
7591 named as the qualifying individual of the company. The qualifying
7592 individual shall be primarily responsible for the operations of
7593 the licensed mortgage broker or mortgage lender. Only one (1)
7594 qualifying individual shall be named for Mississippi and this



7595 person shall be the qualifying individual for only one (1)
7596 licensee. Evidence of experience shall include, where applicable:

7597 (i) Copies of business licenses issued by
7598 governmental agencies.

7599 (ii) Employment history of the person filing the
7600 application for at least two (2) years before the date of the
7601 filing of an application, including, but not limited to, job
7602 descriptions, length of employment, names, addresses and phone
7603 numbers for past employers.

7604 (iii) Any other data and pertinent information as
7605 the department may require with respect to the applicant, its
7606 directors, principals, trustees, officers, members, contractors or
7607 agents. A résumé alone shall not be sufficient proof of
7608 employment history.

7609 (3) The mortgage broker and mortgage lender applications
7610 shall be filed on the Nationwide Mortgage Licensing System and
7611 Registry together with the following:

7612 (a) The license fee specified in Section 81-18-15;

7613 (b) An original or certified copy of a surety bond in
7614 favor of the State of Mississippi for the use, benefit and
7615 indemnity of any person who suffers any damage or loss as a result
7616 of the company's breach of contract or of any obligation arising
7617 therefrom or any violation of law;

7618 (c) A set of fingerprints from any local law
7619 enforcement agency from the following applicants:



7620 (i) All persons operating as a sole proprietorship
7621 that plan to conduct a mortgage-brokering or lending business in
7622 the State of Mississippi;

7623 (ii) Partners in a partnership or principal owners
7624 of a limited liability company that own at least ten percent (10%)
7625 of the voting shares of the company;

7626 (iii) Any shareholders owning ten percent (10%) or
7627 more of the outstanding shares of the corporation;

7628 (iv) All executive officers of the applicant;

7629 (v) All loan originators; and

7630 (vi) The named qualifying individual of the
7631 company as required in Section 81-18-9(2)(g). The applicant shall
7632 name only one (1) individual as the qualifying individual for the
7633 State of Mississippi; and

7634 (d) At least one (1) employee shall be licensed as a
7635 loan originator at a licensed location.

7636 (4) In connection with an application for licensing as a
7637 mortgage broker or lender under this chapter, the required
7638 stockholders, owners, directors and executive officers of the
7639 applicant shall, at a minimum, furnish to the Nationwide Mortgage
7640 Licensing System and Registry information concerning the
7641 individual's identity, including:

7642 (a) Fingerprints from any local law enforcement agency
7643 for submission to the Federal Bureau of Investigation and any
7644 governmental entity authorized to receive that information for a



7645 state, national and/or international criminal history background
7646 check; and

7647 (b) Personal history and experience in a form
7648 prescribed by the Nationwide Mortgage Licensing System and
7649 Registry, including the submission of authorization for the
7650 Nationwide Mortgage Licensing System and Registry and the
7651 commissioner to obtain:

7652 (i) An independent credit report obtained from a
7653 consumer-reporting agency described in Section 603(p) of the Fair
7654 Credit Reporting Act; and

7655 (ii) Information related to any administrative,
7656 civil or criminal findings by any governmental jurisdiction.

7657 (5) Upon receipt of an application for licensure, the
7658 department or designated third party shall conduct an
7659 investigation as it deems necessary to determine that the
7660 applicant and its officers, directors and principals are of
7661 good * * * ethical reputation; that the applicant demonstrates
7662 reasonable financial responsibility; and that the applicant has
7663 reasonable policies and procedures to receive and process customer
7664 grievances and inquiries promptly and fairly.

7665 (6) The commissioner shall not license an applicant unless
7666 he is satisfied that the applicant will operate its mortgage
7667 activities in compliance with the laws, rules and regulations of
7668 this state and the United States.



7669 (7) If an applicant satisfies the requirements of this
7670 chapter for a mortgage broker or mortgage lender license, the
7671 commissioner shall issue the license unless the commissioner finds
7672 any of the following:

7673 (a) The applicant has had a mortgage lender, mortgage
7674 broker or mortgage servicer license revoked in any governmental
7675 jurisdiction, except that a subsequent formal vacation of the
7676 revocation shall not be deemed a revocation; or

7677 (b) The applicant or its controlling persons has been
7678 convicted of, or pled guilty or nolo contendere to, (i) a * * *
7679 disqualifying crime as provided in the Fresh Start Act; or (ii) at
7680 any time preceding the date of application if such * * * crime
7681 involved an act of fraud, dishonesty, a breach of trust, or money
7682 laundering. However, any pardon or expungement of a conviction
7683 shall not be a conviction for purposes of this subsection.

7684 (8) Applicants for a mortgage loan originator license shall
7685 apply in a form as prescribed by the commissioner and shall be
7686 filed on the Nationwide Mortgage Licensing System and Registry.
7687 Each such form shall contain content as set forth by rules,
7688 regulations, instructions or procedures of the commissioner and
7689 may be changed or updated as necessary by the commissioner in
7690 order to carry out the purposes of this chapter. The initial
7691 license of a mortgage loan originator shall be accompanied by a
7692 fee of Two Hundred Dollars (\$200.00), to be paid to the Nationwide
7693 Mortgage Licensing System and Registry, and any additional fees as



7694 required by the Nationwide Mortgage Licensing System and Registry.
7695 The commissioner shall not issue a mortgage loan originator
7696 license unless the commissioner makes at a minimum the following
7697 findings:

7698 (a) The applicant has never had a mortgage loan
7699 originator license revoked in any governmental jurisdiction,
7700 except that a later formal vacation of that revocation shall not
7701 be deemed a revocation.

7702 (b) The applicant has not been convicted of, or pled
7703 guilty or nolo contendere to, (i) a * * * disqualifying crime as
7704 provided in the Fresh Start Act; or (ii) at any time preceding the
7705 date of application if such * * * crime involved an act of fraud,
7706 dishonesty, a breach of trust or money laundering. However, any
7707 pardon or expungement of a conviction shall not be a conviction
7708 for purposes of this subsection.

7709 (c) The applicant has demonstrated financial
7710 responsibility, character and general fitness such as to command
7711 the confidence of the community and to warrant a determination
7712 that the mortgage loan originator will operate honestly, fairly
7713 and efficiently within the purposes of this chapter.

7714 (d) The applicant has completed the prelicensing
7715 education requirement described in Section 81-18-14(1).

7716 (e) The applicant has passed a written test that meets
7717 the test requirement described in Section 81-18-14(7).



7718 (f) The applicant has met the surety bond requirement
7719 as provided in Section 81-18-11.

7720 (g) This individual must work for a Mississippi
7721 licensed company and work from the location licensed with the
7722 department. The licensed location that he or she is assigned to
7723 must be within one hundred twenty-five (125) miles of his or her
7724 residency. If the licensed loan originator resides and works in
7725 Mississippi, then he or she may work from any licensed location of
7726 the licensed company within the State of Mississippi. However, an
7727 owner of a minimum of ten percent (10%) of a licensed company or
7728 the named qualifying individual on file with the department, who
7729 is a licensed loan originator with the department, may work from
7730 any licensed location of the licensed company within the State of
7731 Mississippi in the capacity of a loan originator as described in
7732 this chapter.

7733 (9) In order to fulfill the purposes of this chapter, the
7734 commissioner is authorized to establish relationships or contracts
7735 with the Nationwide Mortgage Licensing System and Registry or
7736 other entities designated by the Nationwide Mortgage Licensing
7737 System and Registry to collect and maintain records and process
7738 transaction fees or other fees related to licensees or other
7739 persons subject to this chapter.

7740 (10) In connection with an application for licensing as a
7741 mortgage loan originator, the applicant shall, at a minimum,



7742 furnish to the Nationwide Mortgage Licensing System and Registry
7743 information concerning the applicant's identity, including:

7744 (a) Fingerprints for submission to the Federal Bureau
7745 of Investigation, and any governmental agency or entity authorized
7746 to receive that information for a state, national and/or
7747 international criminal history background check; and

7748 (b) Personal history and experience in a form
7749 prescribed by the Nationwide Mortgage Licensing System and
7750 Registry, including the submission of authorization for the
7751 Nationwide Mortgage Licensing System and Registry and the
7752 commissioner to obtain:

7753 (i) An independent credit report obtained from a
7754 consumer-reporting agency described in Section 603(p) of the Fair
7755 Credit Reporting Act; and

7756 (ii) Information related to any administrative,
7757 civil or criminal findings by any governmental jurisdiction.

7758 (11) For the purposes of this section and in order to reduce
7759 the points of contact which the Federal Bureau of Investigation
7760 may have to maintain for purposes of subsection (10)(a) and
7761 (b)(ii) of this section, the commissioner may use the Nationwide
7762 Mortgage Licensing System and Registry as a channeling agent for
7763 requesting information from and distributing information to the
7764 Department of Justice or any governmental agency.

7765 (12) For the purposes of this section and in order to reduce
7766 the points of contact which the commissioner may have to maintain



7767 for purposes of subsection (10)(b)(i) and (ii) of this section,
7768 the commissioner may use the Nationwide Mortgage Licensing System
7769 and Registry as a channeling agent for requesting and distributing
7770 information to and from any source so directed by the
7771 commissioner.

7772 **SECTION 94.** Section 83-17-75, Mississippi Code of 1972, is
7773 amended as follows:

7774 83-17-75. (1) An insurance producer shall not act as an
7775 agent of an insurer unless the insurance producer becomes an
7776 appointed agent of that insurer. An insurance producer who is not
7777 acting as an agent of an insurer is not required to become
7778 appointed.

7779 (2) To appoint a producer as its agent, the appointing
7780 insurer shall file, in a format approved by the commissioner, a
7781 notice of appointment within fifteen (15) days from the date the
7782 agency contract is executed or the first insurance application is
7783 submitted. An insurer may also elect to appoint a producer to all
7784 or some insurers within the insurer's holding company system or
7785 group by the filing of a single appointment request.

7786 (3) Upon receipt of the notice of appointment, the
7787 commissioner shall verify within a reasonable time not to exceed
7788 thirty (30) days that the insurance producer is eligible for
7789 appointment. If the insurance producer is determined to be
7790 ineligible for appointment, the commissioner shall notify the
7791 insurer within five (5) days of its determination.



7792 (4) An insurer shall pay an appointment fee, in the amount
7793 and method of payment set forth in Section 83-5-73 for each
7794 insurance producer appointed by the insurer.

7795 (5) An insurer shall remit, in a manner prescribed by the
7796 commissioner, a renewal appointment fee in the amount set forth in
7797 Section 83-5-73.

7798 (6) Before the issuance of a license or certificate of
7799 authority, the commissioner shall require the company requesting
7800 appointment of the applicant as producer for the first time to
7801 furnish a certificate to the commissioner, verified by an
7802 executive officer or managing general or special agent of such
7803 company, that the company has duly investigated the * * * record
7804 of such person and has satisfied itself that such person is * * *
7805 qualified, fit and trustworthy to act as its producer. The
7806 Commissioner of Insurance may at any time require any company to
7807 obtain a credit report on a producer if the commissioner deems
7808 such request advisable. Should such credit report reflect
7809 information regarding an offense or violation in relation to which
7810 the Department of Insurance has taken action, such information
7811 shall not render the applicant ineligible for a license if
7812 applicant has complied with the order of the commissioner
7813 regarding such offense.

7814 **SECTION 95.** Section 83-39-9, Mississippi Code of 1972, is
7815 amended as follows:



7816 83-39-9. The department upon receipt of the license
7817 application, the required fee * * * and, in the case of a
7818 professional bail agent, an approved qualification bond in the
7819 required amount, shall issue to the applicant a license to do
7820 business as a professional bail agent, soliciting bail agent or
7821 bail enforcement agent as the case may be.

7822 No licensed professional bail agent shall have in his employ
7823 in the bail bond business any person who could not qualify for a
7824 license under this chapter, nor shall any licensed professional
7825 bail agent have as a partner or associate in such business any
7826 person who could not so qualify.

7827 **SECTION 96.** Section 73-34-14, Mississippi Code of 1972, is
7828 amended as follows:

7829 73-34-14. (1) (a) To qualify for a Mississippi real estate
7830 appraiser license, an applicant must have successfully been
7831 cleared for licensure through an investigation that shall consist
7832 of a determination that the applicant does not possess a
7833 background which calls into question public trust, as set forth
7834 below in subsection (2), and verification that the prospective
7835 licensee is not guilty of or in violation of any statutory ground
7836 for denial of licensure as set forth in Section 73-34-35.

7837 (b) To assist the board in conducting its licensure
7838 investigation, on and after January 1, 2015, all applicants for a
7839 real estate appraiser license as a licensed real estate appraiser
7840 (license), licensed certified residential real estate appraiser



7841 (certification), or a licensed certified general real estate
7842 appraiser (certification), and all applicants for renewal of any
7843 real estate appraiser license or certification shall undergo a
7844 fingerprint-based criminal history records check of the
7845 Mississippi central criminal database and the Federal Bureau of
7846 Investigation criminal history database. Each applicant shall
7847 submit a full set of the applicant's fingerprints in a form and
7848 manner prescribed by the board, which shall be forwarded to the
7849 Mississippi Department of Public Safety (department) and the
7850 Federal Bureau of Investigation Identification Division for this
7851 purpose.

7852 (c) Any and all state or national criminal history
7853 records information obtained by the board that is not already a
7854 matter of public record shall be deemed nonpublic and confidential
7855 information restricted to the exclusive use of the board, its
7856 members, officers, investigators, agents and attorneys in
7857 evaluating the applicant's eligibility or disqualification for
7858 licensure, and shall be exempt from the Mississippi Public Records
7859 Act of 1983. Except when introduced into evidence in a hearing
7860 before the board to determine licensure, no such information or
7861 records related thereto shall, except with the written consent of
7862 the applicant or by order of a court of competent jurisdiction, be
7863 released or otherwise disclosed by the board to any other person
7864 or agency.



7865 (d) The board shall provide to the department the
7866 fingerprints of the applicant, any additional information that may
7867 be required by the department, and a form signed by the applicant
7868 consenting to the check of the criminal records and to the use of
7869 the fingerprints and other identifying information required by the
7870 state or national repositories.

7871 (e) The board shall charge and collect from the
7872 applicant, in addition to all other applicable fees and costs,
7873 such amount as may be incurred by the board in requesting and
7874 obtaining state and national criminal history records information
7875 on the applicant.

7876 (2) (a) The board must ensure that applicants for a real
7877 estate appraiser license or certification do not possess a
7878 background that could call into question public trust. An
7879 applicant found by the board to possess a background which calls
7880 into question the applicant's ability to maintain public trust
7881 shall not be issued a real estate appraiser license or
7882 certification.

7883 (b) The board shall not issue a real estate appraiser
7884 license or certification if:

7885 (i) The applicant has had an appraiser license or
7886 certification revoked in any governmental jurisdiction within the
7887 five (5) year period immediately preceding the date of the
7888 application;



7889 (ii) The applicant has been convicted of, or pled
7890 guilty or nolo contendere to, a * * * disqualifying crime as
7891 provided in the Fresh Start Act:

7892 1. During the five-year period immediately
7893 preceding the date of the application for licensing or
7894 certification; or

7895 2. At any time preceding the date of the
7896 application, if such felony involved an act of fraud, dishonesty,
7897 or a breach of trust, or money laundering.

7898 (iii) The applicant has failed to demonstrate
7899 character and general fitness such as to command the confidence of
7900 the community and to warrant a determination that the appraiser
7901 will operate honestly, fairly and efficiently within the purpose
7902 of these criteria.

7903 (c) The board shall evaluate and consider, by rules and
7904 regulations, additional background issues, including, but not
7905 limited to, those required by the Appraiser Qualifications Board
7906 of the Appraisal Foundation in compliance with federal
7907 requirements, prior to issuing (or taking disciplinary action
7908 against) a real estate appraiser.

7909 (d) The board shall adopt rules and regulations
7910 necessary to implement, administer and enforce the provisions of
7911 this section.

7912 **SECTION 97.** Section 73-35-10, Mississippi Code of 1972, is
7913 amended as follows:



7914 73-35-10. (1) (a) To qualify for a Mississippi real estate
7915 broker's license or a Mississippi resident license as a real
7916 estate salesperson, or a nonresident's license in Mississippi, an
7917 applicant must have successfully been cleared for licensure
7918 through an investigation that shall consist of a determination
7919 that the applicant does not possess a background which calls into
7920 question public trust, as set forth below in subsection (2), and
7921 verification that the prospective licensee is not guilty of or in
7922 violation of any statutory ground for denial of licensure as set
7923 forth in Section 73-35-21.

7924 (b) To assist the commission in conducting its
7925 licensure investigation, from and after July 1, 2016, all
7926 applicants for a Mississippi real estate broker's license, or a
7927 Mississippi resident license as a real estate salesperson, or a
7928 nonresident's license in Mississippi, and all applicants for
7929 renewal of any real estate license shall undergo a
7930 fingerprint-based criminal history records check of the
7931 Mississippi central criminal database and the Federal Bureau of
7932 Investigation criminal history database. Each applicant shall
7933 submit a full set of the applicant's fingerprints in a form and
7934 manner prescribed by the commission, which shall be forwarded to
7935 the Mississippi Department of Public Safety (department) and the
7936 Federal Bureau of Investigation Identification Division for this
7937 purpose.



7938 (c) Any and all state or national criminal history
7939 records information obtained by the commission that is not already
7940 a matter of public record shall be deemed nonpublic and
7941 confidential information restricted to the exclusive use of the
7942 commission, its members, officers, investigators, agents and
7943 attorneys in evaluating the applicant's eligibility or
7944 disqualification for licensure, and shall be exempt from the
7945 Mississippi Public Records Act of 1983. Except when introduced
7946 into evidence in a hearing before the commission to determine
7947 licensure, no such information or records related thereto shall,
7948 except with the written consent of the applicant or by order of a
7949 court of competent jurisdiction, be released or otherwise
7950 disclosed by the commission to any other person or agency.

7951 (d) The commission shall provide to the department the
7952 fingerprints of the applicant, any additional information that may
7953 be required by the department, and a form signed by the applicant
7954 consenting to the check of the criminal records and to the use of
7955 the fingerprints and other identifying information required by the
7956 state or national repositories.

7957 (e) The commission shall charge and collect from the
7958 applicant, in addition to all other applicable fees and costs,
7959 such amount as may be incurred by the commission in requesting and
7960 obtaining state and national criminal history records information
7961 on the applicant.



7962 (2) (a) The commission must ensure that applicants for real
7963 estate licenses do not possess a background that could call into
7964 question public trust. An applicant found by the commission to
7965 possess a background which calls into question the applicant's
7966 ability to maintain public trust shall not be issued a real estate
7967 license.

7968 (b) The commission shall not issue a real estate
7969 license if:

7970 (i) The applicant has had a real estate license
7971 revoked in any governmental jurisdiction within the five-year
7972 period immediately preceding the date of the application;

7973 (ii) The applicant has been convicted of, or pled
7974 guilty or nolo contendere to, a * * * disqualifying crime as
7975 provided in the Fresh Start Act:

7976 1. During the five-year period immediately
7977 preceding the date of the application for licensing; or

7978 2. At any time preceding the date of the
7979 application, if such felony involved an act of fraud, dishonesty
7980 or a breach of trust, or money laundering.

7981 (c) The commission shall adopt rules and regulations
7982 necessary to implement, administer and enforce the provisions of
7983 this section.

7984 (d) The requirement of a criminal background check
7985 provided in this section shall not apply to persons who have held
7986 a broker's or salesperson's license in this state for at least



7987 twenty-five (25) years and who are older than seventy (70) years
7988 of age.

7989 **SECTION 98.** Section 73-69-7, Mississippi Code of 1972, is
7990 amended as follows:

7991 73-69-7. (1) The State Fire Marshal shall administer and
7992 enforce the provisions of this chapter and shall have the
7993 authority to promulgate and adopt such rules and regulations as
7994 may be necessary for such proper administration and enforcement.
7995 The Electronic Protection Advisory Licensing Board created in
7996 Section 73-69-21 shall advise the State Fire Marshal with respect
7997 to the rules and regulations of the provisions of this chapter.
7998 The State Fire Marshal shall have the authority to approve written
7999 training programs or acceptable equivalents for meeting the
8000 training requirements of this licensing law. The State Fire
8001 Marshal may also accept, as such an equivalent, licensure of a
8002 company or person by a jurisdiction outside this state, which has
8003 standards and requirements of practice which substantially conform
8004 to the provisions of this chapter. The State Fire Marshal shall
8005 also establish continuing education requirements.

8006 (2) Application for a Class A license. In order to engage
8007 in alarm contracting, a company shall apply for and obtain a Class
8008 A license for each operating location doing business in the state.
8009 A Class A license shall authorize a company to engage in any type
8010 of alarm contracting. An applicant for a Class A license shall
8011 submit the following to the State Fire Marshal:



8012 (a) Documentation that the company is an entity duly
8013 authorized to conduct business within this state.

8014 (b) Documentation that the company holds a general
8015 liability and errors and omissions insurance policy, or a surety
8016 bond, in an amount not less than Three Hundred Thousand Dollars
8017 (\$300,000.00).

8018 (c) Documentation that the company carries a current
8019 and valid workers' compensation insurance policy as required by
8020 state law.

8021 (d) The name of the person who will serve as the
8022 designated agent of the company.

8023 (e) For a company applying for a Class A license,
8024 evidence that the company has at least one (1) employee who holds
8025 a Class B license at each of its operating locations.

8026 (f) A statement that no officer or principal has been
8027 convicted of a * * * disqualifying crime as provided in the Fresh
8028 Start Act, has received a first-time offender pardon for a * * *
8029 disqualifying crime as provided in the Fresh Start Act, or has
8030 entered a plea of guilty or nolo contendere to a * * *
8031 disqualifying crime as provided in the Fresh Start Act.

8032 (g) The application fee authorized by this chapter.

8033 (h) Documentation that the company is located within
8034 the physical boundaries of the state.

8035 (i) Beginning on July 1, 2014, in order to assist the
8036 Office of the State Fire Marshal in determining an applicant's



8037 suitability for a license under this chapter, a Class A applicant,
8038 upon request from the State Fire Marshal, shall submit a set of
8039 fingerprints for all officers and principals with the submission
8040 of an application for license or at such time as deemed necessary
8041 by the State Fire Marshal. The Office of the State Fire Marshal
8042 shall forward the fingerprints to the Department of Public Safety
8043 for the purpose of conducting a criminal history record check. If
8044 no disqualifying record is identified at the state level, the
8045 fingerprints shall be forwarded by the Department of Public Safety
8046 to the Federal Bureau of Investigation for a national criminal
8047 history record check. Fees related to the criminal history record
8048 check shall be paid by the applicant to the State Fire Marshal and
8049 the monies from such fees shall be deposited in the special fund
8050 in the State Treasury designated as the Electronic Protection
8051 Licensing Fund.

8052 (j) The name of each company providing monitoring
8053 services.

8054 (3) If the action by the State Fire Marshal is to nonrenew
8055 or to deny an application for license, the State Fire Marshal
8056 shall notify the applicant or licensee and advise, in writing, the
8057 applicant or licensee of the reason for the denial or nonrenewal
8058 of the applicant's or licensee's license. The applicant or
8059 licensee may make written demand upon the State Fire Marshal
8060 within ten (10) days for a hearing before the State Fire Marshal



8061 to determine the reasonableness of the State Fire Marshal's
8062 action. The hearing shall be held within thirty (30) days.

8063 **SECTION 99.** Section 73-69-11, Mississippi Code of 1972, is
8064 amended as follows:

8065 73-69-11. (1) Any person employed by an alarm contracting
8066 company shall hold an individual license issued by the State Fire
8067 Marshal. Such license shall authorize its holder to engage in
8068 alarm contracting, only to the extent of the terms as further
8069 provided in this chapter.

8070 (2) Such application shall be accompanied by:

8071 (a) Two (2) suitable photographs of the applicant
8072 acceptable to the State Fire Marshal. The State Fire Marshal
8073 shall keep one (1) photograph on file and shall make the other
8074 photograph a part of any license subsequently issued to the
8075 applicant.

8076 (b) Documentation that the applicant meets educational
8077 requirements applicable to the type of license for which he is
8078 applying, as follows:

8079 (i) For a Class B license: a minimum of
8080 Electronic Security Association, Level 2 A and Level 2 B Burglar
8081 Alarm training course or the Electronic Security Association, Fire
8082 Alarm Installation Methods and Advanced Intrusion Systems training
8083 courses, or equivalent training approved by the State Fire
8084 Marshal, and documentation proving residency within a radius of



8085 one hundred fifty (150) miles of the office to which he is
8086 assigned.

8087 (ii) For a Class C license: a minimum of
8088 Electronic Security Association Level 1 Certified Alarm/Security
8089 Technician training course, or equivalent training approved by the
8090 State Fire Marshal.

8091 (iii) For a Class D license: a minimum of
8092 Electronic Security Association, Understanding Electronic Security
8093 Systems training course, or equivalent training approved by the
8094 State Fire Marshal.

8095 (iv) For a Class H license: application by a
8096 Class B or Class C license holder that they will provide direct
8097 supervision of the Class H licensee.

8098 (c) (i) A statement by the applicant that he has not
8099 been convicted of a * * * disqualifying crime as provided in the
8100 Fresh Start Act, received a first-time offender pardon for a * * *
8101 disqualifying crime as provided in the Fresh Start Act, or entered
8102 a plea of guilty or nolo contendere to a * * * disqualifying crime
8103 as provided in the Fresh Start Act. * * *

8104 (ii) A conviction or a plea of guilty or nolo
8105 contendere to a * * * disqualifying crime as provided in the Fresh
8106 Start or receipt of a first-time offender pardon shall not
8107 constitute an automatic disqualification as otherwise required
8108 pursuant to subparagraph (i) if ten (10) or more years have
8109 elapsed between the date of application and the successful



8110 completion or service of any sentence, deferred adjudication or
8111 period of probation or parole.

8112 (iii) Subparagraph (ii) shall not apply to any
8113 person convicted of a felony crime of violence or a sex offense as
8114 defined within the Mississippi Criminal Code.

8115 (d) The State Fire Marshal shall have the authority to
8116 conduct criminal history verification on a local, state or
8117 national level. Beginning on July 1, 2014, in order to assist the
8118 Office of the State Fire Marshal in determining an applicant's
8119 suitability for a license under this chapter, an applicant shall
8120 submit a set of fingerprints with the submission of an application
8121 for license. The Office of the State Fire Marshal shall forward
8122 the fingerprints to the Department of Public Safety for the
8123 purpose of conducting a criminal history record check. If no
8124 disqualifying record is identified at the state level, the
8125 fingerprints shall be forwarded by the Department of Public Safety
8126 to the Federal Bureau of Investigation for a national criminal
8127 history record check. Fees related to the criminal history record
8128 check shall be paid by the applicant to the State Fire Marshal and
8129 the monies from such fees shall be deposited in the special fund
8130 in the State Treasury designated as the Electronic Protection
8131 Licensing Fund.

8132 (e) The application fee authorized by this chapter.

8133 (3) The State Fire Marshal shall have the authority to
8134 determine if information submitted by an applicant is in a form



8135 acceptable to him. The State Fire Marshal shall verify or have
8136 another entity verify information submitted by each applicant.

8137 (4) If the State Fire Marshal finds that an applicant has
8138 met the applicable requirements of the alarm licensing law, he
8139 shall issue the appropriate type of license to the applicant upon
8140 payment of the license fee authorized by this chapter.

8141 (5) Each individual license holder shall maintain his
8142 license on his person while engaging in any type of alarm
8143 contracting as applicable. Each such license holder shall present
8144 his license for inspection upon demand by an employee of the
8145 Office of the State Fire Marshal or a law enforcement officer.

8146 (6) Each individual license holder shall notify the State
8147 Fire Marshal, on a form specified and provided by the State Fire
8148 Marshal, within ten (10) days of the following:

8149 (a) Any change in business or home address.

8150 (b) Any separation from an employer or change in
8151 employer.

8152 (c) Any conviction for a * * * disqualifying crime as
8153 provided in the Fresh Start Act.

8154 (7) No individual licensed under this chapter shall contract
8155 for his services as an independent contractor or agent without
8156 applying for and being issued a Class A license per Section
8157 73-69-9. No alarm contracting company shall contract for the
8158 independent services of a holder of an individual license under
8159 this section.



8160 (8) The State Fire Marshal may enter into reciprocal
8161 agreements with other states for mutual recognition of individual
8162 license holders, if the State Fire Marshal has established the
8163 criteria for acceptance of reciprocal agreements by rule or
8164 regulation. The issuance of a license by reciprocity to a
8165 military-trained applicant, military spouse or person who
8166 establishes residence in this state shall be subject to the
8167 provisions of Section 73-50-1 or 73-50-2, as applicable.

8168 (9) If the action by the State Fire Marshal is to nonrenew
8169 or to deny an application for license, the State Fire Marshal
8170 shall notify the applicant or licensee and advise, in writing, the
8171 applicant or licensee of the reason for the denial or nonrenewal
8172 of the applicant's or licensee's license. The applicant or
8173 licensee may make written demand upon the State Fire Marshal
8174 within ten (10) days for a hearing before the State Fire Marshal
8175 to determine the reasonableness of the State Fire Marshal's
8176 action. The hearing shall be held within thirty (30) days.

8177 **SECTION 100.** Section 75-15-11, Mississippi Code of 1972, is
8178 amended as follows:

8179 75-15-11. Each application for a license shall be
8180 accompanied by:

8181 (a) Certified financial statements, reasonably
8182 satisfactory to the commissioner, showing that the applicant has a
8183 net worth of at least Twenty-five Thousand Dollars (\$25,000.00)
8184 plus Fifteen Thousand Dollars (\$15,000.00) for each location in



8185 excess of one (1) at which the applicant proposes to conduct money
8186 transmissions in this state, computed according to generally
8187 accepted accounting principles, but in no event shall the net
8188 worth be required to be in excess of Two Hundred Fifty Thousand
8189 Dollars (\$250,000.00).

8190 (b) A surety bond issued by a bonding company or
8191 insurance company authorized to do business in this state, in the
8192 principal sum of Twenty-five Thousand Dollars (\$25,000.00) or in
8193 an amount equal to outstanding money transmissions in Mississippi,
8194 whichever is greater, but in no event shall the bond be required
8195 to be in excess of Five Hundred Thousand Dollars (\$500,000.00).
8196 However, the commissioner may increase the required amount of the
8197 bond upon the basis of the impaired financial condition of a
8198 licensee as evidenced by a reduction in net worth, financial
8199 losses or other relevant criteria. The bond shall be in form
8200 satisfactory to the commissioner and shall run to the state for
8201 the use and benefit of the Department of Banking and Consumer
8202 Finance and any claimants against the applicant or his agents to
8203 secure the faithful performance of the obligations of the
8204 applicant and his agents with respect to the receipt, handling,
8205 transmission and payment of money in connection with money
8206 transmissions in Mississippi. The aggregate liability of the
8207 surety in no event shall exceed the principal sum of the bond.
8208 The surety on the bond shall have the right to cancel the bond
8209 upon giving sixty (60) days' notice in writing to the commissioner



8210 and thereafter shall be relieved of liability for any breach of
8211 condition occurring after the effective date of the cancellation.
8212 Any claimants against the applicant or his agents may themselves
8213 bring suit directly on the bond, or the Attorney General may bring
8214 suit thereon in behalf of those claimants, either in one (1)
8215 action or successive actions.

8216 (c) In lieu of the corporate surety bond, the applicant
8217 may deposit with the State Treasurer bonds or other obligations of
8218 the United States or guaranteed by the United States or bonds or
8219 other obligations of this state or of any municipal corporation,
8220 county, or other political subdivision or agency of this state, or
8221 certificates of deposit of national or state banks doing business
8222 in Mississippi, having an aggregate market value at least equal to
8223 that of the corporate surety bond otherwise required. Those bonds
8224 or obligations or certificates of deposit shall be deposited with
8225 the State Treasurer to secure the same obligations as would a
8226 corporate surety bond, but the depositor shall be entitled to
8227 receive all interest and dividends thereon and shall have the
8228 right to substitute other bonds or obligations or certificates of
8229 deposit for those deposited, with the approval of the
8230 commissioner, and shall be required so to do on order of the
8231 commissioner made for good cause shown. The State Treasurer shall
8232 provide for custody of the bonds or obligations or certificates of
8233 deposits by a qualified trust company or bank located in the State
8234 of Mississippi or by any Federal Reserve Bank. The compensation,



8235 if any, of the custodian for acting as such under this section
8236 shall be paid by the depositing licensee.

8237 (d) Proof of registration as a money service business
8238 per 31 CFR Section 103.41, if applicable.

8239 (e) A set of fingerprints from any local law
8240 enforcement agency for each owner of a sole proprietorship,
8241 partners in a partnership or principal owners of a limited
8242 liability company that own at least ten percent (10%) of the
8243 voting shares of the company, shareholders owning ten percent
8244 (10%) or more of the outstanding shares of the corporation, except
8245 publically traded corporations and their subsidiaries, and any
8246 other executive officer with significant oversight duties of the
8247 business. In order to determine the applicant's suitability for
8248 license, the commissioner shall forward the fingerprints to the
8249 Department of Public Safety for a state criminal history records
8250 check, and the fingerprints shall be forwarded by the Department
8251 of Public Safety to the FBI for a national criminal history
8252 records check. The department shall not issue a license if it
8253 finds that the applicant, or any person who is an owner, partner,
8254 director or executive officer of the applicant, has been convicted
8255 of: (i) a * * * disqualifying crime as provided in the Fresh
8256 Start Act; or (ii) a crime that, if committed within the state,
8257 would constitute a * * * disqualifying crime as provided in the
8258 Fresh Start Act; or (iii) a misdemeanor of fraud, theft, forgery,
8259 bribery, embezzlement or making a fraudulent or false statement in



8260 any jurisdiction. For the purposes of this chapter, a person
8261 shall be deemed to have been convicted of a crime if the person
8262 has pleaded guilty to a crime before a court or federal
8263 magistrate, or plea of nolo contendere, or has been found guilty
8264 of a crime by the decision or judgment of a court or federal
8265 magistrate or by the verdict of a jury, irrespective of the
8266 pronouncement of sentence or the suspension of a sentence, unless
8267 the person convicted of the crime has received a pardon from the
8268 President of the United States or the Governor or other pardoning
8269 authority in the jurisdiction where the conviction was obtained.

8270 **SECTION 101.** Section 75-67-323, Mississippi Code of 1972, is
8271 amended as follows:

8272 75-67-323. (1) To be eligible for a pawnbroker license, an
8273 applicant shall:

8274 (a) Operate lawfully and fairly within the purposes of
8275 this article;

8276 (b) Not have been convicted of a * * * disqualifying
8277 crime as provided in the Fresh Start Act or be active as a
8278 beneficial owner for someone who has been convicted of a * * *
8279 disqualifying crime as provided in the Fresh Start Act;

8280 (c) File with the commissioner a bond with good
8281 security in the penal sum of Ten Thousand Dollars (\$10,000.00),
8282 payable to the State of Mississippi for the faithful performance
8283 by the licensee of the duties and obligations pertaining to the
8284 business so licensed and the prompt payment of any judgment which



8285 may be recovered against such licensee on account of damages or
8286 other claim arising directly or collaterally from any violation of
8287 the provisions of this article; such bond shall not be valid until
8288 it is approved by the commissioner; such applicant may file, in
8289 lieu thereof, cash, a certificate of deposit, or government bonds
8290 in the amount of Ten Thousand Dollars (\$10,000.00); such deposit
8291 shall be filed with the commissioner and is subject to the same
8292 terms and conditions as are provided for in the surety bond
8293 required herein; any interest or earnings on such deposits are
8294 payable to the depositor;

8295 (d) File with the commissioner an application
8296 accompanied by the initial license fee required in this article;

8297 (e) Submit a set of fingerprints from any local law
8298 enforcement agency. In order to determine the applicant's
8299 suitability for license, the commissioner shall forward the
8300 fingerprints to the Department of Public Safety; and if no
8301 disqualifying record is identified at the state level, the
8302 fingerprints shall be forwarded by the Department of Public Safety
8303 to the FBI for a national criminal history record check.

8304 (2) Every licensee shall post his license in a conspicuous
8305 place at each place of business.

8306 (3) Every licensee shall post and display a sign which
8307 measures at least twenty (20) inches by twenty (20) inches in a
8308 conspicuous place and in easy view of all persons who enter the
8309 place of business. The sign shall display bold, blocked letters,



8310 easily readable, with the following information: "This pawnshop
8311 is licensed and regulated by the Mississippi Department of Banking
8312 and Consumer Finance. If you encounter any unresolved problem
8313 with a transaction at this location, you are entitled to
8314 assistance. Please call or write: Mississippi Department of
8315 Banking and Consumer Finance, Post Office Drawer 23729, Jackson,
8316 MS 39225-3729; Phone 1-800-844-2499."

8317 (4) From and after December 1, 2010, each application for an
8318 initial license shall include evidence of the satisfactory
8319 completion of at least six (6) hours of approved prelicensing
8320 education, and each application for renewal shall include evidence
8321 of the satisfactory completion of at least six (6) hours of
8322 approved continuing education, by the owners or designated
8323 representative in pawnbroker transactions. Two (2) of the six (6)
8324 hours shall consist of instruction on the Mississippi Pawnshop Act
8325 and shall be approved by the department once the course is
8326 approved by the Mississippi Pawnbrokers Association or the
8327 National Pawnbrokers Association.

8328 **SECTION 102.** Section 75-67-421, Mississippi Code of 1972, is
8329 amended as follows:

8330 75-67-421. (1) To be eligible for a title pledge lender
8331 license, an applicant shall:

8332 (a) Operate lawfully and fairly within the purposes of
8333 this article;



8334 (b) Not have been convicted of a * * * disqualifying
8335 crime as provided in the Fresh Start Act or be active as a
8336 beneficial owner for someone who has been convicted of a * * *
8337 disqualifying crime as provided in the Fresh Start Act;

8338 (c) File with the commissioner a bond with good
8339 security in the penal sum of Fifty Thousand Dollars (\$50,000.00)
8340 for each location at which the applicant proposes to engage in the
8341 business of title pledge lending, but in no event shall the
8342 aggregate amount of the bond for all locations per applicant
8343 exceed Two Hundred Fifty Thousand Dollars (\$250,000.00) and no
8344 more than Fifty Thousand Dollars (\$50,000.00) shall be payable or
8345 recoverable on the bond for each location; the bond shall be
8346 payable to the State of Mississippi for the faithful performance
8347 by the licensee of the duties and obligations pertaining to the
8348 business so licensed and the prompt payment of any judgment which
8349 may be recovered against the licensee on account of damages or
8350 other claim arising directly or collaterally from any violation of
8351 the provisions of this article; the bond shall not be valid until
8352 it is approved by the commissioner; the applicant may file, in
8353 lieu thereof, cash, a certificate of deposit or government bonds
8354 in the amount of Twenty-five Thousand Dollars (\$25,000.00) for
8355 each location at which the applicant proposes to engage in the
8356 business of title pledge lending, but in no event shall the
8357 aggregate amount of the cash, certificate of deposit or government
8358 bonds for all locations per applicant exceed Two Hundred Fifty



8359 Thousand Dollars (\$250,000.00) and no more than Twenty-five
8360 Thousand Dollars (\$25,000.00) shall be payable or recoverable on
8361 the cash, certificate of deposit or government bonds for each
8362 location; the deposit of the cash, certificate of deposit or
8363 government bonds shall be filed with the commissioner and is
8364 subject to the same terms and conditions as are provided for in
8365 the surety bond required herein; any interest or earnings on such
8366 deposits are payable to the depositor * * *;

8367 (d) File with the commissioner an application
8368 accompanied by a set of fingerprints from any local law
8369 enforcement agency, and the initial license fee required in this
8370 article. In order to determine the applicant's suitability for
8371 license, the commissioner shall forward the fingerprints to the
8372 Department of Public Safety; and if no disqualifying record is
8373 identified at the state level, the fingerprints shall be forwarded
8374 by the Department of Public Safety to the FBI for a national
8375 criminal history record check.

8376 (2) Upon the filing of an application in a form prescribed
8377 by the commissioner, accompanied by the fee and documents required
8378 in this article, the department shall investigate to ascertain
8379 whether the qualifications prescribed by this article have been
8380 satisfied. If the commissioner finds that the qualifications have
8381 been satisfied and, if he approves the documents so filed by the
8382 applicant, he shall issue to the applicant a license to engage in
8383 the business of title pledge lending in this state.



8384 (3) Complete and file with the commissioner an annual
8385 renewal application accompanied by the renewal fee required in
8386 this article.

8387 (4) The license shall be kept conspicuously posted in the
8388 place of business of the licensee.

8389 **SECTION 103.** Section 75-67-509, Mississippi Code of 1972, is
8390 amended as follows:

8391 75-67-509. To be eligible for a check casher license, an
8392 applicant shall:

8393 (a) Operate lawfully and fairly within the purposes of
8394 this article.

8395 (b) Not have been convicted of a * * * disqualifying
8396 crime as provided in the Fresh Start Act or be active as a
8397 beneficial owner for someone who has been convicted of a * * *
8398 disqualifying crime as provided in the Fresh Start Act.

8399 (c) File with the commissioner a bond with good
8400 security in the penal sum of Ten Thousand Dollars (\$10,000.00),
8401 payable to the State of Mississippi for the faithful performance
8402 by the licensee of the duties and obligations pertaining to the
8403 business so licensed and the prompt payment of any judgment which
8404 may be recovered against the licensee on account of charges or
8405 other claims arising directly or collectively from any violation
8406 of the provisions of this article. The bond shall not be valid
8407 until it is approved by the commissioner. The applicant may file,
8408 in lieu of the bond, cash, a certificate of deposit or government



8409 bonds in the amount of Ten Thousand Dollars (\$10,000.00). Those
8410 deposits shall be filed with the commissioner and are subject to
8411 the same terms and conditions as are provided for in the surety
8412 bond required in this paragraph. Any interest or earnings on
8413 those deposits are payable to the depositor.

8414 (d) File with the commissioner an application for a
8415 license and the initial license fee required in this article. If
8416 applicant's application is approved, a check casher license will
8417 be issued within thirty (30) days.

8418 (e) Submit a set of fingerprints from any local law
8419 enforcement agency. In order to determine the applicant's
8420 suitability for license, the commissioner shall forward the
8421 fingerprints to the Department of Public Safety; and if no
8422 disqualifying record is identified at the state level, the
8423 fingerprints shall be forwarded by the Department of Public Safety
8424 to the FBI for a national criminal history record check.

8425 (f) Complete and file with the commissioner an annual
8426 renewal application for a license accompanied by the renewal fee
8427 required in this article.

8428 **SECTION 104.** Section 75-67-609, Mississippi Code of 1972, is
8429 amended as follows:

8430 75-67-609. To be eligible for a credit availability license,
8431 an applicant shall:

8432 (a) Operate lawfully and fairly within the purposes of
8433 this article.



8434 (b) Not have been convicted in the last ten (10) years
8435 or be active as a beneficial owner for someone who has been
8436 convicted in the last ten (10) years of a disqualifying
8437 crime * * * as provided in the Fresh Start Act.

8438 (c) File with the commissioner a bond with good
8439 security in the penal sum of Ten Thousand Dollars (\$10,000.00),
8440 payable to the State of Mississippi, for the faithful performance
8441 by the licensee of the duties and obligations pertaining to the
8442 business so licensed and the prompt payment of any judgment which
8443 may be recovered against the licensee on account of charges or
8444 other claims arising directly or collectively from any violation
8445 of the provisions of this article. The bond shall not be valid
8446 until the commissioner approves it. The applicant may file, in
8447 lieu of the bond, cash, a certificate of deposit or government
8448 bonds in the amount of Ten Thousand Dollars (\$10,000.00). Those
8449 deposits shall be filed with the commissioner and are subject to
8450 the same terms and conditions as are provided for in the surety
8451 bond required in this paragraph. Any interest or earnings on
8452 those deposits are payable to the depositor. Applicants applying
8453 for multiple licenses may submit a single bond for all licenses,
8454 provided that the total value of the bond is equal to Ten Thousand
8455 Dollars (\$10,000.00) per license applied for.

8456 (d) File with the commissioner an application for a
8457 license and the initial license fee required in this article. If



8458 applicant's application is approved, a credit availability license
8459 will be issued within thirty (30) days.

8460 (e) File with the commissioner a set of fingerprints
8461 from any local law enforcement agency for each owner of a sole
8462 proprietorship, partners in a partnership or principal owners of a
8463 limited liability company that own at least ten percent (10%) of
8464 the voting shares of the company, shareholders owning ten percent
8465 (10%) or more of the outstanding shares of the corporation, except
8466 publically traded corporations and their subsidiaries, and any
8467 other executive officer with significant oversight duties of the
8468 business. In order to determine the applicant's suitability for
8469 license, the commissioner shall forward the fingerprints to the
8470 Department of Public Safety; and if no disqualifying record is
8471 identified at the state level, the Department of Public Safety
8472 shall forward the fingerprints to the FBI for a national criminal
8473 history record check.

8474 (f) Complete and file with the commissioner an annual
8475 renewal application for a license accompanied by the renewal fee
8476 required in this article.

8477 **SECTION 105.** Section 27-115-55, Mississippi Code of 1972, is
8478 amended as follows:

8479 27-115-55. (1) The Legislature hereby recognizes that to
8480 conduct a successful lottery, the corporation must develop and
8481 maintain a statewide network of lottery retailers that will serve
8482 the public convenience and promote the sale of tickets, while



8483 ensuring the integrity of the lottery operations, games and
8484 activities.

8485 (2) To govern the selection of lottery retailers, the board
8486 shall, by administrative rules and regulations, develop a list of
8487 objective criteria upon which the selection of lottery retailers
8488 shall be based. In developing these criteria, the board shall
8489 consider such factors as the applicant's financial responsibility,
8490 location and security of the applicant's place of business or
8491 activity, integrity, and reputation; however, the board shall not
8492 consider political affiliation, activities or monetary
8493 contributions to political organizations or candidates for any
8494 public office. The criteria shall include, but not be limited to,
8495 the following:

8496 (a) The applicant shall be current in payment of all
8497 taxes, interest and penalties owed to any taxing political
8498 subdivision where the lottery retailer will sell lottery tickets.

8499 (b) The applicant shall be current in filing all
8500 applicable tax returns and in payment of all taxes, interest and
8501 penalties owed to the State of Mississippi, excluding items under
8502 formal appeal pursuant to applicable statutes, before a license is
8503 issued and before each renewal.

8504 (c) No person shall be selected as a lottery retailer
8505 for the sale of lottery tickets who:



8506 (i) Has been convicted of a criminal offense
8507 related to the security or integrity of the lottery in this or any
8508 other jurisdiction.

8509 (ii) Has been convicted of any illegal gambling
8510 activity, false statements, false swearing or perjury in this or
8511 any other jurisdiction, or convicted of a * * * disqualifying
8512 crime as provided in the Fresh Start Act.

8513 (iii) Has been found to have violated the
8514 provisions of this chapter or any administrative rules and
8515 regulations adopted under this chapter, unless either ten (10)
8516 years have passed since the violation, or the president and the
8517 board find the violation both minor and unintentional in nature.

8518 (iv) Is a vendor or an employee or agent of any
8519 vendor doing business with the corporation.

8520 (v) Resides in the same household as an officer or
8521 board member of the corporation.

8522 (vi) Has made a statement of material fact to the
8523 corporation, knowing such statement to be false.

8524 **SECTION 106.** Section 37-13-89, Mississippi Code of 1972, is
8525 amended as follows:

8526 37-13-89. (1) In each school district within the state,
8527 there shall be employed the number of school attendance officers
8528 determined by the Office of Compulsory School Attendance
8529 Enforcement to be necessary to adequately enforce the provisions
8530 of the Mississippi Compulsory School Attendance Law; however, this



8531 number shall not exceed one hundred fifty-three (153) school
8532 attendance officers at any time. From and after July 1, 1998, all
8533 school attendance officers employed pursuant to this section shall
8534 be employees of the State Department of Education. The State
8535 Department of Education shall employ all persons employed as
8536 school attendance officers by district attorneys before July 1,
8537 1998, and shall assign them to school attendance responsibilities
8538 in the school district in which they were employed before July 1,
8539 1998. The first twelve (12) months of employment for each school
8540 attendance officer shall be the probationary period of state
8541 service.

8542 (2) (a) The State Department of Education shall obtain
8543 current criminal records background checks and current child abuse
8544 registry checks on all persons applying for the position of school
8545 attendance officer after July 2, 2002. The criminal records
8546 information and registry checks must be kept on file for any new
8547 hires. In order to determine an applicant's suitability for
8548 employment as a school attendance officer, the applicant must be
8549 fingerprinted. If no disqualifying record is identified at the
8550 state level, the Department of Public Safety shall forward the
8551 fingerprints to the Federal Bureau of Investigation (FBI) for a
8552 national criminal history record check. The applicant shall pay
8553 the fee, not to exceed Fifty Dollars (\$50.00), for the
8554 fingerprinting and criminal records background check; however, the
8555 State Department of Education, in its discretion, may pay the fee



8556 for the fingerprinting and criminal records background check on
8557 behalf of any applicant. Under no circumstances may a member of
8558 the State Board of Education, employee of the State Department of
8559 Education or any person other than the subject of the criminal
8560 records background check disseminate information received through
8561 any such checks except insofar as required to fulfill the purposes
8562 of this subsection.

8563 (b) If the fingerprinting or criminal records check
8564 discloses a * * * disqualifying crime as provided in the Fresh
8565 Start Act, the applicant is not eligible to be employed as a
8566 school attendance officer. Any employment of an applicant pending
8567 the results of the fingerprinting and criminal records check is
8568 voidable if the new hire receives a disqualifying criminal records
8569 check. However, the State Board of Education, in its discretion,
8570 may allow an applicant aggrieved by an employment decision under
8571 this subsection to appear before the board, or before a hearing
8572 officer designated for that purpose, to show mitigating
8573 circumstances that may exist and allow the new hire to be employed
8574 as a school attendance officer. The State Board of Education may
8575 grant waivers for mitigating circumstances, which may include, but
8576 are not necessarily limited to: (i) age at which the crime was
8577 committed; (ii) circumstances surrounding the crime; (iii) length
8578 of time since the conviction and criminal history since the
8579 conviction; (iv) work history; (v) current employment and
8580 character references; and (vi) other evidence demonstrating the



8581 ability of the person to perform the responsibilities of a school
8582 attendance officer competently and that the person does not pose a
8583 threat to the health or safety of children.

8584 (c) A member of the State Board of Education or
8585 employee of the State Department of Education may not be held
8586 liable in any employment discrimination suit in which an
8587 allegation of discrimination is made regarding an employment
8588 decision authorized under this section.

8589 (3) Each school attendance officer shall possess a college
8590 degree with a major in a behavioral science or a related field or
8591 shall have no less than three (3) years combined actual experience
8592 as a school teacher, school administrator, law enforcement officer
8593 possessing such degree, and/or social worker; however, these
8594 requirements shall not apply to persons employed as school
8595 attendance officers before January 1, 1987. School attendance
8596 officers also shall satisfy any additional requirements that may
8597 be established by the State Personnel Board for the position of
8598 school attendance officer.

8599 (4) It shall be the duty of each school attendance officer
8600 to:

8601 (a) Cooperate with any public agency to locate and
8602 identify all compulsory-school-age children who are not attending
8603 school;

8604 (b) Cooperate with all courts of competent
8605 jurisdiction;



8606 (c) Investigate all cases of nonattendance and unlawful
8607 absences by compulsory-school-age children not enrolled in a
8608 nonpublic school;

8609 (d) Provide appropriate counseling to encourage all
8610 school-age children to attend school until they have completed
8611 high school;

8612 (e) Attempt to secure the provision of social or
8613 welfare services that may be required to enable any child to
8614 attend school;

8615 (f) Contact the home or place of residence of a
8616 compulsory-school-age child and any other place in which the
8617 officer is likely to find any compulsory-school-age child when the
8618 child is absent from school during school hours without a valid
8619 written excuse from school officials, and when the child is found,
8620 the officer shall notify the parents and school officials as to
8621 where the child was physically located;

8622 (g) Contact promptly the home of each
8623 compulsory-school-age child in the school district within the
8624 officer's jurisdiction who is not enrolled in school or is not in
8625 attendance at public school and is without a valid written excuse
8626 from school officials; if no valid reason is found for the
8627 nonenrollment or absence from the school, the school attendance
8628 officer shall give written notice to the parent, guardian or
8629 custodian of the requirement for the child's enrollment or
8630 attendance;



8631 (h) Collect and maintain information concerning
8632 absenteeism, dropouts and other attendance-related problems, as
8633 may be required by law or the Office of Compulsory School
8634 Attendance Enforcement; and

8635 (i) Perform all other duties relating to compulsory
8636 school attendance established by the State Department of Education
8637 or district school attendance supervisor, or both.

8638 (5) While engaged in the performance of his duties, each
8639 school attendance officer shall carry on his person a badge
8640 identifying him as a school attendance officer under the Office of
8641 Compulsory School Attendance Enforcement of the State Department
8642 of Education and an identification card designed by the State
8643 Superintendent of Public Education and issued by the school
8644 attendance officer supervisor. Neither the badge nor the
8645 identification card shall bear the name of any elected public
8646 official.

8647 (6) The State Personnel Board shall develop a salary scale
8648 for school attendance officers as part of the variable
8649 compensation plan. The various pay ranges of the salary scale
8650 shall be based upon factors including, but not limited to,
8651 education, professional certification and licensure, and number of
8652 years of experience. School attendance officers shall be paid in
8653 accordance with this salary scale. The minimum salaries under the
8654 scale shall be no less than the following:



8655 (a) For school attendance officers holding a bachelor's
8656 degree or any other attendance officer who does not hold such a
8657 degree, the annual salary shall be based on years of experience as
8658 a school attendance officer or related field of service or
8659 employment, no less than as follows:

| 8660 | Years of Experience | Salary |
|------|---------------------|-------------|
| 8661 | 0 - 4 years | \$24,528.29 |
| 8662 | 5 - 8 years | 26,485.29 |
| 8663 | 9 - 12 years | 28,050.89 |
| 8664 | 13 - 16 years | 29,616.49 |
| 8665 | Over 17 years | 31,182.09 |

8666 (b) For school attendance officers holding a license as
8667 a social worker, the annual salary shall be based on years of
8668 experience as a school attendance officer or related field of
8669 service or employment, no less than as follows:

| 8670 | Years of Experience | Salary |
|------|---------------------|-------------|
| 8671 | 0 - 4 years | \$25,558.29 |
| 8672 | 5 - 8 years | 27,927.29 |
| 8673 | 9 - 12 years | 29,822.49 |
| 8674 | 13 - 16 years | 31,717.69 |
| 8675 | 17 - 20 years | 33,612.89 |
| 8676 | Over 21 years | 35,415.39 |

8677 (c) For school attendance officers holding a master's
8678 degree in a behavioral science or a related field, the annual
8679 salary shall be based on years of experience as a school



8680 attendance officer or related field of service or employment, no
8681 less than as follows:

| 8682 | Years of Experience | Salary |
|------|---------------------|-------------|
| 8683 | 0 - 4 years | \$26,382.29 |
| 8684 | 5 - 8 years | 29,008.79 |
| 8685 | 9 - 12 years | 31,109.99 |
| 8686 | 13 - 16 years | 33,211.19 |
| 8687 | 17 - 20 years | 35,312.39 |
| 8688 | Over 21 years | 37,413.59 |

8689 (7) (a) Each school attendance officer employed by a
8690 district attorney on June 30, 1998, who became an employee of the
8691 State Department of Education on July 1, 1998, shall be awarded
8692 credit for personal leave and major medical leave for his
8693 continuous service as a school attendance officer under the
8694 district attorney, and if applicable, the youth or family court or
8695 a state agency. The credit for personal leave shall be in an
8696 amount equal to one-third (1/3) of the maximum personal leave the
8697 school attendance officer could have accumulated had he been
8698 credited with such leave under Section 25-3-93 during his
8699 employment with the district attorney, and if applicable, the
8700 youth or family court or a state agency. The credit for major
8701 medical leave shall be in an amount equal to one-half (1/2) of the
8702 maximum major medical leave the school attendance officer could
8703 have accumulated had he been credited with such leave under
8704 Section 25-3-95 during his employment with the district attorney,



8705 and if applicable, the youth or family court or a state agency.
8706 However, if a district attorney who employed a school attendance
8707 officer on June 30, 1998, certifies, in writing, to the State
8708 Department of Education that the school attendance officer had
8709 accumulated, pursuant to a personal leave policy or major medical
8710 leave policy lawfully adopted by the district attorney, a number
8711 of days of unused personal leave or major medical leave, or both,
8712 which is greater than the number of days to which the school
8713 attendance officer is entitled under this paragraph, the State
8714 Department of Education shall authorize the school attendance
8715 officer to retain the actual unused personal leave or major
8716 medical leave, or both, certified by the district attorney,
8717 subject to the maximum amount of personal leave and major medical
8718 leave the school attendance officer could have accumulated had he
8719 been credited with such leave under Sections 25-3-93 and 25-3-95.

8720 (b) For the purpose of determining the accrual rate for
8721 personal leave under Section 25-3-93 and major medical leave under
8722 Section 25-3-95, the State Department of Education shall give
8723 consideration to all continuous service rendered by a school
8724 attendance officer before July 1, 1998, in addition to the service
8725 rendered by the school attendance officer as an employee of the
8726 department.

8727 (c) In order for a school attendance officer to be
8728 awarded credit for personal leave and major medical leave or to
8729 retain the actual unused personal leave and major medical leave



8730 accumulated by him before July 1, 1998, the district attorney who
8731 employed the school attendance officer must certify, in writing,
8732 to the State Department of Education the hire date of the school
8733 attendance officer. For each school attendance officer employed
8734 by the youth or family court or a state agency before being
8735 designated an employee of the district attorney who has not had a
8736 break in continuous service, the hire date shall be the date that
8737 the school attendance officer was hired by the youth or family
8738 court or state agency. The department shall prescribe the date by
8739 which the certification must be received by the department and
8740 shall provide written notice to all district attorneys of the
8741 certification requirement and the date by which the certification
8742 must be received.

8743 (8) (a) School attendance officers shall maintain regular
8744 office hours on a year-round basis; however, during the school
8745 term, on those days that teachers in all of the school districts
8746 served by a school attendance officer are not required to report
8747 to work, the school attendance officer also shall not be required
8748 to report to work. (For purposes of this subsection, a school
8749 district's school term is that period of time identified as the
8750 school term in contracts entered into by the district with
8751 licensed personnel.) A school attendance officer shall be
8752 required to report to work on any day recognized as an official
8753 state holiday if teachers in any school district served by that
8754 school attendance officer are required to report to work on that



8755 day, regardless of the school attendance officer's status as an
8756 employee of the State Department of Education, and compensatory
8757 leave may not be awarded to the school attendance officer for
8758 working during that day. However, a school attendance officer may
8759 be allowed by the school attendance officer's supervisor to use
8760 earned leave on such days.

8761 (b) The State Department of Education annually shall
8762 designate a period of six (6) consecutive weeks in the summer
8763 between school years during which school attendance officers shall
8764 not be required to report to work. A school attendance officer
8765 who elects to work at any time during that period may not be
8766 awarded compensatory leave for such work and may not opt to be
8767 absent from work at any time other than during the six (6) weeks
8768 designated by the department unless the school attendance officer
8769 uses personal leave or major medical leave accrued under Section
8770 25-3-93 or 25-3-95 for such absence.

8771 (9) The State Department of Education shall provide all
8772 continuing education and training courses that school attendance
8773 officers are required to complete under state law or rules and
8774 regulations of the department.

8775 **SECTION 107.** Section 37-9-17, Mississippi Code of 1972, is
8776 amended as follows:

8777 37-9-17. (1) On or before April 1 of each year, the
8778 principal of each school shall recommend to the superintendent of
8779 the local school district the licensed employees or



8780 noninstructional employees to be employed for the school involved
8781 except those licensed employees or noninstructional employees who
8782 have been previously employed and who have a contract valid for
8783 the ensuing scholastic year. If such recommendations meet with
8784 the approval of the superintendent, the superintendent shall
8785 recommend the employment of such licensed employees or
8786 noninstructional employees to the local school board, and, unless
8787 good reason to the contrary exists, the board shall elect the
8788 employees so recommended. If, for any reason, the local school
8789 board shall decline to elect any employee so recommended,
8790 additional recommendations for the places to be filled shall be
8791 made by the principal to the superintendent and then by the
8792 superintendent to the local school board as provided above. The
8793 school board of any local school district shall be authorized to
8794 designate a personnel supervisor or another principal employed by
8795 the school district to recommend to the superintendent licensed
8796 employees or noninstructional employees; however, this
8797 authorization shall be restricted to no more than two (2)
8798 positions for each employment period for each school in the local
8799 school district. Any noninstructional employee employed upon the
8800 recommendation of a personnel supervisor or another principal
8801 employed by the local school district must have been employed by
8802 the local school district at the time the superintendent was
8803 elected or appointed to office; a noninstructional employee
8804 employed under this authorization may not be paid compensation in



8805 excess of the statewide average compensation for such
8806 noninstructional position with comparable experience, as
8807 established by the State Department of Education. The school
8808 board of any local school district shall be authorized to
8809 designate a personnel supervisor or another principal employed by
8810 the school district to accept the recommendations of principals or
8811 their designees for licensed employees or noninstructional
8812 employees and to transmit approved recommendations to the local
8813 school board; however, this authorization shall be restricted to
8814 no more than two (2) positions for each employment period for each
8815 school in the local school district.

8816 When the licensed employees have been elected as provided in
8817 the preceding paragraph, the superintendent of the district shall
8818 enter into a contract with such persons in the manner provided in
8819 this chapter.

8820 If, at the commencement of the scholastic year, any licensed
8821 employee shall present to the superintendent a license of a higher
8822 grade than that specified in such individual's contract, such
8823 individual may, if funds are available from adequate education
8824 program funds of the district, or from district funds, be paid
8825 from such funds the amount to which such higher grade license
8826 would have entitled the individual, had the license been held at
8827 the time the contract was executed.

8828 (2) Superintendents/directors of schools under the purview
8829 of the State Board of Education, the superintendent of the local



8830 school district and any private firm under contract with the local
8831 public school district to provide substitute teachers to teach
8832 during the absence of a regularly employed schoolteacher shall
8833 require, through the appropriate governmental authority, that
8834 current criminal records background checks and current child abuse
8835 registry checks are obtained, and that such criminal record
8836 information and registry checks are on file for any new hires
8837 applying for employment as a licensed or nonlicensed employee at a
8838 school and not previously employed in such school under the
8839 purview of the State Board of Education or at such local school
8840 district prior to July 1, 2000. In order to determine the
8841 applicant's suitability for employment, the applicant shall be
8842 fingerprinted. If no disqualifying record is identified at the
8843 state level, the fingerprints shall be forwarded by the Department
8844 of Public Safety to the Federal Bureau of Investigation for a
8845 national criminal history record check. The fee for such
8846 fingerprinting and criminal history record check shall be paid by
8847 the applicant, not to exceed Fifty Dollars (\$50.00); however, the
8848 State Board of Education, the school board of the local school
8849 district or a private firm under contract with a local school
8850 district to provide substitute teachers to teach during the
8851 temporary absence of the regularly employed schoolteacher, in its
8852 discretion, may elect to pay the fee for the fingerprinting and
8853 criminal history record check on behalf of any applicant. Under
8854 no circumstances shall a member of the State Board of Education,



8855 superintendent/director of schools under the purview of the State
8856 Board of Education, local school district superintendent, local
8857 school board member or any individual other than the subject of
8858 the criminal history record checks disseminate information
8859 received through any such checks except insofar as required to
8860 fulfill the purposes of this section. Any nonpublic school which
8861 is accredited or approved by the State Board of Education may
8862 avail itself of the procedures provided for herein and shall be
8863 responsible for the same fee charged in the case of local public
8864 schools of this state. The determination whether the applicant
8865 has a disqualifying crime, as set forth in subsection (3) of this
8866 section, shall be made by the appropriate governmental authority,
8867 and the appropriate governmental authority shall notify the
8868 private firm whether a disqualifying crime exists.

8869 (3) If such fingerprinting or criminal record checks
8870 disclose a * * * disqualifying crime as provided in the Fresh
8871 Start Act, the new hire shall not be eligible to be employed at
8872 such school. Any employment contract for a new hire executed by
8873 the superintendent of the local school district or any employment
8874 of a new hire by a superintendent/director of a new school under
8875 the purview of the State Board of Education or by a private firm
8876 shall be voidable if the new hire receives a disqualifying
8877 criminal record check. However, the State Board of Education or
8878 the school board may, in its discretion, allow any applicant
8879 aggrieved by the employment decision under this section to appear



8880 before the respective board, or before a hearing officer
8881 designated for such purpose, to show mitigating circumstances
8882 which may exist and allow the new hire to be employed at the
8883 school. The State Board of Education or local school board may
8884 grant waivers for such mitigating circumstances, which shall
8885 include, but not be limited to: (a) age at which the crime was
8886 committed; (b) circumstances surrounding the crime; (c) length of
8887 time since the conviction and criminal history since the
8888 conviction; (d) work history; (e) current employment and character
8889 references; (f) other evidence demonstrating the ability of the
8890 person to perform the employment responsibilities competently and
8891 that the person does not pose a threat to the health or safety of
8892 the children at the school.

8893 (4) No local school district, local school district
8894 employee, member of the State Board of Education or employee of a
8895 school under the purview of the State Board of Education shall be
8896 held liable in any employment discrimination suit in which an
8897 allegation of discrimination is made regarding an employment
8898 decision authorized under this Section 37-9-17.

8899 (5) The provisions of this section shall be fully applicable
8900 to licensed employees of the Mississippi School of the Arts (MSA),
8901 established in Section 37-140-1 et seq.

8902 **SECTION 108.** Section 37-29-232, Mississippi Code of 1972, is
8903 amended as follows:

8904 37-29-232. (1) For the purposes of this section:



8905 (a) "Health care professional/vocational technical
8906 academic program" means an academic program in medicine, nursing,
8907 dentistry, occupational therapy, physical therapy, social
8908 services, nutrition services, speech therapy, or other
8909 allied-health professional whose purpose is to prepare
8910 professionals to render patient care services.

8911 (b) "Health care professional/vocational technical
8912 student" means a student enrolled in a health care
8913 professional/vocational technical academic program.

8914 (2) The dean or director of the health care
8915 professional/vocational technical academic program is authorized
8916 to ensure that criminal history record checks and fingerprinting
8917 are obtained on their students before the students begin any
8918 clinical rotation in a licensed health care entity and that the
8919 criminal history record check information and registry checks are
8920 on file at the academic institution. In order to determine the
8921 student's suitability for the clinical rotation, the student shall
8922 be fingerprinted. If no disqualifying record is identified at the
8923 state level, the fingerprints shall be forwarded by the Department
8924 of Public Safety, the Department of Health, or any other legally
8925 authorized entity to the FBI for a national criminal history
8926 record check. The fee for the fingerprinting and criminal history
8927 record check shall be paid by the applicant, not to exceed Fifty
8928 Dollars (\$50.00); however, the academic institution in which the
8929 student is enrolled, in its discretion, may elect to pay the fee



8930 for the fingerprinting and criminal history record check on behalf
8931 of any applicant. Under no circumstances shall the academic
8932 institution representative or any individual other than the
8933 subject of the criminal history record checks disseminate
8934 information received through any such checks except insofar as
8935 required to fulfill the purposes of this section.

8936 (3) If the fingerprinting or criminal history record checks
8937 disclose a * * * disqualifying crime as provided in the Fresh
8938 Start Act, the student shall not be eligible to be admitted to the
8939 health care professional/vocational technical academic program of
8940 study. Any preadmission agreement executed by the health care
8941 professional/vocational technical academic program shall be
8942 voidable if the student receives a disqualifying criminal history
8943 record check. However, the administration of the health care
8944 professional/vocational technical academic program may, in its
8945 discretion, allow any applicant aggrieved by the admissions
8946 decision under this section to appear before an appeals committee
8947 or before a hearing officer designated for that purpose, to show
8948 mitigating circumstances that may exist and allow the student to
8949 be admitted to or continue in the program of study. The health
8950 care professional/vocational technical academic program may grant
8951 waivers for those mitigating circumstances, which shall include,
8952 but not be limited to: (a) age at which the crime was committed;
8953 (b) circumstances surrounding the crime; (c) length of time since
8954 the conviction and criminal history since the conviction; (d) work



8955 history; (e) current employment and character references; (f)
8956 other evidence demonstrating the ability of the student to perform
8957 the clinical responsibilities competently and that the student
8958 does not pose a threat to the health or safety of patients in the
8959 licensed health care entities in which they will be conducting
8960 clinical experiences. The health care professional/vocational
8961 technical academic program shall provide assurance to the licensed
8962 health care entity in which the clinical rotation is planned that
8963 the results of a health care professional/vocational technical
8964 student's criminal history record check would not prohibit the
8965 student from being able to conduct his or her clinical activities
8966 in the facility, institution, or organization. The criminal
8967 history record check shall be valid for the course of academic
8968 study, provided that annual disclosure statements are provided to
8969 the health care professional/vocational technical academic program
8970 regarding any criminal activity that may have occurred during the
8971 student's tenure with the health care professional/vocational
8972 technical academic program. The criminal history record check may
8973 be repeated at the discretion of the health care
8974 professional/vocational technical academic program based on
8975 information obtained during the annual disclosure statements. In
8976 extenuating circumstances, if a criminal history record check is
8977 initiated and the results are not available at the time the
8978 clinical rotation begins, the academic institution in which the
8979 student is enrolled, at its discretion, may require a signed



8980 affidavit from the student assuring compliance with this section.
8981 The affidavit will be considered void within sixty (60) days of
8982 its signature.

8983 (4) Criminal history record checks that are done as part of
8984 the requirements for participation in the health care
8985 professional/vocational technical academic program may not be used
8986 for any other purpose than those activities associated with their
8987 program of study. Students who may be employed as health care
8988 professionals outside of their program of study may be required to
8989 obtain additional criminal history record checks as part of their
8990 employment agreement.

8991 (5) No health care professional/vocational technical
8992 academic program or academic program employee shall be held liable
8993 in any admissions discrimination suit in which an allegation of
8994 discrimination is made regarding an admissions decision authorized
8995 under this section.

8996 **SECTION 109.** Section 73-3-41, Mississippi Code of 1972, is
8997 amended as follows:

8998 73-3-41. Every person who has been or shall hereafter be
8999 convicted of * * * a disqualifying crime as provided in the Fresh
9000 Start Act in a court of this or any other state or a court of the
9001 United States, manslaughter or a violation of the Internal Revenue
9002 Code excepted, shall be incapable of obtaining a license to
9003 practice law. Any court of the State of Mississippi in which a
9004 licensed attorney shall have been convicted of a * * *



9005 disqualifying crime as provided in the Fresh Start Act, other than
9006 manslaughter or a violation of the Internal Revenue Code, shall
9007 enter an order disbaring the attorney.

9008 **SECTION 110.** Section 73-4-25, Mississippi Code of 1972, is
9009 amended as follows:

9010 73-4-25. (1) The commission may refuse to issue or renew a
9011 license, place a licensee on probation or administrative
9012 supervision, suspend or revoke any license, or may reprimand or
9013 take any other action in relation to a license, including the
9014 imposition of a fine not to exceed Five Thousand Dollars
9015 (\$5,000.00) for each violation upon a licensee, or applicant for
9016 licensure, under this chapter for any of the following reasons:

9017 (a) Knowingly filing or causing to be filed a false
9018 application.

9019 (b) Failure to enter into a written contract with a
9020 seller or consignor prior to placing or permitting advertising for
9021 an auction sale to be placed.

9022 (c) Failure by the licensee to give the seller or
9023 consignor a signed receipt for items received for sale at auction,
9024 either by item or lot number at the time the goods are received,
9025 unless the goods are to remain in the possession of the seller or
9026 consignor.

9027 (d) Failure to give the seller or consignor a statement
9028 or lot description, selling price, purchaser's identity and the
9029 net proceeds due to the seller or consignor.



9030 (e) Failure to place funds received from an auction
9031 sale in an escrow or trust account, and failure to make timely
9032 settlement on escrowed funds. Absent a written agreement to the
9033 contrary, five (5) business days shall be deemed timely for
9034 settlement on personal property.

9035 (f) Permitting an unlicensed auctioneer to call for
9036 bids in an auction sale.

9037 (g) Having been convicted of or pled guilty to a * * *
9038 disqualifying crime as provided in the Fresh Start Act in the
9039 courts of this state or any other state, territory or country.
9040 Conviction, as used in this paragraph, shall include a deferred
9041 conviction, deferred prosecution, deferred sentence, finding or
9042 verdict of guilt, an admission of guilt or a plea of nolo
9043 contendere.

9044 (h) Any course of intentional, willful or wanton
9045 conduct by a licensee or such licensee's employees which misleads
9046 or creates a false impression among the seller, buyer, bidders and
9047 the auctioneer in the advertising, conducting and closing of an
9048 auction sale.

9049 (i) A continued and flagrant course of
9050 misrepresentation or making false promises, either by the
9051 licensee, an employee of the licensee, or by someone acting on
9052 behalf of and with the licensee's consent.



9053 (j) Any failure to account for or to pay over within a
9054 reasonable time funds belonging to another which have come into
9055 the licensee's possession through an auction sale.

9056 (k) Any false, misleading or untruthful advertising.

9057 (l) Any act of conduct in connection with a sales
9058 transaction which demonstrates bad faith or dishonesty.

9059 (m) Knowingly using false bidders, cappers or pullers,
9060 or knowingly making a material false statement or representation.

9061 (n) Commingling the funds or property of a client with
9062 the licensee's own or failing to maintain and deposit in a trust
9063 or escrow account in an insured bank or savings and loan
9064 association located in Mississippi funds received for another
9065 person through sale at auction.

9066 (o) Failure to give full cooperation to the commission
9067 and/or its designees, agents or other representatives in the
9068 performance of official duties of the commission. Such failure to
9069 cooperate includes, but is not limited to:

9070 (i) Failure to properly make any disclosures or to
9071 provide documents or information required by this chapter or by
9072 the commission;

9073 (ii) Not furnishing, in writing, a full and
9074 complete explanation covering the matter contained in a complaint
9075 filed with the commission;

9076 (iii) Failure, without good cause, to cooperate
9077 with any request by the board to appear before it;



9078 (iv) Not providing access, as directed by the
9079 commission, for its authorized agents or representatives seeking
9080 to perform reviews, audits or inspections at facilities or places
9081 utilized by the license holder in the auction business;

9082 (v) Failure to provide information within the
9083 specified time allotted and as required by the board and/or its
9084 representatives or designees;

9085 (vi) Failure to cooperate with the board or its
9086 designees or representatives in the investigation of any alleged
9087 misconduct or willfully interfering with a board investigation.

9088 (p) A demonstrated lack of financial responsibility.

9089 (q) Having had a license for the practice of
9090 auctioneering or the auction business suspended or revoked in any
9091 jurisdiction, having voluntarily surrendered a license in any
9092 jurisdiction, having been placed on probation in any jurisdiction,
9093 having been placed under disciplinary order(s) or other
9094 restriction in any manner for auctioneering or the auction
9095 business (a certified copy of the order of suspension, revocation,
9096 probation or disciplinary action shall be prima facie evidence of
9097 such action).

9098 (r) Any violation of this chapter or any violation of a
9099 rule or regulation duly adopted by the commission.

9100 (2) In addition to the acts specified in subsection (1) of
9101 this section, the commission shall be authorized to suspend the
9102 license of any licensee for being out of compliance with an order



9103 for support, as defined in Section 93-11-153. The procedure for
9104 suspension of a license for being out of compliance with an order
9105 for support, and the procedure for the reissuance or reinstatement
9106 of a license suspended for that purpose, and the payment of any
9107 fees for the reissuance or reinstatement of a license suspended
9108 for that purpose, shall be governed by Section 93-11-157 or
9109 93-11-163. If there is any conflict between any provision of
9110 Section 93-11-157 or 93-11-163 and any provision of this chapter,
9111 the provisions of Section 93-11-157 or 93-11-163, as the case may
9112 be, shall control.

9113 **SECTION 111.** Section 73-5-25, Mississippi Code of 1972, is
9114 amended as follows:

9115 73-5-25. (1) The Board of Barber Examiners may refuse to
9116 issue, or may suspend definitely or indefinitely, or revoke any
9117 certificate of registration or license for any one (1) or a
9118 combination of the following causes:

9119 (a) Conviction of a * * * disqualifying crime as
9120 provided in the Fresh Start Act shown by a certified copy of the
9121 judgment of court in which such conviction is had, unless upon a
9122 full and unconditional pardon of such convict, and upon
9123 satisfactory showing that such convict will in the future conduct
9124 himself in a law-abiding way.

9125 (b) Gross malpractice or gross incompetency.

9126 (c) Continued practice by a person knowingly having an
9127 infectious or contagious disease.



9128 (d) Advertising, practicing or attempting to practice
9129 under a trade name or name other than one's own.

9130 (e) Habitual drunkenness or habitual addiction to the
9131 use of morphine, cocaine or habit-forming drug, or any other
9132 illegal controlled substances.

9133 (f) Immoral or unprofessional conduct.

9134 (g) Violation of regulations that may be prescribed as
9135 provided for in Sections 73-5-7 through 73-5-43.

9136 (2) In addition to the causes specified in subsection (1) of
9137 this section, the board shall be authorized to suspend the
9138 certificate of registration of any person for being out of
9139 compliance with an order for support, as defined in Section
9140 93-11-153. The procedure for suspension of a certificate for
9141 being out of compliance with an order for support, and the
9142 procedure for the reissuance or reinstatement of a certificate
9143 suspended for that purpose, and the payment of any fees for the
9144 reissuance or reinstatement of a certificate suspended for that
9145 purpose, shall be governed by Section 93-11-157 or 93-11-163. If
9146 there is any conflict between any provision of Section 93-11-157
9147 or 93-11-163 and any provision of this chapter, the provisions of
9148 Section 93-11-157 or 93-11-163, as the case may be, shall control.

9149 **SECTION 112.** Section 73-6-19, Mississippi Code of 1972, is
9150 amended as follows:

9151 73-6-19. (1) The board shall refuse to grant a certificate
9152 of licensure to any applicant or may cancel, revoke or suspend the



9153 certificate upon the finding of any of the following facts
9154 regarding the applicant or licensed practitioner:

9155 (a) Failure to comply with the rules and regulations
9156 adopted by the State Board of Chiropractic Examiners;

9157 (b) Violation of any of the provisions of this chapter
9158 or any of the rules and regulations of the State Board of Health
9159 pursuant to this chapter with regard to the operation and use of
9160 x-rays;

9161 (c) Fraud or deceit in obtaining a license;

9162 (d) Addiction to the use of alcohol, narcotic drugs, or
9163 anything which would seriously interfere with the competent
9164 performance of his professional duties;

9165 (e) Conviction by a court of competent jurisdiction of
9166 a * * * disqualifying crime as provided in the Fresh Start Act;

9167 (f) Unprofessional and unethical conduct;

9168 (g) Contraction of a contagious disease which may be
9169 carried for a prolonged period;

9170 (h) Failure to report to the Mississippi Department of
9171 Human Services or the county attorney any case wherein there are
9172 reasonable grounds to believe that a child or vulnerable adult has
9173 been abused by its parent or person responsible for such person's
9174 welfare;

9175 (i) Advising a patient to use drugs, prescribing or
9176 providing drugs for a patient, or advising a patient not to use a
9177 drug prescribed by a licensed physician or dentist;



9178 (j) Professional incompetency in the practice of
9179 chiropractic;
9180 (k) Having disciplinary action taken by his peers
9181 within any professional chiropractic association or society;
9182 (l) Offering to accept or accepting payment for
9183 services rendered by assignment from any third-party payor after
9184 offering to accept or accepting whatever the third-party payor
9185 covers as payment in full, if the effect of the offering or
9186 acceptance is to eliminate or give the impression of eliminating
9187 the need for payment by an insured of any required deductions
9188 applicable in the policy of the insured;
9189 (m) Associating his practice with any chiropractor who
9190 does not hold a valid chiropractic license in Mississippi, or
9191 teach chiropractic manipulation to nonqualified persons under
9192 Section 73-6-13;
9193 (n) Failure to make payment on chiropractic student
9194 loans;
9195 (o) Failure to follow record keeping requirements
9196 prescribed in Section 73-6-18;
9197 (p) If the practitioner is certified to provide animal
9198 chiropractic treatment, failure to follow guidelines approved by
9199 the Mississippi Board of Veterinary Medicine; or
9200 (q) Violation(s) of the provisions of Sections 41-121-1
9201 through 41-121-9 relating to deceptive advertisement by health



9202 care practitioners. This paragraph shall stand repealed on July
9203 1, 2025.

9204 (2) Any holder of such certificate or any applicant therefor
9205 against whom is preferred any of the designated charges shall be
9206 furnished a copy of the complaint and shall receive a formal
9207 hearing in Jackson, Mississippi, before the board, at which time
9208 he may be represented by counsel and examine witnesses. The board
9209 is authorized to administer oaths as may be necessary for the
9210 proper conduct of any such hearing. In addition, the board is
9211 authorized and empowered to issue subpoenas for the attendance of
9212 witnesses and the production of books and papers. The process
9213 issued by the board shall extend to all parts of the state. Where
9214 in any proceeding before the board any witness shall fail or
9215 refuse to attend upon subpoena issued by the board, shall refuse
9216 to testify, or shall refuse to produce any books and papers, the
9217 production of which is called for by the subpoena, the attendance
9218 of such witness and the giving of his testimony and the production
9219 of the books and papers shall be enforced by any court of
9220 competent jurisdiction of this state in the manner provided for
9221 the enforcement of attendance and testimony of witnesses in civil
9222 cases in the courts of this state.

9223 (3) In addition to any other investigators the board
9224 employs, the board shall appoint one or more licensed
9225 chiropractors to act for the board in investigating the conduct
9226 relating to the competency of a chiropractor, whenever



9227 disciplinary action is being considered for professional
9228 incompetence and unprofessional conduct.

9229 (4) Whenever the board finds any person unqualified to
9230 practice chiropractic because of any of the grounds set forth in
9231 subsection (1) of this section, after a hearing has been conducted
9232 as prescribed by this section, the board may enter an order
9233 imposing one or more of the following:

9234 (a) Deny his application for a license or other
9235 authorization to practice chiropractic;

9236 (b) Administer a public or private reprimand;

9237 (c) Suspend, limit or restrict his license or other
9238 authorization to practice chiropractic for up to five (5) years;

9239 (d) Revoke or cancel his license or other authorization
9240 to practice chiropractic;

9241 (e) Require him to submit to care, counseling or
9242 treatment by physicians or chiropractors designated by the board,
9243 as a condition for initial, continued or renewal of licensure or
9244 other authorization to practice chiropractic;

9245 (f) Require him to participate in a program of
9246 education prescribed by the board; or

9247 (g) Require him to practice under the direction of a
9248 chiropractor designated by the board for a specified period of
9249 time.

9250 (5) Any person whose application for a license or whose
9251 license to practice chiropractic has been cancelled, revoked or



9252 suspended by the board within thirty (30) days from the date of
9253 such final decision shall have the right of a de novo appeal to
9254 the circuit court of his county of residence or the Circuit Court
9255 of the First Judicial District of Hinds County, Mississippi. If
9256 there is an appeal, such appeal may, in the discretion of and on
9257 motion to the circuit court, act as a supersedeas. The circuit
9258 court shall dispose of the appeal and enter its decision promptly.
9259 The hearing on the appeal may, in the discretion of the circuit
9260 judge, be tried in vacation. Either party shall have the right of
9261 appeal to the Supreme Court as provided by law from any decision
9262 of the circuit court.

9263 (6) In a proceeding conducted under this section by the
9264 board for the revocation, suspension or cancellation of a license
9265 to practice chiropractic, after a hearing has been conducted as
9266 prescribed by this section, the board shall have the power and
9267 authority for the grounds stated in subsection (1) of this
9268 section, with the exception of paragraph (c) thereof, to assess
9269 and levy upon any person licensed to practice chiropractic in the
9270 state a monetary penalty in lieu of such revocation, suspension or
9271 cancellation, as follows:

9272 (a) For the first violation, a monetary penalty of not
9273 less than Five Hundred Dollars (\$500.00) nor more than One
9274 Thousand Dollars (\$1,000.00) for each violation.

9275 (b) For the second and each subsequent violation, a
9276 monetary penalty of not less than One Thousand Dollars (\$1,000.00)



9277 nor more than Two Thousand Five Hundred Dollars (\$2,500.00) for
9278 each violation.

9279 The power and authority of the board to assess and levy such
9280 monetary penalties under this section shall not be affected or
9281 diminished by any other proceeding, civil or criminal, concerning
9282 the same violation or violations. A licensee shall have the right
9283 of appeal from the assessment and levy of a monetary penalty as
9284 provided in this section to the circuit court under the same
9285 conditions as a right of appeal is provided for in this section
9286 for appeals from an adverse ruling, or order, or decision of the
9287 board. Any monetary penalty assessed and levied under this
9288 section shall not take effect until after the time for appeal has
9289 expired, and an appeal of the assessment and levy of such a
9290 monetary penalty shall act as a supersedeas.

9291 (7) In addition to the grounds specified in subsection (1)
9292 of this section, the board shall be authorized to suspend the
9293 license of any licensee for being out of compliance with an order
9294 for support, as defined in Section 93-11-153. The procedure for
9295 suspension of a license for being out of compliance with an order
9296 for support, and the procedure for the reissuance or reinstatement
9297 of a license suspended for that purpose, and the payment of any
9298 fees for the reissuance or reinstatement of a license suspended
9299 for that purpose, shall be governed by Section 93-11-157 or
9300 93-11-163, as the case may be. Actions taken by the board in
9301 suspending a license when required by Section 93-11-157 or



9302 93-11-163 are not actions from which an appeal may be taken under
9303 this section. Any appeal of a license suspension that is required
9304 by Section 93-11-157 or 93-11-163 shall be taken in accordance
9305 with the appeal procedure specified in Section 93-11-157 or
9306 93-11-163, as the case may be, rather than the procedure specified
9307 in this section. If there is any conflict between any provision
9308 of Section 93-11-157 or 93-11-163 and any provision of this
9309 chapter, the provisions of Section 93-11-157 or 93-11-163, as the
9310 case may be, shall control.

9311 **SECTION 113.** Section 73-7-27, Mississippi Code of 1972, is
9312 amended as follows:

9313 73-7-27. (1) Any complaint may be filed with the board by a
9314 member or agent of the board or by any person charging any
9315 licensee of the board with the commission of any of the offenses
9316 enumerated in subsection (2) of this section. Such complaint
9317 shall be in writing, signed by the accuser or accusers, and
9318 verified under oath, and such complaints shall be investigated as
9319 set forth in Section 73-7-7. If, after the investigation, the
9320 board through its administrative review agents determines that
9321 there is not substantial justification to believe that the accused
9322 licensee has committed any of the offenses enumerated, it may
9323 dismiss the complaint or may prepare a formal complaint proceeding
9324 against the licensee as hereinafter provided. When used with
9325 reference to any complaint filed against a licensee herein, the
9326 term "not substantial justification" means a complaint that is



9327 frivolous, groundless in fact or law, or vexatious, as determined
9328 by unanimous vote of the board. In the event of a dismissal, the
9329 person filing the accusation and the accused licensee shall be
9330 given written notice of the board's determination. If the board
9331 determines there is reasonable cause to believe the accused has
9332 committed any of those offenses, the secretary of the board shall
9333 give written notice of such determination to the accused licensee
9334 and set a day for a hearing as provided in subsection (3) of this
9335 section.

9336 (2) The board shall have the power to revoke, suspend or
9337 refuse to issue or renew any license or certificate provided for
9338 in this chapter, and to fine, place on probation and/or otherwise
9339 discipline a student or licensee or holder of a certificate, upon
9340 proof that such person: (a) has not complied with or has violated
9341 any of the rules and regulations promulgated by the board; (b) has
9342 not complied with or has violated any of the sections of this
9343 chapter; (c) has committed fraud or dishonest conduct in the
9344 taking of the examination herein provided for; (d) has been
9345 convicted of a * * * disqualifying crime as provided in the Fresh
9346 Start Act; (e) has committed grossly unprofessional or dishonest
9347 conduct; (f) is addicted to the excessive use of intoxicating
9348 liquors or to the use of drugs to such an extent as to render him
9349 or her unfit to practice in any of the practices or occupations
9350 set forth in this chapter; (g) has advertised by means of
9351 knowingly false or deceptive statements; or (h) has failed to



9352 display the license or certificate issued to him or her as
9353 provided for in this chapter; or (i) has been convicted of
9354 violating any of the provisions of this chapter. A conviction of
9355 violating any of the provisions of this chapter shall be grounds
9356 for automatic suspension of the license or certificate of such
9357 person.

9358 (3) The board shall not revoke, suspend or refuse to issue
9359 or renew any license or certificate, or fine, place on probation
9360 or otherwise discipline any person in a disciplinary matter except
9361 after a hearing of which the applicant or licensee or holder of
9362 the certificate affected shall be given at least twenty (20) days'
9363 notice in writing, specifying the reason or reasons for denying
9364 the applicant a license or certificate of registration, or in the
9365 case of any other disciplinary action, the offense or offenses of
9366 which the licensee or holder of a certificate of registration is
9367 charged. Such notice may be served by mailing a copy thereof by
9368 United States first-class certified mail, postage prepaid, to the
9369 last-known residence or business address of such applicant,
9370 licensee or holder of a certificate. The hearing on such charges
9371 shall be at such time and place as the board may prescribe.

9372 (4) At such hearings, all witnesses shall be sworn by a
9373 member of the board, and stenographic notes of the proceedings
9374 shall be taken. Any party to the proceedings desiring it shall be
9375 furnished with a copy of such stenographic notes upon payment to



9376 the board of such fees as it shall prescribe, not exceeding,
9377 however, the actual costs of transcription.

9378 (5) The board is hereby authorized and empowered to issue
9379 subpoenas for the attendance of witnesses and the production of
9380 books and papers. The process issued by the board shall extend to
9381 all parts of the state and such process shall be served by any
9382 person designated by the board for such service. The person
9383 serving such process shall receive such compensation as may be
9384 allowed by the board, not to exceed the fee prescribed by law for
9385 similar services. All witnesses who shall be subpoenaed, and who
9386 shall appear in any proceedings before the board, shall receive
9387 the same fees and mileage as allowed by law.

9388 (6) Where in any proceeding before the board any witness
9389 shall fail or refuse to attend upon subpoena issued by the board,
9390 shall refuse to testify, or shall refuse to produce any books and
9391 papers, the production of which is called for by the subpoena, the
9392 attendance of such witness and the giving of his testimony and the
9393 production of the books and papers shall be enforced by any court
9394 of competent jurisdiction of this state, in the same manner as are
9395 enforced for the attendance and testimony of witnesses in civil
9396 cases in the courts of this state.

9397 (7) The board shall conduct the hearing in an orderly and
9398 continuous manner, granting continuances only when the ends of
9399 justice may be served. The board shall, within sixty (60) days
9400 after conclusion of the hearing, reduce its decision to writing



9401 and forward an attested true copy thereof to the last-known
9402 residence or business address of such applicant, licensee or
9403 holder of a certificate, by way of United States first-class
9404 certified mail, postage prepaid. Such applicant, licensee, holder
9405 of a certificate, or person aggrieved shall have the right of
9406 appeal from an adverse ruling, or order, or decision of the board
9407 to the Chancery Court of the First Judicial District of Hinds
9408 County, Mississippi, upon forwarding notice of appeal to the board
9409 within thirty (30) days after the decision of the board is mailed
9410 in the manner here contemplated. An appeal will not be allowed in
9411 the event notice of appeal, together with the appeal bond
9412 hereinafter required, shall not have been forwarded to the board
9413 within the thirty-day period. Appeal shall be to the Chancery
9414 Court of the First Judicial District of Hinds County, Mississippi.
9415 The appeal shall thereupon be heard in due course by the court
9416 which shall review the record and make its determination thereon.

9417 (8) The appellant shall, together with the notice of appeal,
9418 forward to and post with the board a satisfactory bond in the
9419 amount of Five Hundred Dollars (\$500.00) for the payment of any
9420 costs which may be adjudged against him.

9421 (9) In the event of an appeal, the court shall dispose of
9422 the appeal and enter its decision promptly. The hearing on the
9423 appeal may, in the discretion of the chancellor, be tried in
9424 vacation. If there is an appeal, such appeal may, in the
9425 discretion of and on motion to the chancery court, act as a



9426 supersedeas. However, any fine imposed by the board under the
9427 provisions of this chapter shall not take effect until after the
9428 time for appeal has expired, and an appeal of the imposition of
9429 such a fine shall act as a supersedeas.

9430 (10) Any fine imposed by the board upon a licensee or holder
9431 of a certificate shall be in accordance with the following
9432 schedule:

9433 (a) For the first violation, a fine of not less than
9434 Fifty Dollars (\$50.00) nor more than One Hundred Dollars (\$100.00)
9435 for each violation.

9436 (b) For the second and each subsequent violation, a
9437 fine of not less than One Hundred Dollars (\$100.00) nor more than
9438 Four Hundred Dollars (\$400.00) for each violation.

9439 The power and authority of the board to impose such fines
9440 under this section shall not be affected or diminished by any
9441 other proceeding, civil or criminal, concerning the same violation
9442 or violations.

9443 (11) In addition to the reasons specified in subsection (2)
9444 of this section, the board shall be authorized to suspend the
9445 license of any licensee for being out of compliance with an order
9446 for support, as defined in Section 93-11-153. The procedure for
9447 suspension of a license for being out of compliance with an order
9448 for support, and the procedure for the reissuance or reinstatement
9449 of a license suspended for that purpose, and the payment of any
9450 fees for the reissuance or reinstatement of a license suspended



9451 for that purpose, shall be governed by Section 93-11-157 or
9452 93-11-163, as the case may be. Actions taken by the board in
9453 suspending a license when required by Section 93-11-157 or
9454 93-11-163 are not actions from which an appeal may be taken under
9455 this section. Any appeal of a license suspension that is required
9456 by Section 93-11-157 or 93-11-163 shall be taken in accordance
9457 with the appeal procedure specified in Section 93-11-157 or
9458 93-11-163, as the case may be, rather than the procedure specified
9459 in this section. If there is any conflict between any provision
9460 of Section 93-11-157 or 93-11-163 and any provision of this
9461 chapter, the provisions of Section 93-11-157 or 93-11-163, as the
9462 case may be, shall control.

9463 **SECTION 114.** Section 73-17-15, Mississippi Code of 1972, is
9464 amended as follows:

9465 73-17-15. (1) (a) The board is authorized to investigate,
9466 either on the basis of complaints filed with it or on its own
9467 initiative, instances of suspected violations of this chapter of
9468 any nature, including, but not limited to: performing the duties
9469 of a nursing home administrator without a license; the providing
9470 of false information to the board either incident to an
9471 application for a license, incident to a hearing, or otherwise;
9472 maladministration; unethical conduct; incompetence; the conviction
9473 of a licensee of a * * * disqualifying crime as provided in the
9474 Fresh Start Act; the misappropriation of funds; or of any other
9475 matter reflecting unfavorably upon the holder of a license under



9476 this chapter or an applicant therefor. On the basis of
9477 information developed during such an investigation, the board may
9478 (i) revoke, suspend, or refuse to renew any license issued by the
9479 board, (ii) deny an application for a license, or (iii) reprimand,
9480 place on probation, and/or take any other action in relation to a
9481 license, as the board may deem proper under the circumstances.
9482 Whenever the results of such an investigation are filed, the
9483 executive director of the board shall set a day for a hearing and
9484 shall notify the licensee that on the day fixed for hearing he or
9485 she may appear and show cause, if any, why his or her license
9486 should not be revoked, suspended, or other action taken in
9487 relation to his or her license. The notice shall be transmitted
9488 to the licensee by certified United States mail to the address of
9489 the licensee appearing of record with the board.

9490 (b) In cases where violations of this chapter have been
9491 substantiated, the board may assess a monetary penalty for those
9492 reasonable costs that are expended by the board in the
9493 investigation and conduct of a proceeding for licensure
9494 revocation, suspension or restriction, including, but not limited
9495 to, the cost of process service, court reporters, expert witnesses
9496 and investigations.

9497 (2) The board, upon finding and determining that any person
9498 represents himself or herself to be a nursing home administrator
9499 or performs any or all of the services, acts or duties of a
9500 nursing home administrator as defined in this chapter without a



9501 license, is authorized to petition the chancery court of the
9502 county in which the unauthorized acts have been, are being or may
9503 be committed, for writ or writs of injunction prohibiting the
9504 unauthorized acts. This provision is supplemental and in addition
9505 to the penal provisions set forth in Section 73-17-13.

9506 (3) Any licensee whose license has been revoked or
9507 suspended, or who has been placed on probation or reprimanded
9508 after a contested hearing, may appeal that action of the board to
9509 the chancery court of the county in which the nursing home
9510 administrator is practicing, which appeal shall not be a de novo
9511 appeal but shall be determined upon an official transcript of the
9512 record of the contested hearing. Appeals to the chancery court
9513 shall be taken within ten (10) days from the date of the board's
9514 order and shall be taken, perfected, heard and determined either
9515 in termtime or in vacation, and the appeals shall be heard and
9516 disposed of promptly by the court. Appeals from the board shall
9517 be taken and perfected by the filing of a bond in the sum of Two
9518 Hundred Fifty Dollars (\$250.00) with two (2) sureties, or with a
9519 surety company qualified to do business in Mississippi as surety,
9520 conditioned to pay the costs of the appeal. The bond shall be
9521 payable to the state and shall be approved by the clerk of the
9522 chancery court. The bond may be enforced in its name as other
9523 judicial bonds filed in the chancery court, and judgment may be
9524 entered upon those bonds and process and execution shall issue
9525 upon those judgments as provided by law in other cases. Upon



9526 approval of the bond by the clerk of the chancery court, the clerk
9527 shall give notice to the board of the appeal from the decision of
9528 the board. It thereupon shall be the duty of the board through
9529 its duly authorized representative to promptly transmit to the
9530 clerk of the chancery court in which the appeal is pending a
9531 certified copy of the order of the board and all documents filed
9532 relating to the board's action against the licensee, together with
9533 a transcript of the testimony, both oral and documentary,
9534 introduced for consideration by the board both in support of and
9535 in opposition to the action, which appeal shall be docketed by the
9536 clerk and shall be determined by the court based upon the record.
9537 If there is an appeal, the appeal may, in the discretion of and on
9538 motion to the chancery court, act as a supersedeas. The chancery
9539 court shall dispose of the appeal and enter its decision promptly.
9540 The hearing on the appeal may, in the discretion of the
9541 chancellor, be tried in vacation.

9542 (4) Appeals from the decision of the chancery court may be
9543 taken by either the board or the licensee to the Supreme Court as
9544 in the case of appeals generally from the chancery court to the
9545 Supreme Court.

9546 (5) In addition to the reasons specified in subsection (1)
9547 of this section, the board shall be authorized to suspend the
9548 license of any licensee for being out of compliance with an order
9549 for support, as defined in Section 93-11-153. The procedure for
9550 suspension of a license for being out of compliance with an order



9551 for support, and the procedure for the reissuance or reinstatement
9552 of a license suspended for that purpose, and the payment of any
9553 fees for the reissuance or reinstatement of a license suspended
9554 for that purpose, shall be governed by Section 93-11-157 or
9555 93-11-163, as the case may be. Actions taken by the board in
9556 revoking a license when required by Section 93-11-157 or 93-11-163
9557 are not actions from which an appeal may be taken under this
9558 section. Any appeal of a license suspension that is required by
9559 Section 93-11-157 or 93-11-163 shall be taken in accordance with
9560 the appeal procedure specified in Section 93-11-157 or 93-11-163,
9561 as the case may be, rather than the procedure specified in this
9562 section. If there is any conflict between any provision of
9563 Section 93-11-157 or 93-11-163 and any provision of this chapter,
9564 the provisions of Section 93-11-157 or 93-11-163, as the case may
9565 be, shall control.

9566 **SECTION 115.** Section 73-23-59, Mississippi Code of 1972, is
9567 amended as follows:

9568 73-23-59. (1) Licensees subject to this chapter shall
9569 conduct their activities, services and practice in accordance with
9570 this chapter and any rules promulgated pursuant hereto. The
9571 board, upon satisfactory proof and in accordance with the
9572 provisions of this chapter and the regulations of the board, may
9573 suspend, revoke, or refuse to issue or renew any license
9574 hereunder, or revoke or suspend any privilege to practice,
9575 censure or reprimand any licensee, restrict or limit a license,



9576 and take any other action in relation to a license or privilege to
9577 practice as the board may deem proper under the circumstances upon
9578 any of the following grounds:

9579 (a) Negligence in the practice or performance of
9580 professional services or activities;

9581 (b) Engaging in dishonorable, unethical or
9582 unprofessional conduct of a character likely to deceive, defraud
9583 or harm the public in the course of professional services or
9584 activities;

9585 (c) Perpetrating or cooperating in fraud or material
9586 deception in obtaining or renewing a license or attempting the
9587 same or obtaining a privilege to practice;

9588 (d) Being convicted of any crime which has a
9589 substantial relationship to the licensee's activities and services
9590 or an essential element of which is misstatement, fraud or
9591 dishonesty;

9592 (e) Having been convicted of or pled guilty to a * * *
9593 disqualifying crime as provided in the Fresh Start Act in the
9594 courts of this state or any other state, territory or country.
9595 Conviction, as used in this paragraph, shall include a deferred
9596 conviction, deferred prosecution, deferred sentence, finding or
9597 verdict of guilt, an admission of guilty, or a plea of nolo
9598 contendere;

9599 (f) Engaging in or permitting the performance of
9600 unacceptable services personally or by others working under the



9601 licensee's supervision due to the licensee's deliberate or
9602 negligent act or acts or failure to act, regardless of whether
9603 actual damage or damages to the public is established;

9604 (g) Continued practice although the licensee has become
9605 unfit to practice as a physical therapist or physical therapist
9606 assistant due to: (i) failure to keep abreast of current
9607 professional theory or practice; or (ii) physical or mental
9608 disability; the entry of an order or judgment by a court of
9609 competent jurisdiction that a licensee is in need of mental
9610 treatment or is incompetent shall constitute mental disability; or
9611 (iii) addiction or severe dependency upon alcohol or other drugs
9612 which may endanger the public by impairing the licensee's ability
9613 to practice;

9614 (h) Having disciplinary action taken against the
9615 licensee's license in another state;

9616 (i) Making differential, detrimental treatment against
9617 any person because of race, color, creed, sex, religion or
9618 national origin;

9619 (j) Engaging in lewd conduct in connection with
9620 professional services or activities;

9621 (k) Engaging in false or misleading advertising;

9622 (l) Contracting, assisting or permitting unlicensed
9623 persons to perform services for which a license is required under
9624 this chapter or privilege to practice is required under Section
9625 73-23-101;



9626 (m) Violation of any probation requirements placed on a
9627 license or privilege to practice by the board;

9628 (n) Revealing confidential information except as may be
9629 required by law;

9630 (o) Failing to inform clients of the fact that the
9631 client no longer needs the services or professional assistance of
9632 the licensee;

9633 (p) Charging excessive or unreasonable fees or engaging
9634 in unreasonable collection practices;

9635 (q) For treating or attempting to treat ailments or
9636 other health conditions of human beings other than by physical
9637 therapy as authorized by this chapter;

9638 (r) Except as authorized in Section 73-23-35(3), for
9639 applying or offering to apply physical therapy, exclusive of
9640 initial evaluation or screening and exclusive of education or
9641 consultation for the prevention of physical and mental disability
9642 within the scope of physical therapy, other than upon the referral
9643 of a licensed physician, dentist, osteopath, podiatrist,
9644 chiropractor, physician assistant or nurse practitioner; or for
9645 acting as a physical therapist assistant other than under the
9646 direct, on-site supervision of a licensed physical therapist;

9647 (s) Failing to adhere to the recognized standards of
9648 ethics of the physical therapy profession as established by rules
9649 of the board;



9650 (t) Failing to complete continuing competence
9651 requirements as established by board rule;

9652 (u) Failing to supervise physical therapist assistants
9653 in accordance with this chapter and/or board rules;

9654 (v) Engaging in sexual misconduct. For the purpose of
9655 this paragraph, sexual misconduct includes, but is not necessarily
9656 limited to:

9657 (i) Engaging in or soliciting sexual
9658 relationships, whether consensual or nonconsensual, while a
9659 physical therapist or physical therapist assistant/patient
9660 relationship exists.

9661 (ii) Making sexual advances, requesting sexual
9662 favors or engaging in other verbal conduct or physical contact of
9663 a sexual nature with patients or clients.

9664 (iii) Intentionally viewing a completely or
9665 partially disrobed patient in the course of treatment if the
9666 viewing is not related to patient diagnosis or treatment under
9667 current practice standards;

9668 (w) The erroneous issuance of a license or privilege to
9669 practice to any person;

9670 (x) Violations of any provisions of this chapter, board
9671 rules or regulations or a written order or directive of the board;

9672 (y) Failing to maintain adequate patient records. For
9673 the purposes of this paragraph, "adequate patient records" means
9674 legible records that contain at minimum sufficient information to



9675 identify the patient, an evaluation of objective findings, a
9676 diagnosis, a plan of care, a treatment record and a discharge
9677 plan;

9678 (z) Failing to report to the board any unprofessional,
9679 incompetent or illegal acts that appear to be in violation of this
9680 law or any rules established by the board.

9681 (2) The board may order a licensee to submit to a reasonable
9682 physical or mental examination if the licensee's physical or
9683 mental capacity to practice safely is at issue in a disciplinary
9684 proceeding.

9685 (3) Failure to comply with a board order to submit to a
9686 physical or mental examination shall render a licensee subject to
9687 the summary suspension procedures described in Section 73-23-64.

9688 (4) In addition to the reasons specified in subsection (1)
9689 of this section, the board shall be authorized to suspend the
9690 license or privilege to practice of any licensee for being out of
9691 compliance with an order for support, as defined in Section
9692 93-11-153. The procedure for suspension of a license or privilege
9693 to practice for being out of compliance with an order for support,
9694 and the procedure for the reissuance or reinstatement of a license
9695 or privilege to practice suspended for that purpose, and the
9696 payment of any fees for the reissuance or reinstatement of a
9697 license or privilege to practice suspended for that purpose, shall
9698 be governed by Section 93-11-157 or 93-11-163, as the case may be.
9699 If there is any conflict between any provision of Section



9700 93-11-157 or 93-11-163 and any provision of this chapter, the
9701 provisions of Section 93-11-157 or 93-11-163, as the case may be,
9702 shall control.

9703 **SECTION 116.** Section 73-30-21, Mississippi Code of 1972, is
9704 amended as follows:

9705 73-30-21. (1) The board may, after notice and opportunity
9706 for a hearing, suspend, revoke or refuse to issue or renew a
9707 license or the privilege to practice or may reprimand the license
9708 holder or holder of the privilege to practice, upon a
9709 determination by the board that such license holder or holder of
9710 the privilege to practice or applicant for licensure or the
9711 privilege to practice has:

9712 (a) Been adjudged by any court to be mentally
9713 incompetent or have had a guardian of person appointed;

9714 (b) Been convicted of a * * * disqualifying crime as
9715 provided in the Fresh Start Act;

9716 (c) Sworn falsely under oath or affirmation;

9717 (d) Obtained a license or certificate or the privilege
9718 to practice by fraud, deceit or other misrepresentation;

9719 (e) Engaged in the conduct of professional counseling
9720 in a grossly negligent or incompetent manner;

9721 (f) Intentionally violated any provision of this
9722 article;

9723 (g) Violated any rules or regulations of the board; or



9724 (h) Aided or assisted another in falsely obtaining a
9725 license or the privilege to practice under this article.

9726 With regard to a refusal to issue a privilege to practice,
9727 such refusal by the board shall be in accordance with the terms of
9728 the Professional Counseling Compact instead of this subsection
9729 (1).

9730 (2) Appeals from disciplinary action are to be brought in
9731 the circuit court in the county of residence of the practitioner.
9732 In the event the practitioner resides out of state the appeal
9733 should be brought in Hinds County Circuit Court.

9734 (3) The board may assess and levy upon any licensee,
9735 practitioner or applicant for licensure or the privilege to
9736 practice the costs incurred or expended by the board in the
9737 investigation and prosecution of any licensure, privilege to
9738 practice or disciplinary action, including, but not limited to,
9739 the costs of process service, court reporters, expert witnesses,
9740 investigators and attorney's fees.

9741 (4) No revoked license or privilege to practice may be
9742 reinstated within twelve (12) months after such revocation.
9743 Reinstatement thereafter shall be upon such conditions as the
9744 board may prescribe, which may include, without being limited to,
9745 successful passing of the examination required by this article.

9746 (5) A license or privilege to practice certificate issued by
9747 the board is the property of the board and must be surrendered on
9748 demand.



9749 (6) The chancery court is hereby vested with the
9750 jurisdiction and power to enjoin the unlawful practice of
9751 counseling and/or the false representation as a licensed counselor
9752 in a proceeding brought by the board or any members thereof or by
9753 any citizen of this state.

9754 (7) In addition to the reasons specified in subsection (1)
9755 of this section, the board shall be authorized to suspend the
9756 license of any licensee for being out of compliance with an order
9757 for support, as defined in Section 93-11-153. The procedure for
9758 suspension of a license for being out of compliance with an order
9759 for support, and the procedure for the reissuance or reinstatement
9760 of a license suspended for that purpose, and the payment of any
9761 fees for the reissuance or reinstatement of a license suspended
9762 for that purpose, shall be governed by Section 93-11-157 or
9763 93-11-163, as the case may be. If there is any conflict between
9764 any provision of Section 93-11-157 or 93-11-163 and any provision
9765 of this article, the provisions of Section 93-11-157 or 93-11-163,
9766 as the case may be, shall control.

9767 **SECTION 117.** Section 73-35-21, Mississippi Code of 1972, is
9768 amended as follows:

9769 73-35-21. (1) Except as otherwise provided in this section,
9770 the commission may, upon its own motion and shall upon the
9771 verified complaint in writing of any person, hold a hearing
9772 pursuant to Section 73-35-23 for the refusal of license or for the
9773 suspension or revocation of a license previously issued, or for



9774 such other action as the commission deems appropriate. The
9775 commission shall have full power to refuse a license for cause or
9776 to revoke or suspend a license where it has been obtained by false
9777 or fraudulent representation, or where the licensee in performing
9778 or attempting to perform any of the acts mentioned herein, is
9779 deemed to be guilty of:

9780 (a) Making any substantial misrepresentation in
9781 connection with a real estate transaction;

9782 (b) Making any false promises of a character likely to
9783 influence, persuade or induce;

9784 (c) Pursuing a continued and flagrant course of
9785 misrepresentation or making false promises through agents or
9786 salespersons or any medium of advertising or otherwise;

9787 (d) Any misleading or untruthful advertising;

9788 (e) Acting for more than one (1) party in a transaction
9789 or receiving compensation from more than one (1) party in a
9790 transaction, or both, without the knowledge of all parties for
9791 whom he acts;

9792 (f) Failing, within a reasonable time, to account for
9793 or to remit any monies coming into his possession which belong to
9794 others, or commingling of monies belonging to others with his own
9795 funds. Every responsible broker procuring the execution of an
9796 earnest money contract or option or other contract who shall take
9797 or receive any cash or checks shall deposit, within a reasonable
9798 period of time, the sum or sums so received in a trust or escrow



9799 account in a bank or trust company pending the consummation or
9800 termination of the transaction. "Reasonable time" in this context
9801 means by the close of business of the next banking day;

9802 (g) Entering a guilty plea or conviction in a court of
9803 competent jurisdiction of this state, or any other state or the
9804 United States of any * * * disqualifying crime as provided in the
9805 Fresh Start Act;

9806 (h) Displaying a "for sale" or "for rent" sign on any
9807 property without the owner's consent;

9808 (i) Failing to furnish voluntarily, at the time of
9809 signing, copies of all listings, contracts and agreements to all
9810 parties executing the same;

9811 (j) Paying any rebate, profit or commission to any
9812 person other than a real estate broker or salesperson licensed
9813 under the provisions of this chapter;

9814 (k) Inducing any party to a contract, sale or lease to
9815 break such contract for the purpose of substituting in lieu
9816 thereof a new contract, where such substitution is motivated by
9817 the personal gain of the licensee;

9818 (l) Accepting a commission or valuable consideration as
9819 a real estate salesperson for the performance of any of the acts
9820 specified in this chapter from any person, except his employer who
9821 must be a licensed real estate broker;



9822 (m) Failing to successfully pass the commission's
9823 background investigation for licensure or renewal as provided in
9824 Section 73-35-10; or

9825 (n) Any act or conduct, whether of the same or a
9826 different character than hereinabove specified, which constitutes
9827 or demonstrates bad faith, incompetency or untrustworthiness, or
9828 dishonest, fraudulent or improper dealing. However, simple
9829 contact and/or communication with any mortgage broker or lender by
9830 a real estate licensee about any professional, including, but not
9831 limited to, an appraiser, home inspector, contractor, and/or
9832 attorney regarding a listing and/or a prospective or pending
9833 contract for the lease, sale and/or purchase of real estate shall
9834 not constitute conduct in violation of this section.

9835 (2) No real estate broker shall practice law or give legal
9836 advice directly or indirectly unless said broker be a duly
9837 licensed attorney under the laws of this state. He shall not act
9838 as a public conveyancer nor give advice or opinions as to the
9839 legal effect of instruments nor give opinions concerning the
9840 validity of title to real estate; nor shall he prevent or
9841 discourage any party to a real estate transaction from employing
9842 the services of an attorney; nor shall a broker undertake to
9843 prepare documents fixing and defining the legal rights of parties
9844 to a transaction. However, when acting as a broker, he may use an
9845 earnest money contract form. A real estate broker shall not
9846 participate in attorney's fees, unless the broker is a duly



9847 licensed attorney under the laws of this state and performs legal
9848 services in addition to brokerage services.

9849 (3) It is expressly provided that it is not the intent and
9850 purpose of the Mississippi Legislature to prevent a license from
9851 being issued to any person who is found to be of good reputation,
9852 is able to give bond, and who has lived in the State of
9853 Mississippi for the required period or is otherwise qualified
9854 under this chapter.

9855 (4) In addition to the reasons specified in subsection (1)
9856 of this section, the commission shall be authorized to suspend the
9857 license of any licensee for being out of compliance with an order
9858 for support, as defined in Section 93-11-153. The procedure for
9859 suspension of a license for being out of compliance with an order
9860 for support, and the procedure for the reissuance or reinstatement
9861 of a license suspended for that purpose, and the payment of any
9862 fees for the reissuance or reinstatement of a license suspended
9863 for that purpose, shall be governed by Section 93-11-157 or
9864 93-11-163, as the case may be. If there is any conflict between
9865 any provision of Section 93-11-157 or 93-11-163 and any provision
9866 of this chapter, the provisions of Section 93-11-157 or 93-11-163,
9867 as the case may be, shall control.

9868 (5) Nothing in this chapter shall prevent an associate
9869 broker or salesperson from owning any lawfully constituted
9870 business organization, including, but not limited to, a
9871 corporation, limited liability company or limited liability



9872 partnership, for the purpose of receiving payments contemplated in
9873 this chapter. The business organization shall not be required to
9874 be licensed under this chapter and shall not engage in any other
9875 activity requiring a real estate license.

9876 (6) The Mississippi Real Estate Commission shall not
9877 promulgate any rule or regulation, nor make any administrative or
9878 other interpretation, whereby any real estate licensee may be held
9879 responsible or subject to discipline or other actions by the
9880 commission relating to the provisions of this section or the
9881 information required to be disclosed by Sections 89-1-501 through
9882 89-1-523 or delivery of information required to be disclosed by
9883 Sections 89-1-501 through 89-1-523.

9884 **SECTION 118.** Section 73-38-27, Mississippi Code of 1972, is
9885 amended as follows:

9886 73-38-27. (1) With regard to a refusal to issue a privilege
9887 to practice, such refusal by the board shall be in accordance with
9888 terms of the Audiology and Speech-Language Pathology Interstate
9889 Compact. The board may refuse to issue or renew a license, or may
9890 suspend or revoke a license where the licensee or applicant for a
9891 license has been guilty of unprofessional conduct which has
9892 endangered or is likely to endanger the health, welfare or safety
9893 of the public. Such unprofessional conduct may result from:

9894 (a) Negligence in the practice or performance of
9895 professional services or activities;



9896 (b) Engaging in dishonorable, unethical or
9897 unprofessional conduct of a character likely to deceive, defraud
9898 or harm the public in the course of professional services or
9899 activities;

9900 (c) Perpetrating or cooperating in fraud or material
9901 deception in obtaining or renewing a license or attempting the
9902 same;

9903 (d) Being convicted of any crime which has a
9904 substantial relationship to the licensee's activities and services
9905 or an essential element of which is misstatement, fraud or
9906 dishonesty;

9907 (e) Being convicted of any crime which is a * * *
9908 disqualifying crime as provided in the Fresh Start Act;

9909 (f) Engaging in or permitting the performance of
9910 unacceptable services personally or by others working under the
9911 licensee's supervision due to the licensee's deliberate or
9912 negligent act or acts or failure to act, regardless of whether
9913 actual damage or damages to the public is established;

9914 (g) Continued practice although the licensee has become
9915 unfit to practice as a speech-language pathologist or audiologist
9916 due to: (i) failure to keep abreast of current professional
9917 theory or practice; or (ii) physical or mental disability; the
9918 entry of an order or judgment by a court of competent jurisdiction
9919 that a licensee is in need of mental treatment or is incompetent
9920 shall constitute mental disability; or (iii) addiction or severe



9921 dependency upon alcohol or other drugs which may endanger the
9922 public by impairing the licensee's ability to practice;

9923 (h) Having disciplinary action taken against the
9924 licensee's license in another state;

9925 (i) Making differential, detrimental treatment against
9926 any person because of race, color, creed, sex, religion or
9927 national origin;

9928 (j) Engaging in lewd conduct in connection with
9929 professional services or activities;

9930 (k) Engaging in false or misleading advertising;

9931 (l) Contracting, assisting or permitting unlicensed
9932 persons to perform services for which a license is required under
9933 this article;

9934 (m) Violation of any probation requirements placed on a
9935 license by the board;

9936 (n) Revealing confidential information except as may be
9937 required by law;

9938 (o) Failing to inform clients of the fact that the
9939 client no longer needs the services or professional assistance of
9940 the licensee;

9941 (p) Charging excessive or unreasonable fees or engaging
9942 in unreasonable collection practices;

9943 (q) For treating or attempting to treat ailments or
9944 other health conditions of human beings other than by speech or
9945 audiology therapy as authorized by this article;



9946 (r) For applying or offering to apply speech or
9947 audiology therapy, exclusive of initial evaluation or screening
9948 and exclusive of education or consultation for the prevention of
9949 physical and mental disability within the scope of speech or
9950 audiology therapy, or for acting as a speech-language pathologist
9951 or audiologist, or speech-language pathologist or audiologist aide
9952 other than under the direct, on-site supervision of a licensed
9953 speech-language pathologist or audiologist;

9954 (s) Violations of the current codes of conduct for
9955 speech-language pathologists or audiologists, and speech-language
9956 pathologist or audiologist assistants adopted by the American
9957 Speech-Language-Hearing Association;

9958 (t) Violations of any rules or regulations promulgated
9959 pursuant to this article.

9960 (2) The board may order a licensee to submit to a reasonable
9961 physical or mental examination if the licensee's physical or
9962 mental capacity to practice safely is at issue in a disciplinary
9963 proceeding.

9964 (3) In addition to the reasons specified in subsection (1)
9965 of this section, the board shall be authorized to suspend the
9966 license of any licensee for being out of compliance with an order
9967 for support, as defined in Section 93-11-153. The procedure for
9968 suspension of a license for being out of compliance with an order
9969 for support, and the procedure for the reissuance or reinstatement
9970 of a license suspended for that purpose, and the payment of any



9971 fees for the reissuance or reinstatement of a license suspended
9972 for that purpose, shall be governed by Section 93-11-157 or
9973 93-11-163, as the case may be. If there is any conflict between
9974 any provision of Section 93-11-157 or 93-11-163 and any provision
9975 of this article, the provisions of Section 93-11-157 or 93-11-163,
9976 as the case may be, shall control.

9977 **SECTION 119.** Section 73-53-17, Mississippi Code of 1972, is
9978 amended as follows:

9979 73-53-17. (1) Individuals licensed by the board shall
9980 conduct their activities, services and practice in accordance with
9981 the laws governing their professional practice and any rules
9982 promulgated by the board. Licensees and applicants may be subject
9983 to the exercise of the sanctions enumerated in Section 73-53-23 if
9984 the board finds that a licensee or applicant has committed any of
9985 the following:

9986 (a) Negligence in the practice or performance of
9987 professional services or activities;

9988 (b) Engaging in dishonorable, unethical or
9989 unprofessional conduct of a character likely to deceive, defraud
9990 or harm the public in the course of professional services or
9991 activities;

9992 (c) Perpetrating or cooperating in fraud or material
9993 deception in obtaining or renewing a license or attempting the
9994 same;



9995 (d) Violating the rules and regulations established by
9996 the board;

9997 (e) Violating the National Association of Social
9998 Workers Code of Ethics or the American Association for Marriage
9999 and Family Therapy Code of Ethics;

10000 (f) Being convicted of any crime which has a
10001 substantial relationship to the licensee's activities and services
10002 or an essential element of which is misstatement, fraud or
10003 dishonesty;

10004 (g) Being convicted of any crime which is a * * *
10005 disqualifying crime as provided in the Fresh Start Act under the
10006 laws of this state or of the United States of America;

10007 (h) Engaging in or permitting the performance of
10008 unacceptable services personally due to the licensee's deliberate
10009 or grossly negligent act or acts or failure to act, regardless of
10010 whether actual damage or damages to the public is established, or
10011 assuming responsibility for another's work by signing documents
10012 without personal knowledge of the work as established by board
10013 rule;

10014 (i) Continued practice although the licensee has become
10015 unfit to practice social work due to: (i) failure to keep abreast
10016 of current professional theory or practice; or (ii) physical or
10017 mental disability; the entry of an order or judgment by a court of
10018 competent jurisdiction that a licensee is in need of mental
10019 treatment or is incompetent shall constitute mental disability; or



10020 (iii) addiction or severe dependency upon alcohol or other drugs
10021 which may endanger the public by impairing the licensee's ability
10022 to practice;

10023 (j) Continued practice although the individual failed
10024 to renew and has a lapsed license;

10025 (k) Having disciplinary action taken against the
10026 licensee's license in another state;

10027 (l) Making differential, detrimental treatment against
10028 any person because of race, color, creed, sex, religion or
10029 national origin;

10030 (m) Engaging in lewd conduct in connection with
10031 professional services or activities;

10032 (n) Engaging in false or misleading advertising;

10033 (o) Contracting, assisting or permitting unlicensed
10034 persons to perform services for which a license is required under
10035 this chapter;

10036 (p) Violation of any probation requirements placed on a
10037 licensee by the board;

10038 (q) Revealing confidential information except as may be
10039 required by law;

10040 (r) Failing to inform clients of the fact that the
10041 client no longer needs the services or professional assistance of
10042 the licensee;

10043 (s) Charging excessive or unreasonable fees or engaging
10044 in unreasonable collection practices.



10045 (2) The board may order a licensee to submit to a reasonable
10046 physical or mental examination if the licensee's physical or
10047 mental capacity to practice safely is at issue in a disciplinary
10048 proceeding.

10049 (3) Failure to comply with a board order to submit to a
10050 physical or mental examination shall render a licensee subject to
10051 the summary suspension procedures described in Section 73-53-23.

10052 (4) In addition to the reasons specified in subsection (1)
10053 of this section, the board shall be authorized to suspend the
10054 license of any licensee for being out of compliance with an order
10055 for support, as defined in Section 93-11-153. The procedure for
10056 suspension of a license for being out of compliance with an order
10057 for support, and the procedure for the reissuance or reinstatement
10058 of a license suspended for that purpose, and the payment of any
10059 fees for the reissuance or reinstatement of a license suspended
10060 for that purpose, shall be governed by Section 93-11-157 or
10061 93-11-163, as the case may be. If there is any conflict between
10062 any provision of Section 93-11-157 or 93-11-163 and any provision
10063 of this chapter, the provisions of Section 93-11-157 or 93-11-163,
10064 as the case may be, shall control.

10065 **SECTION 120.** Section 73-60-31, Mississippi Code of 1972, is
10066 amended as follows:

10067 73-60-31. The commission may refuse to issue or to renew or
10068 may revoke or suspend a license or may place on probation,
10069 censure, reprimand, or take other disciplinary action with regard



10070 to any license issued under this chapter, including the issuance
10071 of fines for each violation, for any one (1) or combination of the
10072 following causes:

10073 (a) Violations of this chapter or the commission's
10074 rules promulgated pursuant hereto;

10075 (b) Violation of terms of license probation;

10076 (c) Conviction of a * * * disqualifying crime as
10077 provided in the Fresh Start Act or making a plea of guilty or nolo
10078 contendere within five (5) years prior to the date of application;

10079 (d) Operating without adequate insurance coverage
10080 required for licensees;

10081 (e) Fraud in the procurement or performance of a
10082 contract to conduct a home inspection; and

10083 (f) Failure to submit to or pass a background
10084 investigation pursuant to Section 73-60-47.

10085 **SECTION 121.** Section 73-67-27, Mississippi Code of 1972, is
10086 amended as follows:

10087 73-67-27. (1) The board may refuse to issue or renew or may
10088 deny, suspend or revoke any license held or applied for under this
10089 chapter upon finding that the holder of a license or applicant:

10090 (a) Is guilty of fraud, deceit or misrepresentation in
10091 procuring or attempting to procure any license provided for in
10092 this chapter;

10093 (b) Attempted to use as his own the license of another;

10094 (c) Allowed the use of his license by another;



10095 (d) Has been adjudicated as mentally incompetent by
10096 regularly constituted authorities;

10097 (e) Has been convicted of a crime, or has charges or
10098 disciplinary action pending that directly relates to the practice
10099 of massage therapy or to the ability to practice massage therapy.
10100 Any plea of nolo contendere shall be considered a conviction for
10101 the purposes of this section;

10102 (f) Is guilty of unprofessional or unethical conduct as
10103 defined by the code of ethics;

10104 (g) Is guilty of false, misleading or deceptive
10105 advertising, or is guilty of aiding or assisting in the
10106 advertising or practice of any unlicensed or unpermitted person in
10107 the practice of massage therapy;

10108 (h) Is grossly negligent or incompetent in the practice
10109 of massage therapy;

10110 (i) Has had rights, credentials or one or more
10111 license(s) to practice massage therapy revoked, suspended or
10112 denied in any jurisdiction, territory or possession of the United
10113 States or another country for acts of the licensee similar to acts
10114 described in this section. A certified copy of the record of the
10115 jurisdiction making such a revocation, suspension or denial shall
10116 be conclusive evidence thereof; or

10117 (j) Has been convicted of any * * * disqualifying crime
10118 as provided in the Fresh Start Act.



10119 (2) Investigative proceedings may be implemented by a
10120 complaint by any person, including members of the board.

10121 (3) (a) Any person(s) found guilty of prostitution using as
10122 any advertisement, claim or insignia of being an actual licensed
10123 massage therapist or to be practicing massage therapy by using the
10124 word "massage" or any other description indicating the same,
10125 whether or not the person(s) have one or more license for the
10126 person(s) or establishment(s), shall be guilty of a misdemeanor,
10127 and upon conviction, shall be punished by a fine of not less than
10128 One Thousand Dollars (\$1,000.00), nor more than Five Thousand
10129 Dollars (\$5,000.00), or imprisonment of up to six (6) months, or
10130 both, per offense, per person.

10131 (b) Any person who knowingly participates in receiving
10132 illegal service(s) of any person found guilty as described in
10133 paragraph (a) of this subsection, upon conviction, shall be
10134 punished by a fine not exceeding Five Hundred Dollars (\$500.00),
10135 or imprisonment for up to one (1) month, or both. Persons
10136 officially designated to investigate complaints are exempt.

10137 (c) Any person who violates any provision of this
10138 chapter, other than violation(s) of paragraph (a) of this
10139 subsection, is guilty of a misdemeanor, and upon conviction, shall
10140 be punished by a fine not exceeding Five Hundred Dollars
10141 (\$500.00), or imprisonment for up to one (1) month in jail, or
10142 both, per offense.



10143 (d) The board, in its discretion, may assess and tax
10144 any part or all of the costs of any disciplinary proceedings
10145 conducted against either the accused, the charging party, or both,
10146 as it may elect.

10147 **SECTION 122.** Section 73-75-13, Mississippi Code of 1972, is
10148 amended as follows:

10149 73-75-13. **Eligibility for license.** To be eligible for
10150 licensure by the board as a behavior analyst or assistant behavior
10151 analyst, a person shall:

10152 (a) Submit to the board an application, upon such form
10153 and in such manner as the board shall prescribe, along with the
10154 applicable fee and personal references;

10155 (b) Certify that the applicant has not been convicted
10156 of a * * * disqualifying crime as provided in the Fresh Start Act
10157 as defined by the laws of the State of Mississippi;

10158 (c) Undergo a fingerprint-based criminal history
10159 records check of the Mississippi central criminal database and the
10160 Federal Bureau of Investigation criminal history database. Each
10161 applicant shall submit a full set of the applicant's fingerprints
10162 in a form and manner prescribed by the board, which shall be
10163 forwarded to the Mississippi Department of Public Safety and the
10164 Federal Bureau of Investigation Identification Division for this
10165 purpose; and

10166 (d) For a behavior analyst:



10167 (i) Possess at least a master's degree, or its
10168 equivalent, from an educational institution recognized by the
10169 board;

10170 (ii) Have current and active certification by the
10171 Behavior Analyst Certification Board as a Board Certified Behavior
10172 Analyst (BCBA) or Board Certified Behavior Analyst-Doctoral
10173 (BCBA-D), verified by the board; and

10174 (iii) Comply with such other requirements of the
10175 board.

10176 (e) For an assistant behavior analyst:

10177 (i) Possess a bachelor's degree, or its
10178 equivalent, from an educational institution recognized by the
10179 board;

10180 (ii) Have current and active certification by the
10181 Behavior Analyst Certification Board as a Board Certified
10182 Assistant Behavior Analyst (BCABA), verified by the board; and

10183 (iii) Provide proof of ongoing supervision by a
10184 licensed behavior analyst.

10185 (f) All licenses issued pursuant to this section shall
10186 be for a term of three (3) years, but shall not exceed the
10187 expiration of the licensee's certification by the Behavior Analyst
10188 Certification Board.

10189 **SECTION 123.** Section 75-15-9, Mississippi Code of 1972, is
10190 amended as follows:



10191 75-15-9. Each application for a license to engage in the
10192 business of money transmission shall be made in writing and under
10193 oath to the commissioner in such form as he may prescribe. The
10194 application shall state the full name and business address of:

10195 (a) The proprietor, if the applicant is an individual;

10196 (b) Every member, if the applicant is a partnership or
10197 association;

10198 (c) The corporation and each executive officer and
10199 director thereof, if the applicant is a corporation;

10200 (d) Every trustee and officer if the applicant is a
10201 trust;

10202 (e) The applicant shall have a net worth of at least
10203 Twenty-five Thousand Dollars (\$25,000.00) plus Fifteen Thousand
10204 Dollars (\$15,000.00) for each location in excess of one (1) at
10205 which the applicant proposes to conduct money transmissions in
10206 this state, computed according to generally accepted accounting
10207 principles, but in no event shall the net worth be required to be
10208 in excess of Two Hundred Fifty Thousand Dollars (\$250,000.00);

10209 (f) The financial responsibility, financial condition,
10210 business experience and character and general fitness of the
10211 applicant shall be such as reasonably to warrant the belief that
10212 applicant's business will be conducted honestly, carefully and
10213 efficiently;

10214 (g) Each application for a license shall be accompanied
10215 by an investigation fee of Fifty Dollars (\$50.00) and license fee



10216 in the amount required by Section 75-15-15. All fees collected by
10217 the commissioner under the provisions of this chapter shall be
10218 deposited into the Consumer Finance Fund of the Department of
10219 Banking and Consumer Finance;

10220 (h) An applicant shall not have been convicted of
10221 a * * * disqualifying crime as provided in the Fresh Start Act.

10222 **SECTION 124.** Section 75-60-19, Mississippi Code of 1972, is
10223 amended as follows:

10224 75-60-19. (1) The Commission on Proprietary School and
10225 College Registration may suspend, revoke or cancel a certificate
10226 of registration for any one (1) or any combination of the
10227 following causes:

10228 (a) Violation of any provision of the sections of this
10229 chapter or any regulation made by the commission;

10230 (b) The furnishing of false, misleading or incomplete
10231 information requested by the commission;

10232 (c) The signing of an application or the holding of a
10233 certificate of registration by a person who has pleaded guilty or
10234 has been found guilty of a * * * disqualifying crime as provided
10235 in the Fresh Start Act or has pleaded guilty or been found guilty
10236 of any other * * * disqualifying crime;

10237 (d) The signing of an application or the holding of a
10238 certificate of registration by a person who is addicted to the use
10239 of any narcotic drug, or who is found to be mentally incompetent;



10240 (e) Violation of any commitment made in an application
10241 for a certificate of registration;

10242 (f) Presentation to prospective students of misleading,
10243 false or fraudulent information relating to the course of
10244 instruction, employment opportunity, or opportunities for
10245 enrollment in accredited institutions of higher education after
10246 entering or completing courses offered by the holder of a
10247 certificate of registration;

10248 (g) Failure to provide or maintain premises or
10249 equipment for offering courses of instruction in a safe and
10250 sanitary condition;

10251 (h) Refusal by an agent to display his agent permit
10252 upon demand of a prospective student or other interested person;

10253 (i) Failure to maintain financial resources adequate
10254 for the satisfactory conduct of courses of study as presented in
10255 the plan of operation or to retain a sufficient number and
10256 qualified staff of instruction; however nothing in this chapter
10257 shall require an instructor to be certificated by the Commission
10258 on Proprietary School and College Registration or to hold any type
10259 of post-high school degree;

10260 (j) Offering training or courses of instruction other
10261 than those presented in the application; however, schools may
10262 offer special courses adapted to the needs of individual students
10263 where the special courses are in the subject field specified in
10264 the application;



10265 (k) Accepting the services of an agent not licensed in
10266 accordance with Sections 75-60-23 through 75-60-37, inclusive;

10267 (l) Conviction or a plea of nolo contendere on the part
10268 of any owner, operator or director of a registered school of
10269 any * * * disqualifying crime as provided in the Fresh Start Act
10270 under Mississippi law or the law of another jurisdiction;

10271 (m) Continued employment of a teacher or instructor who
10272 has been convicted of or entered a plea of nolo contendere to
10273 any * * * disqualifying crime as provided in the Fresh Start Act
10274 under Mississippi law or the law of another jurisdiction;

10275 (n) Incompetence of any owner or operator to operate a
10276 school.

10277 (2) (a) Any person who believes he has been aggrieved by a
10278 violation of this section shall have the right to file a written
10279 complaint within two (2) years of the alleged violation. The
10280 commission shall maintain a written record of each complaint that
10281 is made. The commission shall also send to the complainant a form
10282 acknowledging the complaint and requesting further information if
10283 necessary and shall advise the director of the school that a
10284 complaint has been made and, where appropriate, the nature of the
10285 complaint.

10286 (b) The commission shall within twenty (20) days of
10287 receipt of such written complaint commence an investigation of the
10288 alleged violation and shall, within ninety (90) days of the
10289 receipt of such written complaint, issue a written finding. The



10290 commission shall furnish such findings to the person who filed the
10291 complaint and to the chief operating officer of the school cited
10292 in the complaint. If the commission finds that there has been a
10293 violation of this section, the commission shall take appropriate
10294 action.

10295 (c) Schools shall disclose in writing to all
10296 prospective and current students their right to file a complaint
10297 with the commission.

10298 (d) The existence of an arbitration clause in no way
10299 negates the student's right to file a complaint with the
10300 commission.

10301 (e) The commission may initiate an investigation
10302 without a complaint.

10303 (3) **Hearing procedures.** (a) Upon a finding that there is
10304 good cause to believe that a school, or an officer, agent,
10305 employee, partner or teacher, has committed a violation of
10306 subsection (1) of this section, the commission shall initiate
10307 proceedings by serving a notice of hearing upon each and every
10308 such party subject to the administrative action. The school or
10309 such party shall be given reasonable notice of hearing, including
10310 the time, place and nature of the hearing and a statement
10311 sufficiently particular to give notice of the transactions or
10312 occurrences intended to be proved, the material elements of each
10313 cause of action and the civil penalties and/or administrative
10314 sanctions sought.



10315 (b) Opportunity shall be afforded to the party to
10316 respond and present evidence and argument on the issues involved
10317 in the hearing including the right of cross-examination. In a
10318 hearing, the school or such party shall be accorded the right to
10319 have its representative appear in person or by or with counsel or
10320 other representative. Disposition may be made in any hearing by
10321 stipulation, agreed settlement, consent order, default or other
10322 informal method.

10323 (c) The commission shall designate an impartial hearing
10324 officer to conduct the hearing, who shall be empowered to:

10325 (i) Administer oaths and affirmations; and

10326 (ii) Regulate the course of the hearings, set the
10327 time and place for continued hearings, and fix the time for filing
10328 of briefs and other documents; and

10329 (iii) Direct the school or such party to appear
10330 and confer to consider the simplification of the issues by
10331 consent; and

10332 (iv) Grant a request for an adjournment of the
10333 hearing only upon good cause shown.

10334 The strict legal rules of evidence shall not apply, but the
10335 decision shall be supported by substantial evidence in the record.

10336 (4) The commission, acting by and through its hearing
10337 officer, is hereby authorized and empowered to issue subpoenas for
10338 the attendance of witnesses and the production of books and papers
10339 at such hearing. Process issued by the commission shall extend to



10340 all parts of the state and shall be served by any person
10341 designated by the commission for such service. Where, in any
10342 proceeding before the hearing officer, any witness fails or
10343 refuses to attend upon a subpoena issued by the commission,
10344 refuses to testify, or refuses to produce any books and papers the
10345 production of which is called for by a subpoena, the attendance of
10346 such witness, the giving of his testimony or the production of the
10347 books and papers shall be enforced by any court of competent
10348 jurisdiction of this state in the manner provided for the
10349 enforcement of attendance and testimony of witnesses in civil
10350 cases in the courts of this state.

10351 (5) **Decision after hearing.** The hearing officer shall make
10352 written findings of fact and conclusions of law, and shall also
10353 recommend in writing to the commission a final decision, including
10354 penalties. The hearing officer shall mail a copy of his findings
10355 of fact, conclusions of law and recommended penalty to the party
10356 and his attorney, or representative. The commission shall make
10357 the final decision, which shall be based exclusively on evidence
10358 and other materials introduced at the hearing. If it is
10359 determined that a party has committed a violation, the commission
10360 shall issue a final order and shall impose penalties in accordance
10361 with this section. The commission shall send by certified mail,
10362 return receipt requested, a copy of the final order to the party
10363 and his attorney, or representative. The commission shall, at the



10364 request of the school or such party, furnish a copy of the
10365 transcript or any part thereof upon payment of the cost thereof.

10366 (6) **Civil penalties and administrative sanctions.** (a) A
10367 hearing officer may recommend, and the commission may impose, a
10368 civil penalty not to exceed Two Thousand Five Hundred Dollars
10369 (\$2,500.00) for any violation of this section. In the case of a
10370 second or further violation committed within the previous five (5)
10371 years, the liability shall be a civil penalty not to exceed Five
10372 Thousand Dollars (\$5,000.00) for each such violation.

10373 (b) Notwithstanding the provisions of paragraph (a) of
10374 this subsection, a hearing officer may recommend and the
10375 commission may impose a civil penalty not to exceed Twenty-five
10376 Thousand Dollars (\$25,000.00) for any of the following violations:
10377 (i) operation of a school without a registration in violation of
10378 this chapter; (ii) operation of a school knowing that the school's
10379 registration has been suspended or revoked; (iii) use of false,
10380 misleading, deceptive or fraudulent advertising; (iv) employment
10381 of recruiters on the basis of a commission, bonus or quota, except
10382 as authorized by the commission; (v) directing or authorizing
10383 recruiters to offer guarantees of jobs upon completion of a
10384 course; (vi) failure to make a tuition refund when such failure is
10385 part of a pattern of misconduct; or (vii) violation of any other
10386 provision of this chapter, or any rule or regulation promulgated
10387 pursuant thereto, when such violation constitutes part of a
10388 pattern of misconduct which significantly impairs the educational



10389 quality of the program or programs being offered by the school.
10390 For each enumerated offense, a second or further violation
10391 committed within the previous five (5) years shall be subject to a
10392 civil penalty not to exceed Fifty Thousand Dollars (\$50,000.00)
10393 for each such violation.

10394 (c) In addition to the penalties authorized in
10395 paragraphs (a) and (b) of this subsection, a hearing officer may
10396 recommend and the commission may impose any of the following
10397 administrative sanctions: (i) a cease and desist order; (ii) a
10398 mandatory direction; (iii) a suspension or revocation of a
10399 certificate of registration; (iv) a probation order; or (v) an
10400 order of restitution.

10401 (d) The commission may suspend a registration upon the
10402 failure of a school to pay any fee, fine or penalty as required by
10403 this chapter unless such failure is determined by the commission
10404 to be for good cause.

10405 (e) All civil penalties, fines and settlements received
10406 shall accrue to the credit of the Commission on Proprietary School
10407 and College Registration.

10408 (7) Any penalty or administrative sanction imposed by the
10409 commission under this section may be appealed by the school,
10410 college or other person affected to the Mississippi Community
10411 College Board as provided in Section 75-60-4(3), which appeal
10412 shall be on the record previously made before the commission's
10413 hearing officer. All appeals from the Mississippi Community



10414 College Board shall be on the record and shall be filed in the
10415 Chancery Court of the First Judicial District of Hinds County,
10416 Mississippi.

10417 **SECTION 125.** Section 75-76-137, Mississippi Code of 1972, is
10418 amended as follows:

10419 75-76-137. (1) If any gaming employee is convicted of any
10420 violation of this chapter or if in investigating an alleged
10421 violation of this chapter by any licensee the executive director
10422 or the commission finds that a gaming employee employed by the
10423 licensee has been guilty of cheating, the commission shall, after
10424 a hearing as provided in Sections 75-76-103 through 75-76-119,
10425 inclusive, revoke the employee's work permit.

10426 (2) The commission may revoke a work permit if it finds
10427 after a hearing as provided in Sections 75-76-103 through
10428 75-76-119, inclusive, that the gaming employee has failed to
10429 disclose, misstated or otherwise misled the commission with
10430 respect to any fact contained within any application for a work
10431 permit, or subsequent to being issued a work permit:

10432 (a) Committed, attempted or conspired to do any of the
10433 acts prohibited by this chapter;

10434 (b) Knowingly possessed or permitted to remain in or
10435 upon any licensed premises any cards, dice, mechanical device or
10436 any other cheating device whatever the use of which is prohibited
10437 by statute or ordinance;



10438 (c) Concealed or refused to disclose any material fact
10439 in any investigation by the executive director or the commission;

10440 (d) Committed, attempted or conspired to commit larceny
10441 or embezzlement against a gaming licensee or upon the premises of
10442 a licensed gaming establishment;

10443 (e) Been convicted in any jurisdiction other than
10444 Mississippi of any offense involving or relating to gambling;

10445 (f) Accepted employment without prior commission
10446 approval in a position for which he or she could be required to be
10447 licensed under this chapter after having been denied a license for
10448 a reason involving personal unsuitability or after failing to
10449 apply for licensing when requested to do so by the commission or
10450 the executive director;

10451 (g) Been refused the issuance of any license, permit or
10452 approval to engage in or be involved with gaming in any
10453 jurisdiction other than Mississippi, or had any such license,
10454 permit or approval revoked or suspended;

10455 (h) Been prohibited under color of governmental
10456 authority from being present upon the premises of any gaming
10457 establishment for any reason relating to improper gambling
10458 activities or any illegal act;

10459 (i) Contumaciously defied any legislative investigative
10460 committee or other officially constituted bodies acting on behalf
10461 of the United States or any state, county or municipality which



10462 seeks to investigate crimes relating to gaming, corruption of
10463 public officials, or any organized criminal activities; or

10464 (j) Been convicted of any * * * disqualifying crime as
10465 provided in the Fresh Start Act.

10466 (3) A work permit shall not be issued to a person whose work
10467 permit has previously been revoked pursuant to this section or to
10468 whom the issuance or renewal of a work permit has been denied,
10469 except with the unanimous approval of the commission members.

10470 (4) A gaming employee whose work permit has been revoked
10471 pursuant to this section is entitled to judicial review of the
10472 commission's action in the manner prescribed by Sections 75-76-121
10473 through 75-76-127, inclusive.

10474 **SECTION 126.** Section 77-8-25, Mississippi Code of 1972, is
10475 amended as follows:

10476 77-8-25. (1) Before allowing an individual to accept trip
10477 requests through a transportation network company's digital
10478 platform as a transportation network company driver:

10479 (a) The individual shall submit an application to the
10480 transportation network company, which includes information
10481 regarding his or her address, age, driver's license, motor vehicle
10482 registration, automobile liability insurance, and other
10483 information required by the transportation network company;

10484 (b) The transportation network company shall conduct,
10485 or have a third party conduct, a local and national criminal
10486 background check for each applicant that shall include:



10487 (i) Multistate/multijurisdiction criminal records
10488 locator or other similar commercial nationwide database with
10489 validation (primary source search); and

10490 (ii) United States Department of Justice National
10491 Sex Offender Public Website * * *.

10492 (2) The transportation network company shall review, or have
10493 a third party review, a driving history research report for such
10494 individual.

10495 (3) The transportation network company shall not permit an
10496 individual to act as a transportation network company driver on
10497 its digital platform who:

10498 (a) Has had more than three (3) moving violations in
10499 the prior three-year period, or one (1) of the following major
10500 violations in the prior three-year period:

10501 (i) Attempting to evade the police;

10502 (ii) Reckless driving; or

10503 (iii) Driving on a suspended or revoked license;

10504 (b) Has been convicted, within the past seven (7)
10505 years, of

10506 (i) Any * * * disqualifying crime as provided in
10507 the Fresh Start Act; or

10508 (ii) Misdemeanor driving under the influence,
10509 reckless driving, hit and run, or any other driving-related
10510 offense or any misdemeanor violent offense or sexual offense;



- 10511 (c) Is a match in the United States Department of
10512 Justice National Sex Offender Public Website;
- 10513 (d) Does not possess a valid driver's license;
- 10514 (e) Does not possess proof of registration for the
10515 motor vehicle used to provide prearranged rides;
- 10516 (f) Does not possess proof of automobile liability
10517 insurance for the motor vehicle used to provide prearranged rides;
10518 or
- 10519 (g) Is not at least nineteen (19) years of age.

10520 **SECTION 127.** Section 83-1-191, Mississippi Code of 1972, is
10521 amended as follows:

10522 83-1-191. (1) There is established within the Department of
10523 Insurance a Comprehensive Hurricane Damage Mitigation Program.
10524 This section does not create an entitlement for property owners or
10525 obligate the state in any way to fund the inspection or
10526 retrofitting of residential property or commercial property in
10527 this state. Implementation of this program is subject to the
10528 availability of funds that may be appropriated by the Legislature
10529 for this purpose. The program may develop and implement a
10530 comprehensive and coordinated approach for hurricane damage
10531 mitigation that may include the following:

10532 (a) **Cost-benefit study on wind hazard mitigation**
10533 **construction measures.** The performance of a cost-benefit study to
10534 establish the most appropriate wind hazard mitigation construction
10535 measures for both new construction and the retrofitting of



10536 existing construction for both residential and commercial
10537 facilities within the wind-borne debris regions of Mississippi as
10538 defined by the International Building Code. The recommended wind
10539 construction techniques shall be based on both the newly adopted
10540 Mississippi building code sections for wind load design and the
10541 wind-borne debris region. The list of construction measures to be
10542 considered for evaluation in the cost-benefit study shall be based
10543 on scientifically established and sound, but common, construction
10544 techniques that go above and beyond the basic recommendations in
10545 the adopted building codes. This allows residents to utilize
10546 multiple options that will further reduce risk and loss and still
10547 be awarded for their endeavors with appropriate wind insurance
10548 discounts. It is recommended that existing accepted scientific
10549 studies that validate the wind hazard construction techniques
10550 benefits and effects be taken into consideration when establishing
10551 the list of construction techniques that homeowners and business
10552 owners can employ. This will ensure that only established
10553 construction measures that have been studied and modeled as
10554 successful mitigation measures will be considered to reduce the
10555 chance of including risky or unsound data that will cost both the
10556 property owner and state unnecessary losses. The cost-benefit
10557 study shall be based on actual construction cost data collected
10558 for several types of residential construction and commercial
10559 construction materials, building techniques and designs that are
10560 common to the region. The study shall provide as much information



10561 as possible that will enhance the data and options provided to the
10562 public, so that homeowners and business owners can make informed
10563 and educated decisions as to their level of involvement. Based on
10564 the construction data, modeling shall be performed on a variety of
10565 residential and commercial designs, so that a broad enough
10566 representative spectrum of data can be obtained. The data from
10567 the study will be utilized in a report to establish tables
10568 reflecting actuarially appropriate levels of wind insurance
10569 discounts (in percentages) for each mitigation construction
10570 technique/combination of techniques. This report will be utilized
10571 as a guide for the Department of Insurance and the insurance
10572 industry for developing actuarially appropriate discounts, credits
10573 or other rate differentials, or appropriate reductions in
10574 deductibles, for properties on which fixtures or construction
10575 techniques demonstrated to reduce the amount of loss in a
10576 windstorm have been installed or implemented. Additional data
10577 that will enhance the program, such as studies to reflect property
10578 value increases for retrofitting or building to the established
10579 wind hazard mitigation construction techniques and cost comparison
10580 data collected to establish the value of this program against the
10581 investment required to include the mitigation measures, also may
10582 be provided.

10583 (b) **Wind certification and hurricane mitigation**
10584 **inspections.**



10585 (i) Home-retrofit inspections of site-built,
10586 residential property, including single-family, two-family,
10587 three-family or four-family residential units, and a set of
10588 representative commercial facilities may be offered to determine
10589 what mitigation measures are needed and what improvements to
10590 existing residential properties are needed to reduce the
10591 property's vulnerability to hurricane damage. A state program may
10592 be established within the Department of Insurance to provide
10593 homeowners and business owners wind certification and hurricane
10594 mitigation inspections. The inspections provided to homeowners
10595 and business owners, at a minimum, must include:

10596 1. A home inspection and report that
10597 summarizes the results and identifies corrective actions a
10598 homeowner may take to mitigate hurricane damage.

10599 2. A range of cost estimates regarding the
10600 mitigation features.

10601 3. Insurer-specific information regarding
10602 premium discounts correlated to recommended mitigation features
10603 identified by the inspection.

10604 4. A hurricane resistance rating scale
10605 specifying the home's current as well as projected wind resistance
10606 capabilities.

10607 This data may be provided by trained and certified inspectors
10608 in standardized reporting formats and forms to ensure all data
10609 collected during inspections is equivalent in style and content



10610 that allows construction data, estimates and discount information
10611 to be easily assimilated into a database. Data pertaining to the
10612 number of inspections and inspection reports may be stored in a
10613 state database for evaluation of the program's success and review
10614 of state goals in reducing wind hazard loss in the state.

10615 (ii) To qualify for selection by the department as
10616 a provider of wind certification and hurricane mitigation
10617 inspections services, the entity shall, at a minimum, and on a
10618 form and in the manner prescribed by the commissioner:

10619 1. Use wind certification and hurricane
10620 mitigation inspectors who:

10621 a. Have prior experience in residential
10622 and/or commercial construction or inspection and have received
10623 specialized training in hurricane mitigation procedures through
10624 the state certified program. In order to qualify for training in
10625 the inspection process, the individual should be either a licensed
10626 building code official, a licensed contractor or inspector in the
10627 State of Mississippi, or a civil engineer.

10628 b. Have undergone drug testing and
10629 background checks.

10630 c. Have been certified through a state
10631 mandated training program, in a manner satisfactory to the
10632 department, to conduct the inspections.

10633 d. Have not been convicted of a * * *
10634 disqualifying crime as provided in the Fresh Start Act; have not



10635 received a first-time offender pardon or nonadjudication order for
10636 a * * * disqualifying crime as provided in the Fresh Start Act; or
10637 have not entered a plea of guilty or nolo contendere to a * * *
10638 disqualifying crime as provided in the Fresh Start Act.

10639 e. Submit a statement authorizing the
10640 Commissioner of Insurance to order fingerprint analysis or any
10641 other analysis or documents deemed necessary by the commissioner
10642 for the purpose of verifying the criminal history of the
10643 individual. The commissioner shall have the authority to conduct
10644 criminal history verification on a local, state or national level,
10645 and shall have the authority to require the individual to pay for
10646 the costs of such criminal history verification.

10647 2. Provide a quality assurance program
10648 including a reinspection component.

10649 3. Have data collection equipment and
10650 computer systems, so that data can be submitted electronically to
10651 the state's database of inspection reports, insurance
10652 certificates, and other industry information related to this
10653 program. It is mandatory that all inspectors provide original
10654 copies to the property owner of any inspection reports, estimates,
10655 etc., pertaining to the inspection and keep a copy of all
10656 inspection materials on hand for state audits.

10657 (c) **Financial grants to retrofit properties.** Financial
10658 grants may be used to encourage single-family, site-built,
10659 owner-occupied, residential property owners or commercial property



10660 owners to retrofit their properties to make them less vulnerable
10661 to hurricane damage.

10662 (d) **Education and consumer awareness.** Multimedia
10663 public education, awareness and advertising efforts designed to
10664 specifically address mitigation techniques may be employed, as
10665 well as a component to support ongoing consumer resources and
10666 referral services. In addition, all insurance companies shall
10667 provide notification to their clients regarding the availability
10668 of this program, participation details, and directions to the
10669 state website promoting the program, along with appropriate
10670 contact phone numbers to the state agency administrating the
10671 program. The notification to the clients must be sent by the
10672 insurance company within thirty (30) days after filing their
10673 insurance discount schedules with the Department of Insurance.

10674 (e) **Advisory council.** There is created an advisory
10675 council to provide advice and assistance to the program
10676 administrator with regard to his or her administration of the
10677 program. The advisory council shall consist of:

10678 (i) An agent, selected by the Independent
10679 Insurance Agents of Mississippi.

10680 (ii) Two (2) representatives of residential
10681 property insurers, selected by the Department of Insurance.

10682 (iii) One (1) representative of homebuilders,
10683 selected by the Home Builders Association of Mississippi.



10684 (iv) The Chairman of the House Insurance
10685 Committee, or his designee.

10686 (v) The Chairman of the Senate Insurance
10687 Committee, or his designee.

10688 (vi) The Executive Director of the Mississippi
10689 Windstorm Underwriting Association, or his designee.

10690 (vii) The Director of the Mississippi Emergency
10691 Management Agency, or his designee.

10692 Members appointed under subparagraphs (i) and (ii) shall
10693 serve at the pleasure of the Department of Insurance. All other
10694 members shall serve as voting ex officio members. Members of the
10695 advisory council who are not legislators, state officials or state
10696 employees shall be compensated at the per diem rate authorized by
10697 Section 25-3-69, and shall be reimbursed in accordance with
10698 Section 25-3-41, for mileage and actual expenses incurred in the
10699 performance of their duties. Legislative members of the advisory
10700 council shall be paid from the contingent expense funds of their
10701 respective houses in the same manner as provided for committee
10702 meetings when the Legislature is not in session; however, no per
10703 diem or expense for attending meetings of the advisory council may
10704 be paid while the Legislature is in session. No advisory council
10705 member may incur per diem, travel or other expenses unless
10706 previously authorized by vote, at a meeting of the council, which
10707 action shall be recorded in the official minutes of the meeting.



10708 Nonlegislative members shall be paid from any funds made available
10709 to the advisory council for that purpose.

10710 (f) **Rules and regulations.** The Department of Insurance
10711 may adopt rules and regulations governing the Comprehensive
10712 Hurricane Damage Mitigation Program. The department also may
10713 adopt rules and regulations establishing priorities for grants
10714 provided under this section based on objective criteria that gives
10715 priority to reducing the state's probable maximum loss from
10716 hurricanes. However, pursuant to this overall goal, the
10717 department may further establish priorities based on the insured
10718 value of the dwelling, whether or not the dwelling is insured by
10719 the Mississippi Windstorm Underwriting Association and whether or
10720 not the area under consideration has sufficient resources and the
10721 ability to perform the retrofitting required.

10722 (2) Nothing in this section shall prohibit the Department of
10723 Insurance from entering into an agreement with any other
10724 appropriate state agency to assist with or perform any of the
10725 duties set forth hereunder.

10726 (3) This section shall stand repealed from and after July 1,
10727 2025.

10728 **SECTION 128.** Section 83-17-71, Mississippi Code of 1972, is
10729 amended as follows:

10730 83-17-71. (1) The commissioner may place on probation,
10731 suspend, revoke or refuse to issue or renew an insurance
10732 producer's license or may levy a civil penalty in an amount not to



10733 exceed One Thousand Dollars (\$1,000.00) per violation and such
10734 penalty shall be deposited into the special fund of the State
10735 Treasury designated as the "Insurance Department Fund" for any one
10736 or more of the following causes:

10737 (a) Providing incorrect, misleading, incomplete or
10738 materially untrue information in the license application;

10739 (b) Violating any insurance laws, or violating any
10740 regulation, subpoena or order of the commissioner or of another
10741 state's commissioner;

10742 (c) Obtaining or attempting to obtain a license through
10743 misrepresentation or fraud;

10744 (d) Improperly withholding, misappropriating or
10745 converting any monies or properties received in the course of
10746 doing insurance business;

10747 (e) Intentionally misrepresenting the terms of an
10748 actual or proposed insurance contract or application for
10749 insurance;

10750 (f) Having been convicted of a * * * disqualifying
10751 crime as provided in the Fresh Start Act;

10752 (g) Having admitted or been found to have committed any
10753 insurance unfair trade practice or fraud;

10754 (h) Using fraudulent, coercive or dishonest practices
10755 or demonstrating incompetence, untrustworthiness or financial
10756 irresponsibility in the conduct of business in this state or
10757 elsewhere;



10758 (i) Having an insurance producer license, or its
10759 equivalent, denied, suspended or revoked in any other state,
10760 province, district or territory;

10761 (j) Forging another's name to an application for
10762 insurance or to any document related to an insurance transaction;

10763 (k) Improperly using notes or any other reference
10764 material to complete an examination for an insurance license;

10765 (l) Knowingly accepting insurance business from an
10766 individual who is not licensed;

10767 (m) Failing to comply with an administrative or court
10768 order imposing a child support obligation; or

10769 (n) Failing to pay state income tax or comply with any
10770 administrative or court order directing payment of state income
10771 tax.

10772 (2) If the action by the commissioner is to nonrenew or to
10773 deny an application for a license, the commissioner shall notify
10774 the applicant or licensee and advise, in writing, the applicant or
10775 licensee of the reason for the denial or nonrenewal of the
10776 applicant's or licensee's license. The applicant or licensee may
10777 make written demand upon the commissioner within ten (10) days for
10778 a hearing before the commissioner to determine the reasonableness
10779 of the commissioner's action. The hearing shall be held within
10780 thirty (30) days.

10781 (3) The license of a business entity may be suspended,
10782 revoked or refused if the commissioner finds, after hearing, that



10783 an individual licensee's violation was known or should have been
10784 known by one or more of the partners, officers or managers acting
10785 on behalf of the partnership or corporation and the violation was
10786 neither reported to the commissioner nor corrective action taken.

10787 (4) In addition to, or in lieu of, any applicable denial,
10788 suspension or revocation of a license, a person may, after
10789 hearing, be subject to a civil fine not to exceed One Thousand
10790 Dollars (\$1,000.00) per violation and such fine shall be deposited
10791 into the special fund in the State Treasury designated as the
10792 "Insurance Department Fund."

10793 (5) The commissioner shall retain the authority to enforce
10794 the provisions of and impose any penalty or remedy authorized by
10795 this article and Title 83, Mississippi Code of 1972, against any
10796 person who is under investigation for or charged with a violation
10797 of this article or Title 83, Mississippi Code of 1972, even if the
10798 person's license or registration has been surrendered or has
10799 lapsed by operation of law.

10800 (6) No licensee whose license has been revoked hereunder
10801 shall be entitled to file another application for a license as a
10802 producer within one (1) year from the effective date of such
10803 revocation or, if judicial review of such revocation is sought,
10804 within one (1) year from the date of final court order or decree
10805 affirming such revocation. Such application, when filed, may be
10806 refused by the commissioner unless the applicant shows good cause



10807 why the revocation of his license shall not be deemed a bar to the
10808 issuance of a new license.

10809 (7) Notwithstanding any other provision of this article to
10810 the contrary, a person licensed in this state as a nonresident
10811 producer whose license is denied, suspended or revoked in his or
10812 her home state shall also have his or her nonresident license
10813 denied, suspended or revoked in this state without prior notice or
10814 hearing.

10815 (8) From and after July 1, 2016, the expenses of this agency
10816 shall be defrayed by appropriation from the State General Fund and
10817 all user charges and fees authorized under this section shall be
10818 deposited into the State General Fund as authorized by law.

10819 (9) From and after July 1, 2016, no state agency shall
10820 charge another state agency a fee, assessment, rent or other
10821 charge for services or resources received by authority of this
10822 section.

10823 **SECTION 129.** Section 83-17-421, Mississippi Code of 1972, is
10824 amended as follows:

10825 83-17-421. (1) A license may be refused, or a license duly
10826 issued may be suspended or revoked or the renewal thereof refused
10827 by the commissioner if, after notice and hearing as hereinafter
10828 provided, he or she finds that the applicant for, or holder of,
10829 such license:

10830 (a) Has * * * willfully violated any provision of the
10831 insurance laws of this state; or



10832 (b) Has intentionally made a material misstatement in
10833 the application for such license; or
10834 (c) Has obtained, or attempted to obtain, such license
10835 by fraud or misrepresentation; or
10836 (d) Has misappropriated or converted to his or her own
10837 use or illegally withheld money belonging to an insurer or
10838 beneficiary; or
10839 (e) Has otherwise demonstrated lack of trustworthiness
10840 or competence to act as an adjuster; or
10841 (f) Has been guilty of fraudulent or dishonest
10842 practices or has been convicted of a * * * disqualifying crime as
10843 provided in the Fresh Act; or
10844 (g) Has materially misrepresented the terms and
10845 conditions of insurance policies or contracts; or * * * willfully
10846 exaggerated prospective returns on investment features of policies
10847 or fails to identify himself or herself as an adjuster and in so
10848 doing receives a compensation for his or her participation in the
10849 sale of insurance; or
10850 (h) Has made or issued, or caused to be made or issued,
10851 any statement misrepresenting or making incomplete comparisons
10852 regarding the terms or conditions of any insurance or annuity
10853 contract legally issued by any insurer, for the purpose of
10854 inducing or attempting to induce the owner of such contract to
10855 forfeit or surrender such contract or allow it to lapse for the
10856 purpose of replacing such contract with another; or



10857 (i) Has obtained or attempted to obtain such license,
10858 not for the purpose of holding himself or herself out to the
10859 general public as an adjuster, but primarily for the purpose of
10860 soliciting, negotiating or procuring insurance or annuity
10861 contracts covering himself or herself or members of his or her
10862 family.

10863 (2) Before any license shall be refused (except for failure
10864 to pass a required written examination) or suspended or revoked or
10865 the renewal thereof refused hereunder, the commissioner shall give
10866 notice of his or her intention so to do, by registered mail, to
10867 the applicant for or holder of such license and the insurer whom
10868 he or she represents or who desires that he or she be licensed,
10869 and shall set a date not less than twenty (20) days from the date
10870 of mailing such notice when the applicant or licensee and a duly
10871 authorized representative of the insurer may appear to be heard
10872 and produce evidence. Such notice shall constitute automatic
10873 suspension of license if the person involved is a licensed
10874 adjuster. In the conduct of such hearing, the commissioner or any
10875 regular salaried employee specially designated by him or her for
10876 such purpose shall have power to administer oaths, to require the
10877 appearance of and examine any person under oath and to require the
10878 production of books, records or papers relevant to the inquiry
10879 upon his or her own initiative or upon the request of the
10880 applicant or licensee. Upon the termination of such hearing,
10881 findings shall be reduced to writing and, upon approval by the



10882 commissioner, shall be filed in his or her office; and notice of
10883 the findings shall be sent by registered mail to the applicant or
10884 licensee and the insurer concerned.

10885 (3) Where the grounds set out in subsection (1)(d) or (1)(g)
10886 are the grounds for any hearing, the commissioner may, in his or
10887 her discretion in lieu of the hearing provided for in subsection
10888 (2) of this section, file a petition to suspend or revoke any
10889 license authorized hereunder in a court of competent jurisdiction
10890 of the county or district in which the alleged offense occurred.
10891 In such cases, subpoenas may be issued for witnesses, and mileage
10892 and witness fees paid as in other cases. All costs of such cause
10893 shall be paid by the defendant, if found guilty, and if costs
10894 cannot be made and collected from the defendant, such costs shall
10895 be assessed against the company issuing the contract involved in
10896 such cause.

10897 (4) No licensee whose license has been revoked hereunder
10898 shall be entitled to file another application for a license as an
10899 adjuster within one (1) year from the effective date of such
10900 revocation or, if judicial review of such revocation is sought,
10901 within one (1) year from the date of final court order or decree
10902 affirming such revocation. Such application, when filed, may be
10903 refused by the commissioner unless the applicant shows good cause
10904 why the revocation of his or her license shall not be deemed a bar
10905 to the issuance of a new license.



10906 **SECTION 130.** Section 83-17-519, Mississippi Code of 1972, is
10907 amended as follows:

10908 83-17-519. (1) A license may be refused, or a license duly
10909 issued may be suspended or revoked or the renewal thereof refused
10910 by the commissioner, or the commissioner may levy a civil penalty
10911 in an amount not to exceed Five Thousand Dollars (\$5,000.00) per
10912 violation, or both, and any such penalty shall be deposited into
10913 the special fund of the State Treasury designated as the
10914 "Insurance Department Fund," if, after notice and hearing as
10915 hereinafter provided, he finds that the applicant for, or holder
10916 of, such license:

10917 (a) Has intentionally made a material misstatement in
10918 the application for such license; or

10919 (b) Has obtained, or attempted to obtain, such license
10920 by fraud or misrepresentation; or

10921 (c) Has misappropriated or converted to his own use or
10922 illegally withheld money belonging to another person or entity; or

10923 (d) Has otherwise demonstrated lack of trustworthiness
10924 or competence to act as a public adjuster; or

10925 (e) Has been guilty of fraudulent or dishonest
10926 practices or has been convicted of a * * * disqualifying crime as
10927 provided in the Fresh Start Act; or

10928 (f) Has materially misrepresented the terms and
10929 conditions of insurance policies or contracts or failed to
10930 identify himself as a public adjuster; or



10931 (g) Has obtained or attempted to obtain such license
10932 for a purpose other than holding himself out to the general public
10933 as a public adjuster; or

10934 (h) Has violated any insurance laws, or any regulation,
10935 subpoena or order of the commissioner or of another state's
10936 commissioner of insurance.

10937 (2) Before any license shall be refused (except for failure
10938 to pass a required written examination) or suspended or revoked or
10939 the renewal thereof refused hereunder, the commissioner shall give
10940 notice of his intention so to do, by certified mail, return
10941 receipt requested, to the applicant for or holder of such license,
10942 and shall set a date not less than twenty (20) days from the date
10943 of mailing such notice when the applicant or licensee may appear
10944 to be heard and produce evidence in opposition to such refusal,
10945 suspension or revocation. Such notice shall constitute automatic
10946 suspension of license if the person involved is a licensed public
10947 adjuster. In the conduct of such hearing, the commissioner or any
10948 regular salaried employee of the department specially designated
10949 by him for such purpose shall have the power to administer oaths,
10950 to require the appearance of and examine any person under oath,
10951 and to require the production of books, records or papers relevant
10952 to the inquiry upon his own initiative or upon the request of the
10953 applicant or licensee. Upon the termination of such hearing,
10954 findings shall be reduced to writing and, upon approval by the
10955 commissioner, shall be filed in his office; and notice of the



10956 findings shall be sent by certified mail, return receipt
10957 requested, to the applicant or licensee.

10958 (3) Where the grounds set out in subsection (1)(c) or (1)(f)
10959 of this section are the grounds for any hearing, the commissioner
10960 may, in his discretion in lieu of the hearing provided for in
10961 subsection (2) of this section, file a petition requesting the
10962 court to suspend or revoke any license authorized hereunder in a
10963 court of competent jurisdiction of the county or district in which
10964 the alleged offense occurred. In such cases, subpoenas may be
10965 issued for witnesses, and mileage and witness fees paid as in
10966 other cases. All costs of such cause shall be paid by the
10967 defendant, if the finding of the court be against him.

10968 (4) No licensee whose license has been revoked hereunder
10969 shall be entitled to file another application for a license as a
10970 public adjuster within one (1) year from the effective date of
10971 such revocation or, if judicial review of such revocation is
10972 sought, within one (1) year from the date of final court order or
10973 decree affirming such revocation. An application filed after such
10974 one-year period shall be refused by the commissioner unless the
10975 applicant shows good cause why the revocation of his license shall
10976 not be deemed a bar to the issuance of a new license.

10977 (5) From and after July 1, 2016, the expenses of this agency
10978 shall be defrayed by appropriation from the State General Fund and
10979 all user charges and fees authorized under this section shall be
10980 deposited into the State General Fund as authorized by law.



10981 (6) From and after July 1, 2016, no state agency shall
10982 charge another state agency a fee, assessment, rent or other
10983 charge for services or resources received by authority of this
10984 section.

10985 **SECTION 131.** Section 83-21-19, Mississippi Code of 1972, is
10986 amended as follows:

10987 83-21-19. (1) Surplus lines insurance may be placed by a
10988 surplus lines insurance producer if:

10989 (a) Each insurer is an eligible surplus lines insurer;

10990 (b) Each insurer is authorized to write the line of
10991 insurance in its domiciliary jurisdiction; and

10992 (c) All other requirements as set forth by law are met.

10993 (2) The Commissioner of Insurance, upon the biennial payment
10994 of a fee of One Hundred Dollars (\$100.00) and submission of a
10995 completed license application on a form approved by the
10996 commissioner, may issue a surplus lines insurance producer license
10997 to a qualified holder of an insurance producer license with a
10998 property, casualty and/or personal lines line of authority, who is
10999 regularly commissioned to represent a fire and casualty insurance
11000 company licensed to do business in the state.

11001 (3) The privilege license shall continue from the date of
11002 issuance until the last day of the month of the licensee's
11003 birthday in the second year following issuance or renewal of the
11004 license, with a minimum term of twelve (12) months.



11005 (4) A nonresident person shall receive a surplus lines
11006 insurance producer license if:

11007 (a) The person is currently licensed as a surplus lines
11008 insurance producer or equivalent and in good standing in his or
11009 her home state;

11010 (b) The person has submitted the proper request for
11011 licensure and has paid the biennial fee of One Hundred Dollars
11012 (\$100.00); and

11013 (c) The person's home state awards nonresident surplus
11014 lines licenses to residents of this state on the same basis.

11015 (5) The commissioner may verify a person's licensing status
11016 through the National Producer Database maintained by the National
11017 Association of Insurance Commissioners, its affiliates or
11018 subsidiaries.

11019 (6) A nonresident surplus lines insurance producer licensee
11020 who moves from one (1) state to another state, or a resident
11021 surplus lines licensee who moves from this state to another state,
11022 shall file a change of address and provide certification from the
11023 new resident state within thirty (30) days of the change of legal
11024 residence. No fee or license application is required.

11025 (7) The commissioner may deny, suspend, revoke or refuse the
11026 license of a surplus lines insurance producer licensee and/or levy
11027 a civil penalty in an amount not to exceed Two Thousand Five
11028 Hundred Dollars (\$2,500.00) per violation, after notice and



11029 hearing as provided hereunder, for one or more of the following
11030 grounds:

11031 (a) Providing incorrect, misleading, incomplete or
11032 materially untrue information in the license application;

11033 (b) Violating any insurance laws, or violating any
11034 regulation, subpoena or order of the commissioner or of another
11035 state's commissioner;

11036 (c) Obtaining or attempting to obtain a license through
11037 misrepresentation or fraud;

11038 (d) Improperly withholding, misappropriating or
11039 converting any monies or properties received in the course of
11040 doing the business of insurance;

11041 (e) Intentionally misrepresenting the terms of an
11042 actual or proposed insurance contract or application for
11043 insurance;

11044 (f) Having been convicted of a * * * disqualifying
11045 crime as provided in the Fresh Start Act;

11046 (g) Having admitted or been found to have committed any
11047 insurance unfair trade practice or fraud;

11048 (h) Using fraudulent, coercive or dishonest practices
11049 or demonstrating incompetence, untrustworthiness or financial
11050 irresponsibility in the conduct of business in this state or
11051 elsewhere;



11052 (i) Having an insurance producer license, or its
11053 equivalent, denied, suspended or revoked in any other state,
11054 province, district or territory;

11055 (j) Forging another's name to an application for
11056 insurance or to any document related to an insurance transaction;

11057 (k) Improperly using notes or any other reference
11058 material to complete an examination for an insurance license;

11059 (l) Knowingly accepting insurance business from an
11060 individual who is not licensed;

11061 (m) Failing to comply with an administrative or court
11062 order imposing a child support obligation; or

11063 (n) Failing to pay state income tax or comply with any
11064 administrative or court order directing payment of state income
11065 tax.

11066 (8) If the action by the commissioner is to nonrenew,
11067 suspend, revoke or to deny an application for a license, the
11068 commissioner shall notify the applicant or licensee and advise, in
11069 writing, the applicant or licensee of the reason for the denial or
11070 nonrenewal of the applicant's or licensee's license. The
11071 applicant or licensee may make written demand upon the
11072 commissioner within ten (10) days for a hearing before the
11073 commissioner to determine the reasonableness of the commissioner's
11074 action. The hearing shall be held within thirty (30) days.

11075 (9) Every surplus lines insurance contract procured and
11076 delivered according to Sections 83-21-17 through 83-21-31 shall



11077 have stamped upon it in bold ten-point type, and bear the name of
11078 the surplus lines insurance producer who procured it, the
11079 following: "NOTE: This insurance policy is issued pursuant to
11080 Mississippi law covering surplus lines insurance. The company
11081 issuing the policy is not licensed by the State of Mississippi,
11082 but is authorized to do business in Mississippi as a nonadmitted
11083 company. The policy is not protected by the Mississippi Insurance
11084 Guaranty Association in the event of the insurer's insolvency."
11085 No diminution of the license fee herein provided shall occur as to
11086 any license effective after January 1 of any year.

11087 **SECTION 132.** Section 83-49-11, Mississippi Code of 1972, is
11088 amended as follows:

11089 83-49-11. The commissioner may revoke or suspend or refuse
11090 to renew the license of any sponsor or representative of such
11091 sponsor when and if after investigation the commissioner finds
11092 that:

11093 (a) Any license issued to such sponsor or
11094 representative of such sponsor was obtained by fraud;

11095 (b) There was any misrepresentation in the application
11096 for the license;

11097 (c) The sponsor or representative of such sponsor has
11098 otherwise shown itself untrustworthy or incompetent to act as a
11099 sponsor or representative of such sponsor;



11100 (d) Such sponsor or representative of such sponsor has
11101 violated any of the provisions of this chapter or of the rules and
11102 regulations of the commissioner;

11103 (e) The sponsor or representative of such sponsor has
11104 misappropriated, converted, illegally withheld, or refused to pay
11105 over upon proper demand any monies entrusted to the sponsor or
11106 representative of such sponsor in its fiduciary capacity belonging
11107 to an insurer or insured;

11108 (f) The sponsor or representative of such sponsor is
11109 found to be in an unsound condition or in such condition as to
11110 render the future transaction of business in this state hazardous
11111 to the public; or

11112 (g) The sponsor or representative of such sponsor is
11113 found guilty of fraudulent, deceptive, unfair or dishonest
11114 practices as defined in Section 83-5-35 or 83-5-45, Mississippi
11115 Code of 1972, or has been convicted of a * * * disqualifying crime
11116 as provided in the Fresh Start Act.

11117 Before any license shall be refused, suspended, revoked or
11118 the renewal thereof refused hereunder, the commissioner shall give
11119 notice of his intention so to do, by certified mail, return
11120 receipt requested, to the applicant for or holder of such license
11121 and to any sponsor whom such representative represents or who
11122 desires that he be licensed, and shall set a date not less than
11123 twenty (20) days from the date of mailing such notice when the
11124 applicant or licensee and a duly authorized representative of the



11125 sponsor may appear to be heard and produce evidence. In the
11126 conduct of such hearing, the commissioner or any regular salaried
11127 employee specially designated by him for such purposes shall have
11128 power to administer oaths, to require the appearance of and
11129 examine any person under oath, and to require the production of
11130 books, records or papers relevant to the inquiry upon his own
11131 initiative or upon the request of the applicant or licensee. Upon
11132 the termination of such hearing, findings shall be reduced to
11133 writing and, upon approval by the commissioner, shall be filed in
11134 his office; and notice of the findings shall be sent by certified
11135 mail to the applicant or licensee and the sponsor concerned.

11136 No licensee whose license has been revoked hereunder shall be
11137 entitled to file another application for a license as a sponsor or
11138 a representative of any sponsor within one (1) year from the
11139 effective date of such revocation. Such application, when filed,
11140 may be refused by the commissioner unless the applicant shows good
11141 cause why the revocation of his license shall not be deemed a bar
11142 to the issuance of a new license.

11143 In lieu of revoking, suspending or refusing to renew the
11144 license for any of the causes enumerated in this section, after
11145 hearing as herein provided, the commissioner may place the sponsor
11146 on probation for a period of time not to exceed one (1) year, or
11147 may fine such sponsor not more than One Thousand Dollars
11148 (\$1,000.00) for each offense, or both, when in his judgment he
11149 finds that the public interest would not be harmed by the



11150 continued operation of the sponsor. The amount of any such
11151 penalty shall be paid by such sponsor to the commissioner for the
11152 use of the state. At any hearing provided by this section, the
11153 commissioner shall have authority to administer oaths to
11154 witnesses. Anyone testifying falsely, after having been
11155 administered such oath, shall be subject to the penalty of
11156 perjury.

11157 Any action of the commissioner taken pursuant to the
11158 provisions of this section shall be subject to review as may be
11159 provided in Section 83-17-125.

11160 **SECTION 133.** Section 97-33-315, Mississippi Code of 1972, is
11161 amended as follows:

11162 97-33-315. (1) The executive director shall make
11163 appropriate investigations:

11164 (a) To determine whether there has been any violation
11165 of Sections 97-33-301 through 97-33-317 or of any regulations
11166 adopted thereunder.

11167 (b) To determine any facts, conditions, practices or
11168 matters which it may deem necessary or proper to aid in the
11169 enforcement of any such law or regulation.

11170 (c) To aid in adopting regulations.

11171 (d) To secure information as a basis for recommending
11172 legislation relating to Sections 97-33-301 through 97-33-317.

11173 (e) To determine annual compliance with Sections
11174 97-33-301 through 97-33-317.



11175 (2) If after any investigation the executive director is
11176 satisfied that a license should be limited, conditioned, suspended
11177 or revoked, he shall initiate a hearing by filing a complaint with
11178 the commission and transmit therewith a summary of evidence in his
11179 possession bearing on the matter and the transcript of testimony
11180 at any investigative hearing conducted by or on behalf of the
11181 executive director to the licensee.

11182 (3) Upon receipt of the complaint of the executive director,
11183 the commission shall review all matter presented in support
11184 thereof and shall appoint a hearing examiner to conduct further
11185 proceedings.

11186 (4) After proceedings required by Sections 97-33-301 through
11187 97-33-317, the hearing examiner may recommend that the commission
11188 take any or all of the following actions:

11189 (a) As to operations at a licensed gaming establishment
11190 under Section 97-33-307(5):

11191 (i) Limit, condition, suspend or revoke the
11192 license of any licensed gaming establishment or the individual
11193 license of any licensee without affecting the license of the
11194 establishment; and

11195 (ii) Order an operator to exclude an individual
11196 licensee from the operation of the registered business or not to
11197 pay the licensee any remuneration for services or any profits,
11198 income or accruals on his investment in the licensed gaming
11199 establishment;



11200 (b) Limit, condition, suspend or revoke any license
11201 granted to any applicant by the commission;

11202 (c) Fine each licensee for any act or transaction for
11203 which commission approval was required or permitted, as provided
11204 in Section 97-33-309.

11205 (5) The hearing examiner shall prepare a written decision
11206 containing his recommendation to the commission and shall serve it
11207 on all parties. Any party disagreeing with the hearing examiner's
11208 recommendation may ask the commission to review the recommendation
11209 within ten (10) days of service of the recommendation. The
11210 commission may hold a hearing to consider the recommendation
11211 whether there has been a request to review the recommendation or
11212 not.

11213 (6) If the commission decides to review the recommendation,
11214 it shall give notice of that fact to all parties within thirty
11215 (30) days of the recommendation and shall schedule a hearing to
11216 review the recommendation. The commission's review shall be de
11217 novo but shall be based upon the evidence presented before the
11218 hearing examiner. The commission may remand the case to the
11219 hearing examiner for the presentation of additional evidence upon
11220 a showing of good cause why the evidence could not have been
11221 presented at the previous hearing.

11222 (7) If the commission does not decide to review the
11223 recommendation within thirty (30) days, the recommendation becomes
11224 the final order of the commission.



11225 (8) If the commission limits, conditions, suspends or
11226 revokes any license, or imposes a fine, it shall issue its written
11227 order therefor after causing to be prepared and filed the hearing
11228 examiner's written decision upon which the order is based.

11229 (9) Any limitation, condition, revocation, suspension or
11230 fine is effective until reversed upon judicial review, except that
11231 the commission may stay its order pending a rehearing or judicial
11232 review upon such terms and conditions as it deems proper.

11233 (10) Judicial review of an order or decision of the
11234 commission may be had to the Chancery Court of the First Judicial
11235 District of Hinds County, Mississippi, as a case in equity.

11236 (11) A license * * * may be revoked if the individual is
11237 convicted of a * * * disqualifying crime as provided in the Fresh
11238 Start Act. An appeal from the conviction shall not act as a
11239 supersedeas to the revocation required by this subsection.

11240 **SECTION 134.** Section 73-15-201, Mississippi Code of 1972, is
11241 brought forward as follows:

11242 73-15-201. The Nurse Licensure Compact is enacted into law
11243 and entered into by this state with any and all states legally
11244 joining in the compact in accordance with its term, in the form
11245 substantially as follows:

11246 **ARTICLE I.**

11247 **Findings and declaration of purpose.**

11248 (a) The party states find that:



11249 1. The health and safety of the public are
11250 affected by the degree of compliance with and the effectiveness of
11251 enforcement activities related to state nurse licensure laws;

11252 2. Violations of nurse licensure and other laws
11253 regulating the practice of nursing may result in injury or harm to
11254 the public;

11255 3. The expanded mobility of 73-15- and the use of
11256 advanced communication technologies as part of our nation's health
11257 care delivery system require greater coordination and cooperation
11258 among states in the areas of nurse licensure and regulation;

11259 4. New practice modalities and technology make
11260 compliance with individual state nurse licensure laws difficult
11261 and complex;

11262 5. The current system of duplicative licensure for
11263 nurses practicing in multiple states is cumbersome and redundant
11264 for both nurses and states; and

11265 6. Uniformity of nurse licensure requirements
11266 throughout the states promotes public safety and public health
11267 benefits.

11268 (b) The general purposes of this compact are to:

11269 1. Facilitate the states' responsibility to
11270 protect the public's health and safety;

11271 2. Ensure and encourage the cooperation of party
11272 states in the areas of nurse licensure and regulation;



11298 (b) "Alternative program" means a nondisciplinary
11299 monitoring program approved by a licensing board.

11300 (c) "Coordinated licensure information system" means an
11301 integrated process for collecting, storing and sharing information
11302 on nurse licensure and enforcement activities related to nurse
11303 licensure laws that is administered by a nonprofit organization
11304 composed of and controlled by licensing boards.

11305 (d) "Current significant investigative information"
11306 means:

11307 1. Investigative information that a licensing
11308 board, after a preliminary inquiry that includes notification and
11309 an opportunity for the nurse to respond, if required by state law,
11310 has reason to believe is not groundless and, if proved true, would
11311 indicate more than a minor infraction; or

11312 2. Investigative information that indicates that
11313 the nurse represents an immediate threat to public health and
11314 safety regardless of whether the nurse has been notified and had
11315 an opportunity to respond.

11316 (e) "Encumbrance" means a revocation or suspension of,
11317 or any limitation on, the full and unrestricted practice of
11318 nursing imposed by a licensing board.

11319 (f) "Home state" means the party state which is the
11320 nurse's primary state of residence.

11321 (g) "Licensing board" means a party state's regulatory
11322 body responsible for issuing nurse licenses.



11323 (h) "Multistate license" means a license to practice as
11324 a registered or a licensed practical/vocational nurse (LPN/VN)
11325 issued by a home state licensing board that authorizes the
11326 licensed nurse to practice in all party states under a multistate
11327 licensure privilege.

11328 (i) "Multistate licensure privilege" means a legal
11329 authorization associated with a multistate license permitting the
11330 practice of nursing as either a registered nurse (RN) or LPN/VN in
11331 a remote state.

11332 (j) "Nurse" means RN or LPN/VN, as those terms are
11333 defined by each party state's practice laws.

11334 (k) "Party state" means any state that has adopted this
11335 compact.

11336 (l) "Remote state" means a party state, other than the
11337 home state.

11338 (m) "Single-state license" means a nurse license issued
11339 by a party state that authorizes practice only within the issuing
11340 state and does not include a multistate licensure privilege to
11341 practice in any other party state.

11342 (n) "State" means a state, territory or possession of
11343 the United States and the District of Columbia.

11344 (o) "State practice laws" means a party state's laws,
11345 rules and regulations that govern the practice of nursing, define
11346 the scope of nursing practice, and create the methods and grounds
11347 for imposing discipline. "State practice laws" do not include



11348 requirements necessary to obtain and retain a license, except for
11349 qualifications or requirements of the home state.

11350 **ARTICLE III.**

11351 **General provisions and jurisdiction.**

11352 (a) A multistate license to practice registered or
11353 licensed practical/vocational nursing issued by a home state to a
11354 resident in that state will be recognized by each party state as
11355 authorizing a nurse to practice as a registered nurse (RN) or as a
11356 licensed practical/vocational nurse (LPN/VN), under a multistate
11357 licensure privilege, in each party state.

11358 (b) A state must implement procedures for considering
11359 the criminal history records of applicants for initial multistate
11360 license or licensure by endorsement. Such procedures shall
11361 include the submission of fingerprints or other biometric-based
11362 information by applicants for the purpose of obtaining an
11363 applicant's criminal history record information from the Federal
11364 Bureau of Investigation and the agency responsible for retaining
11365 that state's criminal records.

11366 (c) Each party state shall require the following for an
11367 applicant to obtain or retain a multistate license in the home
11368 state:

11369 1. Meets the home state's qualifications for
11370 licensure or renewal of licensure, as well as, all other
11371 applicable state laws;



11372 2. (i) Has graduated or is eligible to graduate
11373 from a licensing board-approved RN or LPN/VN prelicensure
11374 education program; or

11375 (ii) Has graduated from a foreign RN or
11376 LPN/VN prelicensure education program that (a) has been approved
11377 by the authorized accrediting body in the applicable country and
11378 (b) has been verified by an independent credentials review agency
11379 to be comparable to a licensing board-approved prelicensure
11380 education program;

11381 3. Has, if a graduate of a foreign prelicensure
11382 education program not taught in English or if English is not the
11383 individual's native language, successfully passed an English
11384 proficiency examination that includes the components of reading,
11385 speaking, writing and listening;

11386 4. Has successfully passed a National Council
11387 Licensure Examination-Registered Nurse (NCLEX-RN®) or National
11388 Council Licensure Examination-Practical Nurse (NCLEX-PN®)
11389 Examination or recognized predecessor, as applicable;

11390 5. Is eligible for or holds an active,
11391 unencumbered license;

11392 6. Has submitted, in connection with an
11393 application for initial licensure or licensure by endorsement,
11394 fingerprints or other biometric data for the purpose of obtaining
11395 criminal history record information from the Federal Bureau of



11396 Investigation and the agency responsible for retaining that
11397 state's criminal records;

11398 7. Has not been convicted or found guilty, or has
11399 entered into an agreed disposition, of a felony offense under
11400 applicable state or federal criminal law;

11401 8. Has not been convicted or found guilty, or has
11402 entered into an agreed disposition, of a misdemeanor offense
11403 related to the practice of nursing as determined on a case-by-case
11404 basis;

11405 9. Is not currently enrolled in an alternative
11406 program;

11407 10. Is subject to self-disclosure requirements
11408 regarding current participation in an alternative program; and

11409 11. Has a valid United States social security
11410 number.

11411 (d) All party states shall be authorized, in accordance
11412 with existing state due process law, to take adverse action
11413 against a nurse's multistate licensure privilege such as
11414 revocation, suspension, probation or any other action that affects
11415 a nurse's authorization to practice under a multistate licensure
11416 privilege, including cease and desist actions. If a party state
11417 takes such action, it shall promptly notify the administrator of
11418 the coordinated licensure information system. The administrator
11419 of the coordinated licensure information system shall promptly
11420 notify the home state of any such actions by remote states.



11421 (e) A nurse practicing in a party state must comply
11422 with the state practice laws of the state in which the client is
11423 located at the time service is provided. The practice of nursing
11424 is not limited to patient care, but shall include all nursing
11425 practice as defined by the state practice laws of the party state
11426 in which the client is located. The practice of nursing in a
11427 party state under a multistate licensure privilege will subject a
11428 nurse to the jurisdiction of the licensing board, the courts and
11429 the laws of the party state in which the client is located at the
11430 time service is provided.

11431 (f) Individuals not residing in a party state shall
11432 continue to be able to apply for a party state's single-state
11433 license as provided under the laws of each party state. However,
11434 the single-state license granted to these individuals will not be
11435 recognized as granting the privilege to practice nursing in any
11436 other party state. Nothing in this compact shall affect the
11437 requirements established by a party state for the issuance of a
11438 single-state license.

11439 (g) Any nurse holding a home state multistate license,
11440 on the effective date of this compact, may retain and renew the
11441 multistate license issued by the nurse's then-current home state,
11442 provided that:

11443 1. A nurse, who changes primary state of residence
11444 after this compact's effective date, must meet all applicable



11469 (c) If a nurse changes primary state of residence by
11470 moving between two (2) party states, the nurse must apply for
11471 licensure in the new home state, and the multistate license issued
11472 by the prior home state will be deactivated in accordance with
11473 applicable rules adopted by the commission.

11474 1. The nurse may apply for licensure in advance of
11475 a change in primary state of residence.

11476 2. A multistate license shall not be issued by the
11477 new home state until the nurse provides satisfactory evidence of a
11478 change in primary state of residence to the new home state and
11479 satisfies all applicable requirements to obtain a multistate
11480 license from the new home state.

11481 (d) If a nurse changes primary state of residence by
11482 moving from a party state to a nonparty state, the multistate
11483 license issued by the prior home state will convert to a
11484 single-state license, valid only in the former home state.

11485 **ARTICLE V.**

11486 **Additional authorities invested in party state licensing boards.**

11487 (a) In addition to the other powers conferred by state
11488 law, a licensing board shall have the authority to:

11489 1. Take adverse action against a nurse's
11490 multistate licensure privilege to practice within that party
11491 state.



11492 (i) Only the home state shall have the power
11493 to take adverse action against a nurse's license issued by the
11494 home state.

11495 (ii) For purposes of taking adverse action,
11496 the home state licensing board shall give the same priority and
11497 effect to reported conduct received from a remote state as it
11498 would if such conduct had occurred within the home state.

11499 In so doing, the home state shall apply its own state laws to
11500 determine appropriate action.

11501 2. Issue cease and desist orders or impose an
11502 encumbrance on a nurse's authority to practice within that party
11503 state.

11504 3. Complete any pending investigations of a nurse
11505 who changes primary state of residence during the course of such
11506 investigations. The licensing board shall also have the authority
11507 to take appropriate action(s) and shall promptly report the
11508 conclusions of such investigations to the administrator of the
11509 coordinated licensure information system. The administrator of
11510 the coordinated licensure information system shall promptly notify
11511 the new home state of any such actions.

11512 4. Issue subpoenas for both hearings and
11513 investigations that require the attendance and testimony of
11514 witnesses, as well as, the production of evidence.

11515 Subpoenas issued by a licensing board in a party state for
11516 the attendance and testimony of witnesses or the production of



11517 evidence from another party state shall be enforced in the latter
11518 state by any court of competent jurisdiction, according to the
11519 practice and procedure of that court applicable to subpoenas
11520 issued in proceedings pending before it. The issuing authority
11521 shall pay any witness fees, travel expenses, mileage and other
11522 fees required by the service statutes of the state in which the
11523 witnesses or evidence are located.

11524 5. Obtain and submit, for each nurse licensure
11525 applicant, fingerprint or other biometric-based information to the
11526 Federal Bureau of Investigation for criminal background checks,
11527 receive the results of the Federal Bureau of Investigation record
11528 search on criminal background checks and use the results in making
11529 licensure decisions.

11530 6. If otherwise permitted by state law, recover
11531 from the affected nurse the costs of investigations and
11532 disposition of cases resulting from any adverse action taken
11533 against that nurse.

11534 7. Take adverse action based on the factual
11535 findings of the remote state, provided that the licensing board
11536 follows its own procedures for taking such adverse action.

11537 (b) If adverse action is taken by the home state
11538 against a nurse's multistate license, the nurse's multistate
11539 licensure privilege to practice in all other party states shall be
11540 deactivated until all encumbrances have been removed from the
11541 multistate license. All home state disciplinary orders that



11542 impose adverse action against a nurse's multistate license shall
11543 include a statement that the nurse's multistate licensure
11544 privilege is deactivated in all party states during the pendency
11545 of the order.

11546 (c) Nothing in this compact shall override a party
11547 state's decision that participation in an alternative program may
11548 be used in lieu of adverse action. The home state licensing board
11549 shall deactivate the multistate licensure privilege under the
11550 multistate license of any nurse for the duration of the nurse's
11551 participation in an alternative program.

11552 **ARTICLE VI.**

11553 **Coordinated licensure information system and exchange of**
11554 **information.**

11555 (a) All party states shall participate in a coordinated
11556 licensure information system of all licensed registered nurses
11557 (RNs) and licensed practical/vocational nurses (LPNs/VNs). This
11558 system will include information on the licensure and disciplinary
11559 history of each nurse, as submitted by party states, to assist in
11560 the coordination of nurse licensure and enforcement efforts.

11561 (b) The commission, in consultation with the
11562 administrator of the coordinated licensure information system,
11563 shall formulate necessary and proper procedures for the
11564 identification, collection and exchange of information under this
11565 compact.



11566 (c) All licensing boards shall promptly report to the
11567 coordinated licensure information system any adverse action, any
11568 current significant investigative information, denials of
11569 applications (with the reasons for such denials) and nurse
11570 participation in alternative programs known to the licensing board
11571 regardless of whether such participation is deemed nonpublic or
11572 confidential under state law.

11573 (d) Current significant investigative information and
11574 participation in nonpublic or confidential alternative programs
11575 shall be transmitted through the coordinated licensure information
11576 system only to party state licensing boards.

11577 (e) Notwithstanding any other provision of law, all
11578 party state licensing boards contributing information to the
11579 coordinated licensure information system may designate information
11580 that may not be shared with nonparty states or disclosed to other
11581 entities or individuals without the express permission of the
11582 contributing state.

11583 (f) Any personally identifiable information obtained
11584 from the coordinated licensure information system by a party state
11585 licensing board shall not be shared with nonparty states or
11586 disclosed to other entities or individuals except to the extent
11587 permitted by the laws of the party state contributing the
11588 information.

11589 (g) Any information contributed to the coordinated
11590 licensure information system that is subsequently required to be



11591 expunged by the laws of the party state contributing that
11592 information shall also be expunged from the coordinated licensure
11593 information system.

11594 (h) The compact administrator of each party state shall
11595 furnish a uniform data set to the compact administrator of each
11596 other party state, which shall include, at a minimum:

- 11597 1. Identifying information;
11598 2. Licensure data;
11599 3. Information related to alternative program
11600 participation; and
11601 4. Other information that may facilitate the
11602 administration of this compact, as determined by commission rules.

11603 (i) The compact administrator of a party state shall
11604 provide all investigative documents and information requested by
11605 another party state.

11606 **ARTICLE VII.**

11607 **Establishment of the Interstate Commission of Nurse Licensure**
11608 **Compact administrators.**

11609 (a) The party states hereby create and establish a
11610 joint public entity known as the Interstate Commission of Nurse
11611 Licensure Compact Administrators.

- 11612 1. The commission is an instrumentality of the
11613 party states.
11614 2. Venue is proper, and judicial proceedings by or
11615 against the commission shall be brought solely and exclusively, in



11616 a court of competent jurisdiction where the principal office of
11617 the commission is located. The commission may waive venue and
11618 jurisdictional defenses to the extent it adopts or consents to
11619 participate in alternative dispute resolution proceedings.

11620 3. Nothing in this compact shall be construed to
11621 be a waiver of sovereign immunity.

11622 (b) Membership, voting and meetings.

11623 1. Each party state shall have and be limited to
11624 one (1) administrator. The head of the state licensing board or
11625 designee shall be the administrator of this compact for each party
11626 state. Any administrator may be removed or suspended from office
11627 as provided by the law of the state from which the administrator
11628 is appointed. Any vacancy occurring in the commission shall be
11629 filled in accordance with the laws of the party state in which the
11630 vacancy exists.

11631 2. Each administrator shall be entitled to one (1)
11632 vote with regard to the promulgation of rules and creation of
11633 bylaws and shall otherwise have an opportunity to participate in
11634 the business and affairs of the commission. An administrator
11635 shall vote in person or by such other means as provided in the
11636 bylaws. The bylaws may provide for an administrator's
11637 participation in meetings by telephone or other means of
11638 communication.

11639 3. The commission shall meet at least once during
11640 each calendar year.



11641 Additional meetings shall be held as set forth in the bylaws
11642 or rules of the commission.

11643 4. All meetings shall be open to the public, and
11644 public notice of meetings shall be given in the same manner as
11645 required under the rulemaking provisions in Article VIII.

11646 5. The commission may convene in a closed,
11647 nonpublic meeting if the commission must discuss:

11648 (i) Noncompliance of a party state with its
11649 obligations under this compact;

11650 (ii) The employment, compensation, discipline
11651 or other personnel matters, practices or procedures related to
11652 specific employees or other matters related to the commission's
11653 internal personnel practices and procedures;

11654 (iii) Current, threatened or reasonably
11655 anticipated litigation;

11656 (iv) Negotiation of contracts for the
11657 purchase or sale of goods, services or real estate;

11658 (v) Accusing any person of a crime or
11659 formally censuring any person;

11660 (vi) Disclosure of trade secrets or
11661 commercial or financial information that is privileged or
11662 confidential;

11663 (vii) Disclosure of information of a personal
11664 nature where disclosure would constitute a clearly unwarranted
11665 invasion of personal privacy;



11666 (viii) Disclosure of investigatory records
11667 compiled for law enforcement purposes;

11668 (ix) Disclosure of information related to any
11669 reports prepared by or on behalf of the commission for the purpose
11670 of investigation of compliance with this compact; or

11671 (x) Matters specifically exempted from
11672 disclosure by federal or state statute.

11673 6. If a meeting, or portion of a meeting, is
11674 closed pursuant to this provision, the commission's legal counsel
11675 or designee shall certify that the meeting may be closed and shall
11676 reference each relevant exempting provision. The commission shall
11677 keep minutes that fully and clearly describe all matters discussed
11678 in a meeting and shall provide a full and accurate summary of
11679 actions taken, and the reasons therefor, including a description
11680 of the views expressed. All documents considered in connection
11681 with an action shall be identified in such minutes. All minutes
11682 and documents of a closed meeting shall remain under seal, subject
11683 to release by a majority vote of the commission or order of a
11684 court of competent jurisdiction.

11685 (c) The commission shall, by a majority vote of the
11686 administrators, prescribe bylaws or rules to govern its conduct as
11687 may be necessary or appropriate to carry out the purposes and
11688 exercise the powers of this compact, including, but not limited
11689 to:

11690 1. Establishing the fiscal year of the commission;



11691 2. Providing reasonable standards and procedures:
11692 (i) For the establishment and meetings of
11693 other committees; and

11694 (ii) Governing any general or specific
11695 delegation of any authority or function of the commission;

11696 3. Providing reasonable procedures for calling and
11697 conducting meetings of the commission, ensuring reasonable advance
11698 notice of all meetings and providing an opportunity for attendance
11699 of such meetings by interested parties, with enumerated exceptions
11700 designed to protect the public's interest, the privacy of
11701 individuals, and proprietary information, including trade secrets.
11702 The commission may meet in closed session only after a majority of
11703 the administrators vote to close a meeting in whole or in part.
11704 As soon as practicable, the commission must make public a copy of
11705 the vote to close the meeting revealing the vote of each
11706 administrator, with no proxy votes allowed;

11707 4. Establishing the titles, duties and authority
11708 and reasonable procedures for the election of the officers of the
11709 commission;

11710 5. Providing reasonable standards and procedures
11711 for the establishment of the personnel policies and programs of
11712 the commission. Notwithstanding any civil service or other
11713 similar laws of any party state, the bylaws shall exclusively
11714 govern the personnel policies and programs of the commission; and



11715 6. Providing a mechanism for winding up the
11716 operations of the commission and the equitable disposition of any
11717 surplus funds that may exist after the termination of this compact
11718 after the payment or reserving of all of its debts and
11719 obligations;

11720 (d) The commission shall publish its bylaws and rules,
11721 and any amendments thereto, in a convenient form on the website of
11722 the commission.

11723 (e) The commission shall maintain its financial records
11724 in accordance with the bylaws.

11725 (f) The commission shall meet and take such actions as
11726 are consistent with the provisions of this compact and the bylaws.

11727 (g) The commission shall have the following powers:

11728 1. To promulgate uniform rules to facilitate and
11729 coordinate implementation and administration of this compact. The
11730 rules shall have the force and effect of law and shall be binding
11731 in all party states;

11732 2. To bring and prosecute legal proceedings or
11733 actions in the name of the commission, provided that the standing
11734 of any licensing board to sue or be sued under applicable law
11735 shall not be affected;

11736 3. To purchase and maintain insurance and bonds;

11737 4. To borrow, accept or contract for services of
11738 personnel, including, but not limited to, employees of a party
11739 state or nonprofit organizations;



11740 5. To cooperate with other organizations that
11741 administer state compacts related to the regulation of nursing,
11742 including, but not limited to, sharing administrative or staff
11743 expenses, office space or other resources;

11744 6. To hire employees, elect or appoint officers,
11745 fix compensation, define duties, grant such individuals
11746 appropriate authority to carry out the purposes of this compact,
11747 and to establish the commission's personnel policies and programs
11748 relating to conflicts of interest, qualifications of personnel and
11749 other related personnel matters;

11750 7. To accept any and all appropriate donations,
11751 grants and gifts of money, equipment, supplies, materials and
11752 services, and to receive, utilize and dispose of the same;
11753 provided that at all times the commission shall avoid any
11754 appearance of impropriety or conflict of interest;

11755 8. To lease, purchase, accept appropriate gifts or
11756 donations of, or otherwise to own, hold, improve or use, any
11757 property, whether real, personal or mixed; provided that at all
11758 times the commission shall avoid any appearance of impropriety;

11759 9. To sell, convey, mortgage, pledge, lease,
11760 exchange, abandon or otherwise dispose of any property, whether
11761 real, personal or mixed;

11762 10. To establish a budget and make expenditures;

11763 11. To borrow money;



11764 12. To appoint committees, including advisory
11765 committees comprised of administrators, state nursing regulators,
11766 state legislators or their representatives, and consumer
11767 representatives, and other such interested persons;

11768 13. To provide and receive information from, and
11769 to cooperate with, law enforcement agencies;

11770 14. To adopt and use an official seal; and

11771 15. To perform such other functions as may be
11772 necessary or appropriate to achieve the purposes of this compact
11773 consistent with the state regulation of nurse licensure and
11774 practice.

11775 (h) Financing of the commission.

11776 1. The commission shall pay, or provide for the
11777 payment of, the reasonable expenses of its establishment,
11778 organization and ongoing activities.

11779 2. The commission may also levy on and collect an
11780 annual assessment from each party state to cover the cost of its
11781 operations, activities and staff in its annual budget as approved
11782 each year. The aggregate annual assessment amount, if any, shall
11783 be allocated based upon a formula to be determined by the
11784 commission, which shall promulgate a rule that is binding upon all
11785 party states.

11786 3. The commission shall not incur obligations of
11787 any kind prior to securing the funds adequate to meet the same;



11788 nor shall the commission pledge the credit of any of the party
11789 states, except by, and with the authority of, such party state.

11790 4. The commission shall keep accurate accounts of
11791 all receipts and disbursements. The receipts and disbursements of
11792 the commission shall be subject to the audit and accounting
11793 procedures established under its bylaws. However, all receipts
11794 and disbursements of funds handled by the commission shall be
11795 audited yearly by a certified or licensed public accountant, and
11796 the report of the audit shall be included in and become part of
11797 the annual report of the commission.

11798 (i) Qualified immunity, defense and indemnification.

11799 1. The administrators, officers, executive
11800 director, employees and representatives of the commission shall be
11801 immune from suit and liability, either personally or in their
11802 official capacity, for any claim for damage to or loss of property
11803 or personal injury or other civil liability caused by or arising
11804 out of any actual or alleged act, error or omission that occurred,
11805 or that the person against whom the claim is made had a reasonable
11806 basis for believing occurred, within the scope of commission
11807 employment, duties or responsibilities; provided that nothing in
11808 this paragraph shall be construed to protect any such person from
11809 suit or liability for any damage, loss, injury or liability caused
11810 by the intentional, willful or wanton misconduct of that person.

11811 2. The commission shall defend any administrator,
11812 officer, executive director, employee or representative of the



11838 adopted thereunder. Rules and amendments shall become binding as
11839 of the date specified in each rule or amendment and shall have the
11840 same force and effect as provisions of this compact.

11841 (b) Rules or amendments to the rules shall be adopted
11842 at a regular or special meeting of the commission.

11843 (c) Prior to promulgation and adoption of a final rule
11844 or rules by the commission, and at least sixty (60) days in
11845 advance of the meeting at which the rule will be considered and
11846 voted upon, the commission shall file a notice of proposed
11847 rulemaking:

11848 1. On the website of the commission; and
11849 2. On the website of each licensing board or the
11850 publication in which each state would otherwise publish proposed
11851 rules.

11852 (d) The notice of proposed rulemaking shall include:

11853 1. The proposed time, date and location of the
11854 meeting in which the rule will be considered and voted upon;
11855 2. The text of the proposed rule or amendment, and
11856 the reason for the proposed rule;
11857 3. A request for comments on the proposed rule
11858 from any interested person; and
11859 4. The manner in which interested persons may
11860 submit notice to the commission of their intention to attend the
11861 public hearing and any written comments.



11862 (e) Prior to adoption of a proposed rule, the
11863 commission shall allow persons to submit written data, facts,
11864 opinions and arguments, which shall be made available to the
11865 public.

11866 (f) The commission shall grant an opportunity for a
11867 public hearing before it adopts a rule or amendment.

11868 (g) The commission shall publish the place, time and
11869 date of the scheduled public hearing.

11870 1. Hearings shall be conducted in a manner
11871 providing each person who wishes to comment a fair and reasonable
11872 opportunity to comment orally or in writing.

11873 All hearings will be recorded, and a copy will be made
11874 available upon request.

11875 2. Nothing in this section shall be construed as
11876 requiring a separate hearing on each rule. Rules may be grouped
11877 for the convenience of the commission at hearings required by this
11878 section.

11879 (h) If no one appears at the public hearing, the
11880 commission may proceed with promulgation of the proposed rule.

11881 (i) Following the scheduled hearing date, or by the
11882 close of business on the scheduled hearing date if the hearing was
11883 not held, the commission shall consider all written and oral
11884 comments received.

11885 (j) The commission shall, by majority vote of all
11886 administrators, take final action on the proposed rule and shall



11887 determine the effective date of the rule, if any, based on the
11888 rulemaking record and the full text of the rule.

11889 (k) Upon determination that an emergency exists, the
11890 commission may consider and adopt an emergency rule without prior
11891 notice, opportunity for comment or hearing, provided that the
11892 usual rulemaking procedures provided in this compact and in this
11893 section shall be retroactively applied to the rule as soon as
11894 reasonably possible, in no event later than ninety (90) days after
11895 the effective date of the rule. For the purposes of this
11896 provision, an emergency rule is one that must be adopted
11897 immediately in order to:

11898 1. Meet an imminent threat to public health,
11899 safety or welfare;

11900 2. Prevent a loss of commission or party state
11901 funds; or

11902 3. Meet a deadline for the promulgation of an
11903 administrative rule that is required by federal law or rule.

11904 (l) The commission may direct revisions to a previously
11905 adopted rule or amendment for purposes of correcting typographical
11906 errors, errors in format, errors in consistency or grammatical
11907 errors. Public notice of any revisions shall be posted on the
11908 website of the commission. The revision shall be subject to
11909 challenge by any person for a period of thirty (30) days after
11910 posting. The revision may be challenged only on grounds that the
11911 revision results in a material change to a rule. A challenge



11912 shall be made in writing, and delivered to the commission, prior
11913 to the end of the notice period. If no challenge is made, the
11914 revision will take effect without further action. If the revision
11915 is challenged, the revision may not take effect without the
11916 approval of the commission.

11917 **ARTICLE IX.**

11918 **Oversight, dispute resolution and enforcement.**

11919 (a) Oversight:

11920 1. Each party state shall enforce this compact and
11921 take all actions necessary and appropriate to effectuate this
11922 compact's purposes and intent.

11923 2. The commission shall be entitled to receive
11924 service of process in any proceeding that may affect the powers,
11925 responsibilities or actions of the commission, and shall have
11926 standing to intervene in such a proceeding for all purposes.
11927 Failure to provide service of process in such proceeding to the
11928 commission shall render a judgment or order void as to the
11929 commission, this compact or promulgated rules.

11930 (b) Default, technical assistance and termination:

11931 1. If the commission determines that a party state
11932 has defaulted in the performance of its obligations or
11933 responsibilities under this compact or the promulgated rules, the
11934 commission shall:

11935 (i) Provide written notice to the defaulting
11936 state and other party states of the nature of the default, the



11937 proposed means of curing the default or any other action to be
11938 taken by the commission; and

11939 (ii) Provide remedial training and specific
11940 technical assistance regarding the default.

11941 2. If a state in default fails to cure the
11942 default, the defaulting state's membership in this compact may be
11943 terminated upon an affirmative vote of a majority of the
11944 administrators, and all rights, privileges and benefits conferred
11945 by this compact may be terminated on the effective date of
11946 termination. A cure of the default does not relieve the offending
11947 state of obligations or liabilities incurred during the period of
11948 default.

11949 3. Termination of membership in this compact shall
11950 be imposed only after all other means of securing compliance have
11951 been exhausted. Notice of intent to suspend or terminate shall be
11952 given by the commission to the Governor of the defaulting state
11953 and to the executive officer of the defaulting state's licensing
11954 board and each of the party states.

11955 4. A state whose membership in this compact has
11956 been terminated is responsible for all assessments, obligations
11957 and liabilities incurred through the effective date of
11958 termination, including obligations that extend beyond the
11959 effective date of termination.

11960 5. The commission shall not bear any costs related
11961 to a state that is found to be in default or whose membership in



11962 this compact has been terminated unless agreed upon in writing
11963 between the commission and the defaulting state.

11964 6. The defaulting state may appeal the action of
11965 the commission by petitioning the United States District Court for
11966 the District of Columbia or the federal district in which the
11967 commission has its principal offices. The prevailing party shall
11968 be awarded all costs of such litigation, including reasonable
11969 attorneys' fees.

11970 (c) Dispute resolution:

11971 1. Upon request by a party state, the commission
11972 shall attempt to resolve disputes related to the compact that
11973 arise among party states and between party and nonparty states.

11974 2. The commission shall promulgate a rule
11975 providing for both mediation and binding dispute resolution for
11976 disputes, as appropriate.

11977 3. In the event the commission cannot resolve
11978 disputes among party states arising under this compact:

11979 (i) The party states may submit the issues in
11980 dispute to an arbitration panel, which will be comprised of
11981 individuals appointed by the compact administrator in each of the
11982 affected party states and an individual mutually agreed upon by
11983 the compact administrators of all the party states involved in the
11984 dispute.

11985 (ii) The decision of a majority of the
11986 arbitrators shall be final and binding.



11987 (d) Enforcement:

11988 1. The commission, in the reasonable exercise of
11989 its discretion, shall enforce the provisions and rules of this
11990 compact.

11991 2. By majority vote, the commission may initiate
11992 legal action in the United States District Court for the District
11993 of Columbia or the federal district in which the commission has
11994 its principal offices against a party state that is in default to
11995 enforce compliance with the provisions of this compact and its
11996 promulgated rules and bylaws.

11997 The relief sought may include both injunctive relief and
11998 damages. In the event judicial enforcement is necessary, the
11999 prevailing party shall be awarded all costs of such litigation,
12000 including reasonable attorneys' fees.

12001 3. The remedies herein shall not be the exclusive
12002 remedies of the commission. The commission may pursue any other
12003 remedies available under federal or state law.

12004 **ARTICLE X.**

12005 **Effective date, withdrawal and amendment.**

12006 (a) This compact shall become effective and binding on
12007 the earlier of the date of legislative enactment of this compact
12008 into law by no less than twenty-six (26) states or December 31,
12009 2018. All party states to this compact, that also were parties to
12010 the prior Nurse Licensure Compact, superseded by this compact,
12011 ("prior compact"), shall be deemed to have withdrawn from the



12012 prior compact within six (6) months after the effective date of
12013 this compact.

12014 (b) Each party state to this compact shall continue to
12015 recognize a nurse's multistate licensure privilege to practice in
12016 that party state issued under the prior compact until such party
12017 state has withdrawn from the prior compact.

12018 (c) Any party state may withdraw from this compact by
12019 enacting a statute repealing the same. A party state's withdrawal
12020 shall not take effect until six (6) months after enactment of the
12021 repealing statute.

12022 (d) A party state's withdrawal or termination shall not
12023 affect the continuing requirement of the withdrawing or terminated
12024 state's licensing board to report adverse actions and significant
12025 investigations occurring prior to the effective date of such
12026 withdrawal or termination.

12027 (e) Nothing contained in this compact shall be
12028 construed to invalidate or prevent any nurse licensure agreement
12029 or other cooperative arrangement between a party state and a
12030 nonparty state that is made in accordance with the other
12031 provisions of this compact.

12032 (f) This compact may be amended by the party states.
12033 No amendment to this compact shall become effective and binding
12034 upon the party states unless and until it is enacted into the laws
12035 of all party states.



12036 (g) Representatives of nonparty states to this compact
12037 shall be invited to participate in the activities of the
12038 commission, on a nonvoting basis, prior to the adoption of this
12039 compact by all states.

12040 **ARTICLE XI.**

12041 **Construction and severability.**

12042 This compact shall be liberally construed so as to effectuate
12043 the purposes thereof.

12044 The provisions of this compact shall be severable, and if any
12045 phrase, clause, sentence or provision of this compact is declared
12046 to be contrary to the Constitution of any party state or of the
12047 United States, or if the applicability thereof to any government,
12048 agency, person or circumstance is held invalid, the validity of
12049 the remainder of this compact and the applicability thereof to any
12050 government, agency, person or circumstance shall not be affected
12051 thereby. If this compact shall be held to be contrary to the
12052 Constitution of any party state, this compact shall remain in full
12053 force and effect as to the remaining party states and in full
12054 force and effect as to the party state affected as to all
12055 severable matters.

12056 **SECTION 135.** This act shall take effect and be in force from
12057 and after July 1, 2024.

