

By: Representatives Yates, Anthony, Hulum,
Karriem, Mickens, Denton

To: Business and Commerce;
Judiciary B

HOUSE BILL NO. 1303
(As Passed the House)

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, 73-9-61, 73-11-57, 73-14-35, 73-19-23, 73-21-97,
7 73-25-29, 73-25-101, 73-27-13, 73-29-13, 73-29-31, 73-31-21,
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24 77-8-25, 83-1-191, 83-17-71, 83-17-421, 83-17-519, 83-21-19,
25 83-49-11 AND 97-33-315, MISSISSIPPI CODE OF 1972, TO CONFORM TO
26 THE PROVISIONS OF THIS ACT; TO BRING FORWARD SECTION 73-15-201,
27 MISSISSIPPI CODE OF 1972, FOR THE PURPOSE OF POSSIBLE AMENDMENT;
28 TO BRING FORWARD SECTIONS 73-15-29, 73-3-339, 73-15-19 AND
29 73-15-21, FOR PURPOSES OF AMENDMENT; AND FOR RELATED 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. * * * (1) Notwithstanding any other provision of
51 law to the contrary, no person shall be disqualified from
52 pursuing, practicing * * * or engaging in any occupation for which
53 a license is required solely or in part because of a prior
54 conviction of a crime, unless the crime for which * * * the person
55 was convicted directly relates to the duties and responsibilities



56 for the licensed occupation. *The provisions of this * * * act*
57 *shall not apply to the admission or reinstatement of any person to*
58 *The Mississippi Bar as an attorney in good standing authorized to*
59 *practice law.*

60 (2) The provisions of this act shall not apply to the
61 provisions of the Nurse Licensure Compact in Section 73-15-201.

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

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

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



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

82 (b) The passage of time since the * * * crime was
83 committed;

84 (c) The relationship of the crime to the ability,
85 capacity * * * and fitness required to perform the duties and
86 discharge the responsibilities of the licensed occupation; and

87 (d) Any evidence of rehabilitation or treatment
88 undertaken by the individual that might mitigate against a direct
89 relation. Nothing in this section shall preclude any board,
90 commission or other licensing entity from granting licenses to
91 individuals convicted of disqualifying convictions, after
92 considering the factors listed under this subsection (2).

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

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

99 * * *

100 (* * *5) *The provisions of this * * * act shall not apply*
101 *to the admission or reinstatement of any person to The Mississippi*
102 *Bar as an attorney in good standing authorized to practice law.*

103 (6) The provisions of this act shall not apply to the
104 provisions of the Nurse Licensure Compact in Section 73-15-201.



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

107 73-77-9. (1) * * * Notwithstanding any other provision of
108 law to the contrary, * * * a person with a criminal record may
109 petition a licensing authority at any time for a determination of
110 whether the * * * person's criminal record will disqualify * * *
111 that person from obtaining a license. This petition shall include
112 details on the * * * person's criminal record. The licensing
113 authority shall inform the individual of his or her standing
114 within thirty (30) days of receiving the petition from the * * *
115 person. The licensing authority may charge a fee * * * not to
116 exceed Twenty-five Dollars (\$25.00) for each petition.

117 (2) If a licensing authority * * * disqualifies a person
118 from receiving a license solely or in part because of the * * *
119 person's * * * criminal record, the licensing authority shall
120 notify the * * * person in writing of the following:

- 121 (a) The grounds and reasons for * * * disqualification;
- 122 (b) That the * * * person has the right to a hearing to
123 challenge the licensing authority's decision;
- 124 (c) The earliest date the person may reapply for a
125 license; and
- 126 (d) That evidence of rehabilitation may be considered
127 upon reapplication.

128 (3) If * * * a person's criminal * * * record * * *
129 disqualifies a person from receiving a license and the licensing



130 authority determines that the criminal record is directly related
131 to the duties and responsibilities of the licensed occupation, the
132 licensing authority must document its findings in writing
133 sufficient for a reviewing court.

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

139 (5) The licensing authority shall * * * promulgate the
140 necessary rules and regulations * * * to implement the provisions
141 of this section.

142 (6) * * * *This section shall not apply to the admission or*
143 *reinstatement of any person to The Mississippi Bar as an attorney*
144 *in good standing authorized to practice law.*

145 (7) The provisions of this act shall not apply to the
146 provisions of the Nurse Licensure Compact in Section 73-15-201.

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

149 19-5-353. (1) The initial minimum standard of training for
150 local public safety and 911 telecommunicators shall be determined
151 by the Board of Emergency Telecommunications Standards and
152 Training. All courses approved for minimum standards shall be
153 taught by instructors certified by the course originator as
154 instructors for such courses.



155 (2) The minimum standards may be changed at any time by the
156 Board of Emergency Telecommunications Standards and Training, but
157 shall always include at least two (2) hours of training related to
158 handling complaints and/or calls of human trafficking and
159 commercial sexual exploitation of children as defined in Section
160 43-21-105, communicating with such victims and requiring the local
161 public safety and 911 telecommunicators to contact the Department
162 of Child Protection Services when human trafficking or commercial
163 sexual exploitation is suspected.

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

177 (4) The minimum standards in no way are intended to restrict
178 or limit any additional training which any department or agency



179 may wish to employ, or any state or federal required training, but
180 to serve as a basis or foundation for basic training.

181 (5) Persons in the employment of any public safety, fire,
182 911 PSAP or emergency medical agency as a telecommunicator on July
183 1, 1993, shall have three (3) years to be certified in the minimum
184 standards courses provided they have been employed by such agency
185 for a period of more than one (1) year prior to July 1, 1993.

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

196 (7) Any person hired to perform the duties of a
197 telecommunicator in any public safety, fire, 911 PSAP or emergency
198 medical agency after July 1, 1993, shall complete the minimum
199 training standards as set forth in Sections 19-5-351 through
200 19-5-361 within twelve (12) months of their employment or within
201 twelve (12) months from the date that the Board of Emergency
202 Telecommunications Standards and Training shall become
203 operational.



204 (8) Professional certificates remain the property of the
205 board, and the board reserves the right to either reprimand the
206 holder of a certificate, suspend a certificate upon conditions
207 imposed by the board, or cancel and recall any certificate when:
208 (a) The certificate was issued by administrative error;
209 (b) The certificate was obtained through
210 misrepresentation or fraud;

211 * * *

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

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

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

226 (9) Any state agency, political subdivision or "for-profit"
227 ambulance, security or fire service company that employs a person
228 as a telecommunicator who does not meet the requirements of



229 Sections 19-5-351 through 19-5-361, or that employs a person whose
230 certificate has been suspended or revoked under provisions of
231 Sections 19-5-351 through 19-5-361, is prohibited from paying the
232 salary of such person, and any person violating this subsection
233 shall be personally liable for making such payment.

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

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

239 45-4-9. (1) (a) After January 1, 2000, no person shall be
240 appointed or employed as a jail officer or a part-time jail
241 officer unless that person has been certified as being qualified
242 under subsection (3) of this section.

243 (b) No person who is required to be certified shall be
244 appointed or employed as a jail officer by any sheriff or police
245 department for a period to exceed two (2) years without being
246 certified. The prohibition against the appointment or employment
247 of a jail officer for a period not to exceed two (2) years may not
248 be nullified by terminating the appointment or employment of such
249 a person before the expiration of the time period and then
250 rehiring the person for another period. Any person who, due to
251 illness or other events beyond his control, as may be determined
252 by the Board on Jail Officer Standards and Training, does not
253 attend the required school or training as scheduled, may serve



254 with full pay and benefits in such a capacity until he can attend
255 the required school or training.

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

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

271 (3) In addition to the other requirements of this section,
272 the Board on Jail Officer Standards and Training, by rules and
273 regulations consistent with other provisions of law, shall fix
274 other qualifications for the employment of jail officers,
275 including education, physical and mental standards,
276 citizenship, * * * experience and such other matters as relate to
277 the competence and reliability of persons to assume and discharge
278 the responsibilities of jail officers, and the board shall



279 prescribe the means for presenting evidence of fulfillment of
280 these requirements. Additionally, the board shall fix
281 qualifications for the appointment or employment of part-time jail
282 officers to essentially the same standards and requirements as
283 jail officers. The board shall develop and implement a part-time
284 jail officer training program that meets the same performance
285 objectives and has essentially the same or similar content as the
286 programs approved by the board for full-time jail officers.

287 (4) (a) The Board on Jail Officer Standards and Training
288 shall issue a certificate evidencing satisfaction of the
289 requirements of subsections (1) and (3) of this section to any
290 applicant who presents such evidence as may be required by its
291 rules and regulations of satisfactory completion of a program or
292 course of instruction in another jurisdiction equivalent in
293 content and quality to that required by the board for approved
294 jail officer education and training programs in this state.

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

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



304 (5) Professional certificates remain the property of the
305 board, and the board reserves the right to either reprimand the
306 holder of a certificate, suspend a certificate upon conditions
307 imposed by the board, or cancel and recall any certificate when:
308 (a) The certificate was issued by administrative error;
309 (b) The certificate was obtained through
310 misrepresentation or fraud;

311 * * *

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

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

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

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

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



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

330 45-6-11. (1) Law enforcement officers already serving under
331 permanent appointment on July 1, 1981, and personnel of the
332 Division of Community Services under Section 47-7-9, Mississippi
333 Code of 1972, serving on July 1, 1994, shall not be required to
334 meet any requirement of subsections (3) and (4) of this section as
335 a condition of continued employment; nor shall failure of any such
336 law enforcement officer to fulfill such requirements make that
337 person ineligible for any promotional examination for which that
338 person is otherwise eligible. Provided, however, if any law
339 enforcement officer certified under the provisions of this chapter
340 leaves his employment as such and does not become employed as a
341 law enforcement officer within two (2) years from the date of
342 termination of his prior employment, he shall be required to
343 comply with board policy as to rehiring standards in order to be
344 employed as a law enforcement officer; except, that, if any law
345 enforcement officer certified under this chapter leaves his
346 employment as such to serve as a sheriff, he may be employed as a
347 law enforcement officer after he has completed his service as a
348 sheriff without being required to comply with board policy as to
349 rehiring standards. Part-time law enforcement officers serving on
350 or before July 1, 1998, shall have until July 1, 2001, to obtain
351 certification as a part-time officer.



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

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

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

369 (b) No person shall be appointed or employed as a law
370 enforcement trainee in a full-time capacity by any law enforcement
371 unit for a period to exceed one (1) year. No person shall be
372 appointed or employed as a law enforcement trainee in a part-time,
373 reserve or auxiliary capacity by any law enforcement unit for a
374 period to exceed two (2) years. The prohibition against the
375 appointment or employment of a law enforcement trainee in a
376 full-time capacity for a period not to exceed one (1) year or a



377 part-time, reserve or auxiliary capacity for a period not to
378 exceed two (2) years may not be nullified by terminating the
379 appointment or employment of such a person before the expiration
380 of the time period and then rehiring the person for another
381 period. Any person, who, due to illness or other events beyond
382 his control, could not attend the required school or training as
383 scheduled, may serve with full pay and benefits in such a capacity
384 until he can attend the required school or training.

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

389 (4) In addition to the requirements of subsections (3), (7)
390 and (8) of this section, the board, by rules and regulations
391 consistent with other provisions of law, shall fix other
392 qualifications for the employment of law enforcement officers,
393 including minimum age, education, physical and mental standards,
394 citizenship, * * * experience and such other matters as relate to
395 the competence and reliability of persons to assume and discharge
396 the responsibilities of law enforcement officers, and the board
397 shall prescribe the means for presenting evidence of fulfillment
398 of these requirements. Additionally, the board shall fix
399 qualifications for the appointment or employment of part-time law
400 enforcement officers to essentially the same standards and
401 requirements as law enforcement officers. The board shall develop



402 and implement a part-time law enforcement officer training program
403 that meets the same performance objectives and has essentially the
404 same or similar content as the programs approved by the board for
405 full-time law enforcement officers and the board shall provide
406 that such training shall be available locally and held at times
407 convenient to the persons required to receive such training.

408 (5) Any elected sheriff, constable, deputy or chief of
409 police may apply for certification. Such certification shall be
410 granted at the request of the elected official after providing
411 evidence of satisfaction of the requirements of subsections (3)
412 and (4) of this section. Certification granted to such elected
413 officials shall be granted under the same standards and conditions
414 as established by law enforcement officers and shall be subject to
415 recall as in subsection (7) of this section.

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



426 (7) Professional certificates remain the property of the
427 board, and the board reserves the right to either reprimand the
428 holder of a certificate, suspend a certificate upon conditions
429 imposed by the board, or cancel and recall any certificate when:
430 (a) The certificate was issued by administrative error;
431 (b) The certificate was obtained through
432 misrepresentation or fraud;

433 * * *

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

436 (* * *d) The holder has committed an act of
437 malfeasance or has been dismissed from his employing law
438 enforcement agency; or

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

440 (8) When the board believes there is a reasonable basis for
441 either the reprimand, suspension, cancellation of, or recalling
442 the certification of a law enforcement officer or a part-time law
443 enforcement officer, notice and opportunity for a hearing shall be
444 provided in accordance with law prior to such reprimand,
445 suspension or revocation.

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



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

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

458 73-1-13. (1) The board shall adopt rules and regulations
459 for the eligibility, examination and registration of applicants
460 desiring to practice architecture in accordance with this chapter
461 and may amend, modify or repeal such rules and regulations.

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

466 (a) The applicant must have a professional degree in
467 architecture from a school or college of architecture on the list
468 of accredited schools of architecture issued by the National
469 Architectural Accrediting Board;

470 (b) The applicant must have been enrolled for a minimum
471 of one (1) year in, and have completed all requirements of, a
472 practical work internship program patterned after the National
473 Council of Architectural Registration Boards intern-architect
474 development program that will be prepared, adopted and approved by
475 the board and must have received from the board a certification by



476 the board that the applicant has met or exceeded the work
477 requirements of the board. The internship work program shall
478 include, but not be limited to, the following subjects:

- 479 (i) Design and construction documents;
- 480 (ii) Construction administration;
- 481 (iii) Office management; and
- 482 (iv) Related special activities.

483 (c) The applicant must have passed the applicable
484 National Council of Architectural Registration Board's
485 examination;

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

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

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

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

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



499 (v) Practicing architecture, or holding himself
500 out as capable of practicing architecture, in this state in
501 violation of the chapter.

502 The board may admit an applicant otherwise precluded from
503 consideration because of the prohibitions imposed in this
504 paragraph (d) if the board determines that the applicant has shown
505 clear and convincing evidence of rehabilitation and reform. Such
506 decision is in the sole discretion of the board and upon such
507 terms, conditions and evidence as the board may require.

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

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

520 **SECTION 10.** Section 73-3-339, Mississippi Code of 1972, is
521 brought forward as follows:

522 73-3-339. Whenever any attorney subject to the disciplinary
523 jurisdiction of the court shall be convicted in any state court or



524 in any federal court, or enter a plea of guilty or a plea of nolo
525 contendere therein, of any felony other than manslaughter or any
526 violation of the United States Internal Revenue Code, or of any
527 offense involving fraud, dishonesty, misrepresentation, deceit,
528 failure to account for money or property of a client, or of any
529 offense involving moral turpitude, a certified copy of the
530 judgment of conviction shall be presented to the court by the
531 Board of Commissioners. Upon the presentation of such certified
532 copy of judgment, the court shall forthwith strike the name of the
533 attorney so convicted or who entered such a plea from the rolls of
534 The Mississippi Bar and order his immediate suspension from
535 practice, pending an appeal and final disposition of disciplinary
536 proceedings. Such attorney will be reinstated immediately upon
537 the reversal of his conviction for the offense that has resulted
538 in his automatic suspension, but such reinstatement shall not
539 terminate any disciplinary proceeding then pending against the
540 attorney.

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

545 Upon the conviction of an attorney, or the entry by him of a
546 plea of nolo contendere, for the above offenses, excluding
547 manslaughter or any violation of the United States Internal
548 Revenue Code, the Board of Commissioners shall immediately direct



549 complaint counsel to institute a disciplinary proceeding in which
550 the sole issue to be determined will be the extent of the final
551 discipline to be imposed; provided, however, a disciplinary
552 proceeding so instituted shall not be brought to hearing until all
553 appeals from such conviction have been concluded.

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

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

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

569 (a) Misrepresentation in obtaining a license, or
570 attempting to obtain, obtaining, attempting to renew or renewing a
571 license or professional credential by making any material
572 misrepresentation, including the signing in his or her



573 professional capacity any certificate that is known to be false at
574 the time he or she makes or signs the certificate.

575 (b) Willful violation of any of the rules or
576 regulations duly promulgated by the board, or of any of the rules
577 or regulations duly promulgated by the appropriate dental
578 licensure agency of another state or jurisdiction.

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

584 (d) Administering, dispensing or prescribing any
585 prescriptive medication or drug outside the course of legitimate
586 professional dental practice.

587 (e) Being convicted or found guilty of or entering a
588 plea of nolo contendere to, regardless of adjudication, a
589 violation of any federal or state law regulating the possession,
590 distribution or use of any narcotic drug or any drug considered a
591 controlled substance under state or federal law, a certified copy
592 of the conviction order or judgment rendered by the trial court
593 being prima facie evidence thereof, notwithstanding the pendency
594 of any appeal.

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



597 (g) Being convicted or found guilty of or entering a
598 plea of nolo contendere to, regardless of adjudication, a crime in
599 any jurisdiction that relates to the practice of dentistry or
600 dental hygiene, a certified copy of the conviction order or
601 judgment rendered by the trial court being prima facie evidence
602 thereof, notwithstanding the pendency of any appeal.

603 (h) Being convicted or found guilty of or entering a
604 plea of nolo contendere to * * * a disqualifying crime as provided
605 in the Fresh Start Act in any jurisdiction, a certified copy of
606 the conviction order or judgment rendered by the trial court being
607 prima facie evidence thereof, notwithstanding the pendency of any
608 appeal.

609 (i) Delegating professional responsibilities to a
610 person who is not qualified by training, experience or licensure
611 to perform them.

612 (j) The refusal of a licensing authority of another
613 state or jurisdiction to issue or renew a license, permit or
614 certificate to practice dentistry or dental hygiene in that
615 jurisdiction or the revocation, suspension or other restriction
616 imposed on a license, permit or certificate issued by the
617 licensing authority that prevents or restricts practice in that
618 jurisdiction, a certified copy of the disciplinary order or action
619 taken by the other state or jurisdiction being prima facie
620 evidence thereof, notwithstanding the pendency of any appeal.



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

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

628 * * *

629 (* * *i) Practicing deceit or other fraud upon
630 the public.

631 (* * *ii) Practicing dentistry or dental hygiene
632 under a false or assumed name.

633 (* * *iii) Advertising that is false, deceptive
634 or misleading.

635 (* * *iv) Announcing a specialized practice shall
636 be considered advertising that tends to deceive or mislead the
637 public unless the dentist announcing as a specialist conforms to
638 other statutory provisions and the duly promulgated rules or
639 regulations of the board pertaining to practice of dentistry in
640 the State of Mississippi.

641 (m) Failure to provide and maintain reasonable sanitary
642 facilities and conditions or failure to follow board rules
643 regarding infection control.



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

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

649 (ii) Conduct of a licensee that is intended to
650 intimidate, coerce, influence or trick any person employed by or
651 for the licensee in a dental practice or educational setting for
652 the purpose of engaging in sexual activity or activity intended
653 for the sexual gratification of the licensee.

654 (o) Violation of a lawful order of the board previously
655 entered in a disciplinary or licensure hearing; failure to
656 cooperate with any lawful request or investigation by the board;
657 or failure to comply with a lawfully issued subpoena of the board.

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

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

663 (r) Violation(s) of the provisions of Sections 41-121-1
664 through 41-121-9 relating to deceptive advertisement by health
665 care practitioners. This paragraph shall stand repealed on July
666 1, 2025.

667 (2) In lieu of revocation of a license as provided for
668 above, the board may suspend the license of the offending dentist



669 or dental hygienist, suspend the sedation permit of the offending
670 dentist, or take any other action in relation to his or her
671 license as the board may deem proper under the circumstances.

672 (3) When a license to practice dentistry or dental hygiene
673 is revoked or suspended by the board, the board may, in its
674 discretion, stay the revocation or suspension and simultaneously
675 place the licensee on probation upon the condition that the
676 licensee shall not violate the laws of the State of Mississippi
677 pertaining to the practice of dentistry or dental hygiene and
678 shall not violate the rules and regulations of the board and shall
679 not violate any terms in relation to his or her license as may be
680 set by the board.

681 (4) In a proceeding conducted under this section by the
682 board for the denial, revocation or suspension of a license to
683 practice dentistry or dental hygiene, the board shall have the
684 power and authority for the grounds stated for that denial,
685 revocation or suspension, and in addition thereto or in lieu of
686 that denial, revocation or suspension may assess and levy upon any
687 person licensed to practice dentistry or dental hygiene in the
688 State of Mississippi, a monetary penalty, as follows:

689 (a) For the first violation of any of * * * paragraph
690 (a), (b), (c), (d), (f), (i), (l), (m), (n), (o) or (q) of
691 subsection (1) of this section, a monetary penalty of not less
692 than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars
693 (\$500.00).



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

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

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

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

715 (6) A licensee shall have the right of appeal from the
716 assessment and levy of a monetary penalty as provided in this
717 section under the same conditions as a right of appeal is provided



718 elsewhere for appeals from an adverse ruling, order or decision of
719 the board.

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

724 (8) A monetary penalty assessed and levied under this
725 section shall be paid to the board by the licensee upon the
726 expiration of the period allowed for appeal of those penalties
727 under this section or may be paid sooner if the licensee elects.
728 With the exception of subsection (4)(d) of this section, monetary
729 penalties collected by the board under this section shall be
730 deposited to the credit of the General Fund of the State Treasury.
731 Any monies collected by the board under subsection (4)(d) of this
732 section shall be deposited into the special fund operating account
733 of the board.

734 (9) When payment of a monetary penalty assessed and levied
735 by the board against a licensee in accordance with this section is
736 not paid by the licensee when due under this section, the board
737 shall have power to institute and maintain proceedings in its name
738 for enforcement of payment in the chancery court of the county and
739 judicial district of residence of the licensee, and if the
740 licensee is a nonresident of the State of Mississippi, the
741 proceedings shall be in the Chancery Court of the First Judicial
742 District of Hinds County, Mississippi.



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

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

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

762 73-11-57. (1) The board, upon satisfactory proof at proper
763 hearing and in accordance with the provisions of this chapter and
764 the regulations of the board, may suspend, revoke, or refuse to
765 issue or renew any license under this chapter, reprimand or place
766 the holder of a license on a term of probation, and/or take any



767 other action in relation to a license as the board may deem proper
768 under the circumstances upon any of the following grounds:

769 (a) The employment of fraud or deception in applying
770 for a license or in passing the examination provided for in this
771 chapter;

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

773 (c) The conviction of a * * * disqualifying crime as
774 provided in the Fresh Start Act by the court of any other state or
775 territory of the United States; having been convicted of or pled
776 guilty to a * * * disqualifying crime as provided in the Fresh
777 Start Act in the courts of this state or any other state,
778 territory or country which would prevent a person from holding
779 elected office. Conviction, as used in this paragraph, shall
780 include a deferred conviction, deferred prosecution, deferred
781 sentence, finding or verdict of guilt, an admission of guilty, or
782 a plea of nolo contendere;

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

785 (e) The impersonation of another funeral service or
786 funeral directing licensee;

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

790 (g) Violation of any provision of this chapter or any
791 rule or regulation of the board;



792 (h) Having had a license for the practice of funeral
793 service or funeral directing suspended or revoked in any
794 jurisdiction, having voluntarily surrendered his license in any
795 jurisdiction, having been placed on probation in any jurisdiction,
796 having been placed under disciplinary order(s) or other
797 restriction in any manner for funeral directing and/or funeral
798 service, or operating a funeral establishment (a certified copy of
799 the order of suspension, revocation, probation or disciplinary
800 action shall be prima facie evidence of such action);

801 (i) Solicitation of dead human bodies by the licensee,
802 his agents, assistants or employees, whether such solicitation
803 occurs after death or when death is imminent; if the person
804 solicited has made known a desire not to receive the
805 communication, or if the solicitation involves coercion, duress or
806 harassment, or if the solicitation takes place at the residence of
807 the client or prospective client and is uninvited by the client or
808 prospective client and has not been previously agreed to by the
809 client or prospective client; however, this shall not be deemed to
810 prohibit general advertising;

811 (j) Employment directly or indirectly of any
812 apprentice, agent, assistant, employee, or other person, on a
813 part-time or full-time basis or on commission, for the purpose of
814 calling upon individuals or institutions by whose influence dead
815 human bodies may be turned over to a particular funeral
816 establishment;



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

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

823 (ii) Not furnishing, in writing, an adequate
824 explanation covering the matter contained in a complaint filed
825 with the board;

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

829 (iv) Not reasonably providing access, as directed
830 by the board for its authorized agents or representatives seeking
831 to perform reviews or inspections at facilities or places utilized
832 by the license holder in the practice of funeral service or
833 funeral directing and/or in performing any other activity
834 regulated by the board under this chapter;

835 (v) Failure to provide information within the
836 specified time allotted and as required by the board and/or its
837 representatives or designees;

838 (vi) Failure to cooperate with the board or its
839 designees or representatives in the investigation of any alleged
840 misconduct or interfering with a board investigation by willful
841 misrepresentation of facts;



842 (vii) Deceiving or attempting to deceive the board
843 regarding any matter under investigation, including altering or
844 destroying any records; and

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

847 (l) Knowingly performing any act that in any way
848 assists an unlicensed person to practice funeral service or
849 funeral directing;

850 (m) Knowingly making a false statement on death
851 certificates;

852 * * *

853 (* * *n) Violating any statute, ordinance, rule or
854 regulation of the state or any of its boards, agencies or
855 political subdivisions affecting the registration of deaths or the
856 handling, custody, care or transportation of dead human bodies; or

857 (* * *o) Unprofessional conduct in the practice of
858 funeral service or funeral directing which includes, but is not
859 limited to:

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

862 (ii) Knowingly performing any act which in any way
863 assists an unlicensed person to practice funeral service or
864 funeral directing;

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



867 (iv) Any act or omission in the practice of
868 funeral service or directing which constitutes dishonesty, fraud
869 or misrepresentation with the intent to benefit the licensee,
870 another person or funeral establishment, or with the intent to
871 substantially injure another person, licensee or funeral
872 establishment; or

873 (v) Any act or conduct, whether the same or of a
874 different character than specified above, which constitutes or
875 demonstrates bad faith, incompetency or untrustworthiness; or
876 dishonest, fraudulent or improper dealing; or any other violation
877 of the provisions of this chapter, the rules and regulations
878 established by the board or any rule or regulation promulgated by
879 the Federal Trade Commission relative to the practice of funeral
880 service or funeral directing.

881 (2) Any person, including a member of the board, may
882 initiate a complaint against a licensee of the board by filing
883 with the board a written complaint on a form prescribed by the
884 board.

885 (a) Upon receipt of a properly verified complaint, the
886 board shall send a copy of the complaint to the affected licensee
887 by certified mail to the address of such licensee appearing of
888 record with the board. The licensee shall answer the complaint in
889 writing within twenty (20) days after receipt of the complaint.
890 The licensee shall mail a copy of his, her or its response to the
891 board and the complainant. Upon receipt of the licensee's



892 response or lapse of twenty (20) days, the board is authorized to
893 investigate a complaint that appears to show the existence of any
894 of the causes or grounds for disciplinary action as provided in
895 Section 73-11-57. Upon finding reasonable cause to believe that
896 the charges are not frivolous, unfounded or filed in bad faith,
897 the board may, in its discretion, cause a hearing to be held, at a
898 time and place fixed by the board, regarding the charges that a
899 violation of this chapter has occurred. The board shall order a
900 hearing for the licensee to appear and show cause why he/she
901 should not be disciplined for a violation of this chapter.

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

905 (c) Any party appearing before the board may be
906 accompanied by counsel.

907 (d) Before commencing a hearing, the chairman or
908 designee of the board shall determine if all parties are present
909 and ready to proceed. If the complainant fails to attend a
910 hearing without good cause shown, the complaint shall be dismissed
911 summarily and all fees and expenses of convening the hearing shall
912 be assessed to, and paid by, the complainant. If any affected
913 licensee fails to appear for a hearing without good cause shown,
914 such licensee shall be presumed to have waived his right to appear
915 before the board and be heard.



916 (e) Upon the chair's determination that all parties are
917 ready to proceed, the chair or designee shall call the hearing to
918 order and the complainant and the licensee may give opening
919 statements. The board may order the sequestration of nonparty
920 witnesses.

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

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

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

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

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

937 (4) The board may temporarily suspend a license under this
938 chapter without any hearing, simultaneously with the institution
939 of proceedings under this section, if it finds that the evidence
940 in support of the board's determination is clear, competent and



941 unequivocal and that the licensee's continuation in practice would
942 constitute an imminent danger to public health and safety.

943 (5) The board may, upon satisfactory proof that the
944 applicant or licensee has been guilty of any of the offenses above
945 enumerated, take the action authorized by this section against an
946 applicant or licensee of the board upon a majority vote of the
947 board members, after a hearing thereon. The board is vested with
948 full power and authority to hold and conduct such hearings, compel
949 the attendance of witnesses and the production of books, records
950 and documents, issue subpoenas therefor, administer oaths, examine
951 witnesses, and do all things necessary to properly conduct such
952 hearings. The board may waive the necessity of a hearing if the
953 person accused of a violation admits that he has been guilty of
954 such offense. Any person who has been refused a license or whose
955 license has been revoked or suspended may, within thirty (30) days
956 after the decision of the board, file with the board a written
957 notice stating that he feels himself aggrieved by such decision
958 and may appeal therefrom to the circuit court of the county and
959 judicial district of residence of the person, or if the person is
960 a nonresident of the State of Mississippi, to the Circuit Court of
961 the First Judicial District of Hinds County. The circuit court
962 shall determine the action of the board was in accord or
963 consistent with law, or was arbitrary, unwarranted or an abuse of
964 discretion. The appeal shall be perfected upon filing notice of
965 the appeal with the circuit court and by the prepayment of all



966 costs, including the cost of the preparation of the record of the
967 proceedings by the board. An appeal from the circuit court
968 judgment or decree may be reviewed by the Supreme Court as is
969 provided by law for other appeals. An appeal of a decision or
970 order of the board does not act as a supersedeas.

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

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

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

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

984 (d) For any violation of any of the subparagraphs of
985 subsection (1) of this section, those reasonable costs that are
986 expended by the board in the investigation and conduct of a
987 proceeding for licensure revocation or suspension, including, but
988 not limited to, the cost of process service, court reporters,
989 expert witnesses and investigators.



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

995 (8) A licensee shall have the right of appeal from the
996 assessment and levy of a monetary penalty as provided in this
997 section under the same conditions as a right of appeal is provided
998 elsewhere for appeals from an adverse ruling, order or decision of
999 the board.

1000 (9) Any monetary penalty assessed and levied under this
1001 section shall not take effect until after the time for appeal
1002 shall have expired.

1003 (10) A monetary penalty assessed and levied under this
1004 section shall be paid to the board by the licensee upon the
1005 expiration of the period allowed for appeal of such penalties
1006 under this section or may be paid sooner if the licensee elects.

1007 With the exception of subsection (5)(d) of this section,
1008 monetary penalties collected by the board under this section shall
1009 be deposited in the State Treasury to the credit of the State
1010 Board of Funeral Service. Any monies collected by the board under
1011 subsection (5)(d) of this section shall be deposited into the
1012 special fund operating account of the board.

1013 (11) When payment of a monetary penalty assessed and levied
1014 by the board against a licensee in accordance with this section is



1015 not paid by the licensee when due under this section, the board
1016 shall have power to institute and maintain proceedings in its name
1017 for enforcement of payment in the chancery court of the county and
1018 judicial district of residence of the licensee, or if the licensee
1019 is a nonresident of the State of Mississippi, in the Chancery
1020 Court of the First Judicial District of Hinds County, Mississippi.

1021 (12) In any administrative or judicial proceeding in which
1022 the board prevails, the board shall have the right to recover
1023 reasonable attorney fees.

1024 (13) In addition to the reasons specified in subsection (1)
1025 of this section, the board shall be authorized to suspend the
1026 license of any licensee for being out of compliance with an order
1027 for support, as defined in Section 93-11-153. The procedure for
1028 suspension of a license for being out of compliance with an order
1029 for support, and the procedure for the reissuance or reinstatement
1030 of a license suspended for that purpose, and the payment of any
1031 fees for the reissuance or reinstatement of a license suspended
1032 for that purpose, shall be governed by Section 93-11-157 or
1033 93-11-163, as the case may be. Actions taken by the board in
1034 suspending a license when required by Section 93-11-157 or
1035 93-11-163 are not actions from which an appeal may be taken under
1036 this section. Any appeal of a license suspension that is required
1037 by Section 93-11-157 or 93-11-163 shall be taken in accordance
1038 with the appeal procedure specified in Section 93-11-157 or
1039 93-11-163, as the case may be, rather than the procedure specified



1040 in this section. If there is any conflict between any provision
1041 of Section 93-11-157 or 93-11-163 and any provision of this
1042 chapter, the provisions of Section 93-11-157 or 93-11-163, as the
1043 case may be, shall control.

1044 **SECTION 13.** Section 73-14-35, Mississippi Code of 1972, is
1045 amended as follows:

1046 73-14-35. (1) Any person registered under this chapter may
1047 have his license or certificate revoked or suspended for a fixed
1048 period to be determined by the board for any of the following
1049 causes:

1050 (a) Being convicted of * * * a disqualifying crime as
1051 provided in the Fresh Start Act. The record of such conviction,
1052 or certified copy thereof from the clerk of the court where such
1053 conviction occurred or by the judge of that court, shall be
1054 sufficient evidence to warrant revocation or suspension.

1055 (b) By securing a license or certificate under this
1056 chapter through fraud or deceit.

1057 (c) For unethical conduct or for gross ignorance or
1058 inefficiency in the conduct of his practice.

1059 (d) For knowingly practicing while suffering with a
1060 contagious or infectious disease.

1061 (e) For the use of a false name or alias in the
1062 practice of his profession.

1063 (f) For violating any of the provisions of this chapter
1064 or any rules or regulations promulgated pursuant to this chapter.



1065 (g) For violating the provisions of any applicable
1066 federal laws or regulations.

1067 (h) Discipline by another jurisdiction if at least one
1068 (1) of the grounds for the discipline is the same or substantially
1069 equivalent to those set forth in this chapter or rules and
1070 regulations promulgated pursuant to this chapter.

1071 (2) In addition to the causes specified in subsection (1) of
1072 this section, the board shall be authorized to suspend the license
1073 of any licensee for being out of compliance with an order for
1074 support, as defined in Section 93-11-153. The procedure for
1075 suspension of a license for being out of compliance with an order
1076 for support, and the procedure for the reissuance or reinstatement
1077 of a license suspended for that purpose, and the payment of any
1078 fees for the reissuance or reinstatement of a license suspended
1079 for that purpose, shall be governed by Section 93-11-157 or
1080 93-11-163, as the case may be. If there is any conflict between
1081 any provision of Section 93-11-157 or 93-11-163 and any provision
1082 of this chapter, the provisions of Section 93-11-157 or 93-11-163,
1083 as the case may be, shall control.

1084 **SECTION 14.** Section 73-15-29, Mississippi Code of 1972, is
1085 brought forward as follows:

1086 73-15-29. (1) The board shall have power to revoke, suspend
1087 or refuse to renew any license issued by the board, or to revoke
1088 or suspend any privilege to practice, or to deny an application
1089 for a license, or to fine, place on probation and/or discipline a



1090 licensee, in any manner specified in this article, upon proof that
1091 such person:

1092 (a) Has committed fraud or deceit in securing or
1093 attempting to secure such license;

1094 (b) Has been convicted of a felony, or a crime
1095 involving moral turpitude or has had accepted by a court a plea of
1096 nolo contendere to a felony or a crime involving moral turpitude
1097 (a certified copy of the judgment of the court of competent
1098 jurisdiction of such conviction or pleas shall be prima facie
1099 evidence of such conviction);

1100 (c) Has negligently or willfully acted in a manner
1101 inconsistent with the health or safety of the persons under the
1102 licensee's care;

1103 (d) Has had a license or privilege to practice as a
1104 registered nurse or a licensed practical nurse suspended or
1105 revoked in any jurisdiction, has voluntarily surrendered such
1106 license or privilege to practice in any jurisdiction, has been
1107 placed on probation as a registered nurse or licensed practical
1108 nurse in any jurisdiction or has been placed under a disciplinary
1109 order(s) in any manner as a registered nurse or licensed practical
1110 nurse in any jurisdiction, (a certified copy of the order of
1111 suspension, revocation, probation or disciplinary action shall be
1112 prima facie evidence of such action);



1113 (e) Has negligently or willfully practiced nursing in a
1114 manner that fails to meet generally accepted standards of such
1115 nursing practice;

1116 (f) Has negligently or willfully violated any order,
1117 rule or regulation of the board pertaining to nursing practice or
1118 licensure;

1119 (g) Has falsified or in a repeatedly negligent manner
1120 made incorrect entries or failed to make essential entries on
1121 records;

1122 (h) Is addicted to or dependent on alcohol or other
1123 habit-forming drugs or is a habitual user of narcotics,
1124 barbiturates, amphetamines, hallucinogens, or other drugs having
1125 similar effect, or has misappropriated any medication;

1126 (i) Has a physical, mental or emotional condition that
1127 renders the licensee unable to perform nursing services or duties
1128 with reasonable skill and safety;

1129 (j) Has engaged in any other conduct, whether of the
1130 same or of a different character from that specified in this
1131 article, that would constitute a crime as defined in Title 97 of
1132 the Mississippi Code of 1972, as now or hereafter amended, and
1133 that relates to such person's employment as a registered nurse or
1134 licensed practical nurse;

1135 (k) Engages in conduct likely to deceive, defraud or
1136 harm the public;



1137 (l) Engages in any unprofessional conduct as identified
1138 by the board in its rules;

1139 (m) Has violated any provision of this article;

1140 (n) Violation(s) of the provisions of Sections 41-121-1
1141 through 41-121-9 relating to deceptive advertisement by health
1142 care practitioners. This paragraph shall stand repealed on July
1143 1, 2025; or

1144 (o) Violation(s) of any provision of Title 41, Chapter
1145 141, Mississippi Code of 1972.

1146 (2) When the board finds any person unqualified because of
1147 any of the grounds set forth in subsection (1) of this section, it
1148 may enter an order imposing one or more of the following
1149 penalties:

1150 (a) Denying application for a license or other
1151 authorization to practice nursing or practical nursing;

1152 (b) Administering a reprimand;

1153 (c) Suspending or restricting the license or other
1154 authorization to practice as a registered nurse or licensed
1155 practical nurse for up to two (2) years without review;

1156 (d) Revoking the license or other authorization to
1157 practice nursing or practical nursing;

1158 (e) Requiring the disciplinee to submit to care,
1159 counseling or treatment by persons and/or agencies approved or
1160 designated by the board as a condition for initial, continued or



1161 renewed licensure or other authorization to practice nursing or
1162 practical nursing;

1163 (f) Requiring the discipline to participate in a
1164 program of education prescribed by the board as a condition for
1165 initial, continued or renewed licensure or other authorization to
1166 practice;

1167 (g) Requiring the discipline to practice under the
1168 supervision of a registered nurse for a specified period of time;
1169 or

1170 (h) Imposing a fine not to exceed Five Hundred Dollars
1171 (\$500.00).

1172 (3) In addition to the grounds specified in subsection (1)
1173 of this section, the board shall be authorized to suspend the
1174 license or privilege to practice of any licensee for being out of
1175 compliance with an order for support, as defined in Section
1176 93-11-153. The procedure for suspension of a license or privilege
1177 to practice for being out of compliance with an order for support,
1178 and the procedure for the reissuance or reinstatement of a license
1179 or privilege to practice suspended for that purpose, and the
1180 payment of any fees for the reissuance or reinstatement of a
1181 license or privilege to practice suspended for that purpose, shall
1182 be governed by Section 93-11-157 or 93-11-163, as the case may be.
1183 If there is any conflict between any provision of Section
1184 93-11-157 or 93-11-163 and any provision of this article, the



1185 provisions of Section 93-11-157 or 93-11-163, as the case may be,
1186 shall control.

1187 (4) If the public health, safety or welfare imperatively
1188 requires emergency action and the board incorporates a finding to
1189 that effect in an order, the board may order summary suspension of
1190 a license pending proceedings for revocation or other action.
1191 These proceedings shall be promptly instituted and determined by
1192 the board.

1193 (5) The board may establish by rule an alternative to
1194 discipline program for licensees who have an impairment as a
1195 result of substance abuse or a mental health condition, which
1196 program shall include at least the following components:

1197 (a) Participation in the program is voluntary with the
1198 licensee, and the licensee must enter the program before the board
1199 holds a disciplinary action hearing regarding the licensee;

1200 (b) The full cost of participation in the program,
1201 including the cost of any care, counseling, treatment and/or
1202 education received by the licensee, shall be borne by the
1203 licensee;

1204 (c) All of the procedures and records regarding the
1205 licensee's participation in the program shall be confidential,
1206 shall not be disclosed and shall be exempt from the provisions of
1207 the Mississippi Public Records Act of 1983; and



1208 (d) A licensee may not participate in the program more
1209 often than one (1) time during any period of five (5) years or
1210 such longer period as set by the board.

1211 (6) A nurse practitioner who provides a written
1212 certification as authorized under the Mississippi Medical Cannabis
1213 Act and in compliance with rules and regulations adopted
1214 thereunder shall not be subject to any disciplinary action under
1215 this section solely due to providing the written certification.

1216 **SECTION 15.** Section 73-19-23, Mississippi Code of 1972, is
1217 amended as follows:

1218 73-19-23. (1) (a) The board shall refuse to grant a
1219 certificate of licensure to any applicant and may cancel, revoke
1220 or suspend the operation of any certificate by it granted for any
1221 or all of the following reasons: unprofessional and unethical
1222 conduct * * *, habitual intemperance in the use of ardent spirits,
1223 or stimulants, narcotics, or any other substance that impairs the
1224 intellect and judgment to such an extent as to incapacitate one
1225 for the performance of the duties of an optometrist. The
1226 certificate of licensure of any person can be revoked for
1227 violating any section of this chapter.

1228 (b) The board shall conduct a criminal history records
1229 check on licensure applicants and on licensees whose licenses are
1230 subject to investigation.

1231 (i) The applicant or licensee shall undergo a
1232 fingerprint-based criminal history records check of the



1233 Mississippi central criminal database and the Federal Bureau of
1234 Investigation criminal history database. Each applicant or
1235 licensee shall submit a full set of the applicant's fingerprints
1236 in a form or manner prescribed by the board, which shall be
1237 forwarded to the Bureau of Investigation Identification Division
1238 for this purpose.

1239 (ii) Any and all state or national criminal
1240 history records information obtained by the board that is not
1241 already a matter of public record shall be deemed nonpublic and
1242 confidential information restricted to the exclusive use of the
1243 board, its members, officers, investigators, agents and attorneys
1244 in evaluating the applicant's eligibility or disqualification for
1245 licensure, and shall be exempt from the Mississippi Public Records
1246 Act of 1983. Except when introduced into evidence in a hearing
1247 before the board to determine licensure, no such information or
1248 records related thereto shall, except with the written consent of
1249 the applicant or licensee or by order of a court of competent
1250 jurisdiction, be released or otherwise disclosed by the board to
1251 any other person or agency.

1252 (iii) The board shall provide to the department
1253 the fingerprints of the applicant or licensee, any additional
1254 information that may be required by the department, and a form
1255 signed by the applicant consenting to the check of the criminal
1256 records and to the use of the fingerprints and other identifying
1257 information required by the state or national repositories.



1258 (iv) The board shall charge and collect from the
1259 applicant or licensee, in addition to all other applicable fees
1260 and costs, such amount as may be incurred by the board in
1261 requesting and obtaining state and national criminal history
1262 records information on the applicant or licensee.

1263 (2) The board shall further be authorized to take
1264 disciplinary action against a licensee for any unlawful acts,
1265 which shall include violations of regulations promulgated by the
1266 board, as well as the following acts:

1267 (a) Fraud or misrepresentation in applying for or
1268 procuring an optometric license or in connection with applying for
1269 or procuring periodic renewal of an optometric license.

1270 (b) Cheating on or attempting to subvert the optometric
1271 licensing examination(s).

1272 (c) The conviction of a * * * disqualifying crime as
1273 provided in the Fresh Start Act in this state or any other
1274 jurisdiction, or the entry of a guilty or nolo contendere plea to
1275 a * * * disqualifying crime.

1276 (d) The conviction of a * * * disqualifying crime as
1277 provided in the Fresh Start Act as defined by federal law, or the
1278 entry of a guilty or nolo contendere plea to a * * * disqualifying
1279 crime as provided in the Fresh Start Act.

1280 (e) Conduct likely to deceive, defraud or harm the
1281 public.



1282 (f) Making a false or misleading statement regarding
1283 his or her skill or the efficacy or value of the medicine, device,
1284 treatment or remedy prescribed by him or her or used at his or her
1285 direction in the treatment of any disease or other condition.

1286 (g) Willfully or negligently violating the
1287 confidentiality between doctor and patient, except as required by
1288 law.

1289 (h) Negligence or gross incompetence in the practice of
1290 optometry as determined by the board.

1291 (i) Being found to be a person with mental illness or
1292 with an intellectual disability by any court of competent
1293 jurisdiction.

1294 (j) The use of any false, fraudulent, deceptive or
1295 misleading statement in any document connected with the practice
1296 of optometry.

1297 (k) Aiding or abetting the practice of optometry by an
1298 unlicensed, incompetent or impaired person.

1299 (l) Commission of any act of sexual abuse, misconduct
1300 or exploitation related to the licensee's practice of optometry.

1301 (m) Being addicted or habituated to a drug or
1302 intoxicant.

1303 (n) Violating any state or federal law or regulation
1304 relating to a drug legally classified as a controlled substance.

1305 (o) Obtaining any fee by fraud, deceit or
1306 misrepresentation.



1307 (p) Disciplinary action of another state or
1308 jurisdiction against a licensee or other authorization to practice
1309 optometry based upon acts or conduct by the licensee similar to
1310 acts or conduct that would constitute grounds for action as
1311 defined in this chapter, a certified copy of the record of the
1312 action taken by the other state or jurisdiction being conclusive
1313 evidence thereof.

1314 (q) Failure to report to the board the relocation of
1315 his or her office in or out of the jurisdiction, or to furnish
1316 floor plans as required by regulation.

1317 (r) Violation of any provision(s) of the Optometry
1318 Practice Act or the rules and regulations of the board or of an
1319 action, stipulation or agreement of the board.

1320 (s) To advertise in a manner that tends to deceive,
1321 mislead or defraud the public.

1322 (t) The designation of any person licensed under this
1323 chapter, other than by the terms "optometrist," "Doctor of
1324 Optometry" or "O.D.," which through June 30, 2025, shall include
1325 any violation(s) of the provisions of Sections 41-121-1 through
1326 41-121-9 relating to deceptive advertisement by health care
1327 practitioners.

1328 (u) To knowingly submit or cause to be submitted any
1329 misleading, deceptive or fraudulent representation on a claim
1330 form, bill or statement.



1331 (v) To practice or attempt to practice optometry while
1332 his or her license is suspended.

1333 (3) Any person who is a holder of a certificate of licensure
1334 or who is an applicant for examination for a certificate of
1335 licensure, against whom is preferred any charges, shall be
1336 furnished by the board with a copy of the complaint and shall have
1337 a hearing in Jackson, Mississippi, before the board, at which
1338 hearing he may be represented by counsel. At the hearing,
1339 witnesses may be examined for and against the accused respecting
1340 those charges, and the hearing orders or appeals will be conducted
1341 according to the procedure now provided in Section 73-25-27. The
1342 suspension of a certificate of licensure by reason of the use of
1343 stimulants or narcotics may be removed when the holder of the
1344 certificate has been adjudged by the board to be cured and capable
1345 of practicing optometry.

1346 (4) In addition to the reasons specified in subsections (1)
1347 and (2) of this section, the board shall be authorized to suspend
1348 the license of any licensee for being out of compliance with an
1349 order for support, as defined in Section 93-11-153. The procedure
1350 for suspension of a license for being out of compliance with an
1351 order for support, and the procedure for the reissuance or
1352 reinstatement of a license suspended for that purpose, and the
1353 payment of any fees for the reissuance or reinstatement of a
1354 license suspended for that purpose, shall be governed by Section
1355 93-11-157 or 93-11-163, as the case may be. If there is any



1356 conflict between any provision of Section 93-11-157 or 93-11-163
1357 and any provision of this chapter, the provisions of Section
1358 93-11-157 or 93-11-163, as the case may be, shall control.

1359 (5) A licensee who provides a written certification as
1360 authorized under the Mississippi Medical Cannabis Act and in
1361 compliance with rules and regulations adopted thereunder shall not
1362 be subject to any disciplinary action under this section solely
1363 due to providing the written certification.

1364 **SECTION 16.** Section 73-21-97, Mississippi Code of 1972, is
1365 amended as follows:

1366 73-21-97. (1) The board may refuse to issue or renew, or
1367 may suspend, reprimand, revoke or restrict the license,
1368 registration or permit of any person upon one or more of the
1369 following grounds:

1370 (a) Unprofessional conduct as defined by the rules and
1371 regulations of the board;

1372 (b) Incapacity of a nature that prevents a pharmacist
1373 from engaging in the practice of pharmacy with reasonable skill,
1374 confidence and safety to the public;

1375 (c) Being found guilty by a court of competent
1376 jurisdiction of one or more of the following:

1377 (i) A * * * disqualifying crime as provided in the
1378 Fresh Start Act;

1379 (ii) Any act involving * * * gross immorality; or



1380 (iii) Violation of pharmacy or drug laws of this
1381 state or rules or regulations pertaining thereto, or of statutes,
1382 rules or regulations of any other state or the federal government;

1383 (d) Fraud or intentional misrepresentation by a
1384 licensee or permit holder in securing the issuance or renewal of a
1385 license or permit;

1386 (e) Engaging or aiding and abetting an individual to
1387 engage in the practice of pharmacy without a license;

1388 (f) Violation of any of the provisions of this chapter
1389 or rules or regulations adopted pursuant to this chapter;

1390 (g) Failure to comply with lawful orders of the board;

1391 (h) Negligently or willfully acting in a manner
1392 inconsistent with the health or safety of the public;

1393 (i) Addiction to or dependence on alcohol or controlled
1394 substances or the unauthorized use or possession of controlled
1395 substances;

1396 (j) Misappropriation of any prescription drug;

1397 (k) Being found guilty by the licensing agency in
1398 another state of violating the statutes, rules or regulations of
1399 that jurisdiction;

1400 (l) The unlawful or unauthorized possession of a
1401 controlled substance;

1402 (m) Willful failure to submit drug monitoring
1403 information or willful submission of incorrect dispensing



1404 information as required by the Prescription Monitoring Program
1405 under Section 73-21-127;

1406 (n) Failure to obtain the license, registration or
1407 permit required by this chapter; or

1408 (o) Violation(s) of the provisions of Sections 41-121-1
1409 through 41-121-9 relating to deceptive advertisement by health
1410 care practitioners. This paragraph shall stand repealed on July
1411 1, 2025.

1412 (2) In lieu of suspension, revocation or restriction of a
1413 license as provided for above, the board may warn or reprimand the
1414 offending pharmacist.

1415 (3) In addition to the grounds specified in subsection (1)
1416 of this section, the board shall be authorized to suspend the
1417 license, registration or permit of any person for being out of
1418 compliance with an order for support, as defined in Section
1419 93-11-153. The procedure for suspension of a license,
1420 registration or permit for being out of compliance with an order
1421 for support, and the procedure for the reissuance or reinstatement
1422 of a license, registration or permit suspended for that purpose,
1423 and the payment of any fees for the reissuance or reinstatement of
1424 a license, registration or permit suspended for that purpose,
1425 shall be governed by Section 93-11-157 or 93-11-163, as the case
1426 may be. If there is any conflict between any provision of Section
1427 93-11-157 or 93-11-163 and any provision of this chapter, the



1428 provisions of Section 93-11-157 or 93-11-163, as the case may be,
1429 shall control.

1430 **SECTION 17.** Section 73-25-29, Mississippi Code of 1972, is
1431 amended as follows:

1432 73-25-29. The grounds for the nonissuance, suspension,
1433 revocation or restriction of a license or the denial of
1434 reinstatement or renewal of a license are:

1435 (1) Habitual personal use of narcotic drugs, or any
1436 other drug having addiction-forming or addiction-sustaining
1437 liability.

1438 (2) Habitual use of intoxicating liquors, or any
1439 beverage, to an extent which affects professional competency.

1440 (3) Administering, dispensing or prescribing any
1441 narcotic drug, or any other drug having addiction-forming or
1442 addiction-sustaining liability otherwise than in the course of
1443 legitimate professional practice.

1444 (4) Conviction of violation of any federal or state law
1445 regulating the possession, distribution or use of any narcotic
1446 drug or any drug considered a controlled substance under state or
1447 federal law, a certified copy of the conviction order or judgment
1448 rendered by the trial court being prima facie evidence thereof,
1449 notwithstanding the pendency of any appeal.

1450 (5) Procuring, or attempting to procure, or aiding in,
1451 an abortion that is not medically indicated.



1452 (6) Conviction of a * * * disqualifying crime as
1453 provided in the Fresh Start Act, a certified copy of the
1454 conviction order or judgment rendered by the trial court being
1455 prima facie evidence thereof, notwithstanding the pendency of any
1456 appeal.

1457 (7) Obtaining or attempting to obtain a license by
1458 fraud or deception.

1459 (8) Unprofessional conduct, which includes, but is not
1460 limited to:

1461 (a) Practicing medicine under a false or assumed
1462 name or impersonating another practitioner, living or dead.

1463 (b) Knowingly performing any act which in any way
1464 assists an unlicensed person to practice medicine.

1465 (c) Making or willfully causing to be made any
1466 flamboyant claims concerning the licensee's professional
1467 excellence.

1468 (d) Being guilty of any dishonorable or unethical
1469 conduct likely to deceive, defraud or harm the public.

1470 (e) Obtaining a fee as personal compensation or
1471 gain from a person on fraudulent representation of a disease or
1472 injury condition generally considered incurable by competent
1473 medical authority in the light of current scientific knowledge and
1474 practice can be cured or offering, undertaking, attempting or
1475 agreeing to cure or treat the same by a secret method, which he
1476 refuses to divulge to the board upon request.



1477 (f) Use of any false, fraudulent or forged
1478 statement or document, or the use of any fraudulent, deceitful,
1479 dishonest or immoral practice in connection with any of the
1480 licensing requirements, including the signing in his professional
1481 capacity any certificate that is known to be false at the time he
1482 makes or signs such certificate.

1483 (g) Failing to identify a physician's school of
1484 practice in all professional uses of his name by use of his earned
1485 degree or a description of his school of practice.

1486 (9) The refusal of a licensing authority of another
1487 state or jurisdiction to issue or renew a license, permit or
1488 certificate to practice medicine in that jurisdiction or the
1489 revocation, suspension or other restriction imposed on a license,
1490 permit or certificate issued by such licensing authority which
1491 prevents or restricts practice in that jurisdiction, a certified
1492 copy of the disciplinary order or action taken by the other state
1493 or jurisdiction being prima facie evidence thereof,
1494 notwithstanding the pendency of any appeal.

1495 (10) Surrender of a license or authorization to
1496 practice medicine in another state or jurisdiction or surrender of
1497 membership on any medical staff or in any medical or professional
1498 association or society while under disciplinary investigation by
1499 any of those authorities or bodies for acts or conduct similar to
1500 acts or conduct which would constitute grounds for action as
1501 defined in this section.



1502 (11) Final sanctions imposed by the United States
1503 Department of Health and Human Services, Office of Inspector
1504 General or any successor federal agency or office, based upon a
1505 finding of incompetency, gross misconduct or failure to meet
1506 professionally recognized standards of health care; a certified
1507 copy of the notice of final sanction being prima facie evidence
1508 thereof. As used in this paragraph, the term "final sanction"
1509 means the written notice to a physician from the United States
1510 Department of Health and Human Services, Officer of Inspector
1511 General or any successor federal agency or office, which
1512 implements the exclusion.

1513 (12) Failure to furnish the board, its investigators or
1514 representatives information legally requested by the board.

1515 (13) Violation of any provision(s) of the Medical
1516 Practice Act or the rules and regulations of the board or of any
1517 order, stipulation or agreement with the board.

1518 (14) Violation(s) of the provisions of Sections
1519 41-121-1 through 41-121-9 relating to deceptive advertisement by
1520 health care practitioners.

1521 (15) Performing or inducing an abortion on a woman in
1522 violation of any provision of Sections 41-41-131 through
1523 41-41-145.

1524 (16) Performing an abortion on a pregnant woman after
1525 determining that the unborn human individual that the pregnant



1526 woman is carrying has a detectable fetal heartbeat as provided in
1527 Section 41-41-34.1.

1528 (17) Violation(s) of any provision of Title 41, Chapter
1529 141, Mississippi Code of 1972.

1530 In addition to the grounds specified above, the board shall
1531 be authorized to suspend the license of any licensee for being out
1532 of compliance with an order for support, as defined in Section
1533 93-11-153. The procedure for suspension of a license for being
1534 out of compliance with an order for support, and the procedure for
1535 the reissuance or reinstatement of a license suspended for that
1536 purpose, and the payment of any fees for the reissuance or
1537 reinstatement of a license suspended for that purpose, shall be
1538 governed by Section 93-11-157 or 93-11-163, as the case may be.
1539 If there is any conflict between any provision of Section
1540 93-11-157 or 93-11-163 and any provision of this chapter, the
1541 provisions of Section 93-11-157 or 93-11-163, as the case may be,
1542 shall control.

1543 A physician who provides a written certification as
1544 authorized under the Mississippi Medical Cannabis Act and in
1545 compliance with rules and regulations adopted thereunder shall not
1546 be subject to any disciplinary action under this section solely
1547 due to providing the written certification.

1548 **SECTION 18.** Section 73-25-101, Mississippi Code of 1972, is
1549 amended as follows:



1550 73-25-101. The Interstate Medical Licensure Compact is
1551 enacted into law and entered into by this state with any and all
1552 states legally joining in the Compact in accordance with its
1553 terms, in the form substantially as follows:

1554 **INTERSTATE MEDICAL LICENSURE COMPACT**

1555 **SECTION 1**

1556 **Purpose**

1557 In order to strengthen access to health care, and in
1558 recognition of the advances in the delivery of health care, the
1559 member states of the Interstate Medical Licensure Compact have
1560 allied in common purpose to develop a comprehensive process that
1561 complements the existing licensing and regulatory authority of
1562 state medical boards, provides a streamlined process that allows
1563 physicians to become licensed in multiple states, thereby
1564 enhancing the portability of a medical license and ensuring the
1565 safety of patients. The Compact creates another pathway for
1566 licensure and does not otherwise change a state's existing Medical
1567 Practice Act. The Compact also adopts the prevailing standard for
1568 licensure and affirms that the practice of medicine occurs where
1569 the patient is located at the time of the physician-patient
1570 encounter, and therefore, requires the physician to be under the
1571 jurisdiction of the state medical board where the patient is
1572 located. State medical boards that participate in the Compact
1573 retain the jurisdiction to impose an adverse action against a



1574 license to practice medicine in that state issued to a physician
1575 through the procedures in the Compact.

1576 **SECTION 2**

1577 **Definitions**

1578 In this Compact:

1579 (a) "Bylaws" means those bylaws established by the
1580 Interstate Commission pursuant to Section 11 for its governance,
1581 or for directing and controlling its actions and conduct.

1582 (b) "Commissioner" means the voting representative
1583 appointed by each member board pursuant to Section 11.

1584 (c) "Conviction" means a finding by a court that an
1585 individual is guilty of a criminal offense through adjudication,
1586 or entry of a plea of guilt or no contest to the charge by the
1587 offender. Evidence of an entry of a conviction of a criminal
1588 offense by the court shall be considered final for purposes of
1589 disciplinary action by a member board.

1590 (d) "Expedited license" means a full and unrestricted
1591 medical license granted by a member state to an eligible physician
1592 through the process set forth in the Compact.

1593 (e) "Interstate Commission" means the interstate
1594 commission created pursuant to Section 11.

1595 (f) "License" means authorization by a state for a
1596 physician to engage in the practice of medicine, which would be
1597 unlawful without the authorization.



1598 (g) "Medical Practice Act" means laws and regulations
1599 governing the practice of allopathic and osteopathic medicine
1600 within a member state.

1601 (h) "Member board" means a state agency in a member
1602 state that acts in the sovereign interests of the state by
1603 protecting the public through licensure, regulation, and education
1604 of physicians as directed by the state government.

1605 (i) "Member state" means a state that has enacted the
1606 Compact.

1607 (j) "Practice of medicine" means the clinical
1608 prevention, diagnosis, or treatment of human disease, injury, or
1609 condition requiring a physician to obtain and maintain a license
1610 in compliance with the Medical Practice Act of a member state.

1611 (k) "Physician" means any person who:

1612 (1) Is a graduate of a medical school accredited
1613 by the Liaison Committee on Medical Education, the Commission on
1614 Osteopathic College Accreditation, or a medical school listed in
1615 the International Medical Education Directory or its equivalent;

1616 (2) Passed each component of the United States
1617 Medical Licensing Examination (USMLE) or the Comprehensive
1618 Osteopathic Medical Licensing Examination (COMLEX-USA) within
1619 three (3) attempts, or any of its predecessor examinations
1620 accepted by a state medical board as an equivalent examination for
1621 licensure purposes;



1622 (3) Successfully completed graduate medical
1623 education approved by the Accreditation Council for Graduate
1624 Medical Education or the American Osteopathic Association;

1625 (4) Holds specialty certification or a
1626 time-unlimited specialty certificate recognized by the American
1627 Board of Medical Specialties or the American Osteopathic
1628 Association's Bureau of Osteopathic Specialists;

1629 (5) Possesses a full and unrestricted license to
1630 engage in the practice of medicine issued by a member board;

1631 (6) Has never been convicted, received
1632 adjudication, deferred adjudication, community supervision, or
1633 deferred disposition for any offense by a court of appropriate
1634 jurisdiction;

1635 (7) Has never held a license authorizing the
1636 practice of medicine subjected to discipline by a licensing agency
1637 in any state, federal, or foreign jurisdiction, excluding any
1638 action related to nonpayment of fees related to a license;

1639 (8) Has never had a controlled substance license
1640 or permit suspended or revoked by a state or the United States
1641 Drug Enforcement Administration; and

1642 (9) Is not under active investigation by a
1643 licensing agency or law enforcement authority in any state,
1644 federal, or foreign jurisdiction.

1645 (1) "Offense" means a * * * disqualifying crime as
1646 provided in the Fresh Start Act.



1647 (m) "Rule" means a written statement by the Interstate
1648 Commission promulgated pursuant to Section 12 of the Compact that
1649 is of general applicability, implements, interprets, or prescribes
1650 a policy or provision of the Compact, or an organizational,
1651 procedural, or practice requirement of the Interstate Commission,
1652 and has the force and effect of statutory law in a member state,
1653 and includes the amendment, repeal, or suspension of an existing
1654 rule.

1655 (n) "State" means any state, commonwealth, district, or
1656 territory of the United States.

1657 (o) "State of principal license" means a member state
1658 where a physician holds a license to practice medicine and which
1659 has been designated as such by the physician for purposes of
1660 registration and participation in the Compact.

1661 **SECTION 3**

1662 **Eligibility**

1663 (a) A physician must meet the eligibility requirements as
1664 defined in Section 2(k) to receive an expedited license under the
1665 terms and provisions of the Compact.

1666 (b) A physician who does not meet the requirements of
1667 Section 2(k) may obtain a license to practice medicine in a member
1668 state if the individual complies with all laws and requirements,
1669 other than the Compact, relating to the issuance of a license to
1670 practice medicine in that state.

1671 **SECTION 4**



1672 **Designation of State of Principal License**

1673 (a) A physician shall designate a member state as the state
1674 of principal license for purposes of registration for expedited
1675 licensure through the Compact if the physician possesses a full
1676 and unrestricted license to practice medicine in that state, and
1677 the state is:

1678 (1) The state of primary residence for the physician,
1679 or

1680 (2) The state where at least twenty-five percent (25%)
1681 of the practice of medicine occurs, or

1682 (3) The location of the physician's employer, or

1683 (4) If no state qualifies under subsection (1),
1684 subsection (2), or subsection (3), the state designated as state
1685 of residence for purpose of federal income tax.

1686 (b) A physician may redesignate a member state as state of
1687 principal license at any time, as long as the state meets the
1688 requirements in subsection (a).

1689 (c) The Interstate Commission is authorized to develop rules
1690 to facilitate redesignation of another member state as the state
1691 of principal license.

1692 **SECTION 5**

1693 **Application and Issuance of Expedited Licensure**

1694 (a) A physician seeking licensure through the Compact shall
1695 file an application for an expedited license with the member board



1696 of the state selected by the physician as the state of principal
1697 license.

1698 (b) Upon receipt of an application for an expedited license,
1699 the member board within the state selected as the state of
1700 principal license shall evaluate whether the physician is eligible
1701 for expedited licensure and issue a letter of qualification,
1702 verifying or denying the physician's eligibility, to the
1703 Interstate Commission.

1704 (i) Static qualifications, which include verification
1705 of medical education, graduate medical education, results of any
1706 medical or licensing examination, and other qualifications as
1707 determined by the Interstate Commission through rule, shall not be
1708 subject to additional primary source verification where already
1709 primary source verified by the state of principal license.

1710 (ii) The member board within the state selected as the
1711 state of principal license shall, in the course of verifying
1712 eligibility, perform a criminal background check of an applicant,
1713 including the use of the results of fingerprint or other biometric
1714 data checks compliant with the requirements of the Federal Bureau
1715 of Investigation, with the exception of federal employees who have
1716 suitability determination in accordance with United States Code of
1717 Federal Regulation Section 731.202.

1718 (iii) Appeal on the determination of eligibility shall
1719 be made to the member state where the application was filed and
1720 shall be subject to the law of that state.



1721 (c) Upon verification in subsection (b), physicians eligible
1722 for an expedited license shall complete the registration process
1723 established by the Interstate Commission to receive a license in a
1724 member state selected pursuant to subsection (a), including the
1725 payment of any applicable fees.

1726 (d) After receiving verification of eligibility under
1727 subsection (b) and any fees under subsection (c), a member board
1728 shall issue an expedited license to the physician. This license
1729 shall authorize the physician to practice medicine in the issuing
1730 state consistent with the Medical Practice Act and all applicable
1731 laws and regulations of the issuing member board and member state.

1732 (e) An expedited license shall be valid for a period
1733 consistent with the licensure period in the member state and in
1734 the same manner as required for other physicians holding a full
1735 and unrestricted license within the member state.

1736 (f) An expedited license obtained through the Compact shall
1737 be terminated if a physician fails to maintain a license in the
1738 state of principal licensure for a nondisciplinary reason, without
1739 redesignation of a new state of principal licensure.

1740 (g) The Interstate Commission is authorized to develop rules
1741 regarding the application process, including payment of any
1742 applicable fees, and the issuance of an expedited license.

1743 SECTION 6

1744 Fees for Expedited Licensure



1745 (a) A member state issuing an expedited license authorizing
1746 the practice of medicine in that state may impose a fee for a
1747 license issued or renewed through the Compact.

1748 (b) The Interstate Commission is authorized to develop rules
1749 regarding fees for expedited licenses.

1750 **SECTION 7**

1751 **Renewal and Continued Participation**

1752 (a) A physician seeking to renew an expedited license
1753 granted in a member state shall complete a renewal process with
1754 the Interstate Commission if the physician:

1755 (1) Maintains a full and unrestricted license in a
1756 state of principal license;

1757 (2) Has not been convicted, received adjudication,
1758 deferred adjudication, community supervision, or deferred
1759 disposition for any offense by a court of appropriate
1760 jurisdiction;

1761 (3) Has not had a license authorizing the practice of
1762 medicine subject to discipline by a licensing agency in any state,
1763 federal, or foreign jurisdiction, excluding any action related to
1764 nonpayment of fees related to a license; and

1765 (4) Has not had a controlled substance license or
1766 permit suspended or revoked by a state or the United States Drug
1767 Enforcement Administration.



1768 (b) Physicians shall comply with all continuing professional
1769 development or continuing medical education requirements for
1770 renewal of a license issued by a member state.

1771 (c) The Interstate Commission shall collect any renewal fees
1772 charged for the renewal of a license and distribute the fees to
1773 the applicable member board.

1774 (d) Upon receipt of any renewal fees collected in subsection
1775 (c), a member board shall renew the physician's license.

1776 (e) Physician information collected by the Interstate
1777 Commission during the renewal process will be distributed to all
1778 member boards.

1779 (f) The Interstate Commission is authorized to develop rules
1780 to address renewal of licenses obtained through the Compact.

1781 **SECTION 8**

1782 **Coordinated Information System**

1783 (a) The Interstate Commission shall establish a database of
1784 all physicians licensed, or who have applied for licensure, under
1785 Section 5.

1786 (b) Notwithstanding any other provision of law, member
1787 boards shall report to the Interstate Commission any public action
1788 or complaints against a licensed physician who has applied or
1789 received an expedited license through the Compact.

1790 (c) Member boards shall report disciplinary or investigatory
1791 information determined as necessary and proper by rule of the
1792 Interstate Commission.



1793 (d) Member boards may report any nonpublic complaint,
1794 disciplinary, or investigatory information not required by
1795 subsection (c) to the Interstate Commission.

1796 (e) Member boards shall share complaint or disciplinary
1797 information about a physician upon request of another member
1798 board.

1799 (f) All information provided to the Interstate Commission or
1800 distributed by member boards shall be confidential, filed under
1801 seal, and used only for investigatory or disciplinary matters.

1802 (g) The Interstate Commission is authorized to develop rules
1803 for mandated or discretionary sharing of information by member
1804 boards.

1805 SECTION 9

1806 Joint Investigations

1807 (a) Licensure and disciplinary records of physicians are
1808 deemed investigative.

1809 (b) In addition to the authority granted to a member board
1810 by its respective Medical Practice Act or other applicable state
1811 law, a member board may participate with other member boards in
1812 joint investigations of physicians licensed by the member boards.

1813 (c) A subpoena issued by a member state shall be enforceable
1814 in other member states.

1815 (d) Member boards may share any investigative, litigation,
1816 or compliance materials in furtherance of any joint or individual
1817 investigation initiated under the Compact.



1818 (e) Any member state may investigate actual or alleged
1819 violations of the statutes authorizing the practice of medicine in
1820 any other member state in which a physician holds a license to
1821 practice medicine.

1822 **SECTION 10**

1823 **Disciplinary Actions**

1824 (a) Any disciplinary action taken by any member board
1825 against a physician licensed through the Compact shall be deemed
1826 unprofessional conduct which may be subject to discipline by other
1827 member boards, in addition to any violation of the Medical
1828 Practice Act or regulations in that state.

1829 (b) If a license granted to a physician by the member board
1830 in the state of principal license is revoked, surrendered or
1831 relinquished in lieu of discipline, or suspended, then all
1832 licenses issued to the physician by member boards shall
1833 automatically be placed, without further action necessary by any
1834 member board, on the same status. If the member board in the
1835 state of principal license subsequently reinstates the physician's
1836 license, a license issued to the physician by any other member
1837 board shall remain encumbered until that respective member board
1838 takes action to reinstate the license in a manner consistent with
1839 the Medical Practice Act of that state.

1840 (c) If disciplinary action is taken against a physician by a
1841 member board not in the state of principal license, any other



1842 member board may deem the action conclusive as to matter of law
1843 and fact decided, and:

1844 (i) Impose the same or lesser sanction(s) against the
1845 physician so long as such sanctions are consistent with the
1846 Medical Practice Act of that state; or

1847 (ii) Pursue separate disciplinary action against the
1848 physician under its respective Medical Practice Act, regardless of
1849 the action taken in other member states.

1850 (d) If a license granted to a physician by a member board is
1851 revoked, surrendered or relinquished in lieu of discipline, or
1852 suspended, then any license(s) issued to the physician by any
1853 other member board(s) shall be suspended, automatically and
1854 immediately without further action necessary by the other member
1855 board(s), for ninety (90) days upon entry of the order by the
1856 disciplining board, to permit the member board(s) to investigate
1857 the basis for the action under the Medical Practice Act of that
1858 state. A member board may terminate the automatic suspension of
1859 the license it issued prior to the completion of the ninety (90)
1860 day suspension period in a manner consistent with the Medical
1861 Practice Act of that state.

1862 **SECTION 11**

1863 **Interstate Medical Licensure Compact Commission**

1864 (a) The member states create the "Interstate Medical
1865 Licensure Compact Commission."



1866 (b) The purpose of the Interstate Commission is the
1867 administration of the Interstate Medical Licensure Compact, which
1868 is a discretionary state function.

1869 (c) The Interstate Commission shall be a body corporate and
1870 joint agency of the member states and shall have all the
1871 responsibilities, powers, and duties set forth in the Compact, and
1872 such additional powers as may be conferred upon it by a subsequent
1873 concurrent action of the respective legislatures of the member
1874 states in accordance with the terms of the Compact.

1875 (d) The Interstate Commission shall consist of two (2)
1876 voting representatives appointed by each member state who shall
1877 serve as Commissioners. In states where allopathic and
1878 osteopathic physicians are regulated by separate member boards, or
1879 if the licensing and disciplinary authority is split between
1880 multiple member boards within a member state, the member state
1881 shall appoint one (1) representative from each member board. A
1882 Commissioner shall be a(n):

1883 (1) Allopathic or osteopathic physician appointed to a
1884 member board;

1885 (2) Executive director, executive secretary, or similar
1886 executive of a member board; or

1887 (3) Member of the public appointed to a member board.

1888 (e) The Interstate Commission shall meet at least once each
1889 calendar year. A portion of this meeting shall be a business
1890 meeting to address such matters as may properly come before the



1891 Commission, including the election of officers. The chairperson
1892 may call additional meetings and shall call for a meeting upon the
1893 request of a majority of the member states.

1894 (f) The bylaws may provide for meetings of the Interstate
1895 Commission to be conducted by telecommunication or electronic
1896 communication.

1897 (g) Each Commissioner participating at a meeting of the
1898 Interstate Commission is entitled to one (1) vote. A majority of
1899 Commissioners shall constitute a quorum for the transaction of
1900 business, unless a larger quorum is required by the bylaws of the
1901 Interstate Commission. A Commissioner shall not delegate a vote
1902 to another Commissioner. In the absence of its Commissioner, a
1903 member state may delegate voting authority for a specified meeting
1904 to another person from that state who shall meet the requirements
1905 of subsection (d).

1906 (h) The Interstate Commission shall provide public notice of
1907 all meetings and all meetings shall be open to the public. The
1908 Interstate Commission may close a meeting, in full or in portion,
1909 where it determines by a two-thirds (2/3) vote of the
1910 Commissioners present that an open meeting would be likely to:

1911 (1) Relate solely to the internal personnel practices
1912 and procedures of the Interstate Commission;

1913 (2) Discuss matters specifically exempted from
1914 disclosure by federal statute;



1915 (3) Discuss trade secrets, commercial, or financial
1916 information that is privileged or confidential;

1917 (4) Involve accusing a person of a crime, or formally
1918 censuring a person;

1919 (5) Discuss information of a personal nature where
1920 disclosure would constitute a clearly unwarranted invasion of
1921 personal privacy;

1922 (6) Discuss investigative records compiled for law
1923 enforcement purposes; or

1924 (7) Specifically relate to the participation in a civil
1925 action or other legal proceeding.

1926 (i) The Interstate Commission shall keep minutes which shall
1927 fully describe all matters discussed in a meeting and shall
1928 provide a full and accurate summary of actions taken, including
1929 record of any roll call votes.

1930 (j) The Interstate Commission shall make its information and
1931 official records, to the extent not otherwise designated in the
1932 Compact or by its rules, available to the public for inspection.

1933 (k) The Interstate Commission shall establish an executive
1934 committee, which shall include officers, members, and others as
1935 determined by the bylaws. The executive committee shall have the
1936 power to act on behalf of the Interstate Commission, with the
1937 exception of rulemaking, during periods when the Interstate
1938 Commission is not in session. When acting on behalf of the
1939 Interstate Commission, the executive committee shall oversee the



1940 administration of the Compact including enforcement and compliance
1941 with the provisions of the Compact, its bylaws and rules, and
1942 other such duties as necessary.

1943 (l) The Interstate Commission may establish other committees
1944 for governance and administration of the Compact.

1945 SECTION 12

1946 Powers and Duties of the Interstate Commission

1947 The Interstate Commission shall have the duty and power to:

1948 (a) Oversee and maintain the administration of the Compact;

1949 (b) Promulgate rules which shall be binding to the extent
1950 and in the manner provided for in the Compact;

1951 (c) Issue, upon the request of a member state or member
1952 board, advisory opinions concerning the meaning or interpretation
1953 of the Compact, its bylaws, rules, and actions;

1954 (d) Enforce compliance with Compact provisions, the rules
1955 promulgated by the Interstate Commission, and the bylaws, using
1956 all necessary and proper means, including but not limited to the
1957 use of judicial process;

1958 (e) Establish and appoint committees, including but not
1959 limited to an executive committee as required by Section 11, which
1960 shall have the power to act on behalf of the Interstate Commission
1961 in carrying out its powers and duties;

1962 (f) Pay, or provide for the payment of the expenses related
1963 to the establishment, organization, and ongoing activities of the
1964 Interstate Commission;



1965 (g) Establish and maintain one or more offices;
1966 (h) Borrow, accept, hire, or contract for services of
1967 personnel;
1968 (i) Purchase and maintain insurance and bonds;
1969 (j) Employ an executive director who shall have such powers
1970 to employ, select or appoint employees, agents, or consultants,
1971 and to determine their qualifications, define their duties, and
1972 fix their compensation;
1973 (k) Establish personnel policies and programs relating to
1974 conflicts of interest, rates of compensation, and qualifications
1975 of personnel;
1976 (l) Accept donations and grants of money, equipment,
1977 supplies, materials and services, and to receive, utilize, and
1978 dispose of it in a manner consistent with the conflict of interest
1979 policies established by the Interstate Commission;
1980 (m) Lease, purchase, accept contributions or donations of,
1981 or otherwise to own, hold, improve or use, any property, real,
1982 personal, or mixed;
1983 (n) Sell, convey, mortgage, pledge, lease, exchange,
1984 abandon, or otherwise dispose of any property, real, personal, or
1985 mixed;
1986 (o) Establish a budget and make expenditures;
1987 (p) Adopt a seal and bylaws governing the management and
1988 operation of the Interstate Commission;



1989 (q) Report annually to the legislatures and governors of the
1990 member states concerning the activities of the Interstate
1991 Commission during the preceding year. Such reports shall also
1992 include reports of financial audits and any recommendations that
1993 may have been adopted by the Interstate Commission;

1994 (r) Coordinate education, training, and public awareness
1995 regarding the Compact, its implementation, and its operation;

1996 (s) Maintain records in accordance with the bylaws;

1997 (t) Seek and obtain trademarks, copyrights, and patents; and

1998 (u) Perform such functions as may be necessary or
1999 appropriate to achieve the purposes of the Compact.

2000 **SECTION 13**

2001 **Finance Powers**

2002 (a) The Interstate Commission may levy on and collect an
2003 annual assessment from each member state to cover the cost of the
2004 operations and activities of the Interstate Commission and its
2005 staff. The total assessment must be sufficient to cover the
2006 annual budget approved each year for which revenue is not provided
2007 by other sources. The aggregate annual assessment amount shall be
2008 allocated upon a formula to be determined by the Interstate
2009 Commission, which shall promulgate a rule binding upon all member
2010 states.

2011 (b) The Interstate Commission shall not incur obligations of
2012 any kind prior to securing the funds adequate to meet the same.



2013 (c) The Interstate Commission shall not pledge the credit of
2014 any of the member states, except by, and with the authority of,
2015 the member state.

2016 (d) The Interstate Commission shall be subject to a yearly
2017 financial audit conducted by a certified or licensed public
2018 accountant and the report of the audit shall be included in the
2019 annual report of the Interstate Commission.

2020 **SECTION 14**

2021 **Organization and Operation of the Interstate Commission**

2022 (a) The Interstate Commission shall, by a majority of
2023 Commissioners present and voting, adopt bylaws to govern its
2024 conduct as may be necessary or appropriate to carry out the
2025 purposes of the Compact within twelve (12) months of the first
2026 Interstate Commission meeting.

2027 (b) The Interstate Commission shall elect or appoint
2028 annually from among its Commissioners a chairperson, a vice
2029 chairperson, and a treasurer, each of whom shall have such
2030 authority and duties as may be specified in the bylaws. The
2031 chairperson, or in the chairperson's absence or disability, the
2032 vice chairperson, shall preside at all meetings of the Interstate
2033 Commission.

2034 (c) Officers selected in subsection (b) shall serve without
2035 remuneration from the Interstate Commission.

2036 (d) The officers and employees of the Interstate Commission
2037 shall be immune from suit and liability, either personally or in



2038 their official capacity, for a claim for damage to or loss of
2039 property or personal injury or other civil liability caused or
2040 arising out of, or relating to, an actual or alleged act, error,
2041 or omission that occurred, or that such person had a reasonable
2042 basis for believing occurred, within the scope of Interstate
2043 Commission employment, duties, or responsibilities; provided that
2044 such person shall not be protected from suit or liability for
2045 damage, loss, injury, or liability caused by the intentional or
2046 willful and wanton misconduct of such person.

2047 (1) The liability of the executive director and
2048 employees of the Interstate Commission or representatives of the
2049 Interstate Commission, acting within the scope of such person's
2050 employment or duties for acts, errors, or omissions occurring
2051 within such person's state, may not exceed the limits of liability
2052 set forth under the constitution and laws of that state for state
2053 officials, employees, and agents. The Interstate Commission is
2054 considered to be an instrumentality of the states for the purposes
2055 of any such action. Nothing in this subsection shall be construed
2056 to protect such person from suit or liability for damage, loss,
2057 injury, or liability caused by the intentional or willful and
2058 wanton misconduct of such person.

2059 (2) The Interstate Commission shall defend the
2060 executive director, its employees, and subject to the approval of
2061 the attorney general or other appropriate legal counsel of the
2062 member state represented by an Interstate Commission



2063 representative, shall defend such Interstate Commission
2064 representative in any civil action seeking to impose liability
2065 arising out of an actual or alleged act, error or omission that
2066 occurred within the scope of Interstate Commission employment,
2067 duties or responsibilities, or that the defendant had a reasonable
2068 basis for believing occurred within the scope of Interstate
2069 Commission employment, duties, or responsibilities, provided that
2070 the actual or alleged act, error, or omission did not result from
2071 intentional or willful and wanton misconduct on the part of such
2072 person.

2073 (3) To the extent not covered by the state involved,
2074 member state, or the Interstate Commission, the representatives or
2075 employees of the Interstate Commission shall be held harmless in
2076 the amount of a settlement or judgment, including attorney's fees
2077 and costs, obtained against such persons arising out of an actual
2078 or alleged act, error, or omission that occurred within the scope
2079 of Interstate Commission employment, duties, or responsibilities,
2080 or that such persons had a reasonable basis for believing occurred
2081 within the scope of Interstate Commission employment, duties, or
2082 responsibilities, provided that the actual or alleged act, error,
2083 or omission did not result from intentional or willful and wanton
2084 misconduct on the part of such persons.

2085 **SECTION 15**

2086 **Rulemaking Functions of the Interstate Commission**



2087 (a) The Interstate Commission shall promulgate reasonable
2088 rules in order to effectively and efficiently achieve the purposes
2089 of the Compact. Notwithstanding the foregoing, in the event the
2090 Interstate Commission exercises its rulemaking authority in a
2091 manner that is beyond the scope of the purposes of the Compact, or
2092 the powers granted hereunder, then such an action by the
2093 Interstate Commission shall be invalid and have no force or
2094 effect.

2095 (b) Rules deemed appropriate for the operations of the
2096 Interstate Commission shall be made pursuant to a rulemaking
2097 process that substantially conforms to the "Model State
2098 Administrative Procedure Act" of 2010, and subsequent amendments
2099 thereto.

2100 (c) Not later than thirty (30) days after a rule is
2101 promulgated, any person may file a petition for judicial review of
2102 the rule in the United States District Court for the District of
2103 Columbia or the federal district where the Interstate Commission
2104 has its principal offices, provided that the filing of such a
2105 petition shall not stay or otherwise prevent the rule from
2106 becoming effective unless the court finds that the petitioner has
2107 a substantial likelihood of success. The court shall give
2108 deference to the actions of the Interstate Commission consistent
2109 with applicable law and shall not find the rule to be unlawful if
2110 the rule represents a reasonable exercise of the authority granted
2111 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.



2137 (b) The Interstate Commission may, by majority vote of the
2138 Commissioners, initiate legal action in the United States District
2139 Court for the District of Columbia, or, at the discretion of the
2140 Interstate Commission, in the federal district where the
2141 Interstate Commission has its principal offices, to enforce
2142 compliance with the provisions of the Compact, and its promulgated
2143 rules and bylaws, against a member state in default. The relief
2144 sought may include both injunctive relief and damages. In the
2145 event judicial enforcement is necessary, the prevailing party
2146 shall be awarded all costs of such litigation including reasonable
2147 attorney's fees.

2148 (c) The remedies herein shall not be the exclusive remedies
2149 of the Interstate Commission. The Interstate Commission may avail
2150 itself of any other remedies available under state law or the
2151 regulation of a profession.

2152 **SECTION 18**

2153 **Default Procedures**

2154 (a) The grounds for default include, but are not limited to,
2155 failure of a member state to perform such obligations or
2156 responsibilities imposed upon it by the Compact, or the rules and
2157 bylaws of the Interstate Commission promulgated under the Compact.

2158 (b) If the Interstate Commission determines that a member
2159 state has defaulted in the performance of its obligations or
2160 responsibilities under the Compact, or the bylaws or promulgated
2161 rules, the Interstate Commission shall:



2162 (1) Provide written notice to the defaulting state and
2163 other member states, of the nature of the default, the means of
2164 curing the default, and any action taken by the Interstate
2165 Commission. The Interstate Commission shall specify the
2166 conditions by which the defaulting state must cure its default;
2167 and

2168 (2) Provide remedial training and specific technical
2169 assistance regarding the default.

2170 (c) If the defaulting state fails to cure the default, the
2171 defaulting state shall be terminated from the Compact upon an
2172 affirmative vote of a majority of the Commissioners and all
2173 rights, privileges, and benefits conferred by the Compact shall
2174 terminate on the effective date of termination. A cure of the
2175 default does not relieve the offending state of obligations or
2176 liabilities incurred during the period of the default.

2177 (d) Termination of membership in the Compact shall be
2178 imposed only after all other means of securing compliance have
2179 been exhausted. Notice of intent to terminate shall be given by
2180 the Interstate Commission to the Governor, the majority and
2181 minority leaders of the defaulting state's legislature, and each
2182 of the member states.

2183 (e) The Interstate Commission shall establish rules and
2184 procedures to address licenses and physicians that are materially
2185 impacted by the termination of a member state, or the withdrawal
2186 of a member state.



2187 (f) The member state which has been terminated is
2188 responsible for all dues, obligations, and liabilities incurred
2189 through the effective date of termination including obligations,
2190 the performance of which extends beyond the effective date of
2191 termination.

2192 (g) The Interstate Commission shall not bear any costs
2193 relating to any state that has been found to be in default or
2194 which has been terminated from the Compact, unless otherwise
2195 mutually agreed upon in writing between the Interstate Commission
2196 and the defaulting state.

2197 (h) The defaulting state may appeal the action of the
2198 Interstate Commission by petitioning the United States District
2199 Court for the District of Columbia or the federal district where
2200 the Interstate Commission has its principal offices. The
2201 prevailing party shall be awarded all costs of such litigation
2202 including reasonable attorney's fees.

2203 **SECTION 19**

2204 **Dispute Resolution**

2205 (a) The Interstate Commission shall attempt, upon the
2206 request of a member state, to resolve disputes which are subject
2207 to the Compact and which may arise among member states or member
2208 boards.

2209 (b) The Interstate Commission shall promulgate rules
2210 providing for both mediation and binding dispute resolution as
2211 appropriate.



2212 **SECTION 20**

2213 **Member States, Effective Date and Amendment**

2214 (a) Any state is eligible to become a member state of the
2215 Compact.

2216 (b) The Compact shall become effective and binding upon
2217 legislative enactment of the Compact into law by no less than
2218 seven (7) states. Thereafter, it shall become effective and
2219 binding on a state upon enactment of the Compact into law by that
2220 state.

2221 (c) The governors of nonmember states, or their designees,
2222 shall be invited to participate in the activities of the
2223 Interstate Commission on a nonvoting basis prior to adoption of
2224 the Compact by all states.

2225 (d) The Interstate Commission may propose amendments to the
2226 Compact for enactment by the member states. No amendment shall
2227 become effective and binding upon the Interstate Commission and
2228 the member states unless and until it is enacted into law by
2229 unanimous consent of the member states.

2230 **SECTION 21**

2231 **Withdrawal**

2232 (a) Once effective, the Compact shall continue in force and
2233 remain binding upon each and every member state; provided that a
2234 member state may withdraw from the Compact by specifically
2235 repealing the statute which enacted the Compact into law.



2236 (b) Withdrawal from the Compact shall be by the enactment of
2237 a statute repealing the same, but shall not take effect until one
2238 (1) year after the effective date of such statute and until
2239 written notice of the withdrawal has been given by the withdrawing
2240 state to the Governor of each other member state.

2241 (c) The withdrawing state shall immediately notify the
2242 chairperson of the Interstate Commission in writing upon the
2243 introduction of legislation repealing the Compact in the
2244 withdrawing state.

2245 (d) The Interstate Commission shall notify the other member
2246 states of the withdrawing state's intent to withdraw within sixty
2247 (60) days of its receipt of notice provided under subsection (c).

2248 (e) The withdrawing state is responsible for all dues,
2249 obligations and liabilities incurred through the effective date of
2250 withdrawal, including obligations, the performance of which extend
2251 beyond the effective date of withdrawal.

2252 (f) Reinstatement following withdrawal of a member state
2253 shall occur upon the withdrawing state reenacting the Compact or
2254 upon such later date as determined by the Interstate Commission.

2255 (g) The Interstate Commission is authorized to develop rules
2256 to address the impact of the withdrawal of a member state on
2257 licenses granted in other member states to physicians who
2258 designated the withdrawing member state as the state of principal
2259 license.

2260

SECTION 22



2261

Dissolution

2262 (a) The Compact shall dissolve effective upon the date of
2263 the withdrawal or default of the member state which reduces the
2264 membership in the Compact to one (1) member state.

2265 (b) Upon the dissolution of the Compact, the Compact becomes
2266 null and void and shall be of no further force or effect, and the
2267 business and affairs of the Interstate Commission shall be
2268 concluded and surplus funds shall be distributed in accordance
2269 with the bylaws.

2270

SECTION 23

2271

Severability and Construction

2272 (a) The provisions of the Compact shall be severable, and if
2273 any phrase, clause, sentence, or provision is deemed
2274 unenforceable, the remaining provisions of the Compact shall be
2275 enforceable.

2276 (b) The provisions of the Compact shall be liberally
2277 construed to effectuate its purposes.

2278 (c) Nothing in the Compact shall be construed to prohibit
2279 the applicability of other interstate compacts to which the states
2280 are members.

2281

SECTION 24

2282

Binding Effect of Compact and Other Laws

2283 (a) Nothing herein prevents the enforcement of any other law
2284 of a member state that is not inconsistent with the Compact.



2285 (b) All laws in a member state in conflict with the Compact
2286 are superseded to the extent of the conflict.

2287 (c) All lawful actions of the Interstate Commission,
2288 including all rules and bylaws promulgated by the Commission, are
2289 binding upon the member states.

2290 (d) All agreements between the Interstate Commission and the
2291 member states are binding in accordance with their terms.

2292 (e) In the event any provision of the Compact exceeds the
2293 constitutional limits imposed on the legislature of any member
2294 state, such provision shall be ineffective to the extent of the
2295 conflict with the constitutional provision in question in that
2296 member state.

2297 **SECTION 19.** Section 73-27-13, Mississippi Code of 1972, is
2298 amended as follows:

2299 73-27-13. (1) The State Board of Medical Licensure may
2300 refuse to issue, suspend, revoke or otherwise restrict any license
2301 provided for in this chapter, with the advice of the advisory
2302 committee, based upon the following grounds:

2303 (a) Habitual personal use of narcotic drugs, or any
2304 other drug having addiction-forming or addiction-sustaining
2305 liability.

2306 (b) Habitual use of intoxicating liquors, or any
2307 beverage, to an extent which affects professional competency.

2308 (c) Administering, dispensing or prescribing any
2309 narcotic drug, or any other drug having addiction-forming or



2310 addiction-sustaining liability otherwise than in the course of
2311 legitimate professional practice.

2312 (d) Conviction of violation of any federal or state law
2313 regulating the possession, distribution or use of any narcotic
2314 drug or any drug considered a controlled substance under state or
2315 federal law.

2316 (e) Performing any medical diagnosis or treatment
2317 outside the scope of podiatry as defined in Section 73-27-1.

2318 (f) Conviction of a * * * disqualifying crime as
2319 provided in the Fresh Start Act.

2320 (g) Obtaining or attempting to obtain a license by
2321 fraud or deception.

2322 (h) Unprofessional conduct, which includes, but is not
2323 limited to:

2324 (i) Practicing medicine under a false or assumed
2325 name or impersonating another practitioner, living or dead.

2326 (ii) Knowingly performing any act which in any way
2327 assists an unlicensed person to practice podiatry.

2328 (iii) Making or willfully causing to be made any
2329 flamboyant claims concerning the licensee's professional
2330 excellence.

2331 (iv) Being guilty of any dishonorable or unethical
2332 conduct likely to deceive, defraud or harm the public.

2333 (v) Obtaining a fee as personal compensation or
2334 gain from a person on fraudulent representation a disease or



2335 injury condition generally considered incurable by competent
2336 medical authority in the light of current scientific knowledge and
2337 practice can be cured or offering, undertaking, attempting or
2338 agreeing to cure or treat the same by a secret method, which he
2339 refuses to divulge to the board upon request.

2340 (vi) Use of any false, fraudulent or forged
2341 statement or document, or the use of any fraudulent, deceitful,
2342 dishonest or immoral practice in connection with any of the
2343 licensing requirements, including the signing in his professional
2344 capacity any certificate that is known to be false at the time he
2345 makes or signs such certificate.

2346 (vii) Failing to identify a podiatrist's school of
2347 practice in all professional uses of his name by use of his earned
2348 degree or a description of his school of practice.

2349 (i) The refusal of a licensing authority of another
2350 state to issue or renew a license, permit or certificate to
2351 practice podiatry in that state or the revocation, suspension or
2352 other restriction imposed on a license, permit or certificate
2353 issued by such licensing authority which prevents or restricts
2354 practice in that state.

2355 (j) Violation(s) of the provisions of Sections 41-121-1
2356 through 41-121-9 relating to deceptive advertisement by health
2357 care practitioners. This paragraph shall stand repealed on July
2358 1, 2025.



2359 (2) Upon the nonissuance, suspension or revocation of a
2360 license to practice podiatry, the board may, in its discretion and
2361 with the advice of the advisory committee, reissue a license after
2362 a lapse of six (6) months. No advertising shall be permitted
2363 except regular professional cards.

2364 (3) In its investigation of whether the license of a
2365 podiatrist should be suspended, revoked or otherwise restricted,
2366 the board may inspect patient records in accordance with the
2367 provisions of Section 73-25-28.

2368 (4) In addition to the grounds specified in subsection (1)
2369 of this section, the board shall be authorized to suspend the
2370 license of any licensee for being out of compliance with an order
2371 for support, as defined in Section 93-11-153. The procedure for
2372 suspension of a license for being out of compliance with an order
2373 for support, and the procedure for the reissuance or reinstatement
2374 of a license suspended for that purpose, and the payment of any
2375 fees for the reissuance or reinstatement of a license suspended
2376 for that purpose, shall be governed by Section 93-11-157 or
2377 93-11-163, as the case may be. If there is any conflict between
2378 any provision of Section 93-11-157 or 93-11-163 and any provision
2379 of this chapter, the provisions of Section 93-11-157 or 93-11-163,
2380 as the case may be, shall control.

2381 **SECTION 20.** Section 73-29-13, Mississippi Code of 1972, is
2382 amended as follows:



2383 73-29-13. A person is qualified to receive a license as an
2384 examiner:

2385 (1) Who is at least twenty-one (21) years of age;

2386 (2) Who is a citizen of the United States;

2387 (3) Who establishes that he is a person of honesty,
2388 truthfulness, integrity, and moral fitness;

2389 (4) Who has not been convicted of a * * * disqualifying
2390 crime as provided in the Fresh Start Act;

2391 (5) Who holds a baccalaureate degree from a college or
2392 university accredited by the American Association of Collegiate
2393 Registrars and Admissions Officers or, in lieu thereof, has five
2394 (5) consecutive years of active investigative experience
2395 immediately preceding his application;

2396 (6) Who is a graduate of a polygraph examiners course
2397 approved by the board and has satisfactorily completed not less
2398 than six (6) months of internship training, provided that if the
2399 applicant is not a graduate of an approved polygraph examiners
2400 course, satisfactory completion of not less than twelve (12)
2401 months of internship training may satisfy this subdivision; and

2402 (7) Prior to the issuance of a license, the applicant
2403 must furnish to the board evidence of a surety bond or insurance
2404 policy. Said surety bond or insurance policy shall be in the sum
2405 of Five Thousand Dollars (\$5,000.00) and shall be conditioned that
2406 the obligor therein will pay to the extent of the face amount of
2407 such surety bond or insurance policy all judgments which may be



2408 recovered against the licensee by reason of any wrongful or
2409 illegal acts committed by him in the course of his examinations.

2410 **SECTION 21.** Section 73-29-31, Mississippi Code of 1972, is
2411 amended as follows:

2412 73-29-31. (1) The board may refuse to issue or may suspend
2413 or revoke a license on any one or more of the following grounds:

2414 (a) For failing to inform a subject to be examined as
2415 to the nature of the examination;

2416 (b) For failing to inform a subject to be examined that
2417 his participation in the examination is voluntary;

2418 (c) Material misstatement in the application for
2419 original license or in the application for any renewal license
2420 under this chapter;

2421 (d) Willful disregard or violation of this chapter or
2422 of any regulation or rule issued pursuant thereto, including, but
2423 not limited to, willfully making a false report concerning an
2424 examination for polygraph examination purposes;

2425 (e) If the holder of any license has been adjudged
2426 guilty of the commission of a * * * disqualifying crime as
2427 provided in the Fresh Start Act;

2428 (f) Making any willful misrepresentation or false
2429 promises or causing to be printed any false or misleading
2430 advertisement for the purpose of directly or indirectly obtaining
2431 business or trainees;



2432 (g) Having demonstrated unworthiness or incompetency to
2433 act as a polygraph examiner as defined by this chapter;

2434 (h) Allowing one's license under this chapter to be
2435 used by any unlicensed person in violation of the provisions of
2436 this chapter;

2437 (i) Willfully aiding or abetting another in the
2438 violation of this chapter or any regulation or rule issued
2439 pursuant thereto;

2440 (j) Where the license holder has been adjudged by a
2441 court of competent jurisdiction as habitual drunkard, mentally
2442 incompetent, or in need of a conservator;

2443 (k) Failing, within a reasonable time, to provide
2444 information requested by the secretary as the result of a formal
2445 complaint to the board which would indicate a violation of this
2446 chapter;

2447 (l) Failing to inform the subject of the results of the
2448 examination if so requested; or

2449 (m) With regard to any polygraph examiner employed for
2450 a fee and not employed by a governmental law enforcement agency or
2451 the Mississippi Department of Corrections:

2452 (i) Requiring a subject, prior to taking the
2453 examination or as a condition of receiving the results of the
2454 examination, to waive any rights or causes of action he may have
2455 or which may accrue in favor of the subject arising out of or
2456 resulting from the administration of the examination; except the



2457 examiner may require, prior to the examination or as a condition
2458 of receiving the results of the examination, a subject to waive
2459 any rights or causes of action that may accrue against the
2460 examiner as a result of any use made of the results of the
2461 examination by the person who employed the examiner;

2462 (ii) Requiring a subject to acknowledge that his
2463 examination is not done for purposes of employment when, in fact,
2464 the results of the examination are to be submitted to an employer
2465 or an agent of an employer; or

2466 (iii) Reporting the results of an examination to
2467 any person not authorized to receive the results of the
2468 examination except for the person who employed the examiner,
2469 unless authorized in writing by the subject.

2470 (2) In addition to the grounds specified in subsection (1)
2471 of this section, the board shall be authorized to suspend the
2472 license of any licensee for being out of compliance with an order
2473 for support, as defined in Section 93-11-153. The procedure for
2474 suspension of a license for being out of compliance with an order
2475 for support, and the procedure for the reissuance or reinstatement
2476 of a license suspended for that purpose, and the payment of any
2477 fees for the reissuance or reinstatement of a license suspended
2478 for that purpose, shall be governed by Section 93-11-157 or
2479 93-11-163, as the case may be. If there is any conflict between
2480 any provision of Section 93-11-157 or 93-11-163 and any provision



2481 of this chapter, the provisions of Section 93-11-157 or 93-11-163,
2482 as the case may be, shall control.

2483 **SECTION 22.** Section 73-31-21, Mississippi Code of 1972, is
2484 amended as follows:

2485 73-31-21. (1) The board, by an affirmative vote of at least
2486 four (4) of its seven (7) members, shall withhold, deny, revoke or
2487 suspend any license issued or applied for in accordance with the
2488 provisions of this chapter, or otherwise discipline a licensed
2489 psychologist, upon proof that the applicant or licensed
2490 psychologist:

2491 (a) Has violated the current code of ethics of the
2492 American Psychological Association or other codes of ethical
2493 standards adopted by the board; or

2494 (b) Has been convicted of a * * * disqualifying crime
2495 as provided in the Fresh Start Act, the record of conviction being
2496 conclusive evidence thereof; or

2497 (c) Is using any substance or any alcoholic beverage to
2498 an extent or in a manner dangerous to any other person or the
2499 public, or to an extent that the use impairs his or her ability to
2500 perform the work of a professional psychologist with safety to the
2501 public; or

2502 (d) Has impersonated another person holding a
2503 psychologist license or allowed another person to use his or her
2504 license; or



2505 (e) Has used fraud or deception in applying for a
2506 license or in taking an examination provided for in this chapter;
2507 or

2508 (f) Has accepted commissions or rebates or other forms
2509 of remuneration for referring clients to other professional
2510 persons; or

2511 (g) Has performed psychological services outside of the
2512 area of his or her training, experience or competence; or

2513 (h) Has allowed his or her name or license issued under
2514 this chapter to be used in connection with any person or persons
2515 who perform psychological services outside of the area of their
2516 training, experience or competence; or

2517 (i) Is legally adjudicated mentally incompetent, the
2518 record of that adjudication being conclusive evidence thereof; or

2519 (j) Has willfully or negligently violated any of the
2520 provisions of this chapter. The board may recover from any person
2521 disciplined under this chapter, the costs of investigation,
2522 prosecution, and adjudication of the disciplinary action.

2523 (2) Notice shall be effected by registered mail or personal
2524 service setting forth the particular reasons for the proposed
2525 action and fixing a date not less than thirty (30) days nor more
2526 than sixty (60) days from the date of the mailing or that service,
2527 at which time the applicant or licensee shall be given an
2528 opportunity for a prompt and fair hearing. For the purpose of the
2529 hearing, the board, acting by and through its executive secretary,



2530 may subpoena persons and papers on its own behalf and on behalf of
2531 the applicant or licensee, may administer oaths and may take
2532 testimony. That testimony, when properly transcribed, together
2533 with the papers and exhibits, shall be admissible in evidence for
2534 or against the applicant or licensee. At the hearing, the
2535 applicant or licensee may appear by counsel and personally in his
2536 or her own behalf. Any person sworn and examined by a witness in
2537 the hearing shall not be held to answer criminally, nor shall any
2538 papers or documents produced by the witness be competent evidence
2539 in any criminal proceedings against the witness other than for
2540 perjury in delivering his or her evidence. On the basis of any
2541 such hearing, or upon default of applicant or licensee, the board
2542 shall make a determination specifying its findings of fact and
2543 conclusions of law. A copy of that determination shall be sent by
2544 registered mail or served personally upon the applicant or
2545 licensee. The decision of the board denying, revoking or
2546 suspending the license shall become final thirty (30) days after
2547 so mailed or served, unless within that period the applicant or
2548 licensee appeals the decision to the chancery court, under the
2549 provisions hereof, and the proceedings in chancery shall be
2550 conducted as other matters coming before the court. All
2551 proceedings and evidence, together with exhibits, presented at the
2552 hearing before the board shall be admissible in evidence in court
2553 in the appeal.



2554 (3) The board may subpoena persons and papers on its own
2555 behalf and on behalf of the respondent, may administer oaths and
2556 may compel the testimony of witnesses. It may issue commissions
2557 to take testimony, and testimony so taken and sworn to shall be
2558 admissible in evidence for and against the respondent. The board
2559 shall be entitled to the assistance of the chancery court or the
2560 chancellor in vacation, which, on petition by the board, shall
2561 issue ancillary subpoenas and petitions and may punish as for
2562 contempt of court in the event of noncompliance therewith.

2563 (4) Every order and judgment of the board shall take effect
2564 immediately on its promulgation unless the board in the order or
2565 judgment fixes a probationary period for the applicant or
2566 licensee. The order and judgment shall continue in effect unless
2567 upon appeal the court by proper order or decree terminates it
2568 earlier. The board may make public its order and judgments in
2569 any manner and form as it deems proper. It shall, in event of the
2570 suspension or revocation of a license, direct the clerk of the
2571 circuit court of the county in which that license was recorded to
2572 cancel that record.

2573 (5) Nothing in this section shall be construed as limiting
2574 or revoking the authority of any court or of any licensing or
2575 registering officer or board, other than the Mississippi Board of
2576 Psychology, to suspend, revoke and reinstate licenses and to
2577 cancel registrations under the provisions of Section 41-29-311.



2578 (6) Suspension by the board of the license of a psychologist
2579 shall be for a period not exceeding one (1) year. At the end of
2580 this period the board shall reevaluate the suspension, and shall
2581 either reinstate or revoke the license. A person whose license
2582 has been revoked under the provisions of this section may reapply
2583 for a license after more than two (2) years have elapsed from the
2584 date that the denial or revocation is legally effective.

2585 (7) In addition to the reasons specified in subsection (1)
2586 of this section, the board shall be authorized to suspend the
2587 license of any licensee for being out of compliance with an order
2588 for support, as defined in Section 93-11-153. The procedure for
2589 suspension of a license for being out of compliance with an order
2590 for support, and the procedure for the reissuance or reinstatement
2591 of a license suspended for that purpose, and the payment of any
2592 fees for the reissuance or reinstatement of a license suspended
2593 for that purpose, shall be governed by Section 93-11-157. Actions
2594 taken by the board in suspending a license when required by
2595 Section 93-11-157 or 93-11-163 are not actions from which an
2596 appeal may be taken under this section. Any appeal of a license
2597 suspension that is required by Section 93-11-157 or 93-11-163
2598 shall be taken in accordance with the appeal procedure specified
2599 in Section 93-11-157 or 93-11-163, as the case may be, rather than
2600 the procedure specified in this section. If there is any conflict
2601 between any provision of Section 93-11-157 or 93-11-163 and any



2602 provision of this chapter, the provisions of Section 93-11-157 or
2603 93-11-163, as the case may be, shall control.

2604 (8) The board may issue a nondisciplinary, educational
2605 letter to licensees as provided in Section 73-31-7(2)(g). The
2606 board may also direct a psychologist to obtain a formal assessment
2607 of ability to practice safely if there is reason to believe there
2608 may be impairment due to substance abuse or mental incapacity.
2609 Licensees who may be impaired, but who are able to practice
2610 safely, may be required by the board to seek appropriate treatment
2611 and/or supervision. That action by the board in itself will not
2612 be considered disciplinary.

2613 **SECTION 23.** Section 73-34-109, Mississippi Code of 1972, is
2614 amended as follows:

2615 73-34-109. (1) An appraisal management company applying for
2616 registration in this state shall not:

2617 (a) Be owned, in whole or in part, directly or
2618 indirectly, by any person who has had an appraiser license or
2619 certificate in this state or in any other state, refused, denied,
2620 cancelled, surrendered in lieu of revocation, or revoked; or

2621 (b) Be owned by more than ten percent (10%) by a person
2622 who * * * has been convicted of a disqualifying crime as provided
2623 in the Fresh Start Act.

2624 (2) (a) For purposes of subsection (1)(b) to qualify for
2625 initial registration and every third annual renewed registration
2626 thereafter as an appraisal management company, each individual



2627 owner of more than ten percent (10%) of an appraisal management
2628 company must have successfully been cleared for registration
2629 through an investigation that shall consist of a * * *
2630 verification that the owner is not guilty of or in violation of
2631 any statutory ground for denial of registration as set forth in
2632 this chapter. If no individual owns more than ten percent (10%)
2633 of the appraisal management company, then an investigation of an
2634 owner is not required, but in such instances, the controlling
2635 person designated by the appraisal management company shall be
2636 subject to the requirements of this subsection. If following the
2637 initial registration, any individual becomes either an owner of
2638 more than ten percent (10%) of the appraisal management company or
2639 the designated controlling person of the appraisal management
2640 company, then each such person shall be subject to the
2641 requirements of this subsection at the appraisal management
2642 company's next annual renewal. To assist the board in conducting
2643 its registration investigation, each individual owner of more than
2644 ten percent (10%) of an appraisal management company shall undergo
2645 a fingerprint-based criminal history records check of the
2646 Mississippi central criminal database and the Federal Bureau of
2647 Investigation criminal history database. Each applicant shall
2648 submit a full set of the applicant's fingerprints, in a form and
2649 manner prescribed by the board, which shall be forwarded to the
2650 Mississippi Department of Public Safety (department) and the



2651 Federal Bureau of Investigation Identification Division for this
2652 purpose.

2653 (b) Any state or national criminal history records
2654 information obtained by the board that is not already a matter of
2655 public record shall be deemed nonpublic and confidential
2656 information restricted to the exclusive use of the board, its
2657 members, officers, investigators, agents and attorneys in
2658 evaluating the applicant's eligibility or disqualification for
2659 registration, and shall be exempt from the Mississippi Public
2660 Records Act, Section 25-61-1 et seq. Except upon written consent
2661 of the applicant, or by order of a court of competent
2662 jurisdiction, or when introduced into evidence in a hearing before
2663 the board to determine registration, no such information or
2664 records related thereto shall be released or otherwise disclosed
2665 by the board to any other person or agency.

2666 (c) The board shall provide to the department the
2667 fingerprints of the applicant, any additional information that may
2668 be required by the department, a form signed by the applicant
2669 consenting to the check of the criminal records and to the use of
2670 the fingerprints and other identifying information required by the
2671 state or national repositories.

2672 (d) The board shall charge and collect from the
2673 applicant, in addition to all other applicable fees and costs,
2674 such amount as may be incurred by the board in requesting and



2675 obtaining state and national criminal history records information
2676 on the applicant.

2677 **SECTION 24.** Section 73-39-77, Mississippi Code of 1972, is
2678 amended as follows:

2679 73-39-77. (1) Upon a written complaint sworn to by any
2680 person, the board, in its sole discretion, may, after a hearing,
2681 revoke, suspend or limit for a certain time a license, impose an
2682 administrative fine not to exceed One Thousand Dollars (\$1,000.00)
2683 for each separate offense, or otherwise discipline any licensed
2684 veterinarian for any of the following reasons:

2685 (a) The employment of fraud, misrepresentation or
2686 deception in obtaining a license.

2687 (b) The inability to practice veterinary medicine with
2688 reasonable skill and safety because of a physical or mental
2689 disability, including deterioration of mental capacity, loss of
2690 motor skills or abuse of drugs or alcohol of sufficient degree to
2691 diminish the person's ability to deliver competent patient care.

2692 (c) The use of advertising or solicitation that is
2693 false or misleading.

2694 (d) Conviction of the following in any federal court or
2695 in the courts of this state or any other jurisdiction, regardless
2696 of whether the sentence is deferred:

2697 (i) Any * * * disqualifying crime as provided in
2698 the Fresh Start Act;



2699 (ii) Any crime involving cruelty, abuse or neglect
2700 of animals, including bestiality;

2701 * * *

2702 (* * * iii) Any crime involving unlawful sexual
2703 contact, child abuse, the use or threatened use of a weapon, the
2704 infliction of injury, indecent exposure, perjury, false reporting,
2705 criminal impersonation, forgery and any other crime involving a
2706 lack of truthfulness, veracity or honesty, intimidation of a
2707 victim or witness, larceny, or alcohol or drugs.

2708 For the purposes of this paragraph, a plea of guilty or a
2709 plea of nolo contendere accepted by the court shall be considered
2710 as a conviction.

2711 (e) Incompetence, gross negligence or other malpractice
2712 in the practice of veterinary medicine.

2713 (f) Aiding the unlawful practice of veterinary
2714 medicine.

2715 (g) Fraud or dishonesty in the application or reporting
2716 of any test for disease in animals.

2717 (h) Failure to report, as required by law, or making
2718 false or misleading report of, any contagious or infectious
2719 disease.

2720 (i) Failure to keep accurate patient records.

2721 (j) Dishonesty or gross negligence in the performance
2722 of food safety inspections or in the issuance of any health or
2723 inspection certificates.



2724 (k) Failure to keep veterinary premises and equipment,
2725 including practice vehicles, in a clean and sanitary condition.

2726 (l) Failure to permit the board or its agents to enter
2727 and inspect veterinary premises and equipment, including practice
2728 vehicles, as set by rules promulgated by the board.

2729 (m) Revocation, suspension or limitation of a license
2730 to practice veterinary medicine by another state, territory or
2731 district of the United States.

2732 (n) Loss or suspension of accreditation by any federal
2733 or state agency.

2734 (o) Unprofessional conduct as defined in regulations
2735 adopted by the board.

2736 (p) The dispensing, distribution, prescription or
2737 administration of any veterinary prescription drug, or the
2738 extralabel use of any drug in the absence of a
2739 veterinarian-client-patient relationship.

2740 (q) Violations of state or federal drug laws.

2741 (r) Violations of any order of the board.

2742 (s) Violations of this chapter or of the rules
2743 promulgated under this chapter.

2744 (t) Violation(s) of the provisions of Sections 41-121-1
2745 through 41-121-9 relating to deceptive advertisement by health
2746 care practitioners. This paragraph shall stand repealed on July
2747 1, 2025.



2748 (2) A certified copy of any judgment of conviction or
2749 finding of guilt by a court of competent jurisdiction or by a
2750 governmental agency, or agency authorized to issue licenses or
2751 permits, including the United States Department of Agriculture,
2752 Animal and Plant Health Inspection Service, the Mississippi Board
2753 of Animal Health and the Mississippi Board of Health, of a
2754 veterinarian or veterinary technician of any matters listed in
2755 this section shall be admissible in evidence in any hearing held
2756 by the board to discipline such veterinarian or technician and
2757 shall constitute prima facie evidence of the commission of any
2758 such act.

2759 **SECTION 25.** Section 73-42-9, Mississippi Code of 1972, is
2760 amended as follows:

2761 73-42-9. (1) An applicant for registration shall submit an
2762 application for registration to the Secretary of State in a form
2763 prescribed by the Secretary of State. An application filed under
2764 this section is a public record. Except as otherwise provided in
2765 subsection (2), the application must be in the name of an
2766 individual, signed by the applicant under penalty of perjury and
2767 must state or contain:

2768 (a) The name of the applicant and the address of the
2769 applicant's principal place of business;

2770 (b) The name of the applicant's business or employer,
2771 if applicable;



2772 (c) Any business or occupation engaged in by the
2773 applicant for the five (5) years next preceding the date of
2774 submission of the application;

2775 (d) A description of the applicant's:

2776 (i) Formal training as an athlete agent;

2777 (ii) Practical experience as an athlete agent; and

2778 (iii) Educational background relating to the
2779 applicant's activities as an athlete agent;

2780 (e) The names and addresses of three (3) individuals
2781 not related to the applicant who are willing to serve as
2782 references;

2783 (f) The name, sport and last known team for each
2784 individual for whom the applicant provided services as an athlete
2785 agent during the five (5) years next preceding the date of
2786 submission of the application;

2787 (g) The names and addresses of all persons who are:

2788 (i) With respect to the athlete agent's business
2789 if it is not a corporation, the partners, officers, associates,
2790 individuals or profit-sharers; and

2791 (ii) With respect to a company or corporation
2792 employing the athlete agent, the officers, directors and any
2793 shareholder of the corporation or member with a five percent (5%)
2794 or greater interest;

2795 (h) Whether the applicant or any other person named
2796 pursuant to paragraph (g) has been convicted of a crime that, if



2797 committed in this state, would be a * * * disqualifying crime as
2798 provided in the Fresh Start Act, and identify the crime;

2799 (i) Whether there has been any administrative or
2800 judicial determination that the applicant or any other person
2801 named pursuant to paragraph (g) has made a false, misleading,
2802 deceptive or fraudulent representation;

2803 (j) Any instance in which the conduct of the applicant
2804 or any other person named pursuant to paragraph (g) resulted in
2805 the imposition of a sanction, suspension or declaration of
2806 ineligibility to participate in an interscholastic or
2807 intercollegiate athletic event on a student-athlete or educational
2808 institution;

2809 (k) Any sanction, suspension or disciplinary action
2810 taken against the applicant or any other person named pursuant to
2811 paragraph (g) arising out of occupational or professional conduct;

2812 (l) Whether there has been any denial of an application
2813 for, suspension or revocation of, or refusal to renew, the
2814 certification, registration or licensure of the applicant or any
2815 other person named pursuant to paragraph (g) as an athlete agent
2816 in any state;

2817 (m) Any pending litigation against the applicant in the
2818 applicant's capacity as an agent;

2819 (n) A list of all other states in which the applicant
2820 is currently licensed or registered as an athlete agent and a copy
2821 of each state's license or registration, as applicable; and



2822 (o) Consent to submit to a criminal background check
2823 before being issued a certificate of registration. Any fees
2824 connected with the background check shall be assessed to the
2825 applicant.

2826 (2) An individual who has submitted an application for, and
2827 received a certificate of, registration or licensure as an athlete
2828 agent in another state, may submit a copy of the application and a
2829 valid certificate of registration or licensure from the other
2830 state in lieu of submitting an application in the form prescribed
2831 pursuant to subsection (1), along with the information requested
2832 in paragraphs (l), (m), (n) and (o) of subsection (1). The
2833 Secretary of State shall accept the application and the
2834 certificate from the other state as an application for
2835 registration in this state if the application to the other state:

2836 (a) Was submitted in the other state within the six (6)
2837 months next preceding the submission of the application in this
2838 state and the applicant certifies the information contained in the
2839 application is current;

2840 (b) Contains information substantially similar to or
2841 more comprehensive than that required in an application submitted
2842 in this state; and

2843 (c) Was signed by the applicant under penalty of
2844 perjury.

2845 (3) An athlete agent must notify the Secretary of State
2846 within thirty (30) days whenever the information contained in any



2847 application for registration as an athlete agent in this state
2848 changes in a material way or is, or becomes, inaccurate or
2849 incomplete in any respect. Events requiring notice shall include,
2850 but are not limited to, the following:

2851 (a) Change in address of the athlete agent's principal
2852 place of business;

2853 (b) Conviction of a * * * disqualifying crime as
2854 provided in the Fresh Start Act by the athlete agent;

2855 (c) Denial, suspension, refusal to renew, or revocation
2856 of a registration or license of the athlete agent as an athlete
2857 agent in any state; or

2858 (d) Sanction, suspension or other disciplinary action
2859 taken against the athlete agent arising out of occupational or
2860 professional conduct.

2861 **SECTION 26.** Section 73-42-11, Mississippi Code of 1972, is
2862 amended as follows:

2863 73-42-11. (1) Except as otherwise provided in subsection
2864 (3), the Secretary of State shall issue a certificate of
2865 registration to an individual who complies with Section
2866 73-42-9(1).

2867 (2) Except as otherwise provided in subsection (3), the
2868 Secretary of State shall issue a certificate of registration to an
2869 individual whose application has been accepted under Section
2870 73-42-9(2).



2871 (3) The Secretary of State may refuse to issue a certificate
2872 of registration if he determines that the applicant has engaged in
2873 conduct that has a significant adverse effect on the applicant's
2874 fitness to serve as an athlete agent. In making the
2875 determination, the Secretary of State may consider whether the
2876 applicant has:

2877 (a) Been convicted of a crime in another state that, if
2878 committed in this state, would be a * * * disqualifying crime as
2879 provided in the Fresh Start Act;

2880 (b) Made a materially false, misleading, deceptive or
2881 fraudulent representation as an athlete agent or in the
2882 application;

2883 (c) Engaged in conduct that would disqualify the
2884 applicant from serving in a fiduciary capacity;

2885 (d) Engaged in conduct prohibited by Section 73-42-27;

2886 (e) Had a registration, licensure or certification as
2887 an athlete agent suspended, revoked, or denied or been refused
2888 renewal of registration, licensure or certification in any state;

2889 (f) Engaged in conduct or failed to engage in conduct
2890 the consequence of which was that a sanction, suspension or
2891 declaration of ineligibility to participate in an interscholastic
2892 or intercollegiate athletic event was imposed on a student-athlete
2893 or educational institution; or

2894 (g) Engaged in conduct that significantly adversely
2895 reflects on the applicant's trustworthiness or credibility.



2896 (4) In making a determination under subsection (3), the
2897 Secretary of State shall consider:

2898 (a) How recently the conduct occurred;

2899 (b) The nature of the conduct and the context in which
2900 it occurred; and

2901 (c) Any other relevant conduct of the applicant.

2902 (5) An athlete agent may apply to renew a registration by
2903 submitting an application for renewal in a form prescribed by the
2904 Secretary of State. An application filed under this section is a
2905 public record. The application for renewal must be signed by the
2906 applicant under penalty of perjury and must contain current
2907 information on all matters required in an original registration.

2908 (6) An individual who has submitted an application for
2909 renewal of registration or licensure in another state, in lieu of
2910 submitting an application for renewal in the form prescribed
2911 pursuant to subsection (5), may file a copy of the application for
2912 renewal and a valid certificate of registration from the other
2913 state. The Secretary of State shall accept the application for
2914 renewal from the other state as an application for renewal in this
2915 state if the application to the other state:

2916 (a) Was submitted in the other state within the last
2917 six (6) months and the applicant certifies the information
2918 contained in the application for renewal is current;



2919 (b) Contains information substantially similar to or
2920 more comprehensive than that required in an application for
2921 renewal submitted in this state; and

2922 (c) Was signed by the applicant under penalty of
2923 perjury.

2924 (7) Except as provided in Section 33-1-39, a certificate of
2925 registration or a renewal of a registration is valid for two (2)
2926 years.

2927 **SECTION 27.** Section 73-53-8, Mississippi Code of 1972, is
2928 amended as follows:

2929 73-53-8. (1) There is created the Board of Examiners for
2930 Social Workers and Marriage and Family Therapists to license and
2931 regulate social workers and marriage and family therapists. The
2932 board shall be composed of ten (10) members, six (6) of which
2933 shall be social workers and four (4) of which shall be marriage
2934 and family therapists.

2935 (2) Of the social worker members of the board, two (2) must
2936 be licensed social workers, and four (4) must be licensed master
2937 social workers or licensed certified social workers or a
2938 combination thereof. The marriage and family therapist members of
2939 the board must be licensed marriage and family therapists. For at
2940 least two (2) years immediately preceding his or her appointment,
2941 each marriage and family therapist appointee must have been
2942 actively engaged as a marriage and family therapist in rendering
2943 professional services in marriage and family therapy, or in the



2944 education and training of master's, doctoral or post-doctoral
2945 students of marriage and family therapy, or in marriage and family
2946 therapy research, and during the two (2) years preceding his or
2947 her appointment, must have spent the majority of the time devoted
2948 to that activity in this state. The initial marriage and family
2949 therapist appointees shall be deemed to be and shall become
2950 licensed practicing marriage and family therapists immediately
2951 upon their appointment and qualification as members of the board.
2952 All subsequent marriage and family therapist appointees to the
2953 board must be licensed marriage and family therapists before their
2954 appointment.

2955 (3) The Governor shall appoint six (6) members of the board,
2956 four (4) of which shall be social workers and two (2) of which
2957 shall be marriage and family therapists, and the Lieutenant
2958 Governor shall appoint four (4) members of the board, two (2) of
2959 which shall be social workers and two (2) of which shall be
2960 marriage and family therapists. Social worker members of the
2961 board shall be appointed from nominations submitted by the
2962 Mississippi Chapter of the National Association of Social Workers,
2963 and marriage and family therapist members of the board shall be
2964 appointed from nominations submitted by the Mississippi
2965 Association for Marriage and Family Therapy. All appointments
2966 shall be made with the advice and consent of the Senate.

2967 (4) The initial appointments to the board shall be made as
2968 follows: The Governor shall appoint one (1) social worker member



2969 for a term that expires on June 30, 1999, one (1) social worker
2970 member for a term that expires on June 30, 2001, two (2) social
2971 worker members for terms that expire on June 30, 2002, one (1)
2972 marriage and family therapist member for a term that expires on
2973 June 30, 1998, and one (1) marriage and family therapist member
2974 for a term that expires on June 30, 2000. The Lieutenant Governor
2975 shall appoint one (1) social worker member for a term that expires
2976 on June 30, 1998, one (1) social worker member for a term that
2977 expires on June 30, 2000, one (1) marriage and family therapist
2978 member for a term that expires on June 30, 1999, and one (1)
2979 marriage and family therapist member of the board for a term that
2980 expires on June 30, 2001. After the expiration of the initial
2981 terms, all subsequent appointments shall be made by the original
2982 appointing authorities for terms of four (4) years from the
2983 expiration date of the previous term. Upon the expiration of his
2984 or her term of office, a board member shall continue to serve
2985 until his or her successor has been appointed and has qualified.
2986 No person may be appointed more than once to fill an unexpired
2987 term or more than two (2) consecutive full terms.

2988 (5) Any vacancy on the board before the expiration of a term
2989 shall be filled by appointment of the original appointing
2990 authority for the remainder of the unexpired term. Appointments
2991 to fill vacancies shall be made from nominations submitted by the
2992 appropriate organization as specified in subsection (2) of this
2993 section for the position being filled.



2994 (6) The appointing authorities shall give due regard to
2995 geographic distribution, race and sex in making all appointments
2996 to the board.

2997 (7) The board shall select one (1) of its members to serve
2998 as chairman during the term of his or her appointment to the
2999 board. No person may serve as chairman for more than four (4)
3000 years. The board may remove any member of the board or the
3001 chairman from his or her position as chairman for (a) malfeasance
3002 in office, or (b) conviction of a * * * disqualifying crime as
3003 provided in the Fresh Start Act while in office, or (c) failure to
3004 attend three (3) consecutive board meetings. However, no member
3005 may be removed until after a public hearing of the charges against
3006 him or her, and at least thirty (30) days' prior written notice to
3007 the accused member of the charges against him or her and of the
3008 date fixed for such hearing. No board member shall participate in
3009 any matter before the board in which he has a pecuniary interest,
3010 personal bias or other similar conflict of interest.

3011 (8) Board members shall receive no compensation for their
3012 services, but shall be reimbursed for their actual and necessary
3013 expenses incurred in the performance of official board business as
3014 provided in Section 25-3-41.

3015 (9) Four (4) social worker members and three (3) marriage
3016 and family therapist members of the board shall constitute a
3017 quorum of the board. In making its decisions and taking actions
3018 affecting the members of one (1) of the professions regulated by



3019 the board, the board shall consider the recommendations of the
3020 board members who are members of that profession. If the board is
3021 unable to have a quorum present at a regularly scheduled meeting
3022 location, the board may allow other members to participate in the
3023 meeting by telephone or other electronic means. In the case of an
3024 administrative hearing, when recusals from the process are
3025 necessary, a quorum may consist of a simple majority of six (6)
3026 members.

3027 (10) The principal office of the board shall be in the City
3028 of Jackson, but the board may act and exercise all of its powers
3029 at any other place. The board shall adopt an official seal, which
3030 shall be judicially noticed and which shall be affixed to all
3031 licenses issued by the board.

3032 (11) The board is authorized to employ, subject to the
3033 approval of the State Personnel Board, an executive director and
3034 such attorneys, experts and other employees as it may, from time
3035 to time, find necessary for the proper performance of its duties
3036 and for which the necessary funds are available, and to set the
3037 salary of the executive director, subject to the approval of the
3038 State Personnel Board.

3039 (12) The board, by a majority vote, from time to time, may
3040 make such provisions as it deems appropriate to authorize the
3041 performance by any board member or members, employee or other
3042 agent of the board of any function given the board in this chapter
3043 or Sections 73-54-1 through 73-54-39.



3044 **SECTION 28.** Section 73-55-19, Mississippi Code of 1972, is
3045 amended as follows:

3046 73-55-19. (1) Any person licensed under this chapter may
3047 have his license revoked or suspended for a fixed period to be
3048 determined by the board for any of the following causes:

3049 (a) Being convicted of an offense involving * * * a
3050 disqualifying crime as provided in the Fresh Start Act. The
3051 record of such conviction, or certified copy thereof from the
3052 clerk of the court where such conviction occurred or by the judge
3053 of that court, shall be sufficient evidence to warrant revocation
3054 or suspension.

3055 (b) By securing a license under this chapter through
3056 fraud or deceit.

3057 (c) For unethical conduct or for gross ignorance or
3058 inefficiency in the conduct of his practice.

3059 (d) For knowingly practicing while suffering with a
3060 contagious or infectious disease.

3061 (e) For the use of a false name or alias in the
3062 practice of his profession.

3063 (f) For violating any of the provisions of this
3064 chapter.

3065 (2) Any person, whose license is sought to be revoked or
3066 suspended under the provisions of this chapter, shall be given
3067 thirty (30) days' notice, in writing, enumerating the charges and
3068 specifying a date for public hearing thereon. The hearing shall



3069 be held in the county where the person's business is conducted.
3070 The board may issue subpoenas, compel the attendance and testimony
3071 of witnesses, and place them under oath, the same as any court of
3072 competent jurisdiction where the hearing takes place.

3073 (3) At all hearings the board may designate in writing one
3074 or more persons deemed competent by the board to conduct the
3075 hearing as trial examiner or trial committee, with the decision to
3076 be rendered in accordance with the provisions of subsection (4) of
3077 this section.

3078 (4) After a hearing has been completed the trial examiner or
3079 trial committee who conducted the hearing shall proceed to
3080 consider the case and, as soon as practicable, shall render a
3081 decision. In any case, the decision must be rendered within sixty
3082 (60) days after the hearing. The decision shall contain:

3083 (a) The findings of fact made by the trial examiner or
3084 trial committee;

3085 (b) Conclusions of law reached by the trial examiner or
3086 trial committee; and

3087 (c) The order based upon these findings of fact and
3088 conclusions of law.

3089 (5) From any revocation or suspension, the person charged
3090 may, within thirty (30) days thereof, appeal to the chancery court
3091 of the county where the hearing was held.

3092 (6) Notice of appeals shall be filed in the office of the
3093 clerk of the court, who shall issue a writ of certiorari directed



3094 to the board, commanding it within ten (10) days after service
3095 thereof to certify to such court its entire record in the matter
3096 in which the appeal has been taken. The appeal shall thereupon be
3097 heard in the due course by said court without a jury, and the
3098 court shall review the record and make its determination of the
3099 cause between the parties.

3100 (7) If there is an appeal, such appeal may, in the
3101 discretion of and on motion to the chancery court, act as a
3102 supersedeas. The chancery court shall dispose of the appeal and
3103 enter its decision promptly. The hearing on the appeal may, in
3104 the discretion of the chancellor, be tried in vacation.

3105 (8) Any person taking an appeal shall post a satisfactory
3106 bond in the amount of Two Hundred Dollars (\$200.00) for payment of
3107 any costs which may be adjudged against him.

3108 (9) In addition to the reasons specified in subsection (1)
3109 of this section, the board shall be authorized to suspend the
3110 license of any licensee for being out of compliance with an order
3111 for support, as defined in Section 93-11-153. The procedure for
3112 suspension of a license for being out of compliance with an order
3113 for support, and the procedure for the reissuance or reinstatement
3114 of a license suspended for that purpose, and the payment of any
3115 fees for the reissuance or reinstatement of a license suspended
3116 for that purpose, shall be governed by Section 93-11-157 or
3117 93-11-163, as the case may be. Actions taken by the board in
3118 suspending a license when required by Section 93-11-157 or



3119 93-11-163 are not actions from which an appeal may be taken under
3120 this section. Any appeal of a license suspension that is required
3121 by Section 93-11-157 or 93-11-163 shall be taken in accordance
3122 with the appeal procedure specified in Section 93-11-157 or
3123 93-11-163, as the case may be, rather than the procedure specified
3124 in this section. If there is any conflict between any provision
3125 of Section 93-11-157 or 93-11-163 and any provision of this
3126 chapter, the provisions of Section 93-11-157 or 93-11-163, as the
3127 case may be, shall control.

3128 **SECTION 29.** Section 73-65-13, Mississippi Code of 1972, is
3129 amended as follows:

3130 73-65-13. (1) The board may deny any application, or
3131 suspend or revoke any license held or applied for under the
3132 provisions of Section 73-65-7 if the person:

3133 (a) Is found guilty of fraud, deceit, or
3134 misrepresentation in procuring or attempting to procure a license
3135 to practice art therapy;

3136 (b) Is adjudicated mentally incompetent;

3137 (c) Is found guilty of a * * * disqualifying crime as
3138 provided in the Fresh Start Act;

3139 (d) Is found guilty of unprofessional or unethical
3140 conduct in this or any other jurisdiction;

3141 (e) Has been using any controlled substance or
3142 alcoholic beverage to an extent or in a manner dangerous to the
3143 person, any other person, or the public, or to an extent that the



3144 use impairs the ability to perform as a licensed professional art
3145 therapist;

3146 (f) Has violated any provision of this chapter; or

3147 (g) Willfully or negligently divulges a professional
3148 confidence.

3149 (2) A certified copy of the record of conviction shall be
3150 conclusive evidence of the conviction.

3151 (3) Disciplinary proceedings may be initiated upon the
3152 receipt by the board of a sworn complaint by any person, including
3153 members of the board.

3154 **SECTION 30.** Section 73-71-33, Mississippi Code of 1972, is
3155 amended as follows:

3156 73-71-33. The following acts constitute grounds for which
3157 the board may initiate disciplinary actions:

3158 (a) Attempting to obtain, or renewing a license to
3159 practice acupuncture by bribery or misinterpretation;

3160 (b) Having a license to practice acupuncture revoked,
3161 suspended, or otherwise acted against, including the denial of
3162 licensure by the licensing authority of another state or territory
3163 for reasons that would preclude licensure in this state;

3164 (c) Being convicted or found guilty, regardless of
3165 adjudication, in any jurisdiction of a * * * disqualifying crime
3166 as provided in the Fresh Start Act or a crime that directly
3167 relates to acupuncture. For the purposes of this paragraph, a



3168 plea of guilty or a plea of nolo contendere accepted by the court
3169 shall be considered as a conviction;

3170 (d) Advertising, practicing, or attempting to practice
3171 under a name other than one's own;

3172 (e) The use of advertising or solicitation that is
3173 false or misleading;

3174 (f) Aiding, assisting, procuring, employing or
3175 advertising an unlicensed person to practice acupuncture contrary
3176 to this chapter or a rule of the board;

3177 (g) Failing to perform any statutory or legal
3178 obligation placed upon an acupuncture practitioner;

3179 (h) Making or filing a report that the licensee knows
3180 to be false, intentionally or negligently failing to file a report
3181 required by state or federal law, willfully impeding or
3182 obstructing that filing or inducing another person to do so.
3183 Those reports shall include only those that are signed in the
3184 capacity of an acupuncture practitioner;

3185 (i) Exercising coercion, intimidation or undue
3186 influence in entering into sexual relations with a patient, or
3187 continuing the patient-practitioner relationship with a patient
3188 with whom the licensee has sexual relations, if those sexual
3189 relations cause the licensee to perform services incompetently.
3190 This paragraph shall not apply to sexual relations between
3191 acupuncture practitioners and their spouses;



3192 (j) Making deceptive, untrue or fraudulent
3193 misrepresentations in the practice of acupuncture;

3194 (k) Soliciting patients, either personally or through
3195 an agent, through the use of fraud, intimidation or undue
3196 influence, or a form of overreaching conduct;

3197 (l) Failing to keep written medical records justifying
3198 the course of treatment of the patient;

3199 (m) Exercising undue influence on the patient to
3200 exploit the patient for financial gain of the licensee or of a
3201 third party;

3202 (n) Being unable to practice acupuncture with
3203 reasonable skill and safety to patients by reason of illness or
3204 intemperate use of alcohol, drugs, narcotics, chemicals, or any
3205 other type of material or as a result of any mental or physical
3206 condition;

3207 (o) Malpractice or the failure to practice acupuncture
3208 to that level of care, skill and treatment that is recognized by a
3209 reasonably prudent similar practitioner of acupuncture as being
3210 acceptable under similar conditions and circumstances;

3211 (p) Practicing or offering to practice beyond the scope
3212 permitted by law or accepting or performing professional
3213 responsibilities that the licensee knows or has reason to know
3214 that he or she is not qualified by training, experience or
3215 certification to perform;



3216 (q) Delegating professional responsibilities to a
3217 person when the licensee delegating those responsibilities knows,
3218 or has reason to know, that the person is not qualified by
3219 training, experience or licensure to perform them;

3220 (r) Violating any provision of this chapter, a rule of
3221 the board, or a lawful order of the board previously entered in a
3222 disciplinary hearing or failing to comply with a lawfully issued
3223 subpoena of the board;

3224 (s) Conspiring with another to commit an act, or
3225 committing an act, that coerces, intimidates or precludes another
3226 licensee from lawfully advertising or providing his or her
3227 services;

3228 (t) Fraud or deceit, or gross negligence, incompetence
3229 or misconduct in the operation of a course of study;

3230 (u) Failing to comply with state, county or municipal
3231 regulations or reporting requirements relating to public health
3232 and the control of contagious and infectious disease;

3233 (v) Failing to comply with any rule of the board
3234 relating to health and safety, including, but not limited to,
3235 sterilization of equipment and the disposal of potentially
3236 infectious materials;

3237 (w) Incompetence, gross negligence or other malpractice
3238 in the practice of acupuncture;

3239 (x) Aiding the unlawful practice of acupuncture;



3240 (y) Fraud or dishonesty in the application or reporting
3241 of any test for disease;

3242 (z) Failure to report, as required by law, or making
3243 false or misleading report of, any contagious or infectious
3244 disease;

3245 (aa) Failure to keep accurate patient records; or

3246 (bb) Failure to permit the board or its agents to enter
3247 and inspect acupuncture premises and equipment as set by rules
3248 promulgated by the board.

3249 **SECTION 31.** Section 73-73-7, Mississippi Code of 1972, is
3250 amended as follows:

3251 73-73-7. (1) Beginning on July 1, 2012, the board and
3252 Interior Design Advisory Committee shall receive applications for
3253 certification as a Mississippi Certified Interior Designer on
3254 forms prescribed and furnished by the board and IDAC.

3255 (2) Upon receipt of an application, the board, upon the
3256 recommendation of IDAC, may approve the application, provided the
3257 applicant meets one (1) of the following requirements:

3258 (a) The applicant passed the IDQE as administered by
3259 NCIDQ before January 1, 2012;

3260 (b) The applicant has a degree in interior design from
3261 a program accredited by the CIDA, a degree in architecture from a
3262 program accredited by the National Architectural Accreditation
3263 Board (NAAB), or a four-year degree in interior design from a
3264 college or university approved by the regulatory board.



3265 Additionally, the applicant must have passed the IDQE as
3266 administered by NCIDQ or its approved successor;

3267 (c) The applicant is a licensed architect in the State
3268 of Mississippi who has passed the IDQE as administered by NCIDQ or
3269 its approved successor; or

3270 (d) The applicant is a licensed engineer in the State
3271 of Mississippi who has passed the IDQE as administered by NCIDQ or
3272 its approved successor.

3273 (3) The applicant must exhibit to the regulatory board and
3274 IDAC the applicant's good standing in the profession * * *.
3275 Except as otherwise provided in this subsection, any of the
3276 following acts shall preclude an applicant's eligibility as a
3277 candidate for certification:

3278 (a) Conviction by any court for commission of any * * *
3279 disqualifying crime as provided in the Fresh Start Act.

3280 (b) Conviction by any court of a misdemeanor involving
3281 fraud, deceit or misrepresentation.

3282 (c) Misstatement or misrepresentation of fact by the
3283 applicant in connection with the applicant's application for
3284 certification in this state or another jurisdiction.

3285 (d) Violation of any of the rules of conduct required
3286 of applicants or interior designers as adopted by the board.

3287 If the board determines that the applicant has shown clear
3288 and convincing evidence of rehabilitation and reform, the board
3289 may certify an applicant otherwise precluded from consideration



3290 because of an act prohibited under this subsection. A decision to
3291 certify an applicant notwithstanding the applicant's violation of
3292 an act prohibited under this subsection is in the sole discretion
3293 of the board and upon such terms, conditions and evidence as the
3294 board may require.

3295 (4) The board and IDAC may require that the applicant appear
3296 before the board for a personal interview.

3297 (5) The board, upon the recommendation of IDAC, may adopt or
3298 develop alternate routes of eligibility and examination
3299 requirements based on standards as set forth by NCIDQ or its
3300 approved successor.

3301 (6) Any application submitted to the board and IDAC may be
3302 denied for any violation of the provisions of this chapter.

3303 **SECTION 32.** Section 73-75-19, Mississippi Code of 1972, is
3304 amended as follows:

3305 73-75-19. **License denial, suspension, or revocation.** (1)
3306 The board, by an affirmative vote of at least three (3) of its
3307 five (5) members, shall withhold, deny, revoke or suspend any
3308 license issued or applied for in accordance with the provisions of
3309 this chapter, or otherwise discipline a licensed behavior analyst
3310 or licensed assistant behavior analyst upon finding that the
3311 applicant or licensee:

3312 (a) Has violated the current Behavior Analyst
3313 Certification Board Professional Disciplinary and Ethical
3314 Standards, the Behavior Analyst Certification Board Guidelines for



3315 Responsible Conduct for Behavior Analysts, or other codes of
3316 ethical standards adopted by the board, or has lost or failed to
3317 renew certification by the Behavior Analyst Certification Board;
3318 or

3319 (b) Has been convicted of a * * * disqualifying crime
3320 as provided in the Fresh Start Act, the record of conviction being
3321 conclusive evidence thereof; or

3322 (c) Is using any narcotic or any alcoholic beverage to
3323 an extent or in a manner dangerous to any other person or the
3324 public, or to an extent that such use impairs his ability to
3325 perform the work of a licensed behavior analyst or licensed
3326 assistant behavior analyst; or

3327 (d) Has impersonated another person holding a license
3328 issued under this chapter or allowed another person to use his
3329 license; or

3330 (e) Has used fraud or deception in applying for a
3331 license provided for in this chapter; or

3332 (f) Has accepted commissions or rebates or other forms
3333 of remuneration for referring clients to other professional
3334 persons; or

3335 (g) Has allowed his name or license issued under this
3336 chapter to be used in connection with any person or persons who
3337 perform applied behavior analysis services outside the area of
3338 their training, experience or competence; or



3339 (h) Is legally adjudicated mentally incompetent, the
3340 record of such adjudication being conclusive evidence thereof; or

3341 (i) Has willfully or negligently violated any of the
3342 provisions of this chapter.

3343 (2) The board may recover from any person disciplined under
3344 this chapter the costs of investigation, prosecution, and
3345 adjudication of the disciplinary action.

3346 (3) Notice shall be effected by registered mail or personal
3347 service setting forth the particular reasons for the proposed
3348 action and fixing a date not less than thirty (30) days nor more
3349 than sixty (60) days from the date of such mailing or such
3350 service, at which time the applicant or licensee shall be given an
3351 opportunity for a prompt and fair hearing. For the purpose of
3352 such hearing the board, acting by and through its executive
3353 secretary, may exercise all authority granted to conduct
3354 investigations and hearings pursuant to Section 73-75-9(2)(a) and
3355 (b). At such hearing the applicant or licensee may appear by
3356 counsel and personally on his own behalf. On the basis of any
3357 such hearing, or upon default of applicant or licensee, the board
3358 shall make a determination specifying its findings of fact and
3359 conclusions of law. A copy of such determination shall be sent by
3360 registered mail or served personally upon the applicant or
3361 licensee. The decision of the board denying, revoking or
3362 suspending the license shall become final thirty (30) days after
3363 so mailed or served unless within that period the licensee appeals



3364 the decision to the Chancery Court of Madison or Rankin Counties,
3365 pursuant to the provisions hereof, and the proceedings in chancery
3366 shall be conducted as other matters coming before the court. All
3367 proceedings and evidence, together with exhibits, presented at
3368 such hearing before the board in the event of appeal, shall be
3369 admissible in evidence in the court.

3370 (4) Nothing in this subsection shall be interpreted to
3371 prohibit the board from immediately suspending any license prior
3372 to a hearing under subsection (3) of this section, when in its
3373 sole discretion the suspension is required for the instruction,
3374 safety or well-being of any member of the public.

3375 (5) Every order and judgment of the board shall take effect
3376 immediately upon its promulgation unless the board in such order
3377 or judgment fixes a probationary period for applicant or licensee.
3378 Such order and judgment shall continue in effect unless upon
3379 appeal the court by proper order or decree terminates it earlier.
3380 The board may make public its order and judgments in such manner
3381 and form as it deems proper.

3382 (6) Suspension by the board of a license issued under this
3383 chapter shall be for a period not to exceed one (1) year. At the
3384 end of this period the board shall reevaluate the suspension, and
3385 shall either reinstate or revoke the license. A person whose
3386 license has been revoked under the provisions of this section may
3387 reapply for license after more than two (2) years have elapsed
3388 from the date such revocation is legally effective.



3389 (7) In addition to the reasons specified in subsection (1)
3390 of this section, the board shall be authorized to suspend the
3391 license of any licensee for being out of compliance with an order
3392 for support, in compliance with the procedures set forth in
3393 Sections 93-11-151 through 93-11-163.

3394 **SECTION 33.** Section 75-76-35, Mississippi Code of 1972, is
3395 amended as follows:

3396 75-76-35. (1) The Legislature hereby declares that the
3397 exclusion or ejection of certain persons from licensed gaming
3398 establishments is necessary to effectuate the policies of this
3399 chapter and to maintain effectively the strict regulation of
3400 licensed gaming.

3401 (2) The commission may by regulation provide for the
3402 establishment of a list of persons who are to be excluded or
3403 ejected from any licensed gaming establishment. The list may
3404 include any person whose presence in the establishment is
3405 determined by the commission or the executive director to pose a
3406 threat to the interests of this state or to licensed gaming, or
3407 both.

3408 (3) In making that determination, the commission and the
3409 executive director may consider any:

3410 (a) Prior conviction of a crime which is a * * *
3411 disqualifying crime as provided in the Fresh Start Act or a
3412 violation of the gaming laws of any state;



3413 (b) Violation or conspiracy to violate the provisions
3414 of this chapter relating to:

3415 (i) The failure to disclose an interest in a
3416 gaming establishment for which the person must obtain a license;
3417 or

3418 (ii) Willful evasion of fees or taxes;

3419 (c) Notorious or unsavory reputation which would
3420 adversely affect public confidence and trust that the gaming
3421 industry is free from criminal or corruptive elements; or

3422 (d) Written order of a governmental agency which
3423 authorizes the exclusion or ejection of the person from an
3424 establishment at which gaming is conducted.

3425 (4) Race, color, creed, national origin or ancestry, or sex
3426 shall not be grounds for placing the name of a person upon the
3427 list.

3428 **SECTION 34.** Section 75-76-131, Mississippi Code of 1972, is
3429 amended as follows:

3430 75-76-131. (1) The executive director shall:

3431 (a) Ascertain and keep himself informed of the
3432 identity, prior activities and present location of all gaming
3433 employees in the State of Mississippi; and

3434 (b) Maintain confidential records of such information.

3435 (2) No person may be employed as a gaming employee unless he
3436 is the holder of a work permit issued by the commission.



3437 (3) A work permit issued to a gaming employee must have
3438 clearly imprinted thereon a statement that it is valid for gaming
3439 purposes only.

3440 (4) Application for a work permit is to be made to the
3441 executive director and may be granted or denied for any cause
3442 deemed reasonable by the commission. Whenever the executive
3443 director denies such an application, he shall include in the
3444 notice of the denial a statement of the facts upon which he relied
3445 in denying the application.

3446 (5) Any person whose application for a work permit has been
3447 denied by the executive director may, not later than sixty (60)
3448 days after receiving notice of the denial or objection, apply to
3449 the commission for a hearing before a hearing examiner. A failure
3450 of a person whose application has been denied to apply for a
3451 hearing within sixty (60) days or his failure to appear at a
3452 hearing conducted pursuant to this section shall be deemed to be
3453 an admission that the denial or objection is well founded and
3454 precludes administrative or judicial review. At the hearing, the
3455 hearing examiner appointed by the commission shall take any
3456 testimony deemed necessary. After the hearing the hearing
3457 examiner shall within thirty (30) days after the date of the
3458 hearing announce his decision sustaining or reversing the denial
3459 of the work permit or the objection to the issuance of a work
3460 permit. The executive director may refuse to issue a work permit
3461 if the applicant has:



3462 (a) Failed to disclose, misstated or otherwise
3463 attempted to mislead the commission with respect to any material
3464 fact contained in the application for the issuance or renewal of a
3465 work permit;

3466 (b) Knowingly failed to comply with the provisions of
3467 this chapter or the regulations of the commission at a place of
3468 previous employment;

3469 (c) Committed, attempted or conspired to commit any
3470 crime of * * * embezzlement or larceny or any violation of any law
3471 pertaining to gaming, or any crime which is inimical to the
3472 declared policy of this state concerning gaming;

3473 (d) Been identified in the published reports of any
3474 federal or state legislative or executive body as being a member
3475 or associate of organized crime, or as being of notorious and
3476 unsavory reputation;

3477 (e) Been placed and remains in the constructive custody
3478 of any federal, state or municipal law enforcement authority;

3479 (f) Had a work permit revoked or committed any act
3480 which is a ground for the revocation of a work permit or would
3481 have been a ground for revoking his work permit if he had then
3482 held a work permit; or

3483 (g) For any other reasonable cause.

3484 The executive director shall refuse to issue a work permit if
3485 the applicant has committed, attempted or conspired to commit a
3486 crime which is a * * * disqualifying crime as provided in the



3487 Fresh Start Act in this state or an offense in another state or
3488 jurisdiction which would be a * * * disqualifying crime as
3489 provided in the Fresh Start Act if committed in this state.

3490 (6) Any applicant aggrieved by the decision of the hearing
3491 examiner may, within fifteen (15) days after the announcement of
3492 the decision, apply in writing to the commission for review of the
3493 decision. Review is limited to the record of the proceedings
3494 before the hearing examiner. The commission may sustain or
3495 reverse the hearing examiner's decision. The commission may
3496 decline to review the hearing examiner's decision, in which case
3497 the hearing examiner's decision becomes the final decision of the
3498 commission. The decision of the commission is subject to judicial
3499 review.

3500 (7) All records acquired or compiled by the commission
3501 relating to any application made pursuant to this section and all
3502 lists of persons to whom work permits have been issued or denied
3503 and all records of the names or identity of persons engaged in the
3504 gaming industry in this state are confidential and must not be
3505 disclosed except in the proper administration of this chapter or
3506 to an authorized law enforcement agency. Any record of the
3507 commission which shows that the applicant has been convicted of a
3508 disqualifying crime in another state must show whether the crime
3509 was a misdemeanor, gross misdemeanor, felony or other class of
3510 crime as classified by the state in which the crime was committed.
3511 In a disclosure of the conviction, reference to the classification



3512 of the crime must be based on the classification in the state
3513 where it was committed.

3514 (8) A work permit expires unless renewed within ten (10)
3515 days after a change of place of employment or if the holder
3516 thereof is not employed as a gaming employee within the
3517 jurisdiction of the issuing authority for more than ninety (90)
3518 days.

3519 (9) Notice of any objection to or denial of a work permit by
3520 the executive director as provided pursuant to this section is
3521 sufficient if it is mailed to the applicant's last known address
3522 as indicated on the application for a work permit. The date of
3523 mailing may be proven by a certificate signed by the executive
3524 director or his designee that specifies the time the notice was
3525 mailed. The notice is presumed to have been received by the
3526 applicant five (5) days after it is deposited with the United
3527 States Postal Service with the postage thereon prepaid.

3528 **SECTION 35.** Section 83-7-207, Mississippi Code of 1972, is
3529 amended as follows:

3530 83-7-207. (1) The commissioner may suspend, revoke or
3531 refuse to renew the license of a viatical settlement provider,
3532 viatical settlement representative or viatical settlement broker
3533 if the commissioner finds that:

3534 (a) There was any material misrepresentation in the
3535 application for the license;



3536 (b) The licensee or any officer, partner or key
3537 management personnel has been convicted of fraudulent or dishonest
3538 practices, is subject to a final administrative action or is
3539 otherwise shown to be untrustworthy or incompetent;

3540 (c) The viatical settlement provider demonstrates a
3541 pattern of unreasonable payments to viators;

3542 (d) The licensee has been found guilty of, or has
3543 pleaded guilty or nolo contendere to, any * * * disqualifying
3544 crime as provided in the Fresh Start;

3545 (e) The viatical settlement provider has failed to
3546 honor contractual obligations set out in a viatical settlement
3547 contract;

3548 (f) The licensee no longer meets the requirements for
3549 initial licensure;

3550 (g) The viatical settlement provider has assigned,
3551 transferred or pledged a viaticated policy to a person other than
3552 a viatical settlement provider licensed in this state or a
3553 financing entity; or

3554 (h) The licensee has violated any provisions of
3555 Sections 83-7-201 through 83-7-223.

3556 (2) Before the commissioner shall deny a license application
3557 or suspend, revoke or refuse to renew the license of a viatical
3558 settlement provider, viatical settlement broker or viatical
3559 settlement representative, the commissioner shall conduct a
3560 hearing in accordance with Section 25-43-1.101 et seq.



3561 **SECTION 36.** Section 83-39-15, Mississippi Code of 1972, is
3562 amended as follows:

3563 83-39-15. (1) The department may deny, suspend, revoke or
3564 refuse to renew, as may be appropriate, a license to engage in the
3565 business of professional bail agent, soliciting bail agent, or
3566 bail enforcement agent for any of the following reasons:

3567 (a) Any cause for which the issuance of the license
3568 would have been refused had it then existed and been known to the
3569 department.

3570 (b) Failure to post a qualification bond in the
3571 required amount with the department during the period the person
3572 is engaged in the business within this state or, if the bond has
3573 been posted, the forfeiture or cancellation of the bond.

3574 (c) Material misstatement, misrepresentation or fraud
3575 in obtaining the license.

3576 (d) Willful failure to comply with, or willful
3577 violation of, any provision of this chapter or of any proper
3578 order, rule or regulation of the department or any court of this
3579 state.

3580 (e) Conviction of * * * a disqualifying crime as
3581 provided in the Fresh Start Act.

3582 (f) Default in payment to the court should any bond
3583 issued by such bail agent be forfeited by order of the court.

3584 (g) Being elected or employed as a law enforcement or
3585 judicial official.



3586 (h) Engaging in the practice of law.
3587 (i) Writing a bond in violation of Section
3588 83-39-3(2) (b) (i) and (ii).
3589 (j) Giving legal advice or a legal opinion in any form.
3590 (k) Acting as or impersonating a bail agent without a
3591 license.
3592 (l) Use of any other trade name than what is submitted
3593 on a license application to the department.
3594 (m) Issuing a bail bond that contains information
3595 intended to mislead a court about the proper delivery by personal
3596 service or certified mail of a writ of scire facias, judgment nisi
3597 or final judgment.
3598 (2) In addition to the grounds specified in subsection (1)
3599 of this section, the department shall be authorized to suspend the
3600 license, registration or permit of any person for being out of
3601 compliance with an order for support, as defined in Section
3602 93-11-153. The procedure for suspension of a license,
3603 registration or permit for being out of compliance with an order
3604 for support, and the procedure for the reissuance or reinstatement
3605 of a license, registration or permit suspended for that purpose,
3606 and the payment of any fees for the reissuance or reinstatement of
3607 a license, registration or permit suspended for that purpose,
3608 shall be governed by Section 93-11-157 or 93-11-163, as the case
3609 may be. If there is any conflict between any provision of Section
3610 93-11-157 or 93-11-163 and any provision of this chapter, the



3611 provisions of Section 93-11-157 or 93-11-163, as the case may be,
3612 shall control.

3613 (3) In addition to the sanctions provided in this section,
3614 the department may assess an administrative fine in an amount not
3615 to exceed One Thousand Dollars (\$1,000.00) per violation. Such
3616 administrative fines shall be in addition to any criminal
3617 penalties assessed under Section 99-5-1.

3618 **SECTION 37.** Section 9-13-109, Mississippi Code of 1972, is
3619 amended as follows:

3620 9-13-109. Every applicant for certification shall have
3621 reached the age of majority * * * and be a resident citizen of the
3622 State of Mississippi. Further, every applicant shall meet the
3623 criteria established by the board for certification or shall meet
3624 the requirements of Section 9-13-109.

3625 **SECTION 38.** Section 21-27-131, Mississippi Code of 1972, is
3626 amended as follows:

3627 21-27-131. No person may drive or operate motor vehicles for
3628 hire in any city or town in this state unless he shall first have
3629 been licensed so to do as follows: he shall make application to
3630 the mayor of such municipality in writing, accompanied by a
3631 statement of some reputable citizen thereof, that the applicant is
3632 over the age of eighteen (18) years, an experienced driver, * * *
3633 and physically and mentally capacitated to drive and operate such
3634 motor vehicle. The mayor shall place such application before the
3635 board of aldermen, or other governing authorities, whereupon



3636 inquiry may be made by such governing authorities into the * * *
3637 mental and physical fitness of the applicant. If the permit shall
3638 be granted the applicant shall receive a certificate of such
3639 permit, signed by the mayor, together with an identification
3640 badge, and the name of the municipality thereon, and which shall
3641 be worn so that the same will be displayed while engaged in or
3642 about such occupation. The governing authorities of the
3643 municipality may require the applicant to give a reasonable bond,
3644 of not more than Five Hundred Dollars (\$500.00), to guarantee the
3645 faithful observance of the law as well as the rules and
3646 regulations which may be prescribed by the said municipality, and
3647 they may also require a reasonable fee, for such permit and badge.
3648 In the event the governing authority of such municipality refuse
3649 to grant such permit to an applicant, an appeal may be taken to
3650 the circuit court, in the manner provided by law for appealing
3651 from other orders of the governing authorities of municipalities,
3652 and the questions to be tried upon appeal will be as to the age
3653 and experience and the moral, mental and physical fitness of the
3654 said applicant to pursue such vocation in such municipality.

3655 **SECTION 39.** Section 21-27-151, Mississippi Code of 1972, is
3656 amended as follows:

3657 21-27-151. No person may drive or operate any bus of a
3658 transportation system for the transportation of passengers within
3659 any city or town in this state, where the operation of such bus is
3660 subject to regulation by the authorities of such city or town



3661 under Section 21-27-121, unless he shall first have been licensed
3662 so to do as follows: he shall make application to the mayor of
3663 such municipality in writing, accompanied by a statement of some
3664 reputable citizen thereof, that the applicant is over the age of
3665 eighteen (18) years, an experienced driver, * * * and physically
3666 and mentally capacitated to drive and operate such motor vehicle.
3667 The mayor shall place such application before the board of
3668 aldermen, or other governing authorities, whereupon inquiry may be
3669 made by such governing authorities into the * * * and mental and
3670 physical fitness of the applicant. If the permit shall be granted
3671 the applicant shall receive a license, signed by the mayor,
3672 together with a metallic badge, which shall have a number and the
3673 name of the municipality thereon, and which shall be worn so that
3674 the same will be displayed while engaged in or about such
3675 occupation. The governing authorities of the municipality may
3676 require the applicant to give a reasonable bond, of not more than
3677 Five Hundred Dollars (\$500.00), to guarantee the faithful
3678 observance of the law as well as the rules and regulations which
3679 may be prescribed by the said municipality, and they may also
3680 require a reasonable fee, not to exceed Five Dollars (\$5.00) for
3681 such license, which said license fee shall be paid into the
3682 general fund of such municipality. In the event the governing
3683 authority of such municipality refuse to grant such license to an
3684 applicant, an appeal may be taken to the circuit court, in the
3685 manner provided by law for appealing from other orders of the



3686 governing authorities of municipalities, and the questions to be
3687 tried upon appeal will be as to the age and experience and
3688 the * * * mental and physical fitness of the said applicant to
3689 pursue such vocation in such municipality.

3690 **SECTION 40.** Section 27-109-5, Mississippi Code of 1972, is
3691 amended as follows:

3692 27-109-5. (1) Any person who the tax commission determines
3693 is qualified to receive a license or is found suitable under the
3694 provisions of this chapter, having due consideration for the
3695 proper protection of the health, safety, morals, good order and
3696 general welfare of the inhabitants of the State of Mississippi and
3697 the declared policy of this state, may be issued a state privilege
3698 license for the operation of a cruise vessel. The burden of
3699 proving his qualification to receive any license or be found
3700 suitable is on the applicant.

3701 (2) An application to receive a license shall not be granted
3702 unless the commission is satisfied that the applicant is:

3703 (a) A person of * * * honesty and integrity;

3704 (b) A person whose prior activities, criminal record,
3705 if any, reputation, habits and associations do not pose a threat
3706 to the public interest of this state or to the effective
3707 regulation and control of cruise vessels, or create or enhance the
3708 dangers of unsuitable, unfair or illegal practices, methods and
3709 activities in the operation of cruise vessels or the carrying on
3710 of the business and financial arrangements incidental thereto; and



3711 (c) In all other respects qualified to be licensed or
3712 found suitable consistently with the declared policy of the state.

3713 (3) A license to operate a cruise vessel shall not be
3714 granted unless the applicant has satisfied the commission that:

3715 (a) He has adequate business probity, competence and
3716 experience, in the operation of cruise vessels or generally; and

3717 (b) The proposed financing of the entire operation is:

3718 (i) Adequate for the nature of the proposed
3719 operation; and

3720 (ii) From a suitable source. Any lender or other
3721 source of money or credit which the commission finds does not meet
3722 the standards set forth in subsection (2) may be deemed
3723 unsuitable.

3724 **SECTION 41.** Section 37-3-2, Mississippi Code of 1972, is
3725 amended as follows:

3726 37-3-2. (1) There is established within the State
3727 Department of Education the Commission on Teacher and
3728 Administrator Education, Certification and Licensure and
3729 Development. It shall be the purpose and duty of the commission
3730 to make recommendations to the State Board of Education regarding
3731 standards for the certification and licensure and continuing
3732 professional development of those who teach or perform tasks of an
3733 educational nature in the public schools of Mississippi.

3734 (2) (a) The commission shall be composed of fifteen (15)
3735 qualified members. The membership of the commission shall be



3736 composed of the following members to be appointed, three (3) from
3737 each of the four (4) congressional districts, as such districts
3738 existed on January 1, 2011, in accordance with the population
3739 calculations determined by the 2010 federal decennial census,
3740 including: four (4) classroom teachers; three (3) school
3741 administrators; one (1) representative of schools of education of
3742 public institutions of higher learning located within the state to
3743 be recommended by the Board of Trustees of State Institutions of
3744 Higher Learning; one (1) representative from the schools of
3745 education of independent institutions of higher learning to be
3746 recommended by the Board of the Mississippi Association of
3747 Independent Colleges; one (1) representative from public community
3748 and junior colleges located within the state to be recommended by
3749 the Mississippi Community College Board; one (1) local school
3750 board member; and four (4) laypersons. Three (3) members of the
3751 commission, at the sole discretion of the State Board of
3752 Education, shall be appointed from the state at large.

3753 (b) All appointments shall be made by the State Board
3754 of Education after consultation with the State Superintendent of
3755 Public Education. The first appointments by the State Board of
3756 Education shall be made as follows: five (5) members shall be
3757 appointed for a term of one (1) year; five (5) members shall be
3758 appointed for a term of two (2) years; and five (5) members shall
3759 be appointed for a term of three (3) years. Thereafter, all
3760 members shall be appointed for a term of four (4) years.



3761 (3) The State Board of Education when making appointments
3762 shall designate a chairman. The commission shall meet at least
3763 once every two (2) months or more often if needed. Members of the
3764 commission shall be compensated at a rate of per diem as
3765 authorized by Section 25-3-69 and be reimbursed for actual and
3766 necessary expenses as authorized by Section 25-3-41.

3767 (4) (a) An appropriate staff member of the State Department
3768 of Education shall be designated and assigned by the State
3769 Superintendent of Public Education to serve as executive secretary
3770 and coordinator for the commission. No less than two (2) other
3771 appropriate staff members of the State Department of Education
3772 shall be designated and assigned by the State Superintendent of
3773 Public Education to serve on the staff of the commission.

3774 (b) An Office of Educator Misconduct Evaluations shall
3775 be established within the State Department of Education to assist
3776 the commission in responding to infractions and violations, and in
3777 conducting hearings and enforcing the provisions of subsections
3778 (11), (12), (13), (14) and (15) of this section, and violations of
3779 the Mississippi Educator Code of Ethics.

3780 (5) It shall be the duty of the commission to:

3781 (a) Set standards and criteria, subject to the approval
3782 of the State Board of Education, for all educator preparation
3783 programs in the state;

3784 (b) Recommend to the State Board of Education each year
3785 approval or disapproval of each educator preparation program in



3786 the state, subject to a process and schedule determined by the
3787 State Board of Education;

3788 (c) Establish, subject to the approval of the State
3789 Board of Education, standards for initial teacher certification
3790 and licensure in all fields;

3791 (d) Establish, subject to the approval of the State
3792 Board of Education, standards for the renewal of teacher licenses
3793 in all fields;

3794 (e) Review and evaluate objective measures of teacher
3795 performance, such as test scores, which may form part of the
3796 licensure process, and to make recommendations for their use;

3797 (f) Review all existing requirements for certification
3798 and licensure;

3799 (g) Consult with groups whose work may be affected by
3800 the commission's decisions;

3801 (h) Prepare reports from time to time on current
3802 practices and issues in the general area of teacher education and
3803 certification and licensure;

3804 (i) Hold hearings concerning standards for teachers'
3805 and administrators' education and certification and licensure with
3806 approval of the State Board of Education;

3807 (j) Hire expert consultants with approval of the State
3808 Board of Education;

3809 (k) Set up ad hoc committees to advise on specific
3810 areas;



3811 (1) Perform such other functions as may fall within
3812 their general charge and which may be delegated to them by the
3813 State Board of Education; and

3814 (m) Establish standards, subject to the approval of the
3815 State Board of Education, for supplemental endorsements, provided
3816 that the standards allow teachers as many options as possible to
3817 receive a supplemental endorsement, including, but not limited to,
3818 the option of taking additional coursework or earning at least the
3819 minimum qualifying score or higher on the required licensure
3820 subject assessment relevant to the endorsement area for which the
3821 licensure is sought. The subject assessment option shall not
3822 apply to certain subject areas, including, but not limited to,
3823 Early/Primary Education PreK-3, Elementary Education, or Special
3824 Education, except by special approval by the State Board of
3825 Education.

3826 (6) (a) **Standard License - Approved Program Route.** An
3827 educator entering the school system of Mississippi for the first
3828 time and meeting all requirements as established by the State
3829 Board of Education shall be granted a standard five-year license.
3830 Persons who possess two (2) years of classroom experience as an
3831 assistant teacher or who have taught for one (1) year in an
3832 accredited public or private school shall be allowed to fulfill
3833 student teaching requirements under the supervision of a qualified
3834 participating teacher approved by an accredited college of
3835 education. The local school district in which the assistant



3836 teacher is employed shall compensate such assistant teachers at
3837 the required salary level during the period of time such
3838 individual is completing student teaching requirements.

3839 Applicants for a standard license shall submit to the department:

3840 (i) An application on a department form;

3841 (ii) An official transcript of completion of a
3842 teacher education program approved by the department or a
3843 nationally accredited program, subject to the following:

3844 Licensure to teach in Mississippi prekindergarten through
3845 kindergarten classrooms shall require completion of a teacher
3846 education program or a Bachelor of Science degree with child
3847 development emphasis from a program accredited by the American
3848 Association of Family and Consumer Sciences (AAFCS) or by the
3849 National Association for Education of Young Children (NAEYC) or by
3850 the National Council for Accreditation of Teacher Education
3851 (NCATE). Licensure to teach in Mississippi kindergarten, for
3852 those applicants who have completed a teacher education program,
3853 and in Grade 1 through Grade 4 shall require the completion of an
3854 interdisciplinary program of studies. Licenses for Grades 4
3855 through 8 shall require the completion of an interdisciplinary
3856 program of studies with two (2) or more areas of concentration.
3857 Licensure to teach in Mississippi Grades 7 through 12 shall
3858 require a major in an academic field other than education, or a
3859 combination of disciplines other than education. Students
3860 preparing to teach a subject shall complete a major in the



3861 respective subject discipline. All applicants for standard
3862 licensure shall demonstrate that such person's college preparation
3863 in those fields was in accordance with the standards set forth by
3864 the National Council for Accreditation of Teacher Education
3865 (NCATE) or the National Association of State Directors of Teacher
3866 Education and Certification (NASDTEC) or, for those applicants who
3867 have a Bachelor of Science degree with child development emphasis,
3868 the American Association of Family and Consumer Sciences (AAFCS).
3869 Effective July 1, 2016, for initial elementary education
3870 licensure, a teacher candidate must earn a passing score on a
3871 rigorous test of scientifically research-based reading instruction
3872 and intervention and data-based decision-making principles as
3873 approved by the State Board of Education;

3874 (iii) A copy of test scores evidencing
3875 satisfactory completion of nationally administered examinations of
3876 achievement, such as the Educational Testing Service's teacher
3877 testing examinations;

3878 (iv) Any other document required by the State
3879 Board of Education; and

3880 (v) From and after July 1, 2020, no teacher
3881 candidate shall be licensed to teach in Mississippi who did not
3882 meet the following criteria for entrance into an approved teacher
3883 education program:

3884 1. An ACT Score of twenty-one (21) (or SAT
3885 equivalent); or



3886 2. Achieve a qualifying passing score on the
3887 Praxis Core Academic Skills for Educators examination as
3888 established by the State Board of Education; or

3889 3. A minimum GPA of 3.0 on coursework prior
3890 to admission to an approved teacher education program.

3891 (b) (i) **Standard License - Nontraditional Teaching**

3892 **Route.** From and after July 1, 2020, no teacher candidate shall be
3893 licensed to teach in Mississippi under the alternate route who did
3894 not meet the following criteria:

3895 1. An ACT Score of twenty-one (21) (or SAT
3896 equivalent); or

3897 2. Achieve a qualifying passing score on the
3898 Praxis Core Academic Skills for Educators examination as
3899 established by the State Board of Education; or

3900 3. A minimum GPA of 3.0 on coursework prior
3901 to admission to an approved teacher education program.

3902 (ii) Beginning July 1, 2020, an individual who has
3903 attained a passing score on the Praxis Core Academic Skills for
3904 Educators or an ACT Score of twenty-one (21) (or SAT equivalent)
3905 or a minimum GPA of 3.0 on coursework prior to admission to an
3906 approved teacher education program and a passing score on the
3907 Praxis Subject Assessment in the requested area of endorsement may
3908 apply for admission to the Teach Mississippi Institute (TMI)
3909 program to teach students in Grades 7 through 12 if the individual
3910 meets the requirements of this paragraph (b). The State Board of



3911 Education shall adopt rules requiring that teacher preparation
3912 institutions which provide the Teach Mississippi Institute (TMI)
3913 program for the preparation of nontraditional teachers shall meet
3914 the standards and comply with the provisions of this paragraph.

3915 1. The Teach Mississippi Institute (TMI)
3916 shall include an intensive eight-week, nine-semester-hour summer
3917 program or a curriculum of study in which the student matriculates
3918 in the fall or spring semester, which shall include, but not be
3919 limited to, instruction in education, effective teaching
3920 strategies, classroom management, state curriculum requirements,
3921 planning and instruction, instructional methods and pedagogy,
3922 using test results to improve instruction, and a one (1) semester
3923 three-hour supervised internship to be completed while the teacher
3924 is employed as a full-time teacher intern in a local school
3925 district. The TMI shall be implemented on a pilot program basis,
3926 with courses to be offered at up to four (4) locations in the
3927 state, with one (1) TMI site to be located in each of the three
3928 (3) Mississippi Supreme Court districts.

3929 2. The school sponsoring the teacher intern
3930 shall enter into a written agreement with the institution
3931 providing the Teach Mississippi Institute (TMI) program, under
3932 terms and conditions as agreed upon by the contracting parties,
3933 providing that the school district shall provide teacher interns
3934 seeking a nontraditional provisional teaching license with a
3935 one-year classroom teaching experience. The teacher intern shall



3936 successfully complete the one (1) semester three-hour intensive
3937 internship in the school district during the semester immediately
3938 following successful completion of the TMI and prior to the end of
3939 the one-year classroom teaching experience.

3940 3. Upon completion of the nine-semester-hour
3941 TMI or the fall or spring semester option, the individual shall
3942 submit his transcript to the commission for provisional licensure
3943 of the intern teacher, and the intern teacher shall be issued a
3944 provisional teaching license by the commission, which will allow
3945 the individual to legally serve as a teacher while the person
3946 completes a nontraditional teacher preparation internship program.

3947 4. During the semester of internship in the
3948 school district, the teacher preparation institution shall monitor
3949 the performance of the intern teacher. The school district that
3950 employs the provisional teacher shall supervise the provisional
3951 teacher during the teacher's intern year of employment under a
3952 nontraditional provisional license, and shall, in consultation
3953 with the teacher intern's mentor at the school district of
3954 employment, submit to the commission a comprehensive evaluation of
3955 the teacher's performance sixty (60) days prior to the expiration
3956 of the nontraditional provisional license. If the comprehensive
3957 evaluation establishes that the provisional teacher intern's
3958 performance fails to meet the standards of the approved
3959 nontraditional teacher preparation internship program, the
3960 individual shall not be approved for a standard license.



3961 5. An individual issued a provisional
3962 teaching license under this nontraditional route shall
3963 successfully complete, at a minimum, a one-year beginning teacher
3964 mentoring and induction program administered by the employing
3965 school district with the assistance of the State Department of
3966 Education.

3967 6. Upon successful completion of the TMI and
3968 the internship provisional license period, applicants for a
3969 Standard License - Nontraditional Route shall submit to the
3970 commission a transcript of successful completion of the twelve
3971 (12) semester hours required in the internship program, and the
3972 employing school district shall submit to the commission a
3973 recommendation for standard licensure of the intern. If the
3974 school district recommends licensure, the applicant shall be
3975 issued a Standard License - Nontraditional Route which shall be
3976 valid for a five-year period and be renewable.

3977 7. At the discretion of the teacher
3978 preparation institution, the individual shall be allowed to credit
3979 the twelve (12) semester hours earned in the nontraditional
3980 teacher internship program toward the graduate hours required for
3981 a Master of Arts in Teacher (MAT) Degree.

3982 8. The local school district in which the
3983 nontraditional teacher intern or provisional licensee is employed
3984 shall compensate such teacher interns at Step 1 of the required
3985 salary level during the period of time such individual is



3986 completing teacher internship requirements and shall compensate
3987 such Standard License - Nontraditional Route teachers at Step 3 of
3988 the required salary level when they complete license requirements.

3989 (iii) Implementation of the TMI program provided
3990 for under this paragraph (b) shall be contingent upon the
3991 availability of funds appropriated specifically for such purpose
3992 by the Legislature. Such implementation of the TMI program may
3993 not be deemed to prohibit the State Board of Education from
3994 developing and implementing additional alternative route teacher
3995 licensure programs, as deemed appropriate by the board. The
3996 emergency certification program in effect prior to July 1, 2002,
3997 shall remain in effect.

3998 (iv) A Standard License - Approved Program Route
3999 shall be issued for a five-year period, and may be renewed.

4000 Recognizing teaching as a profession, a hiring preference shall be
4001 granted to persons holding a Standard License - Approved Program
4002 Route or Standard License - Nontraditional Teaching Route over
4003 persons holding any other license.

4004 (c) **Special License - Expert Citizen.** In order to
4005 allow a school district to offer specialized or technical courses,
4006 the State Department of Education, in accordance with rules and
4007 regulations established by the State Board of Education, may grant
4008 a five-year expert citizen-teacher license to local business or
4009 other professional personnel to teach in a public school or
4010 nonpublic school accredited or approved by the state. Such person



4011 shall be required to have a high school diploma, an
4012 industry-recognized certification related to the subject area in
4013 which they are teaching and a minimum of five (5) years of
4014 relevant experience but shall not be required to hold an associate
4015 or bachelor's degree, provided that he or she possesses the
4016 minimum qualifications required for his or her profession, and may
4017 begin teaching upon his employment by the local school board and
4018 licensure by the Mississippi Department of Education. If a school
4019 board hires a career technical education pathway instructor who
4020 does not have an industry certification in his or her area of
4021 expertise but does have the required experience, the school board
4022 shall spread their decision on the minutes at their next meeting
4023 and provide a detailed explanation for why they hired the
4024 instructor. Such instructor shall present the minutes of the
4025 school board to the State Department of Education when he or she
4026 applies for an expert citizen license. The board shall adopt
4027 rules and regulations to administer the expert citizen-teacher
4028 license. A Special License - Expert Citizen may be renewed in
4029 accordance with the established rules and regulations of the State
4030 Department of Education.

4031 (d) **Special License - Nonrenewable.** The State Board of
4032 Education is authorized to establish rules and regulations to
4033 allow those educators not meeting requirements in paragraph (a),
4034 (b) or (c) of this subsection (6) to be licensed for a period of



4035 not more than three (3) years, except by special approval of the
4036 State Board of Education.

4037 (e) **Nonlicensed Teaching Personnel.** A nonlicensed
4038 person may teach for a maximum of three (3) periods per teaching
4039 day in a public school district or a nonpublic school
4040 accredited/approved by the state. Such person shall submit to the
4041 department a transcript or record of his education and experience
4042 which substantiates his preparation for the subject to be taught
4043 and shall meet other qualifications specified by the commission
4044 and approved by the State Board of Education. In no case shall
4045 any local school board hire nonlicensed personnel as authorized
4046 under this paragraph in excess of five percent (5%) of the total
4047 number of licensed personnel in any single school.

4048 (f) **Special License - Transitional Bilingual Education.**
4049 Beginning July 1, 2003, the commission shall grant special
4050 licenses to teachers of transitional bilingual education who
4051 possess such qualifications as are prescribed in this section.
4052 Teachers of transitional bilingual education shall be compensated
4053 by local school boards at not less than one (1) step on the
4054 regular salary schedule applicable to permanent teachers licensed
4055 under this section. The commission shall grant special licenses
4056 to teachers of transitional bilingual education who present the
4057 commission with satisfactory evidence that they (i) possess a
4058 speaking and reading ability in a language, other than English, in
4059 which bilingual education is offered and communicative skills in



4060 English; (ii) are in good health * * *; (iii) possess a bachelor's
4061 degree or an associate's degree in teacher education from an
4062 accredited institution of higher education; (iv) meet such
4063 requirements as to courses of study, semester hours therein,
4064 experience and training as may be required by the commission; and
4065 (v) are legally present in the United States and possess legal
4066 authorization for employment. A teacher of transitional bilingual
4067 education serving under a special license shall be under an
4068 exemption from standard licensure if he achieves the requisite
4069 qualifications therefor. Two (2) years of service by a teacher of
4070 transitional bilingual education under such an exemption shall be
4071 credited to the teacher in acquiring a Standard Educator License.
4072 Nothing in this paragraph shall be deemed to prohibit a local
4073 school board from employing a teacher licensed in an appropriate
4074 field as approved by the State Department of Education to teach in
4075 a program in transitional bilingual education.

4076 (g) In the event any school district meets the highest
4077 accreditation standards as defined by the State Board of Education
4078 in the accountability system, the State Board of Education, in its
4079 discretion, may exempt such school district from any restrictions
4080 in paragraph (e) relating to the employment of nonlicensed
4081 teaching personnel.

4082 (h) **Highly Qualified Teachers.** Beginning July 1, 2006,
4083 any teacher from any state meeting the federal definition of
4084 highly qualified, as described in the No Child Left Behind Act,



4085 must be granted a standard five-year license by the State
4086 Department of Education.

4087 (7) **Administrator License.** The State Board of Education is
4088 authorized to establish rules and regulations and to administer
4089 the licensure process of the school administrators in the State of
4090 Mississippi. There will be four (4) categories of administrator
4091 licensure with exceptions only through special approval of the
4092 State Board of Education.

4093 (a) **Administrator License - Nonpracticing.** Those
4094 educators holding administrative endorsement but having no
4095 administrative experience or not serving in an administrative
4096 position on January 15, 1997.

4097 (b) **Administrator License - Entry Level.** Those
4098 educators holding administrative endorsement and having met the
4099 department's qualifications to be eligible for employment in a
4100 Mississippi school district. Administrator License - Entry Level
4101 shall be issued for a five-year period and shall be nonrenewable.

4102 (c) **Standard Administrator License - Career Level.** An
4103 administrator who has met all the requirements of the department
4104 for standard administrator licensure.

4105 (d) **Administrator License - Nontraditional Route.** The
4106 board may establish a nontraditional route for licensing
4107 administrative personnel. Such nontraditional route for
4108 administrative licensure shall be available for persons holding,
4109 but not limited to, a master of business administration degree, a



4110 master of public administration degree, a master of public
4111 planning and policy degree or a doctor of jurisprudence degree
4112 from an accredited college or university, with five (5) years of
4113 administrative or supervisory experience. Successful completion
4114 of the requirements of alternate route licensure for
4115 administrators shall qualify the person for a standard
4116 administrator license.

4117 Individuals seeking school administrator licensure under
4118 paragraph (b), (c) or (d) shall successfully complete a training
4119 program and an assessment process prescribed by the State Board of
4120 Education. All applicants for school administrator licensure
4121 shall meet all requirements prescribed by the department under
4122 paragraph (b), (c) or (d), and the cost of the assessment process
4123 required shall be paid by the applicant.

4124 (8) **Reciprocity.** The department shall grant a standard
4125 five-year license to any individual who possesses a valid standard
4126 license from another state, or another country or political
4127 subdivision thereof, within a period of twenty-one (21) days from
4128 the date of a completed application. The issuance of a license by
4129 reciprocity to a military-trained applicant, military spouse or
4130 person who establishes residence in this state shall be subject to
4131 the provisions of Section 73-50-1 or 73-50-2, as applicable.

4132 (9) **Renewal and Reinstatement of Licenses.** The State Board
4133 of Education is authorized to establish rules and regulations for
4134 the renewal and reinstatement of educator and administrator



4135 licenses. Effective May 15, 1997, the valid standard license held
4136 by an educator shall be extended five (5) years beyond the
4137 expiration date of the license in order to afford the educator
4138 adequate time to fulfill new renewal requirements established
4139 pursuant to this subsection. An educator completing a master of
4140 education, educational specialist or doctor of education degree in
4141 May 1997 for the purpose of upgrading the educator's license to a
4142 higher class shall be given this extension of five (5) years plus
4143 five (5) additional years for completion of a higher degree. For
4144 all license types with a current valid expiration date of June 30,
4145 2021, the State Department of Education shall grant a one-year
4146 extension to June 30, 2022. Beginning July 1, 2022, and
4147 thereafter, applicants for licensure renewal shall meet all
4148 requirements in effect on the date that the complete application
4149 is received by the State Department of Education.

4150 (10) All controversies involving the issuance, revocation,
4151 suspension or any change whatsoever in the licensure of an
4152 educator required to hold a license shall be initially heard in a
4153 hearing de novo, by the commission or by a subcommittee
4154 established by the commission and composed of commission members,
4155 or by a hearing officer retained and appointed by the commission,
4156 for the purpose of holding hearings. Any complaint seeking the
4157 denial of issuance, revocation or suspension of a license shall be
4158 by sworn affidavit filed with the Commission on Teacher and
4159 Administrator Education, Certification and Licensure and



4160 Development. The decision thereon by the commission, its
4161 subcommittee or hearing officer, shall be final, unless the
4162 aggrieved party shall appeal to the State Board of Education,
4163 within ten (10) days, of the decision of the commission, its
4164 subcommittee or hearing officer. An appeal to the State Board of
4165 Education shall be perfected upon filing a notice of the appeal
4166 and by the prepayment of the costs of the preparation of the
4167 record of proceedings by the commission, its subcommittee or
4168 hearing officer. An appeal shall be on the record previously made
4169 before the commission, its subcommittee or hearing officer, unless
4170 otherwise provided by rules and regulations adopted by the board.
4171 The decision of the commission, its subcommittee or hearing
4172 officer shall not be disturbed on appeal if supported by
4173 substantial evidence, was not arbitrary or capricious, within the
4174 authority of the commission, and did not violate some statutory or
4175 constitutional right. The State Board of Education in its
4176 authority may reverse, or remand with instructions, the decision
4177 of the commission, its subcommittee or hearing officer. The
4178 decision of the State Board of Education shall be final.

4179 (11) (a) The State Board of Education, acting through the
4180 commission, may deny an application for any teacher or
4181 administrator license for one or more of the following:

4182 (i) Lack of qualifications which are prescribed by
4183 law or regulations adopted by the State Board of Education;



4184 (ii) The applicant has a physical, emotional or
4185 mental disability that renders the applicant unfit to perform the
4186 duties authorized by the license, as certified by a licensed
4187 psychologist or psychiatrist;

4188 (iii) The applicant is actively addicted to or
4189 actively dependent on alcohol or other habit-forming drugs or is a
4190 habitual user of narcotics, barbiturates, amphetamines,
4191 hallucinogens or other drugs having similar effect, at the time of
4192 application for a license;

4193 (iv) Fraud or deceit committed by the applicant in
4194 securing or attempting to secure such certification and license;

4195 (v) Failing or refusing to furnish reasonable
4196 evidence of identification;

4197 (vi) The applicant has been convicted, has pled
4198 guilty or entered a plea of nolo contendere to a * * *
4199 disqualifying crime as provided in the Fresh Start Act. For
4200 purposes of this subparagraph (vi) of this paragraph (a), a
4201 "guilty plea" includes a plea of guilty, entry of a plea of nolo
4202 contendere, or entry of an order granting pretrial or judicial
4203 diversion;

4204 (vii) The applicant or licensee is on probation or
4205 post-release supervision for a * * * disqualifying crime as
4206 provided in the Fresh Start Act. However, this disqualification
4207 expires upon the end of the probationary or post-release
4208 supervision period.



4209 (b) The State Board of Education, acting through the
4210 commission, shall deny an application for any teacher or
4211 administrator license, or immediately revoke the current teacher
4212 or administrator license, for one or more of the following:

4213 (i) If the applicant or licensee has been
4214 convicted, has pled guilty or entered a plea of nolo contendere to
4215 a sex offense as defined by federal or state law. For purposes of
4216 this subparagraph (i) of this paragraph (b), a "guilty plea"
4217 includes a plea of guilty, entry of a plea of nolo contendere, or
4218 entry of an order granting pretrial or judicial diversion;

4219 (ii) The applicant or licensee is on probation or
4220 post-release supervision for a sex offense conviction, as defined
4221 by federal or state law;

4222 (iii) The license holder has fondled a student as
4223 described in Section 97-5-23, or had any type of sexual
4224 involvement with a student as described in Section 97-3-95; or

4225 (iv) The license holder has failed to report
4226 sexual involvement of a school employee with a student as required
4227 by Section 97-5-24.

4228 (12) The State Board of Education, acting through the
4229 commission, may revoke, suspend or refuse to renew any teacher or
4230 administrator license for specified periods of time or may place
4231 on probation, reprimand a licensee, or take other disciplinary
4232 action with regard to any license issued under this chapter for
4233 one or more of the following:



4234 (a) Breach of contract or abandonment of employment may
4235 result in the suspension of the license for one (1) school year as
4236 provided in Section 37-9-57;

4237 (b) Obtaining a license by fraudulent means shall
4238 result in immediate suspension and continued suspension for one
4239 (1) year after correction is made;

4240 (c) Suspension or revocation of a certificate or
4241 license by another state shall result in immediate suspension or
4242 revocation and shall continue until records in the prior state
4243 have been cleared;

4244 (d) The license holder has been convicted, has pled
4245 guilty or entered a plea of nolo contendere to a * * *
4246 disqualifying crime as provided in the Fresh Start Act. For
4247 purposes of this paragraph, a "guilty plea" includes a plea of
4248 guilty, entry of a plea of nolo contendere, or entry of an order
4249 granting pretrial or judicial diversion;

4250 (e) The license holder knowingly and willfully
4251 committing any of the acts affecting validity of mandatory uniform
4252 test results as provided in Section 37-16-4(1);

4253 (f) The license holder has engaged in unethical conduct
4254 relating to an educator/student relationship as identified by the
4255 State Board of Education in its rules;

4256 (g) The license holder served as superintendent or
4257 principal in a school district during the time preceding and/or



4258 that resulted in the Governor declaring a state of emergency and
4259 the State Board of Education appointing a conservator;

4260 (h) The license holder submitted a false certification
4261 to the State Department of Education that a statewide test was
4262 administered in strict accordance with the Requirements of the
4263 Mississippi Statewide Assessment System; or

4264 (i) The license holder has failed to comply with the
4265 Procedures for Reporting Infractions as promulgated by the
4266 commission and approved by the State Board of Education pursuant
4267 to subsection (15) of this section.

4268 For purposes of this subsection, probation shall be defined
4269 as a length of time determined by the commission, its subcommittee
4270 or hearing officer, and based on the severity of the offense in
4271 which the license holder shall meet certain requirements as
4272 prescribed by the commission, its subcommittee or hearing officer.
4273 Failure to complete the requirements in the time specified shall
4274 result in immediate suspension of the license for one (1) year.

4275 (13) (a) Dismissal or suspension of a licensed employee by
4276 a local school board pursuant to Section 37-9-59 may result in the
4277 suspension or revocation of a license for a length of time which
4278 shall be determined by the commission and based upon the severity
4279 of the offense.

4280 (b) Any offense committed or attempted in any other
4281 state shall result in the same penalty as if committed or
4282 attempted in this state.



4283 (c) A person may voluntarily surrender a license. The
4284 surrender of such license may result in the commission
4285 recommending any of the above penalties without the necessity of a
4286 hearing. However, any such license which has voluntarily been
4287 surrendered by a licensed employee may only be reinstated by a
4288 majority vote of all members of the commission present at the
4289 meeting called for such purpose.

4290 (14) (a) A person whose license has been suspended or
4291 surrendered on any grounds except criminal grounds may petition
4292 for reinstatement of the license after one (1) year from the date
4293 of suspension or surrender, or after one-half (1/2) of the
4294 suspended or surrendered time has lapsed, whichever is greater. A
4295 person whose license has been suspended or revoked on any grounds
4296 or violations under subsection (12) of this section may be
4297 reinstated automatically or approved for a reinstatement hearing,
4298 upon submission of a written request to the commission. A license
4299 suspended, revoked or surrendered * * * because of a disqualifying
4300 crime as provided in the Fresh Start Act may be reinstated upon
4301 petition to the commission filed after expiration of the sentence
4302 and parole or probationary period imposed upon conviction. A
4303 revoked, suspended or surrendered license may be reinstated upon
4304 satisfactory showing of evidence of rehabilitation. The
4305 commission shall require all who petition for reinstatement to
4306 furnish evidence satisfactory to the commission of good * * *
4307 mental, emotional and physical health and such other evidence as



4308 the commission may deem necessary to establish the petitioner's
4309 rehabilitation and fitness to perform the duties authorized by the
4310 license.

4311 (b) A person whose license expires while under
4312 investigation by the Office of Educator Misconduct for an alleged
4313 violation may not be reinstated without a hearing before the
4314 commission if required based on the results of the investigation.

4315 (15) Reporting procedures and hearing procedures for dealing
4316 with infractions under this section shall be promulgated by the
4317 commission, subject to the approval of the State Board of
4318 Education. The revocation or suspension of a license shall be
4319 effected at the time indicated on the notice of suspension or
4320 revocation. The commission shall immediately notify the
4321 superintendent of the school district or school board where the
4322 teacher or administrator is employed of any disciplinary action
4323 and also notify the teacher or administrator of such revocation or
4324 suspension and shall maintain records of action taken. The State
4325 Board of Education may reverse or remand with instructions any
4326 decision of the commission, its subcommittee or hearing officer
4327 regarding a petition for reinstatement of a license, and any such
4328 decision of the State Board of Education shall be final.

4329 (16) An appeal from the action of the State Board of
4330 Education in denying an application, revoking or suspending a
4331 license or otherwise disciplining any person under the provisions
4332 of this section shall be filed in the Chancery Court of the First



4333 Judicial District of Hinds County, Mississippi, on the record
4334 made, including a verbatim transcript of the testimony at the
4335 hearing. The appeal shall be filed within thirty (30) days after
4336 notification of the action of the board is mailed or served and
4337 the proceedings in chancery court shall be conducted as other
4338 matters coming before the court. The appeal shall be perfected
4339 upon filing notice of the appeal and by the prepayment of all
4340 costs, including the cost of preparation of the record of the
4341 proceedings by the State Board of Education, and the filing of a
4342 bond in the sum of Two Hundred Dollars (\$200.00) conditioned that
4343 if the action of the board be affirmed by the chancery court, the
4344 applicant or license holder shall pay the costs of the appeal and
4345 the action of the chancery court.

4346 (17) All such programs, rules, regulations, standards and
4347 criteria recommended or authorized by the commission shall become
4348 effective upon approval by the State Board of Education as
4349 designated by appropriate orders entered upon the minutes thereof.

4350 (18) The granting of a license shall not be deemed a
4351 property right nor a guarantee of employment in any public school
4352 district. A license is a privilege indicating minimal eligibility
4353 for teaching in the public school districts of Mississippi. This
4354 section shall in no way alter or abridge the authority of local
4355 school districts to require greater qualifications or standards of
4356 performance as a prerequisite of initial or continued employment
4357 in such districts.



4358 (19) In addition to the reasons specified in subsections
4359 (12) and (13) of this section, the board shall be authorized to
4360 suspend the license of any licensee for being out of compliance
4361 with an order for support, as defined in Section 93-11-153. The
4362 procedure for suspension of a license for being out of compliance
4363 with an order for support, and the procedure for the reissuance or
4364 reinstatement of a license suspended for that purpose, and the
4365 payment of any fees for the reissuance or reinstatement of a
4366 license suspended for that purpose, shall be governed by Section
4367 93-11-157 or 93-11-163, as the case may be. Actions taken by the
4368 board in suspending a license when required by Section 93-11-157
4369 or 93-11-163 are not actions from which an appeal may be taken
4370 under this section. Any appeal of a license suspension that is
4371 required by Section 93-11-157 or 93-11-163 shall be taken in
4372 accordance with the appeal procedure specified in Section
4373 93-11-157 or 93-11-163, as the case may be, rather than the
4374 procedure specified in this section. If there is any conflict
4375 between any provision of Section 93-11-157 or 93-11-163 and any
4376 provision of this chapter, the provisions of Section 93-11-157 or
4377 93-11-163, as the case may be, shall control.

4378 (20) The Department of Education shall grant and renew all
4379 licenses and certifications of teachers and administrators within
4380 twenty-one (21) days from the date of a completed application if
4381 the applicant has otherwise met all established requirements for
4382 the license or certification.



4383 **SECTION 42.** Section 41-29-303, Mississippi Code of 1972, is
4384 amended as follows:

4385 41-29-303. No license shall be issued under Section
4386 41-29-301 * * * until the applicant therefor has furnished proof
4387 satisfactory to the State Board of Pharmacy that the applicant
4388 is * * * properly equipped as to land, buildings, and
4389 paraphernalia to carry on the business described in his
4390 application. No license shall be granted to any person who has
4391 within five (5) years been convicted of a willful violation of any
4392 law of the United States, or of any state, relating to opium, coca
4393 leaves, or other narcotic drugs, or to any person who is a
4394 narcotic drug addict. The state board of pharmacy may suspend or
4395 revoke any license for cause.

4396 **SECTION 43.** Section 51-5-3, Mississippi Code of 1972, is
4397 amended as follows:

4398 51-5-3. In order to be licensed as a water well contractor
4399 in the State of Mississippi, the applicant must be qualified as
4400 set out below:

4401 (a) Be at least twenty-one (21) years of age;

4402 * * *

4403 (* * *b) Demonstrate to the satisfaction of the
4404 commission a reasonable knowledge of this chapter and the rules
4405 and regulations adopted by the commission under the provisions of
4406 this chapter;



4407 (* * *c) Possess the necessary drilling equipment, or
4408 present to the commission sufficient evidence to show that he has
4409 access to the use of such equipment at any time he needs it; and

4410 (* * *d) Have not less than three (3) years'
4411 experience in the work for which he is applying for a license.

4412 **SECTION 44.** Section 67-3-19, Mississippi Code of 1972, is
4413 amended as follows:

4414 67-3-19. Where application is made for a permit to engage in
4415 the business of a retailer of light wine, light spirit product or
4416 beer, the applicant shall show in his application that he
4417 possesses the following qualifications:

4418 (a) Applicant must be a person at least twenty-one (21)
4419 years of age * * * and a resident of the State of Mississippi.

4420 (b) Applicant shall not have been convicted of a * * *
4421 disqualifying crime as provided in the Fresh Start Act, or of
4422 pandering or of keeping or maintaining a house of prostitution, or
4423 have been convicted within two (2) years of the date of his
4424 application of any violation of the laws of this state or the laws
4425 of the United States relating to alcoholic liquor.

4426 (c) Applicant shall not have had revoked, except for a
4427 violation of Section 67-3-52, within two (2) years next preceding
4428 his application, any license or permit issued to him pursuant to
4429 the laws of this state, or any other state, to sell alcoholic
4430 liquor of any kind.



4431 (d) Applicant shall be the owner of the premises for
4432 which the permit is sought or the holder of an existing lease
4433 thereon.

4434 (e) Applicant shall not be residentially domiciled with
4435 any person whose permit has been revoked for cause, except for a
4436 violation of Section 67-3-52, within two (2) years next preceding
4437 the date of the present application for a permit.

4438 (f) The applicant has not had any license or permit to
4439 sell beer, light spirit product or light wine at retail revoked,
4440 within five (5) years next preceding his application, due to a
4441 violation of Section 67-3-52.

4442 (g) Applicant shall not employ any person whose permit
4443 has been revoked when such person owned or operated the business
4444 on the premises for which a permit is sought or allow such person
4445 to have any financial interest in the business of the applicant,
4446 until such person is qualified to obtain a permit in his own name.

4447 (h) The applicant is not indebted to the State of
4448 Mississippi for any taxes.

4449 (i) If applicant is a partnership, all members of the
4450 partnership must be qualified to obtain a permit. Each member of
4451 the partnership must be a resident of the State of Mississippi.

4452 (j) If applicant is a corporation, all officers and
4453 directors thereof, and any stockholder owning more than five
4454 percent (5%) of the stock of such corporation, and the person or
4455 persons who shall conduct and manage the licensed premises for the



4456 corporation shall possess all the qualifications required herein
4457 for any individual permittee. However, the requirements as to
4458 residence shall not apply to officers, directors and stockholders
4459 of such corporation.

4460 Any misstatement or concealment of fact in an application
4461 shall be grounds for denial of the application or for revocation
4462 of the permit issued thereon.

4463 The commissioner may refuse to issue a permit to an applicant
4464 for a place that is frequented by known criminals, prostitutes, or
4465 other law violators or troublemakers who disturb the peace and
4466 quietude of the community and frequently require the assistance of
4467 peace officers to apprehend such law violators or to restore
4468 order. The burden of proof of establishing the foregoing shall
4469 rest upon the commissioner.

4470 **SECTION 45.** Section 73-2-7, Mississippi Code of 1972, is
4471 amended as follows:

4472 73-2-7. In order to qualify for a license as a landscape
4473 architect, an applicant must:

4474 (a) Submit evidence of his * * * integrity to the
4475 examining board.

4476 (b) Have received a degree in landscape architecture
4477 from a college or university having a minimum four-year curriculum
4478 in landscape architecture approved by the board or have completed
4479 seven (7) years of work in the practice of landscape architecture
4480 of a grade and character suitable to the board. Graduation in a



4481 curriculum other than landscape architecture from a college or
4482 university shall be equivalent to two (2) years' experience of the
4483 seven (7) specified above in this section, except that no
4484 applicant shall receive credit for more than two (2) years'
4485 experience for any scholastic training.

4486 (c) Pass such written examination as required in
4487 Section 73-2-9.

4488 Each application or filing made under this section shall
4489 include the social security number(s) of the applicant in
4490 accordance with Section 93-11-64, Mississippi Code of 1972.

4491 **SECTION 46.** Section 73-3-2, Mississippi Code of 1972, is
4492 amended as follows:

4493 73-3-2. (1) **Power to admit persons to practice.** The power
4494 to admit persons to practice as attorneys in the courts of this
4495 state is vested exclusively in the Supreme Court of Mississippi.

4496 (2) **Qualifications.** (a) Each applicant for admission to
4497 the bar, in order to be eligible for examination for admission,
4498 shall be at least twenty-one (21) years of age * * * and shall
4499 present to the Board of Bar Admissions satisfactory evidence:

4500 (i) That he has successfully completed, or is
4501 within sixty (60) days of completion of, a general course of study
4502 of law in a law school which is provisionally or fully approved by
4503 the section on legal education and admission to the bar of the
4504 American Bar Association, and that such applicant has received, or
4505 will receive within sixty (60) days, a diploma or certificate from



4506 such school evidencing the satisfactory completion of such course,
4507 but in no event shall any applicant under this paragraph be
4508 admitted to the bar until such applicant actually receives such
4509 diploma or certificate. However, an applicant who, as of November
4510 1, 1981, was previously enrolled in a law school in active
4511 existence in Mississippi for more than ten (10) years prior to the
4512 date of application shall be eligible for examination for
4513 admission; provided that such an applicant graduated prior to
4514 November 1, 1984;

4515 (ii) That he has notified the Board of Bar
4516 Admissions in writing of an intention to pursue a general course
4517 of study of law under the supervision of a Mississippi lawyer
4518 prior to July 1, 1979, and in fact began study prior to July 1,
4519 1979, and who completed the required course of study prior to
4520 November 1, 1984, in accordance with Sections 73-3-13(b) and
4521 73-3-15 as the same exist prior to November 1, 1979; or

4522 (iii) That in addition to complying with either of
4523 the above requirements, he has received a bachelor's degree from
4524 an accredited college or university or that he has received credit
4525 for the requirements of the first three (3) years of college work
4526 from a college or university offering an integrated six-year
4527 prelaw and law course, and has completed his law course at a
4528 college or university offering such an integrated six-year course.
4529 However, applicants who have already begun the general course of
4530 study of law as of November 1, 1979, either in a law school or



4531 under the supervision of a Mississippi lawyer shall submit proof
4532 they have successfully completed two (2) full years of college
4533 work.

4534 (b) The applicant shall bear the burden of establishing
4535 his or her qualifications for admission to the satisfaction of the
4536 Board of Bar Admissions. An applicant denied admission for
4537 failure to satisfy qualifications for admission shall have the
4538 right to appeal from the final order of the board to the Chancery
4539 Court of Hinds County, Mississippi, within thirty (30) days of
4540 entry of such order of denial.

4541 (3) **Creation of Board of Bar Admissions.** There is hereby
4542 created a board to be known as the "Board of Bar Admissions" which
4543 shall be appointed by the Supreme Court of Mississippi. The board
4544 shall consist of nine (9) members, who shall be members in good
4545 standing of the Mississippi State Bar and shall serve for terms of
4546 three (3) years. Three (3) members shall be appointed from each
4547 Supreme Court district, one (1) by each Supreme Court Justice from
4548 his district, with the original appointments to be as follows:
4549 Three (3) to be appointed for a term of one (1) year, three (3) to
4550 be appointed for a term of two (2) years, and three (3) to be
4551 appointed for a term of three (3) years, one (1) from each
4552 district to be appointed each year. No member of the Board of Bar
4553 Admissions may be a member of the Legislature. Vacancies during a
4554 term shall be filled by the appointing justice or his successor
4555 for the remainder of the unexpired term.



4556 The board shall promulgate the necessary rules for the
4557 administration of their duties, subject to the approval of the
4558 Chief Justice of the Supreme Court.

4559 (4) **Written examination as prerequisite to admission.** Every
4560 person desiring admission to the bar, shall be required to take
4561 and pass a written bar examination in a manner satisfactory to the
4562 Board of Bar Admissions. The Board of Bar Admissions shall
4563 conduct not less than two (2) bar examinations each year.

4564 (5) **Oath and compensation of board members.** The members of
4565 the Board of Bar Admissions shall take and subscribe an oath to be
4566 administered by one (1) of the judges of the Supreme Court to
4567 faithfully and impartially discharge the duties of the office.
4568 The members shall receive compensation as established by the
4569 Supreme Court for preparing, giving and grading the examination
4570 plus all reasonable and necessary travel expenses incurred in the
4571 performance of their duties under the provisions of this section.

4572 (6) **Procedure for applicants who have failed.** Any applicant
4573 who fails the examination shall be allowed to take the next
4574 scheduled examination. A failing applicant may request in writing
4575 from the board, within thirty (30) days after the results of the
4576 examination have been made public, copies of his answers and model
4577 answers used in grading the examination, at his expense. If a
4578 uniform, standardized examination is administered, the board shall
4579 only be required to provide the examination grade and such other
4580 information concerning the applicant's examination results which



4581 are available to the board. Any failing applicant shall have a
4582 right to a review of his failure by the board. The board shall
4583 enter an order on its minutes, prior to the administration of the
4584 next bar examination, either granting or denying the applicant's
4585 review, and shall notify the applicant of such order. The
4586 applicant shall have the right to appeal from this order to the
4587 Chancery Court of Hinds County, Mississippi, within thirty (30)
4588 days of entry of such order.

4589 (7) **Fees.** The board shall set and collect the fees for
4590 examination and for admission to the bar. The fees for
4591 examination shall be based upon the annual cost of administering
4592 the examinations. The fees for admission shall be based upon the
4593 cost of conducting an investigation of the applicant and the
4594 administrative costs of sustaining the board, which shall include,
4595 but shall not be limited to:

- 4596 (a) Expenses and travel for board members;
4597 (b) Office facilities, supplies and equipment; and
4598 (c) Clerical assistance.

4599 All fees collected by the board shall be paid to the State
4600 Treasurer, who shall issue receipts therefor and who shall deposit
4601 such funds in the State Treasury in a special fund to the credit
4602 of said board. All such funds shall be expended only in
4603 accordance with the provisions of Chapter 496, Laws of 1962, as
4604 amended, being Section 27-103-1 et seq., Mississippi Code of 1972.



4605 (8) The board, upon finding the applicant qualified for
4606 admission, shall issue to the applicant a certificate of
4607 admission. The applicant shall file the certificate and a
4608 petition for admission in the Chancery Court of Hinds County,
4609 Mississippi, or in the chancery court in the county of his
4610 residence, or, in the case of an applicant who is a nonresident of
4611 the State of Mississippi, in the chancery court of a county in
4612 which the applicant intends to practice. The chancery court
4613 shall, in termtime or in vacation, enter on the minutes of that
4614 court an order granting to the applicant license to practice in
4615 all courts in this state, upon taking by the applicant in the
4616 presence of the court, the oath prescribed by law, Section
4617 73-3-35, Mississippi Code of 1972.

4618 (9) Each application or filing made under this section shall
4619 include the social security number(s) of the applicant in
4620 accordance with Section 93-11-64, Mississippi Code of 1972.

4621 **SECTION 47.** Section 73-3-25, Mississippi Code of 1972, is
4622 amended as follows:

4623 73-3-25. Any lawyer from another state whose requirements
4624 for admission to the bar are equivalent to those of this state,
4625 who has practiced not less than five (5) years in a state where he
4626 was then admitted may be admitted to * * * practice in this state
4627 upon taking and passing such examination as to his knowledge of
4628 law as may be prescribed by rules adopted by the Board of Bar
4629 Admissions and approved by the Supreme Court and upon complying



4630 with the other requirements as set out in the laws and rules
4631 governing admission to the bar. Provided, however, the laws of
4632 the state from which the applicant comes grant similar privileges
4633 to the applicants from this state.

4634 Any lawyer from another state desiring to be admitted to
4635 practice in Mississippi must make application to the Board of Bar
4636 Admissions. Such applicant shall present to the bar evidence of
4637 his good standing in the state from which he came, including a
4638 certificate from the clerk of the highest appellate court of the
4639 state from which he came, and from two (2) members of the bar of
4640 such state, certifying to his qualifications * * * and good
4641 standing * * *, and may require the submission of additional
4642 evidence by the applicant. Upon satisfactory proof of the
4643 applicant's qualifications and upon the applicant's compliance
4644 with the requirements of this section, the board shall issue a
4645 certificate of admission to the applicant, as prescribed in
4646 Section 73-3-2(8). Each such applicant shall pay an application
4647 fee prescribed by the Board of Bar Admissions according to Section
4648 73-3-2(7).

4649 **SECTION 48.** Section 73-4-17, Mississippi Code of 1972, is
4650 amended as follows:

4651 73-4-17. There shall be two (2) classes of auctioneers'
4652 licenses, which shall be auctioneer and auction firm. All
4653 applicants for a license under this chapter shall possess the
4654 following minimum qualifications:



4655 (a) Applicants shall have attained the age of eighteen
4656 (18) years by the issuance date of the license.

4657 (b) Applicants shall have obtained at a minimum a high
4658 school diploma or G.E.D. equivalent and shall be graduates of an
4659 auctioneering school approved by the commission.

4660 (c) Each applicant for a license under this chapter
4661 shall demonstrate to the commission that he is * * * worthy of
4662 public trust through background information to be provided on his
4663 application form and two (2) letters of reference from persons not
4664 related to the applicant who have known the applicant at least
4665 three (3) years. The commission may require additional
4666 information or a personal interview with the applicant to
4667 determine if such applicant should be granted a license.

4668 (d) Each applicant for a license under this chapter
4669 shall take and successfully complete an examination as prescribed
4670 by the commission. The examination shall include questions on
4671 ethics, reading comprehension, writing, spelling, elementary
4672 arithmetic, elementary principals of land economics, general
4673 knowledge of bulk sales law, contracts of sale, agency, leases,
4674 brokerage, knowledge of various goods commonly sold at auction,
4675 ability to call bids, knowledge of sale preparation and proper
4676 sale advertising and sale summary, and knowledge of the provisions
4677 of this chapter and the commission's rules and regulations. There
4678 shall be separate examinations for auctioneer and auction firm
4679 each based upon relevant subject matter appropriate to the license



4680 classification as set forth herein. Examinations shall be
4681 administered at least once a year and may be administered
4682 quarterly at the commission's discretion provided there are at
4683 least twenty-five (25) examinees. The commission shall ensure
4684 that the various forms of the test remain secure.

4685 (e) In order to defray the cost of administration of
4686 the examinations, applicants for the examination shall pay fees as
4687 follows:

4688 (i) Auctioneer.....\$100.00.

4689 (ii) Auction firm.....\$100.00.

4690 (f) Each applicant desiring to sit for the examination
4691 for any license required under this chapter shall be required to
4692 furnish to the commission at least thirty (30) days prior to the
4693 examination evidence of a surety bond in the following minimum
4694 amounts:

4695 (i) Auctioneer.....\$10,000.00.

4696 (ii) Auction firm.....\$10,000.00.

4697 (g) In addition to the bond required herein, applicants
4698 for the auction firm license shall furnish the commission with all
4699 relevant information concerning the premises to be licensed, to
4700 include location, whether the premises are owned or leased, and an
4701 affidavit that the proposed use of the premises as an auction firm
4702 does not violate zoning or any other use restrictions. A separate
4703 license shall be required for each business location of the owner
4704 of multiple auction galleries.



4705 (h) Except as provided in Section 33-1-39, all licenses
4706 granted pursuant to this chapter shall be for a term of two (2)
4707 years and shall expire on the first day of March at the end of
4708 such two-year term. The biennial license fees shall be set from
4709 time to time by the commission with a maximum fee of Two Hundred
4710 Dollars (\$200.00). License fees shall not be prorated for any
4711 portion of a year but shall be paid for the entire biennial period
4712 regardless of the date of the application. Individuals failing to
4713 submit license renewal fees on or before March 1 of the year for
4714 renewal shall be required to successfully pass the next
4715 administration of the examination in order to renew a license.

4716 (i) Each application or filing made under this section
4717 shall include the social security number(s) of the applicant in
4718 accordance with Section 93-11-64, Mississippi Code of 1972.

4719 (j) A licensee shall keep such books, accounts and
4720 records as will enable the commission to determine whether such
4721 licensee is in compliance with the provisions of this chapter, and
4722 rules and regulations made pursuant thereto, and any other law,
4723 rule and regulation applicable to the conduct of such business.
4724 The commission and its employees or representatives shall have the
4725 right to enter and make inspections of any place where the auction
4726 business is carried on and inspect and copy any record pertaining
4727 to the auction business under this chapter. The commission may
4728 conduct or cause to be conducted an examination or audit of the
4729 books and records of any licensee at any time the commission deems



4730 proper, the cost of the examination or audit to be borne by the
4731 licensee. The refusal of access to the books and records shall be
4732 cause for the revocation of its license.

4733 **SECTION 49.** Section 73-5-1, Mississippi Code of 1972, is
4734 amended as follows:

4735 73-5-1. The State Board of Barber Examiners is continued and
4736 reconstituted as follows: The Board of Barber Examiners shall
4737 consist of five (5) members, to be appointed by the Governor, with
4738 the advice and consent of the Senate, one (1) member to be
4739 appointed from each of the congressional districts as existing on
4740 January 1, 1991. Each member shall be a practical barber and a
4741 qualified elector of this state. He shall have been engaged in
4742 the practice of barbering in the State of Mississippi for at least
4743 five (5) years immediately before the time of his
4744 appointment * * *. From and after July 1, 1983, the appointments
4745 to the board shall be made in the manner hereinafter provided, and
4746 the present members of the State Board of Barber Examiners whose
4747 terms have not expired by July 1, 1983, shall continue to serve
4748 until their successors have been appointed and qualified. The
4749 Governor shall appoint, with the advice and consent of the Senate,
4750 five (5) members from the congressional districts as follows: The
4751 member from the First Congressional District shall be appointed
4752 for a term of two (2) years to commence on July 1, 1983; the
4753 member from the Second Congressional District shall be appointed
4754 for a term of four (4) years to commence on July 1, 1984; the



4755 member from the Third Congressional District shall be appointed
4756 for a term of two (2) years to commence on July 1, 1983; the
4757 member from the Fourth Congressional District shall be appointed
4758 for a term of four (4) years to commence on July 1, 1984; and the
4759 member from the Fifth Congressional District shall be appointed
4760 for a term of one (1) year to commence on July 1, 1983. The
4761 members of the board as constituted on July 1, 2002, whose terms
4762 have not expired shall serve the balance of their terms, after
4763 which time the membership of the board shall be appointed as
4764 follows: There shall be appointed one (1) member of the board
4765 from each of the four (4) Mississippi congressional districts as
4766 they currently exist, and one (1) from the state at large, and the
4767 Governor shall make appointments from the congressional district
4768 having the smallest number of board members until the membership
4769 includes one (1) member from each district as required. From and
4770 after July 1, 2002, no member of the board who is connected in any
4771 way with any barbering school shall participate in the
4772 administration of examinations of barber applicants. From and
4773 after July 1, 2004, no member of the board shall be connected in
4774 any way with any school in which barbering is taught.

4775 All members of the board shall be appointed by the Governor,
4776 with the advice and consent of the Senate, for terms of four (4)
4777 years each from the expiration date of the previous term, until
4778 their successors have been appointed and qualified. No member of
4779 the board shall hold any elected office. Appointments made to



4780 fill a vacancy of a term shall be made by the Governor within
4781 sixty (60) days after the vacancy occurs.

4782 The Governor may remove any one or more members of the board
4783 for just cause. Members appointed to fill vacancies caused by
4784 death, resignation or removal of any member or members shall serve
4785 only for the unexpired term of their predecessors. Any member who
4786 does not attend two (2) consecutive meetings of the board for
4787 reasons other than illness of the member shall be subject to
4788 removal by the Governor. The president of the board shall notify
4789 the Governor in writing when any such member has failed to attend
4790 two (2) consecutive regular meetings.

4791 **SECTION 50.** Section 73-5-11, Mississippi Code of 1972, is
4792 amended as follows:

4793 73-5-11. (1) To be eligible for enrollment at a barbering
4794 school approved by the Board of Barber Examiners, a person shall
4795 have a high school education or its equivalent, and/or shall have
4796 satisfactorily passed the ability-to-benefit examinations approved
4797 by the U.S. Department of Education.

4798 (2) Any person is qualified to receive a certificate of
4799 registration to practice barbering:

4800 (a) Who is qualified under the provisions of this
4801 chapter;

4802 (b) Who is of * * * temperate habits;



4803 (c) Who has completed not less than fifteen hundred
4804 (1500) hours at a barbering school approved by the State Board of
4805 Barber Examiners; and

4806 (d) Who has passed a satisfactory examination conducted
4807 by the board of examiners to determine his fitness to practice
4808 barbering.

4809 (3) A temporary permit to practice barbering until the next
4810 examination is given may be issued to a student who has completed
4811 not less than fifteen hundred (1500) hours at a barbering school
4812 approved by the Board of Barber Examiners. In no event shall a
4813 person be allowed to practice barbering on a temporary permit
4814 beyond the date the next examination is given, except because of
4815 personal illness.

4816 **SECTION 51.** Section 73-5-21, Mississippi Code of 1972, is
4817 amended as follows:

4818 73-5-21. Any person possessed of the following
4819 qualifications shall, upon payment of the required fee, receive a
4820 certificate of registration as a registered barber:

4821 (a) Is at least eighteen (18) years old;

4822 (b) Is of * * * temperate habits; and

4823 (c) Either has a license or certificate of registration
4824 as a practicing barber in another state or country that has
4825 substantially the same requirements for licensing or registration
4826 of barbers as are contained in this chapter, or can prove by sworn
4827 affidavits that he has lawfully practiced as a barber in another



4828 state or country for at least five (5) years immediately before
4829 making application in this state, or can show to the satisfaction
4830 of the board that he had held a rating in a branch of the military
4831 service for two (2) or more years that required him to perform the
4832 duties of a barber. The issuance of a certificate of registration
4833 by reciprocity to a military-trained applicant, military spouse or
4834 person who establishes residence in this state shall be subject to
4835 the provisions of Section 73-50-1 or 73-50-2, as applicable.

4836 In addition to the above, the board may require the applicant
4837 to successfully demonstrate sufficient knowledge of the Barber Law
4838 of the State of Mississippi, as well as sufficient practical skill
4839 by requiring the applicant to take a practical examination
4840 approved by the board.

4841 **SECTION 52.** Section 73-6-13, Mississippi Code of 1972, is
4842 amended as follows:

4843 73-6-13. (1) Any adult * * * who has (a) graduated from a
4844 school or college of chiropractic recognized by the State Board of
4845 Chiropractic Examiners, preceded by the successful completion of
4846 at least two (2) academic years at an accredited institution of
4847 higher learning, or accredited junior college, and (b)
4848 successfully completed parts 1, 2, 3 and 4 and the physical
4849 modality section of the examination prepared by the National Board
4850 of Chiropractic Examiners, shall be entitled to take the
4851 examination for a license to practice chiropractic in Mississippi.
4852 The State Board of Chiropractic Examiners shall keep on file a



4853 list of schools or colleges of chiropractic which are so
4854 recognized. No chiropractic school shall be approved unless it is
4855 recognized and approved by the Council on Chiropractic Education,
4856 its successor or an equivalent accrediting agency, offers an
4857 accredited course of study of not less than four (4) academic
4858 years of at least nine (9) months in length, and requires its
4859 graduates to receive not less than forty (40) clock hours of
4860 instruction in the operation of x-ray machinery and not less than
4861 forty (40) clock hours of instruction in x-ray interpretation and
4862 diagnosis.

4863 (2) Except as otherwise provided in this section, the State
4864 Board of Health shall prescribe rules and regulations for the
4865 operation and use of x-ray machines.

4866 (3) The examination to practice chiropractic used by the
4867 board shall consist of testing on the statutes and the rules and
4868 regulations regarding the practice of chiropractic in the State of
4869 Mississippi.

4870 (4) Reciprocity privileges for a chiropractor from another
4871 state shall be granted at the board's option on an individual
4872 basis and by a majority vote of the State Board of Chiropractic
4873 Examiners to an adult * * * who (a) is currently an active
4874 competent practitioner for at least eight (8) years and holds an
4875 active chiropractic license in another state with no disciplinary
4876 proceeding or unresolved complaint pending anywhere at the time a
4877 license is to be issued by this state, (b) demonstrates having



4878 obtained licensure as a chiropractor in another state under the
4879 same education requirements which were equivalent to the education
4880 requirements in this state to obtain a chiropractic license at the
4881 time the applicant obtained the license in the other state, (c)
4882 satisfactorily passes the examination administered by the State
4883 Board of Chiropractic Examiners, and (d) meets the requirements of
4884 Section 73-6-1(3) pertaining to therapeutic modalities. The
4885 issuance of a license by reciprocity to a military-trained
4886 applicant, military spouse or person who establishes residence in
4887 this state shall be subject to the provisions of Section 73-50-1
4888 or 73-50-2, as applicable.

4889 **SECTION 53.** Section 73-9-23, Mississippi Code of 1972, is
4890 amended as follows:

4891 73-9-23. (1) No person who desires to practice dentistry or
4892 dental hygiene in the State of Mississippi shall be licensed until
4893 that person has passed an examination by the board. Applicants
4894 for examination shall apply in writing to the board for an
4895 examination at least thirty (30) days before the examination and
4896 shall upon application pay a nonrefundable fee as elsewhere
4897 provided in this chapter.

4898 (2) An applicant for licensure by examination as a dentist
4899 who is a graduate of a dental school accredited by the Commission
4900 on Dental Accreditation of the American Dental Association (ADA),
4901 or its successor commission, shall:



4902 (a) Be * * * possessed of a high school education, and
4903 have attained the age of twenty-one (21) years;

4904 (b) Exhibit with the application a diploma or
4905 certificate of graduation from the ADA accredited dental school;
4906 and

4907 (c) Have successfully completed Parts I and II of the
4908 National Board Examinations of the Joint Commission on National
4909 Dental Examinations, or its successor commission, unless the
4910 applicant graduated from an accredited dental school before 1960.

4911 (3) An applicant for licensure by examination as a dentist
4912 who is a graduate of a non-ADA accredited foreign country dental
4913 school shall:

4914 (a) * * * Have attained the age of twenty-one (21)
4915 years;

4916 (b) Be proficient in oral and written communications in
4917 the English language;

4918 (c) Have completed not less than six (6) academic years
4919 of postsecondary study and graduated from a foreign dental school
4920 that is recognized by the licensure authorities in that country;

4921 (d) Have been licensed as a dentist or admitted to the
4922 practice of dentistry in the foreign country in which the
4923 applicant received foreign dental school training;

4924 (e) Present documentation of having completed at least
4925 two (2) or more years of full-time postdoctoral dental education
4926 in a dental school accredited by the Commission on Dental



4927 Accreditation of the American Dental Association, or its successor
4928 commission, and has been certified by the dean of the accredited
4929 dental school as having achieved the same level of didactic and
4930 clinical competence as expected of a graduate of the school; and

4931 (f) Have successfully completed Parts I and II of the
4932 National Board Examinations of the Joint Commission on National
4933 Dental Examinations, or its successor commission, unless the
4934 applicant graduated from an approved dental school before 1960.

4935 (4) An applicant for licensure by examination as a dental
4936 hygienist who is a graduate of a dental hygiene school accredited
4937 by the Commission on Dental Accreditation of the American Dental
4938 Association (ADA), or its successor commission, shall:

4939 (a) Be * * * possessed of a high school education and
4940 have attained the age of eighteen (18) years;

4941 (b) Exhibit with the application a diploma or
4942 certificate of graduation from the ADA accredited dental hygiene
4943 school; and

4944 (c) Have successfully completed the National Board
4945 Dental Hygiene Examinations of the Joint Commission on National
4946 Dental Examinations, or its successor commission.

4947 (5) An applicant for licensure by examination as a dental
4948 hygienist who is a graduate of a non-ADA accredited foreign
4949 country dental hygiene school shall:

4950 (a) * * * Have attained the age of eighteen (18) years;



4951 (b) Be proficient in oral and written communications in
4952 the English language;

4953 (c) Have completed not less than two (2) academic years
4954 of postsecondary study and graduated from a foreign dental hygiene
4955 school that is recognized by the licensure authorities in that
4956 country;

4957 (d) Have been licensed as a dental hygienist or
4958 admitted to the practice of dental hygiene in the foreign country
4959 in which the applicant received foreign dental hygiene school
4960 training;

4961 (e) Present documentation of having completed at least
4962 one or more years of full-time postgraduate clinical education in
4963 a dental hygiene school accredited by the Commission on Dental
4964 Accreditation of the American Dental Association, or its successor
4965 commission, and has been certified by the dean of the accredited
4966 dental hygiene school as having achieved the same level of
4967 didactic and clinical competence as expected of a graduate of the
4968 school; and

4969 (f) Have successfully completed the National Board
4970 Dental Hygiene Examinations of the Joint Commission on National
4971 Dental Examinations, or its successor commission.

4972 (6) Applications shall be made in the form and content as
4973 required in this section and as shall be prescribed by the board,
4974 and each applicant shall submit upon request such proof as the
4975 board may require as to age * * * and qualifications.



4976 Applications must be signed by two (2) citizens of the state of
4977 which the applicant is a resident * * *. All applicants for
4978 licensure shall submit an endorsement from all states in which he
4979 or she is currently licensed or has ever been licensed to practice
4980 dentistry or dental hygiene. The board may disallow the licensure
4981 examination to any applicant who has been found guilty of any of
4982 the grounds for disciplinary action as enumerated in Section
4983 73-9-61.

4984 (7) Examination shall be as elsewhere provided in this
4985 chapter and the board may by its rules and regulations prescribe
4986 reasonable professional standards for oral, written, clinical and
4987 other examinations given to applicants, and, if deemed necessary
4988 by the board, include a requirement that licensure examinations of
4989 applicants be conducted utilizing live human subjects. Each
4990 applicant shall appear before the board and be examined to
4991 determine his or her learning and skill in dentistry or dental
4992 hygiene. If found by the members of the board conducting the
4993 examination to possess sufficient learning and skill
4994 therein * * *, the board shall, as early as practicable, grant to
4995 the person a license to practice dentistry or dental hygiene, as
4996 the case may be, which shall be signed by each member of the board
4997 who attended the examination and approved the issuance of a
4998 license.

4999 (8) The Board of Dental Examiners may, at its own
5000 discretion, accept certification of a licensure applicant, either



5001 dentist or dental hygienist, by the National Board Examinations of
5002 the Joint Commission on National Dental Examinations, or its
5003 successor commission, in lieu of the written examination.
5004 However, in all such instances the board shall retain the right to
5005 administer such further written and practical examinations and
5006 demonstrations as it deems necessary.

5007 (9) Each application or filing made under this section shall
5008 include the social security number(s) of the applicant in
5009 accordance with Section 93-11-64.

5010 **SECTION 54.** Section 73-11-51, Mississippi Code of 1972, is
5011 amended as follows:

5012 73-11-51. (1) No person shall engage in the business or
5013 practice of funeral service, including embalming, and/or funeral
5014 directing or hold himself out as transacting or practicing or
5015 being entitled to transact or practice funeral service, including
5016 embalming, and/or funeral directing in this state unless duly
5017 licensed under the provisions of this chapter.

5018 (2) The board is authorized and empowered to examine
5019 applicants for licenses for the practice of funeral service and
5020 funeral directing and shall issue the proper license to those
5021 persons who successfully pass the applicable examination and
5022 otherwise comply with the provisions of this chapter.

5023 (3) To be licensed for the practice of funeral directing
5024 under this chapter, a person must furnish satisfactory evidence to
5025 the board that he or she:



5026 (a) Is at least eighteen (18) years of age;
5027 (b) Has a high school diploma or the equivalent
5028 thereof;
5029 (c) Has served as a resident trainee for not less than
5030 twelve (12) months under the supervision of a person licensed for
5031 the practice of funeral service or funeral directing in this
5032 state; and
5033 (d) Has successfully passed a written and/or oral
5034 examination as prepared or approved by the board * * *.

5035 * * *

5036 (4) To be licensed for the practice of funeral service under
5037 this chapter, a person must furnish satisfactory evidence to the
5038 board that he or she:

5039 (a) Is at least eighteen (18) years of age;
5040 (b) Has a high school diploma or the equivalent
5041 thereof;
5042 (c) Has successfully completed twelve (12) months or
5043 more of academic and professional instruction from an institution
5044 accredited by the United States Department of Education for
5045 funeral service education and have a certificate of completion
5046 from an institution accredited by the American Board of Funeral
5047 Service Education or any other successor recognized by the United
5048 States Department of Education for funeral service education;
5049 (d) Has served as a resident trainee for not less than
5050 twelve (12) months, either before or after graduation from an



5051 accredited institution mentioned above, under the supervision of a
5052 person licensed for the practice of funeral service in this state
5053 and in an establishment licensed in this state; and

5054 (e) Has successfully passed the National Conference of
5055 Funeral Examiners examination and/or such other examination as
5056 approved by the board * * *.

5057 * * *

5058 (5) All applications for examination and license for the
5059 practice of funeral service or funeral directing shall be upon
5060 forms furnished by the board and shall be accompanied by an
5061 examination fee, a licensing fee and a nonrefundable application
5062 fee in amounts fixed by the board in accordance with Section
5063 73-11-56. The fee for an initial license, however, may be
5064 prorated in proportion to the period of time from the date of
5065 issuance to the date of biennial license renewal prescribed in
5066 subsection (8) of this section. All applications for examination
5067 shall be filed with the board office at least sixty (60) days
5068 before the date of examination. A candidate shall be deemed to
5069 have abandoned the application for examination if he does not
5070 appear on the scheduled date of examination unless such failure to
5071 appear has been approved by the board.

5072 (6) The practice of funeral service or funeral directing
5073 must be engaged in at a licensed funeral establishment, at least
5074 one (1) of which is listed as the licensee's place of business;
5075 and no person, partnership, corporation, association or other



5076 organization shall open or maintain a funeral establishment at
5077 which to engage in or conduct or hold himself or itself out as
5078 engaging in the practice of funeral service or funeral directing
5079 until such establishment has complied with the licensing
5080 requirements of this chapter. A license for the practice of
5081 funeral service or funeral directing shall be used only at
5082 licensed funeral establishments; however, this provision shall not
5083 prevent a person licensed for the practice of funeral service or
5084 funeral directing from conducting a funeral service at a church, a
5085 residence, public hall, lodge room or cemetery chapel, if such
5086 person maintains a fixed licensed funeral establishment of his own
5087 or is in the employ of or an agent of a licensed funeral
5088 establishment.

5089 (7) Any person holding a valid, unrevoked and unexpired
5090 nonreciprocal license in another state or territory having
5091 requirements greater than or equal to those of this state as
5092 determined by the board may apply for a license to practice in
5093 this state by filing with the board a certified statement from the
5094 secretary of the licensing board of the state or territory in
5095 which the applicant holds his license certifying to his
5096 qualifications and good standing with that board. He/she must
5097 also successfully pass a written and/or oral examination on the
5098 Mississippi Funeral Service licensing law and rules and
5099 regulations as prepared or approved by the board, and must pay a
5100 nonrefundable application fee set by the board. If the board



5101 finds that the applicant has fulfilled aforesaid requirements and
5102 has fulfilled substantially similar requirements of those required
5103 for a Mississippi licensee, the board shall grant such license
5104 upon receipt of a fee in an amount equal to the renewal fee set by
5105 the board for a license for the practice of funeral service or
5106 funeral directing, as the case may be, in this state. The board
5107 may issue a temporary funeral service or funeral directing work
5108 permit before a license is granted, before the next regular
5109 meeting of the board, if the applicant for a reciprocal license
5110 has complied with all requirements, rules and regulations of the
5111 board. The temporary permit will expire at the next regular
5112 meeting of the board. The issuance of a license or temporary
5113 permit by reciprocity to a military-trained applicant, military
5114 spouse or person who establishes residence in this state shall be
5115 subject to the provisions of Section 73-50-1 or 73-50-2, as
5116 applicable.

5117 (8) (a) Except as provided in Section 33-1-39, any person
5118 holding a license for the practice of funeral service or funeral
5119 directing may have the same renewed for a period of two (2) years
5120 by making and filing with the board an application on or before
5121 the due date. Payment of the renewal fee shall be in an amount
5122 set by the board in accordance with Section 73-11-56. The board
5123 shall mail the notice of renewal and the due date for the payment
5124 of the renewal fee to the last-known address of each licensee at
5125 least thirty (30) days before that date. It is the responsibility



5126 of the licensee to notify the board in writing of any change of
5127 address. An application will be considered late if the
5128 application and proper fees are not in the board's office or
5129 postmarked by the due date. Failure of a license holder to
5130 receive the notice of renewal shall not exempt or excuse a license
5131 holder from the requirement of renewing the license on or before
5132 the license expiration date.

5133 (b) If the renewal fee is not paid on or postmarked by
5134 the due date, the license of such person shall by operation of law
5135 automatically expire and become void without further action of the
5136 board. The board may reinstate such license if application for
5137 licensure is made within a period of five (5) years, upon payment
5138 of the renewal fee for the current year, all renewal fees in
5139 arrears, and a reinstatement fee. After a period of five (5)
5140 years, the licensee must make application, pay the current renewal
5141 fee, all fees in arrears, and pass a written and/or oral
5142 examination as prepared or approved by the board.

5143 (9) No license shall be assignable or valid for any person
5144 other than the original licensee.

5145 (10) The board may, in its discretion, if there is a major
5146 disaster or emergency where human death is likely to occur,
5147 temporarily authorize the practice of funeral directing and
5148 funeral service by persons licensed to practice in another state
5149 but not licensed to practice in this state. Only persons licensed
5150 in this state, however, may sign death certificates.



5151 (11) Any funeral service technology or mortuary science
5152 program accredited by the American Board of Funeral Service
5153 Education in the State of Mississippi, as well as students
5154 enrolled in such a program, shall be exempt from licensing under
5155 this chapter when embalming or otherwise preparing a deceased
5156 human body for disposition as part of a student practicum
5157 experience, when the student is directly supervised by an
5158 instructor or preceptor who holds a current funeral service
5159 license. This exemption shall apply to practicum experiences
5160 performed at an accredited institution of funeral service
5161 technology or mortuary science program or at a duly licensed
5162 funeral establishment or commercial mortuary service. Nothing in
5163 this subsection shall be construed to allow any funeral service
5164 technology or mortuary science program, or those students enrolled
5165 in such a program, to engage in practicum experiences for
5166 remuneration.

5167 (12) Each application or filing made under this section
5168 shall include the social security number(s) of the applicant in
5169 accordance with Section 93-11-64.

5170 **SECTION 55.** Section 73-13-23, Mississippi Code of 1972, is
5171 amended as follows:

5172 73-13-23. (1) (a) The following shall be considered as
5173 minimum evidence satisfactory to the board that the applicant is
5174 qualified for licensure as a professional engineer:



5175 Graduation in an engineering curriculum of four (4) years or
5176 more from a school or college approved by the board as of
5177 satisfactory standing or graduation in an engineering, engineering
5178 technology, or related science curriculum of four (4) scholastic
5179 years from a school or college other than those approved by the
5180 board plus a graduate degree in an engineering curriculum from a
5181 school or college wherein the same engineering curriculum at the
5182 undergraduate level is approved by the board as of satisfactory
5183 standing; a specific record of four (4) years of qualifying
5184 engineering experience indicating that the applicant is competent
5185 to practice engineering (in counting years of experience, the
5186 board at its discretion may give credit not in excess of three (3)
5187 years for satisfactory graduate study in engineering), and the
5188 successful passing of examinations in engineering as prescribed by
5189 the board.

5190 (b) In considering the qualifications of applicants,
5191 engineering teaching may be construed as engineering experience.

5192 (c) The mere execution, as a contractor, of work
5193 designed by a professional engineer, or the supervision of the
5194 construction of such work as a foreman or superintendent shall not
5195 be deemed to be the practice of engineering.

5196 (d) Any person having the necessary qualifications
5197 prescribed in Sections 73-13-1 through 73-13-45 to entitle him to
5198 licensure shall be eligible for such licensure although he may not



5199 be practicing his profession at the time of making his
5200 application.

5201 (e) No person shall be eligible for licensure as a
5202 professional engineer who * * * presents claims in support of his
5203 application which contain major discrepancies.

5204 (2) The following shall be considered as minimum evidence
5205 satisfactory to the board that the applicant is qualified for
5206 enrollment as an engineer intern:

5207 (a) Graduation in an engineering curriculum of four (4)
5208 scholastic years or more from a school or college approved by the
5209 board as of satisfactory standing or graduation in an engineering,
5210 engineering technology, or related science curriculum of four (4)
5211 scholastic years from a school or college other than those
5212 approved by the board plus a graduate degree in an engineering
5213 curriculum from a school or college wherein that same engineering
5214 curriculum at the undergraduate level is approved by the board as
5215 of satisfactory standing; and

5216 (b) Successfully passing a written examination in the
5217 fundamental engineering subjects.

5218 **SECTION 56.** Section 73-13-77, Mississippi Code of 1972, is
5219 amended as follows:

5220 73-13-77. (1) The following shall be considered as minimum
5221 evidence satisfactory to the board that the applicant is qualified
5222 for licensure as a professional surveyor:



5223 (a) (i) A bachelor's degree in geomatics, surveying or
5224 surveying technology approved by the board consisting of a minimum
5225 of one hundred twenty (120) semester hours, or the equivalent, in
5226 surveying curriculum subjects and a specific record of four (4)
5227 years of qualifying surveying experience; or

5228 (ii) A bachelor's degree in a related science
5229 curriculum defined by board rule, consisting of sixty-two (62)
5230 semester hours in surveying curriculum subjects as defined by
5231 board rule, and a specific record of five (5) years of qualifying
5232 surveying experience; or

5233 (iii) A bachelor's degree in a related science
5234 curriculum defined by board rule, and a specific record of six (6)
5235 years of qualifying surveying experience; or

5236 (iv) An associate degree, or its equivalent, in a
5237 curriculum approved by the board consisting of sixty-two (62)
5238 semester hours in surveying curriculum subjects as defined by
5239 board rule, and a specific record of seven (7) years or more of
5240 qualifying surveying experience; or

5241 (v) A high school diploma, or its equivalent, and
5242 a specific record of twelve (12) years or more of qualifying
5243 surveying experience; and

5244 (b) Successfully passing examinations in surveying
5245 prescribed by the board.



5246 (2) The following shall be considered as minimum evidence
5247 satisfactory to the board that the applicant is qualified for
5248 enrollment as a surveyor intern:

5249 (a) (i) A bachelor's degree in geomatics, surveying or
5250 surveying technology approved by the board consisting of a minimum
5251 of one hundred twenty (120) semester hours, or the equivalent, in
5252 surveying curriculum subjects; or

5253 (ii) A bachelor's degree in a related science
5254 curriculum defined by board rule consisting of sixty-two (62)
5255 semester hours in surveying curriculum subjects as defined by
5256 board rule; or

5257 (iii) A bachelor's degree in a related science
5258 curriculum defined by board rule; or

5259 (iv) An associate degree, or its equivalent, in a
5260 curriculum approved by the board consisting of sixty-two (62)
5261 semester hours in surveying curriculum subjects as defined by
5262 board rule; or

5263 (v) A high school diploma, or its equivalent, and
5264 a specific record of eight (8) years or more of qualifying
5265 surveying experience; and

5266 (b) Successfully passing examinations in surveying
5267 fundamentals prescribed by the board.

5268 * * *

5269 **SECTION 57.** Section 73-15-19, Mississippi Code of 1972, is
5270 brought forward as follows:



5271 73-15-19. (1) **Registered nurse applicant qualifications.**

5272 Any applicant for a license to practice as a registered nurse
5273 shall submit to the board:

5274 (a) An attested written application on a Board of
5275 Nursing form;

5276 (b) Written official evidence of completion of a
5277 nursing program approved by the Board of Trustees of State
5278 Institutions of Higher Learning, or one approved by a legal
5279 accrediting agency of another state, territory or possession of
5280 the United States, the District of Columbia, or a foreign country
5281 which is satisfactory to this board;

5282 (c) Evidence of competence in English related to
5283 nursing, provided the first language is not English;

5284 (d) Any other official records required by the board.

5285 In addition to the requirements specified in paragraphs (a)
5286 through (d) of this subsection, in order to qualify for a license
5287 to practice as a registered nurse, an applicant must have
5288 successfully been cleared for licensure through an investigation
5289 that shall consist of a determination as to good moral character
5290 and verification that the prospective licensee is not guilty of or
5291 in violation of any statutory ground for denial of licensure as
5292 set forth in Section 73-15-29 or guilty of any offense specified
5293 in Section 73-15-33. To assist the board in conducting its
5294 licensure investigation, all applicants shall undergo a
5295 fingerprint-based criminal history records check of the



5296 Mississippi central criminal database and the Federal Bureau of
5297 Investigation criminal history database. Each applicant shall
5298 submit a full set of his or her fingerprints in a form and manner
5299 prescribed by the board, which shall be forwarded to the
5300 Mississippi Department of Public Safety (department) and the
5301 Federal Bureau of Investigation Identification Division for this
5302 purpose.

5303 Any and all state or national criminal history records
5304 information obtained by the board that is not already a matter of
5305 public record shall be deemed nonpublic and confidential
5306 information restricted to the exclusive use of the board, its
5307 members, officers, investigators, agents and attorneys in
5308 evaluating the applicant's eligibility or disqualification for
5309 licensure, and shall be exempt from the Mississippi Public Records
5310 Act of 1983. Except when introduced into evidence in a hearing
5311 before the board to determine licensure, no such information or
5312 records related thereto shall, except with the written consent of
5313 the applicant or by order of a court of competent jurisdiction, be
5314 released or otherwise disclosed by the board to any other person
5315 or agency.

5316 The board shall provide to the department the fingerprints of
5317 the applicant, any additional information that may be required by
5318 the department, and a form signed by the applicant consenting to
5319 the check of the criminal records and to the use of the



5320 fingerprints and other identifying information required by the
5321 state or national repositories.

5322 The board shall charge and collect from the applicant, in
5323 addition to all other applicable fees and costs, such amount as
5324 may be incurred by the board in requesting and obtaining state and
5325 national criminal history records information on the applicant.

5326 The board may, in its discretion, refuse to accept the
5327 application of any person who has been convicted of a criminal
5328 offense under any provision of Title 97 of the Mississippi Code of
5329 1972, as now or hereafter amended, or any provision of this
5330 article.

5331 (2) **Licensure by examination.** (a) Upon the board being
5332 satisfied that an applicant for a license as a registered nurse
5333 has met the qualifications set forth in subsection (1) of this
5334 section, the board shall proceed to examine such applicant in such
5335 subjects as the board shall, in its discretion, determine. The
5336 subjects in which applicants shall be examined shall be in
5337 conformity with curricula in schools of nursing approved by the
5338 Board of Trustees of State Institutions of Higher Learning, or one
5339 approved by a legal accrediting agency of another state, territory
5340 or possession of the United States, the District of Columbia, or a
5341 foreign country which is satisfactory to the board.

5342 (b) The applicant shall be required to pass the written
5343 examination as selected by the board.



5344 (c) Upon successful completion of such examination, the
5345 board shall issue to the applicant a license to practice as a
5346 registered nurse.

5347 (d) The board may use any part or all of the state
5348 board test pool examination for registered nurse licensure, its
5349 successor examination, or any other nationally standardized
5350 examination identified by the board in its rules. The passing
5351 score shall be established by the board in its rules.

5352 (3) **Licensure by endorsement.** The board may issue a license
5353 to practice nursing as a registered nurse without examination to
5354 an applicant who has been duly licensed as a registered nurse
5355 under the laws of another state, territory or possession of the
5356 United States, the District of Columbia, or a foreign country if,
5357 in the opinion of the board, the applicant meets the
5358 qualifications required of licensed registered nurses in this
5359 state and has previously achieved the passing score or scores on
5360 the licensing examination required by this state, at the time of
5361 his or her graduation. The issuance of a license by endorsement
5362 to a military-trained applicant, military spouse or person who
5363 establishes residence in this state shall be subject to the
5364 provisions of Section 73-50-1 or 73-50-2, as applicable.

5365 (4) **Requirements for rewriting the examination.** The board
5366 shall establish in its rules the requirements for rewriting the
5367 examination for those persons failing the examination on the first
5368 writing or subsequent rewriting.



5369 (5) **Fee.** The applicant applying for a license by
5370 examination or by endorsement to practice as a registered nurse
5371 shall pay a fee not to exceed One Hundred Dollars (\$100.00) to the
5372 board.

5373 (6) **Temporary permit.** (a) The board may issue a temporary
5374 permit to practice nursing to a graduate of an approved school of
5375 nursing pending the results of the examination in Mississippi, and
5376 to a qualified applicant from another state, territory or
5377 possession of the United States, or District of Columbia, or
5378 pending licensure procedures as provided for elsewhere in this
5379 article. The fee shall not exceed Twenty-five Dollars (\$25.00).

5380 (b) The board may issue a temporary permit for a period
5381 of ninety (90) days to a registered nurse who is currently
5382 licensed in another state, territory or possession of the United
5383 States or the District of Columbia and who is an applicant for
5384 licensure by endorsement. Such permit is not renewable except by
5385 board action. The issuance of a temporary permit to a
5386 military-trained applicant, military spouse or person who
5387 establishes residence in this state shall be subject to the
5388 provisions of Section 73-50-1 or 73-50-2, as applicable.

5389 (c) The board may issue a temporary permit to a
5390 graduate of an approved school of nursing pending the results of
5391 the first licensing examination scheduled after application. Such
5392 permit is not renewable except by board action.



5393 (d) The board may issue a temporary permit for a period
5394 of thirty (30) days to any registered nurse during the time
5395 enrolled in a nursing reorientation program. This time period may
5396 be extended by board action. The fee shall not exceed Twenty-five
5397 Dollars (\$25.00).

5398 (e) The board may adopt such regulations as are
5399 necessary to limit the practice of persons to whom temporary
5400 permits are issued.

5401 (7) **Temporary license.** The board may issue a temporary
5402 license to practice nursing at a youth camp licensed by the State
5403 Board of Health to nonresident registered nurses and retired
5404 resident registered nurses under the provisions of Section
5405 75-74-8.

5406 (8) **Title and abbreviation.** Any person who holds a license
5407 or holds the privilege to practice as a registered nurse in this
5408 state shall have the right to use the title "registered nurse" and
5409 the abbreviation "R.N." No other person shall assume such title
5410 or use such abbreviation, or any words, letters, signs or devices
5411 to indicate that the person using the same is a registered nurse.

5412 (9) **Registered nurses licensed under a previous law.** Any
5413 person holding a license to practice nursing as a registered nurse
5414 issued by this board which is valid on July 1, 1981, shall
5415 thereafter be deemed to be licensed as a registered nurse under
5416 the provisions of this article upon payment of the fee provided in
5417 Section 73-15-27.



5418 (10) Each application or filing made under this section
5419 shall include the social security number(s) of the applicant in
5420 accordance with Section 93-11-64.

5421 **SECTION 58.** Section 73-15-21, Mississippi Code of 1972, is
5422 brought forward as follows:

5423 73-15-21. (1) **Licensed practical nurse applicant**
5424 **qualifications.** Any applicant for a license to practice practical
5425 nursing as a licensed practical nurse shall submit to the board:

5426 (a) An attested written application on a Board of
5427 Nursing form;

5428 (b) A diploma from an approved high school or the
5429 equivalent thereof, as determined by the appropriate educational
5430 agency;

5431 (c) Written official evidence of completion of a
5432 practical nursing program approved by the State Department of
5433 Education through its Division of Vocational Education, or one
5434 approved by a legal accrediting agency of another state, territory
5435 or possession of the United States, the District of Columbia, or a
5436 foreign country which is satisfactory to this board;

5437 (d) Evidence of competence in English related to
5438 nursing, provided the first language is not English;

5439 (e) Any other official records required by the board.

5440 In addition to the requirements specified in paragraphs (a)
5441 through (e) of this subsection, in order to qualify for a license
5442 to practice practical nursing as a licensed practical nurse, an



5443 applicant must have successfully been cleared for licensure
5444 through an investigation that shall consist of a determination as
5445 to good moral character and verification that the prospective
5446 licensee is not guilty of or in violation of any statutory ground
5447 for denial of licensure as set forth in Section 73-15-29 or guilty
5448 of any offense specified in Section 73-15-33. To assist the board
5449 in conducting its licensure investigation, all applicants shall
5450 undergo a fingerprint-based criminal history records check of the
5451 Mississippi central criminal database and the Federal Bureau of
5452 Investigation criminal history database. Each applicant shall
5453 submit a full set of his or her fingerprints in a form and manner
5454 prescribed by the board, which shall be forwarded to the
5455 Mississippi Department of Public Safety (department) and the
5456 Federal Bureau of Investigation Identification Division for this
5457 purpose.

5458 Any and all state or national criminal history records
5459 information obtained by the board that is not already a matter of
5460 public record shall be deemed nonpublic and confidential
5461 information restricted to the exclusive use of the board, its
5462 members, officers, investigators, agents and attorneys in
5463 evaluating the applicant's eligibility or disqualification for
5464 licensure, and shall be exempt from the Mississippi Public Records
5465 Act of 1983. Except when introduced into evidence in a hearing
5466 before the board to determine licensure, no such information or
5467 records related thereto shall, except with the written consent of



5468 the applicant or by order of a court of competent jurisdiction, be
5469 released or otherwise disclosed by the board to any other person
5470 or agency.

5471 The board shall provide to the department the fingerprints of
5472 the applicant, any additional information that may be required by
5473 the department, and a form signed by the applicant consenting to
5474 the check of the criminal records and to the use of the
5475 fingerprints and other identifying information required by the
5476 state or national repositories.

5477 The board shall charge and collect from the applicant, in
5478 addition to all other applicable fees and costs, such amount as
5479 may be incurred by the board in requesting and obtaining state and
5480 national criminal history records information on the applicant.

5481 The board may, in its discretion, refuse to accept the
5482 application of any person who has been convicted of a criminal
5483 offense under any provision of Title 97 of the Mississippi Code of
5484 1972, as now or hereafter amended, or any provision of this
5485 article.

5486 (2) **Licensure by examination.** (a) Upon the board being
5487 satisfied that an applicant for a license as a practical nurse has
5488 met the qualifications set forth in subsection (1) of this
5489 section, the board shall proceed to examine such applicant in such
5490 subjects as the board shall, in its discretion, determine. The
5491 subjects in which applicants shall be examined shall be in



5492 conformity with curricula in schools of practical nursing approved
5493 by the State Department of Education.

5494 (b) The applicant shall be required to pass the written
5495 examination selected by the board.

5496 (c) Upon successful completion of such examination, the
5497 board shall issue to the applicant a license to practice as a
5498 licensed practical nurse.

5499 (d) The board may use any part or all of the state
5500 board test pool examination for practical nurse licensure, its
5501 successor examination, or any other nationally standardized
5502 examination identified by the board in its rules. The passing
5503 score shall be established by the board in its rules.

5504 (3) **Licensure by endorsement.** The board may issue a license
5505 to practice practical nursing as a licensed practical nurse
5506 without examination to an applicant who has been duly licensed as
5507 a licensed practical nurse under the laws of another state,
5508 territory or possession of the United States, the District of
5509 Columbia, or a foreign country if, in the opinion of the board,
5510 the applicant meets the qualifications required of licensed
5511 practical nurses in this state and has previously achieved the
5512 passing score or scores on the licensing examination required by
5513 this state at the time of his or her graduation. The issuance of
5514 a license by endorsement to a military-trained applicant, military
5515 spouse or person who establishes residence in this state shall be



5516 subject to the provisions of Section 73-50-1 or 73-50-2, as
5517 applicable.

5518 (4) **Licensure by equivalent amount of theory and clinical**
5519 **experience.** In the discretion of the board, former students of a
5520 state-accredited school preparing students to become registered
5521 nurses may be granted permission to take the examination for
5522 licensure to practice as a licensed practical nurse, provided the
5523 applicant's record or transcript indicates the former student
5524 completed an equivalent amount of theory and clinical experiences
5525 as required of a graduate of a practical nursing program, and
5526 provided the school attended was, at the time of the student's
5527 attendance, an accredited school of nursing.

5528 (5) **Requirements for rewriting the examination.** The board
5529 shall establish in its rules the requirements for rewriting the
5530 examination for those persons failing the examination on the first
5531 writing or subsequent writing.

5532 (6) **Fee.** The applicant applying for a license by
5533 examination or by endorsement to practice as a licensed practical
5534 nurse shall pay a fee not to exceed Sixty Dollars (\$60.00) to the
5535 board.

5536 (7) **Temporary permit.** (a) The board may issue a temporary
5537 permit to practice practical nursing to a graduate of an approved
5538 school of practical nursing pending the results of the examination
5539 in Mississippi, and to a qualified applicant from another state,
5540 territory or possession of the United States, or the District of



5541 Columbia, pending licensing procedures as provided for elsewhere
5542 in this article. The fee shall not exceed Twenty-five Dollars
5543 (\$25.00).

5544 (b) The board may issue a temporary permit for a period
5545 of ninety (90) days to a licensed practical nurse who is currently
5546 licensed in another state, territory or possession of the United
5547 States or the District of Columbia and who is an applicant for
5548 licensure by endorsement. Such permit is not renewable except by
5549 board action. The issuance of a temporary permit to a
5550 military-trained applicant, military spouse or person who
5551 establishes residence in this state shall be subject to the
5552 provisions of Section 73-50-1 or 73-50-2, as applicable.

5553 (c) The board may issue a temporary permit to a
5554 graduate of an approved practical nursing education program or an
5555 equivalent program satisfactory to the board pending the results
5556 of the first licensing examination scheduled after application.
5557 Such permit is not renewable except by board action.

5558 (d) The board may issue a temporary permit for a period
5559 of thirty (30) days to any licensed practical nurse during the
5560 time enrolled in a nursing reorientation program. This time
5561 period may be extended by board action. The fee shall not exceed
5562 Twenty-five Dollars (\$25.00).

5563 (e) The board may adopt such regulations as are
5564 necessary to limit the practice of persons to whom temporary
5565 permits are issued.



5566 (8) **Title and abbreviation.** Any person who holds a license
5567 or holds the privilege to practice as a licensed practical nurse
5568 in this state shall have the right to use the title "licensed
5569 practical nurse" and the abbreviation "L.P.N." No other person
5570 shall assume such title or use such abbreviation, or any words,
5571 letters, signs or devices to indicate that a person using the same
5572 is a licensed practical nurse.

5573 (9) **Licensed practical nurses licensed under a previous law.**
5574 Any person holding a license to practice nursing as a practical
5575 nurse issued by this board which is valid on July 1, 1981, shall
5576 thereafter be deemed to be licensed as a practical nurse under the
5577 provisions of this article upon payment of the fee prescribed in
5578 Section 73-15-27.

5579 (10) Each application or filing made under this section
5580 shall include the social security number(s) of the applicant in
5581 accordance with Section 93-11-64.

5582 **SECTION 59.** Section 73-17-9, Mississippi Code of 1972, is
5583 amended as follows:

5584 73-17-9. It shall be the function and duty of the board to:

5585 (a) Develop, impose, and enforce standards which must
5586 be met by individuals in order to receive a license as a nursing
5587 home administrator, which standards shall be designed to * * *
5588 ensure that nursing home administrators will be individuals who
5589 are * * * suitable, and who, by training or experience in the



5590 field of institutional administration, are qualified to serve as
5591 nursing home administrators;

5592 (b) Develop and apply appropriate techniques, including
5593 examinations and investigations, for determining whether an
5594 individual meets such standards;

5595 (c) Issue licenses to individuals determined, after the
5596 application of such techniques, to meet such standards, and revoke
5597 or suspend licenses previously issued by the board in any case
5598 where the individual holding any such license is determined
5599 substantially to have failed to conform to the requirements of
5600 such standards;

5601 (d) Establish and carry out procedures designed
5602 to * * * ensure that individuals licensed as nursing home
5603 administrators will, during any period that they serve as such,
5604 comply with the requirements of such standards;

5605 (e) Receive, investigate, and take appropriate action
5606 with respect to any charge or complaint filed with the board to
5607 the effect that any individual licensed as a nursing home
5608 administrator has failed to comply with the requirements of such
5609 standards;

5610 (f) Conduct a continuing study and investigation of
5611 nursing homes and administrators of nursing homes within the state
5612 with a view to the improvement of the standards imposed for the
5613 licensing of such administrators and of procedures and methods for



5614 the enforcement of such standards with respect to administrators
5615 of nursing homes who have been licensed as such; and

5616 (g) To devise and implement an educational program
5617 designed to increase the professional proficiency of nursing home
5618 administrators and to assist otherwise qualified individuals to
5619 prepare for careers in nursing home administration.

5620 **SECTION 60.** Section 73-17-11, Mississippi Code of 1972, is
5621 amended as follows:

5622 73-17-11. (1) From and after July 1, 2011, in order to be
5623 eligible to be licensed as a nursing home administrator, an
5624 individual must submit evidence satisfactory to the board that he
5625 or she:

5626 (a) Is at least twenty-one (21) years of age;

5627 (b) * * * Has not been convicted of a disqualifying
5628 crime as provided in the Fresh Start Act, including evidence of a
5629 criminal background check within the last six (6) months, under
5630 Section 43-11-13 and Section G.407.3 of the Minimum Standards for
5631 Institutions for the Aged or Infirm;

5632 (c) Is in good health;

5633 (d) Has satisfied at least one (1) of the following
5634 requirements for education and experience:

5635 (i) Has sixty-four (64) hours of college work from
5636 an accredited institution and has worked in a supervisory capacity
5637 in a Mississippi-licensed nursing home for a minimum of two (2)



5638 years immediately before making application for the
5639 Administrator-in-Training Program established by board rule;
5640 (ii) Has an associate degree from an accredited
5641 institution and has worked in a supervisory capacity in a
5642 Mississippi-licensed nursing home for a minimum of two (2) years
5643 immediately before making application for the
5644 Administrator-in-Training Program established by board rule;
5645 (iii) Has a bachelor's degree in any other field
5646 of study from an accredited institution before making application
5647 for the Administrator-in-Training Program established by board
5648 rule; or
5649 (iv) Has a bachelor's degree in health care
5650 administration or a health care related field or business from an
5651 accredited institution before making application for the
5652 Administrator-in-Training Program established by board rule;
5653 (e) Has (i) completed a nursing home
5654 Administrator-in-Training Program and successfully completed the
5655 National Association of Long-Term Care Administrator Board (NAB)
5656 examination, or (ii) completed an Administrator-in-Training
5657 Program in Long-Term Care Administration from an academic
5658 institution during which time the institution held National
5659 Association of Long-Term Care Administrator Board (NAB) Program
5660 Approval through the academic approval process, to the
5661 satisfaction of the board;



5662 (f) Has successfully passed the National Association of
5663 Long-Term Care Administrator Board (NAB) examination and the
5664 Mississippi State Board of Nursing Home Administrators examination
5665 to test his or her proficiency and basic knowledge in the area of
5666 nursing home administration. The board may establish the
5667 frequency of the offering of those examinations and the contents
5668 thereof; and

5669 (g) Has met all of the requirements established by
5670 federal law.

5671 (2) The board is authorized to conduct a criminal history
5672 records check on applicants for licensure. In order to determine
5673 the applicant's suitability for licensing, the applicant shall be
5674 fingerprinted. The board shall submit the fingerprints to the
5675 Department of Public Safety for a check of the state criminal
5676 records and forward to the Federal Bureau of Investigation for a
5677 check of the national criminal records. The Department of Public
5678 Safety shall disseminate the results of the state check and the
5679 national check to the board for a suitability determination. The
5680 applicant shall not be charged any of the costs of requesting and
5681 obtaining the state and national criminal history records
5682 information on the applicant.

5683 (3) Reciprocity shall be extended to individuals holding
5684 licenses as nursing home administrators in other states, upon
5685 proper application and a finding on the part of the board that:



5686 (a) The applicant possesses the basic qualifications
5687 listed in this chapter and in the rules and regulations adopted
5688 under federal law;

5689 (b) The applicant has met all of the requirements
5690 established by federal law; and

5691 (c) The standards for licensure in the other states are
5692 at least the substantial equivalent of those in this state,
5693 including education and experience, and the applicant has passed
5694 both the National Association of Long-Term Care Administrator
5695 Board (NAB) and the state exams.

5696 The issuance of a license by reciprocity to a
5697 military-trained applicant, military spouse or person who
5698 establishes residence in this state shall be subject to the
5699 provisions of Section 73-50-1 or 73-50-2, as applicable.

5700 (4) The board may prescribe appropriate fees for the taking
5701 of those examinations and for the issuance of licenses. Those
5702 fees shall be not more than the cost of the examinations and Five
5703 Hundred Fifty Dollars (\$550.00) for the issuance of a license.
5704 However, the fee for an initial license may be prorated in
5705 proportion to the period of time from the date of issuance and the
5706 date of biennial license renewal prescribed in subsection (5).
5707 All licenses issued under this chapter shall be for a maximum
5708 period of two (2) years.

5709 (5) Except as provided in Section 33-1-39, the board may
5710 renew licenses biennially upon the payment of a fee to be



5711 established by the board, which shall be not more than Five
5712 Hundred Fifty Dollars (\$550.00), plus any administrative costs for
5713 late payment.

5714 (6) Any person who is not licensed under this chapter on
5715 July 1, 2011, who makes application with the board on or before
5716 June 30, 2012, may qualify for a license under this chapter
5717 provided that on or before January 31, 2014, he or she
5718 demonstrates to the satisfaction of the board that he or she (a)
5719 meets the eligibility requirements for a nursing home
5720 administrator's license prescribed in this section as those
5721 requirements existed on June 30, 2011; (b) has successfully
5722 completed the Administrator-in-Training Program requirements
5723 existing on June 30, 2011; and (c) has paid all required fees for
5724 licensure.

5725 (7) Current licensure by the Department of Mental Health
5726 under Section 41-4-7(r) as a mental health/intellectual disability
5727 program administrator shall exempt the licensee from the
5728 requirement of licensure as a nursing home administrator if the
5729 licensee is employed in the state mental health system as
5730 Administrator of Intermediate Care Facility or Facilities for
5731 Persons with Intellectual Disabilities (ICF/ID) no larger than
5732 sixteen (16) beds.

5733 (8) Any member of the Legislature who serves on the Public
5734 Health and/or Medicaid Committee who is a licensed nursing home



5735 administrator shall be exempt from continuing education
5736 requirements for license renewal.

5737 **SECTION 61.** Section 73-19-17, Mississippi Code of 1972, is
5738 amended as follows:

5739 73-19-17. Any person over the age of twenty-one (21)
5740 years * * * who has graduated from a reputable school or college
5741 of optometry, shall be entitled to stand for the examination for
5742 license to practice optometry in Mississippi. The examining Board
5743 of Optometry shall keep on file a list of schools or colleges of
5744 optometry which are recognized by said board. The examination to
5745 practice optometry shall consist of tests in practical,
5746 theoretical and physiological optics, in theoretical and practical
5747 optometry and in anatomy and physiology of the eye and in
5748 pathology as applied to optometry. The State Board of Optometry
5749 shall not examine or certify any optometrist in any therapeutic
5750 procedures unless the optometrist has successfully completed the
5751 proper didactic education and supervised clinical training taught
5752 by an institution accredited by a regional or professional
5753 accreditation organization that is recognized or approved by the
5754 Council on Postsecondary Accreditation of the United States
5755 Department of Education, or its successor, and approved by the
5756 State Board of Optometry with the advice and consultation of the
5757 designated members of the State Board of Medical Licensure and the
5758 State Board of Pharmacy.



5759 **SECTION 62.** Section 73-21-85, Mississippi Code of 1972, is
5760 amended as follows:

5761 73-21-85. (1) To obtain a license to engage in the practice
5762 of pharmacy by examination, or by score transfer, the applicant
5763 shall:

5764 (a) Have submitted a written application on the form
5765 prescribed by the board;

5766 * * *

5767 (* * * b) Have graduated from a school or college of
5768 pharmacy accredited by the American Council of Pharmaceutical
5769 Education and have been granted a pharmacy degree therefrom;

5770 (* * * c) Have successfully passed an examination
5771 approved by the board;

5772 (* * * d) Have paid all fees specified by the board for
5773 examination, not to exceed the cost to the board of administering
5774 the examination;

5775 (* * * e) Have paid all fees specified by the board for
5776 licensure; and

5777 (* * * f) Have submitted evidence of externship and/or
5778 internship as specified by the board.

5779 (2) To obtain a license to engage in the practice of
5780 pharmacy, a foreign pharmacy graduate applicant shall obtain the
5781 National Association of Boards of Pharmacy's Foreign Pharmacy
5782 Graduate Examination Committee's certification, which shall
5783 include, but not be limited to, successfully passing the Foreign



5784 Pharmacy Graduate Equivalency Examination and attaining a total
5785 score of at least five hundred fifty (550) on the Test of English
5786 as a Foreign Language (TOEFL), and shall:

5787 (a) Have submitted a written application on the form
5788 prescribed by the board;

5789 * * *

5790 (* * * b) Have graduated and been granted a pharmacy
5791 degree from a college or school of pharmacy recognized and
5792 approved by the National Association of Boards of Pharmacy's
5793 Foreign Pharmacy Graduate Examination Committee;

5794 (* * * c) Have paid all fees specified by the board for
5795 examination, not to exceed the cost to the board of administering
5796 the examination;

5797 (* * * d) Have successfully passed an examination
5798 approved by the board;

5799 (* * * e) Have completed the number of internship hours
5800 as set forth by regulations of the board; and

5801 (* * * f) Have paid all fees specified by the board for
5802 licensure.

5803 (3) Each application or filing made under this section shall
5804 include the social security number(s) of the applicant in
5805 accordance with Section 93-11-64.

5806 (4) * * * The board shall conduct a criminal history records
5807 check on all applicants for a license. In order to determine the
5808 applicant's suitability for licensing, the applicant shall be



5809 fingerprinted. The board shall submit the fingerprints to the
5810 Department of Public Safety for a check of the state criminal
5811 records and forward to the Federal Bureau of Investigation for a
5812 check of the national criminal records. The Department of Public
5813 Safety shall disseminate the results of the state check and the
5814 national check to the board for a suitability determination. The
5815 board shall be authorized to collect from the applicant the amount
5816 of the fee that the Department of Public Safety charges the board
5817 for the fingerprinting, whether manual or electronic, and the
5818 state and national criminal history records checks.

5819 (5) * * * The board, upon request of the Dean of the
5820 University of Mississippi School of Pharmacy, shall be authorized
5821 to conduct a criminal history records check on all applicants for
5822 enrollment into the School of Pharmacy. In order to determine the
5823 applicant's suitability for enrollment and licensing, the
5824 applicant shall be fingerprinted. The board shall submit the
5825 fingerprints to the Department of Public Safety for a check of the
5826 state criminal records and forward to the Federal Bureau of
5827 Investigation for a check of the national criminal records. The
5828 Department of Public Safety shall disseminate the results of the
5829 state check and the national check to the board for a suitability
5830 determination and the board shall forward the results to the Dean
5831 of the School of Pharmacy. The board shall be authorized to
5832 collect from the applicant the amount of the fee that the
5833 Department of Public Safety charges the board for the



5834 fingerprinting, whether manual or electronic, and the state and
5835 national criminal history records checks.

5836 **SECTION 63.** Section 73-21-87, Mississippi Code of 1972, is
5837 amended as follows:

5838 73-21-87. (1) To obtain a license to engage in the practice
5839 of pharmacy by reciprocity or license transfer, the applicant
5840 shall:

5841 (a) Have submitted a written application on the form
5842 prescribed by the board;

5843 * * *

5844 (* * * b) Have possessed at the time of initial
5845 licensure as a pharmacist such other qualifications necessary to
5846 have been eligible for licensure at that time in that state;

5847 (* * * c) Have presented to the board proof that any
5848 license or licenses granted to the applicant by any other states
5849 have not been suspended, revoked, cancelled or otherwise
5850 restricted for any reason except nonrenewal or the failure to
5851 obtain required continuing education credits; and

5852 (* * * d) Have paid all fees specified by the board for
5853 licensure.

5854 (2) No applicant shall be eligible for licensure by
5855 reciprocity or license transfer unless the state in which the
5856 applicant was initially licensed also grants a reciprocal license
5857 or transfer license to pharmacists licensed by this state under
5858 like circumstances and conditions.



5859 (3) The issuance of a license by reciprocity to a
5860 military-trained applicant, military spouse or person who
5861 establishes residence in this state shall be subject to the
5862 provisions of Section 73-50-1 or 73-50-2, as applicable.

5863 (4) Each application or filing made under this section shall
5864 include the social security number(s) of the applicant in
5865 accordance with Section 93-11-64.

5866 **SECTION 64.** Section 73-21-111, Mississippi Code of 1972, is
5867 amended as follows:

5868 73-21-111. (1) The board shall make, adopt, amend and
5869 repeal, from time to time, such rules and regulations for the
5870 regulation of supportive personnel as may be deemed necessary by
5871 the board.

5872 (2) Every person who acts or serves as a pharmacy technician
5873 in a pharmacy that is located in this state and permitted by the
5874 board shall obtain a registration from the board. To obtain a
5875 pharmacy technician registration the applicant must:

5876 (a) Have submitted a written application on a form(s)
5877 prescribed by the board; and

5878 * * *

5879 (* * *b) Have paid the initial registration fee not to
5880 exceed One Hundred Dollars (\$100.00).

5881 (3) Each pharmacy technician shall renew his or her
5882 registration annually. To renew his or her registration, a
5883 technician must:



5884 (a) Submit an application on a form prescribed by the
5885 board; and

5886 (b) Pay a renewal fee not to exceed One Hundred Dollars
5887 (\$100.00) for each annual registration period. The board may add
5888 a surcharge of not more than Five Dollars (\$5.00) to the
5889 registration renewal fee to assist in funding a program that
5890 assists impaired pharmacists, pharmacy students and pharmacy
5891 technicians.

5892 (4) * * * The board shall conduct a criminal history records
5893 check on all applicants for a license. In order to determine the
5894 applicant's suitability for licensing, the applicant shall be
5895 fingerprinted. The board shall submit the fingerprints to the
5896 Department of Public Safety for a check of the state criminal
5897 records and forward to the Federal Bureau of Investigation for a
5898 check of the national criminal records. The Department of Public
5899 Safety shall disseminate the results of the state check and the
5900 national check to the board for a suitability determination. The
5901 board shall be authorized to collect from the applicant the amount
5902 of the fee that the Department of Public Safety charges the board
5903 for the fingerprinting, whether manual or electronic, and the
5904 state and national criminal history records checks.

5905 **SECTION 65.** Section 73-23-47, Mississippi Code of 1972, is
5906 amended as follows:

5907 73-23-47. (1) Any person who desires to be licensed under
5908 this chapter must: (a) * * * have graduated from a physical



5909 therapy or physical therapist assistant program, as the case may
5910 be, accredited by an agency recognized by the United States
5911 Department of Education, Office on Postsecondary Education; and
5912 (* * *b) pay a nonrefundable examination fee as set by the board;
5913 (* * *c) pay an application fee, no part of which shall be
5914 refunded; (* * *d) be examined for licensure by the board; and
5915 meet the requirements established by the rules of the board. The
5916 licensure examination for physical therapists and for physical
5917 therapist assistants shall be selected by the board and may also
5918 include an oral examination or practical examination or both at
5919 the discretion of the board.

5920 (2) Any person who desires to exercise the privilege to
5921 practice under the Physical Therapy Licensure Compact must
5922 complete the terms and provisions of the compact as prescribed in
5923 Section 73-23-101.

5924 (3) Each application or filing made under this section shall
5925 include the social security number(s) of the applicant in
5926 accordance with Section 93-11-64.

5927 **SECTION 66.** Section 73-23-51, Mississippi Code of 1972, is
5928 amended as follows:

5929 73-23-51. (1) The board may license as a physical therapist
5930 or as a physical therapist assistant, and furnish a certificate of
5931 licensure without examination to, any applicant who presents
5932 evidence, satisfactory to the board, of having passed an
5933 examination before a similar lawfully authorized examining agency



5934 or board in physical therapy of another state or the District of
5935 Columbia, if the standards for registration in physical therapy or
5936 for licensure as a physical therapist assistant in such other
5937 state or district are determined by the board to be as high as
5938 those of this state. The issuance of a license by reciprocity to
5939 a military-trained applicant, military spouse or person who
5940 establishes residence in this state shall be subject to the
5941 provisions of Section 73-50-1 or 73-50-2, as applicable.

5942 (2) Any person who has been trained as a physical therapist
5943 in a foreign country and desires to be licensed under this chapter
5944 and who: (a) * * * holds a diploma from an educational program
5945 for physical therapists approved by the board; (* * *b) submits
5946 documentary evidence to the board that he has completed a course
5947 of professional instruction substantially equivalent to that
5948 obtained by an applicant for licensure; (* * *c) demonstrates
5949 satisfactory proof of proficiency in the English language; and
5950 (* * *d) meets other requirements established by rules of the
5951 board, may make application on a form furnished by the board for
5952 examination as a foreign-trained physical therapist. At the time
5953 of making such application, the applicant shall pay the fee
5954 prescribed by the board, no portion of which shall be returned.

5955 Any person who desires to be licensed under this subsection
5956 shall take an examination approved by the board and shall obtain a
5957 permanent license. If this requirement is not met, the license of
5958 the foreign-trained therapist may be revoked.



5959 **SECTION 67.** Section 73-24-19, Mississippi Code of 1972, is
5960 amended as follows:

5961 73-24-19. (1) An applicant applying for a license as an
5962 occupational therapist or as an occupational therapy assistant
5963 shall file a written application on forms provided by the board,
5964 showing to the satisfaction of the board that he or she meets the
5965 following requirements:

5966 * * *

5967 (* * * a) Has been awarded a degree from an education
5968 program in occupational therapy recognized by the board, with a
5969 concentration of instruction in basic human sciences, the human
5970 development process, occupational tasks and activities, the
5971 health-illness-health continuum, and occupational therapy theory
5972 and practice:

5973 (i) For an occupational therapist, such program
5974 shall be accredited by the Accreditation Council for Occupational
5975 Therapy Education of the American Occupational Therapy Association
5976 or the board-recognized accrediting body;

5977 (ii) For an occupational therapy assistant, such a
5978 program shall be accredited by the Accreditation Council for
5979 Occupational Therapy Education of the American Occupational
5980 Therapy Association or the board-recognized accrediting body;

5981 (* * * b) Has successfully completed a period of
5982 supervised fieldwork experience at a recognized educational



5983 institution or a training program approved by the educational
5984 institution where he or she met the academic requirements:

5985 (i) For an occupational therapist, the required
5986 supervised fieldwork experience shall meet current national
5987 standards that are published annually by the board;

5988 (ii) For an occupational therapy assistant, the
5989 required supervised fieldwork experience shall meet national
5990 standards that are published annually by the board.

5991 (2) The board shall approve an examination for occupational
5992 therapists and an examination for occupational therapy assistants
5993 that will be used as the examination for licensure.

5994 (3) Any person applying for licensure shall, in addition to
5995 demonstrating his or her eligibility in accordance with the
5996 requirements of this section, make application to the board for
5997 review of proof of his or her eligibility for certification by the
5998 National Board for Certification in Occupational Therapy, Inc.
5999 (NBCOT), or its successor organization, on a form and in such a
6000 manner as the board shall prescribe. The application shall be
6001 accompanied by the fee fixed in accordance with the provisions of
6002 Section 73-24-29. The board shall establish standards for
6003 acceptable performance on the examination. A person who fails an
6004 examination may apply for reexamination upon payment of the
6005 prescribed fee.

6006 (4) Applicants for licensure shall be examined at a time and
6007 place and under such supervision as the board may require. The



6008 board shall give reasonable public notice of these examinations in
6009 accordance with its rules and regulations.

6010 (5) An applicant may be licensed as an occupational
6011 therapist if he or she: (a) has practiced as an occupational
6012 therapy assistant for four (4) years, (b) has completed the
6013 requirements of a period of six (6) months of supervised fieldwork
6014 experience at a recognized educational institution or a training
6015 program approved by a recognized accredited educational
6016 institution before January 1, 1988, and (c) has passed the
6017 examination for occupational therapists.

6018 (6) An applicant applying for a compact privilege to
6019 practice as an occupational therapist or as an occupational
6020 therapy assistant must meet the requirements set out in the
6021 Occupational Therapy Licensure Compact provided for in Section
6022 73-24-51.

6023 (7) Each application or filing made under this section shall
6024 include the social security number(s) of the applicant in
6025 accordance with Section 93-11-64.

6026 **SECTION 68.** Section 73-24-21, Mississippi Code of 1972, is
6027 amended as follows:

6028 73-24-21. (1) The board shall grant a license to any person
6029 certified prior to July 1, 1988, as an Occupational Therapist
6030 Registered (OTR) or a Certified Occupational Therapy Assistant
6031 (COTA) by the American Occupational Therapy Association (AOTA).
6032 The board may waive the examination, education or experience



6033 requirements and grant a license to any person certified by AOTA
6034 after July 1, 1988, if the board determines the requirements for
6035 such certification are equivalent to the requirements for
6036 licensure in this article.

6037 (2) The board may waive the examination, education or
6038 experience requirements and grant a license to any applicant who
6039 shall present proof of current licensure as an occupational
6040 therapist or occupational therapy assistant in another state, the
6041 District of Columbia or territory of the United States which
6042 requires standards for licensure considered by the board to be
6043 equivalent to the requirements for licensure of this article. The
6044 issuance of a license by reciprocity to a military-trained
6045 applicant, military spouse or person who establishes residence in
6046 this state shall be subject to the provisions of Section 73-50-1
6047 or 73-50-2, as applicable.

6048 (3) Foreign-trained occupational therapists and occupational
6049 therapy assistants shall satisfy the examination requirements of
6050 Section 73-24-19. The board shall require foreign-trained
6051 applicants to furnish proof of * * * completion of educational and
6052 supervised fieldwork requirements substantially equal to those
6053 contained in Section 73-24-19 before taking the examination.

6054 **SECTION 69.** Section 73-25-3, Mississippi Code of 1972, is
6055 amended as follows:

6056 73-25-3. Every person who desires to obtain a license to
6057 practice medicine must apply therefor, in writing, to the State



6058 Board of Medical Licensure at least ten (10) days before the date
6059 of the examination and must be examined by the board according to
6060 the methods deemed by it to be the most practical and expeditious
6061 to test the applicants' qualifications. If the applicant is found
6062 by the board, upon examination, to possess sufficient learning in
6063 those branches * * *, the board shall issue him a license to
6064 practice medicine; however, no applicant shall be granted a
6065 license unless the applicant holds a diploma from a reputable
6066 medical college or college of osteopathic medicine that requires a
6067 four-year course of at least thirty-two (32) weeks for each
6068 session, or its equivalent.

6069 To qualify for a Mississippi medical license, an applicant
6070 must have successfully been cleared for licensure through an
6071 investigation that shall consist of a * * * verification that the
6072 prospective licensee is not guilty of or in violation of any
6073 statutory ground for denial of licensure as set forth in Sections
6074 73-25-29 and 73-25-83. To assist the board in conducting its
6075 licensure investigation, all applicants shall undergo a
6076 fingerprint-based criminal history records check of the
6077 Mississippi central criminal database and the Federal Bureau of
6078 Investigation criminal history database. Each applicant shall
6079 submit a full set of the applicant's fingerprints in a form and
6080 manner prescribed by the board, which shall be forwarded to the
6081 Mississippi Department of Public Safety (department) and the



6082 Federal Bureau of Investigation Identification Division for this
6083 purpose.

6084 Any and all state or national criminal history records
6085 information obtained by the board that is not already a matter of
6086 public record shall be deemed nonpublic and confidential
6087 information restricted to the exclusive use of the board, its
6088 members, officers, investigators, agents and attorneys in
6089 evaluating the applicant's eligibility or disqualification for
6090 licensure, and shall be exempt from the Mississippi Public Records
6091 Act of 1983. Except when introduced into evidence in a hearing
6092 before the board to determine licensure, no such information or
6093 records related thereto shall, except with the written consent of
6094 the applicant or by order of a court of competent jurisdiction, be
6095 released or otherwise disclosed by the board to any other person
6096 or agency.

6097 The board shall provide to the department the fingerprints of
6098 the applicant, any additional information that may be required by
6099 the department, and a form signed by the applicant consenting to
6100 the check of the criminal records and to the use of the
6101 fingerprints and other identifying information required by the
6102 state or national repositories.

6103 The board shall charge and collect from the applicant, in
6104 addition to all other applicable fees and costs, such amount as
6105 may be incurred by the board in requesting and obtaining state and
6106 national criminal history records information on the applicant.



6107 This section shall not apply to applicants for a special
6108 volunteer medical license authorized under Section 73-25-18.

6109 **SECTION 70.** Section 73-25-14, Mississippi Code of 1972, is
6110 amended as follows:

6111 73-25-14. (1) Except as provided in Section 33-1-39, the
6112 license of every person licensed to practice medicine or
6113 osteopathy in the State of Mississippi shall be renewed annually.

6114 On or before May 1 of each year, the State Board of Medical
6115 Licensure shall mail a notice of renewal of license to every
6116 physician or osteopath to whom a license was issued or renewed
6117 during the current licensing year. The notice shall provide
6118 instructions for obtaining and submitting applications for
6119 renewal. The State Board of Medical Licensure is authorized to
6120 make applications for renewal available via electronic means. The
6121 applicant shall obtain and complete the application and submit it
6122 to the board in the manner prescribed by the board in the notice
6123 before June 30 with the renewal fee of an amount established by
6124 the board, but not to exceed Three Hundred Dollars (\$300.00), a
6125 portion of which fee shall be used to support a program to aid
6126 impaired physicians and osteopaths. The payment of the annual
6127 license renewal fee shall be optional with all physicians over the
6128 age of seventy (70) years. Upon receipt of the application and
6129 fee, the board shall verify the accuracy of the application and
6130 issue to applicant a certificate of renewal for the ensuing year,
6131 beginning July 1 and expiring June 30 of the succeeding calendar



6132 year. That renewal shall render the holder thereof a legal
6133 practitioner as stated on the renewal form.

6134 (2) Any physician or osteopath practicing in Mississippi who
6135 allows his or her license to lapse by failing to renew the license
6136 as provided in subsection (1) may be reinstated by the board on
6137 satisfactory explanation for the failure to renew, by completion
6138 of a reinstatement form, and upon payment of the renewal fee for
6139 the current year, and shall be assessed a fine of Twenty-five
6140 Dollars (\$25.00) plus an additional fine of Five Dollars (\$5.00)
6141 for each month thereafter that the license renewal remains
6142 delinquent.

6143 (3) Any physician or osteopath not practicing in Mississippi
6144 who allows his or her license to lapse by failing to renew the
6145 license as provided in subsection (1) may be reinstated by the
6146 board on satisfactory explanation for the failure to renew, by
6147 completion of a reinstatement form and upon payment of the
6148 arrearages for the previous five (5) years and the renewal fee for
6149 the current year.

6150 (4) Any physician or osteopath who allows his or her license
6151 to lapse shall be notified by the board within thirty (30) days of
6152 that lapse.

6153 (5) Any person practicing as a licensed physician or
6154 osteopath during the time his or her license has lapsed shall be
6155 considered an illegal practitioner and shall be subject to
6156 penalties provided for violation of the Medical Practice Act, if



6157 he or she had not submitted the required reinstatement form and
6158 fee within fifteen (15) days after notification by the board of
6159 the lapse.

6160 (6) Any physician or osteopath practicing in the State of
6161 Mississippi whose license has lapsed and is deemed an illegal
6162 practitioner under subsection (5) of this section may petition the
6163 board for reinstatement of his or her license on a retroactive
6164 basis, if the physician or osteopath was unable to meet the June
6165 30 deadline due to extraordinary or other legitimate reasons, and
6166 retroactive reinstatement of licensure shall be granted or may be
6167 denied by the board only for good cause. Failure to advise the
6168 board of change of address shall not be considered a basis of
6169 reinstatement.

6170 (7) None of the fees or fines provided for in this section
6171 shall be applicable to the renewal of a special volunteer medical
6172 license authorized under Section 73-25-18.

6173 (8) Fees collected under the provisions of this section
6174 shall be used by the board to defray expenses of administering the
6175 licensure provisions of the Medical Practice Act (Title 73,
6176 Chapter 25, Mississippi Code of 1972) and to support a program to
6177 aid impaired physicians and osteopaths in an amount determined by
6178 the board.

6179 (9) In order for a physician or osteopath whose medical
6180 license has been expired for five (5) years or more to qualify for
6181 reinstatement of license, the physician or osteopath must have



6182 successfully been cleared for reinstatement through an
6183 investigation that shall consist of a * * * verification that the
6184 prospective licensee is not guilty of or in violation of any
6185 statutory ground for denial of licensure as set forth in Sections
6186 73-25-29 and 73-25-83. To assist the board in conducting its
6187 licensure investigation, all applicants shall undergo a
6188 fingerprint-based criminal history records check of the
6189 Mississippi central criminal database and the Federal Bureau of
6190 Investigation criminal history database. Each applicant shall
6191 submit a full set of the applicant's fingerprints in a form and
6192 manner prescribed by the board, which shall be forwarded to the
6193 Mississippi Department of Public Safety (department) and the
6194 Federal Bureau of Investigation Identification Division for this
6195 purpose.

6196 Any and all state or national criminal history records
6197 information obtained by the board that is not already a matter of
6198 public record shall be deemed nonpublic and confidential
6199 information restricted to the exclusive use of the board, its
6200 members, officers, investigators, agents and attorneys in
6201 evaluating the applicant's eligibility or disqualification for
6202 licensure, and shall be exempt from the Mississippi Public Records
6203 Act of 1983. Except when introduced into evidence in a hearing
6204 before the board to determine licensure, no such information or
6205 records related thereto shall, except with the written consent of
6206 the applicant or by order of a court of competent jurisdiction, be



6207 released or otherwise disclosed by the board to any other person
6208 or agency.

6209 The board shall provide to the department the fingerprints of
6210 the applicant, any additional information that may be required by
6211 the department, and a form signed by the applicant consenting to
6212 the check of the criminal records and to the use of the
6213 fingerprints and other identifying information required by the
6214 state or national repositories.

6215 The board shall charge and collect from the applicant, in
6216 addition to all other applicable fees and costs, such amount as
6217 may be incurred by the board in requesting and obtaining state and
6218 national criminal history records information on the applicant.

6219 **SECTION 71.** Section 73-25-32, Mississippi Code of 1972, is
6220 amended as follows:

6221 73-25-32. (1) A person whose license to practice medicine
6222 or osteopathy has been revoked or suspended may petition the
6223 Mississippi State Board of Medical Licensure to reinstate this
6224 license after a period of not less than one (1) year has elapsed
6225 from the date of the revocation or suspension. The procedure for
6226 the reinstatement of a license that is suspended for being out of
6227 compliance with an order for support, as defined in Section
6228 93-11-153, shall be governed by Section 93-11-157 or 93-11-163, as
6229 the case may be.

6230 (2) The petition shall be accompanied by two (2) or more
6231 verified recommendations from physicians or osteopaths licensed by



6232 the Board of Medical Licensure to which the petition is addressed
6233 and by two (2) or more recommendations from citizens each having
6234 personal knowledge of the activities of the petitioner since the
6235 disciplinary penalty was imposed and such facts as may be required
6236 by the Board of Medical Licensure.

6237 The petition may be heard at the next regular meeting of the
6238 Board of Medical Licensure but not earlier than thirty (30) days
6239 after the petition was filed. No petition shall be considered
6240 while the petitioner is under sentence for any criminal offense,
6241 including any period during which he is under probation or parole.
6242 The hearing may be continued from time to time as the Board of
6243 Medical Licensure finds necessary.

6244 (3) In determining whether the disciplinary penalty should
6245 be set aside and the terms and conditions, if any, that should be
6246 imposed if the disciplinary penalty is set aside, the Board of
6247 Medical Licensure may investigate and consider all activities of
6248 the petitioner since the disciplinary action was taken against
6249 him, the offense for which he was disciplined, his activity during
6250 the time his certificate was in good standing, his general
6251 reputation for truth * * * and professional ability * * *; and it
6252 may require the petitioner to pass an oral examination.

6253 (4) The investigation shall require the petitioner to
6254 undergo a fingerprint-based criminal history records check of the
6255 Mississippi central criminal database and the Federal Bureau of
6256 Investigation criminal history database. Each petitioner shall



6257 submit a full set of the petitioner's fingerprints in a form and
6258 manner prescribed by the board, which shall be forwarded to the
6259 Mississippi Department of Public Safety (department) and the
6260 Federal Bureau of Investigation Identification Division for this
6261 purpose.

6262 Any and all state or national criminal history records
6263 information obtained by the board that is not already a matter of
6264 public record shall be deemed nonpublic and confidential
6265 information restricted to the exclusive use of the board, its
6266 members, officers, investigators, agents and attorneys in
6267 evaluating the applicant's eligibility or disqualification for
6268 licensure, and shall be exempt from the Mississippi Public Records
6269 Act of 1983. Except when introduced into evidence in a hearing
6270 before the board to determine licensure, no such information or
6271 records related thereto shall, except with the written consent of
6272 the applicant or by order of a court of competent jurisdiction, be
6273 released or otherwise disclosed by the board to any other person
6274 or agency.

6275 The board shall provide to the department the fingerprints of
6276 the petitioner, any additional information that may be required by
6277 the department, and a form signed by the petitioner consenting to
6278 the check of the criminal records and to the use of the
6279 fingerprints and other identifying information required by the
6280 state or national repositories.



6281 The board shall charge and collect from the petitioner, in
6282 addition to all other applicable fees and costs, such amount as
6283 may be incurred by the board in requesting and obtaining state and
6284 national criminal history records information on the applicant.

6285 (5) The Secretary-Treasurer of the Board of Medical
6286 Licensure shall enter into his records of the case all actions of
6287 the board in setting aside a disciplinary penalty under this
6288 section and he shall certify notices to the proper court clerk.
6289 The clerk shall make such changes on his records as may be
6290 necessary.

6291 **SECTION 72.** Section 73-26-3, Mississippi Code of 1972, is
6292 amended as follows:

6293 73-26-3. (1) The State Board of Medical Licensure shall
6294 license and regulate the practice of physician assistants in
6295 accordance with the provisions of this chapter.

6296 (2) All physician assistants who are employed as physician
6297 assistants by a Department of Veterans Affairs health care
6298 facility, a branch of the United States military or the Federal
6299 Bureau of Prisons, and who are practicing as physician assistants
6300 in a federal facility in Mississippi on July 1, 2000, and those
6301 physician assistants who trained in a Mississippi physician
6302 assistant program and have been continuously practicing as a
6303 physician assistant in Mississippi since 1976, shall be eligible
6304 for licensure if they submit an application for licensure to the
6305 board by December 31, 2000. Physician assistants licensed under



6306 this subsection will be eligible for license renewal so long as
6307 they meet standard renewal requirements.

6308 (3) Before December 31, 2004, applicants for physician
6309 assistant licensure, except those licensed under subsection (2) of
6310 this section, must be graduates of physician assistant educational
6311 programs accredited by the Commission on Accreditation of Allied
6312 Health Educational Programs or its predecessor or successor
6313 agency, have passed the certification examination administered by
6314 the National Commission on Certification of Physician Assistants
6315 (NCCPA), have current NCCPA certification, and possess a minimum
6316 of a baccalaureate degree. Physician assistants meeting these
6317 licensure requirements will be eligible for license renewal so
6318 long as they meet standard renewal requirements.

6319 (4) On or after December 31, 2004, applicants for physician
6320 assistant licensure must meet all of the requirements in
6321 subsection (3) of this section and, in addition, must have
6322 obtained a minimum of a master's degree in a health-related or
6323 science field.

6324 (5) Applicants for licensure who meet all licensure
6325 requirements except for the master's degree may be granted a
6326 temporary license by the board so long as they can show proof of
6327 enrollment in a master's program that will, when completed, meet
6328 the master's degree requirement. The temporary license will be
6329 valid for no longer than one (1) year, and may not be renewed.



6330 (6) For new graduate physician assistants and all physician
6331 assistants receiving initial licenses in the state, except those
6332 licensed under subsection (2) of this section, supervision shall
6333 require the on-site presence of a supervising physician for one
6334 hundred twenty (120) days.

6335 (7) To qualify for a Mississippi physician assistant
6336 license, an applicant must have successfully been cleared for
6337 licensure through an investigation that shall consist of a * * *
6338 verification that the prospective licensee is not guilty of or in
6339 violation of any statutory ground for denial of licensure. To
6340 assist the board in conducting its licensure investigation, all
6341 applicants shall undergo a fingerprint-based criminal history
6342 records check of the Mississippi central criminal database and the
6343 Federal Bureau of Investigation criminal history database. Each
6344 applicant shall submit a full set of the applicant's fingerprints
6345 in a form and manner prescribed by the board, which shall be
6346 forwarded to the Mississippi Department of Public Safety
6347 (department) and the Federal Bureau of Investigation
6348 Identification Division for this purpose.

6349 Any and all state or national criminal history records
6350 information obtained by the board that is not already a matter of
6351 public record shall be deemed nonpublic and confidential
6352 information restricted to the exclusive use of the board, its
6353 members, officers, investigators, agents and attorneys in
6354 evaluating the applicant's eligibility or disqualification for



6355 licensure, and shall be exempt from the Mississippi Public Records
6356 Act of 1983. Except when introduced into evidence in a hearing
6357 before the board to determine licensure, no such information or
6358 records related thereto shall, except with the written consent of
6359 the applicant or by order of a court of competent jurisdiction, be
6360 released or otherwise disclosed by the board to any other person
6361 or agency.

6362 The board shall provide to the department the fingerprints of
6363 the applicant, any additional information that may be required by
6364 the department, and a form signed by the applicant consenting to
6365 the check of the criminal records and to the use of the
6366 fingerprints and other identifying information required by the
6367 state or national repositories.

6368 The board shall charge and collect from the applicant, in
6369 addition to all other applicable fees and costs, such amount as
6370 may be incurred by the board in requesting and obtaining state and
6371 national criminal history records information on the applicant.

6372 **SECTION 73.** Section 73-27-5, Mississippi Code of 1972, is
6373 amended as follows:

6374 73-27-5. All applicants for license shall have attained the
6375 age of twenty-one (21) years, and shall * * * have had at least
6376 four (4) years high school and be graduates of same; they shall
6377 have at least one (1) year prepodiatry college education and be
6378 graduates of some college of podiatry recognized as being in good
6379 standing by the State Board of Medical Licensure. No college of



6380 podiatry or chiropody shall be accredited by the board as a
6381 college of good standing that does not require for graduation a
6382 course of study of at least four (4) years (eight and one-half
6383 (8-1/2) months each) and be recognized by the Council on Education
6384 of the American Podiatry Association. However, all podiatrists
6385 actively engaged in the practice of podiatry in the State of
6386 Mississippi, prior to January 1, 1938, whether graduates or not,
6387 shall, upon furnishing proof thereof by displaying their state
6388 privilege tax license to the Secretary of the State Board of
6389 Medical Licensure, and upon payment of fee of Ten Dollars and
6390 Twenty-five Cents (\$10.25), be entitled to a license without an
6391 examination, and applications for the license shall be filed not
6392 later than sixty (60) days after February 17, 1938. Upon payment
6393 of a fee prescribed by the State Board of Medical Licensure, not
6394 to exceed Five Hundred Dollars (\$500.00), a license without
6395 examination may be issued to podiatrists of other states
6396 maintaining equal statutory requirements for the practice of
6397 podiatry and extending the same reciprocal privileges to this
6398 state. The State Board of Medical Licensure may affiliate with
6399 the National Board of Chiropody or Podiatry Licensure in granting
6400 licenses to practice podiatry in Mississippi, provided the written
6401 examination covers at least two-thirds (2/3) of the subjects set
6402 forth in Section 73-27-9. The issuance of a license by
6403 reciprocity to a military-trained applicant, military spouse or



6404 person who establishes residence in this state shall be subject to
6405 the provisions of Section 73-50-1 or 73-50-2, as applicable.

6406 To qualify for a Mississippi podiatry license, an applicant
6407 must have successfully been cleared for licensure through an
6408 investigation that shall consist of a * * * verification that the
6409 prospective licensee is not guilty of or in violation of any
6410 statutory ground for denial of licensure as set forth in Section
6411 73-27-13. To assist the board in conducting its licensure
6412 investigation, all applicants shall undergo a fingerprint-based
6413 criminal history records check of the Mississippi central criminal
6414 database and the Federal Bureau of Investigation criminal history
6415 database. Each applicant shall submit a full set of the
6416 applicant's fingerprints in a form and manner prescribed by the
6417 board, which shall be forwarded to the Mississippi Department of
6418 Public Safety (department) and the Federal Bureau of Investigation
6419 Identification Division for this purpose.

6420 Any and all state or national criminal history records
6421 information obtained by the board that is not already a matter of
6422 public record shall be deemed nonpublic and confidential
6423 information restricted to the exclusive use of the board, its
6424 members, officers, investigators, agents and attorneys in
6425 evaluating the applicant's eligibility or disqualification for
6426 licensure, and shall be exempt from the Mississippi Public Records
6427 Act of 1983. Except when introduced into evidence in a hearing
6428 before the board to determine licensure, no such information or



6429 records related thereto shall, except with the written consent of
6430 the applicant or by order of a court of competent jurisdiction, be
6431 released or otherwise disclosed by the board to any other person
6432 or agency.

6433 The board shall provide to the department the fingerprints of
6434 the applicant, any additional information that may be required by
6435 the department, and a form signed by the applicant consenting to
6436 the check of the criminal records and to the use of the
6437 fingerprints and other identifying information required by the
6438 state or national repositories.

6439 The board shall charge and collect from the applicant, in
6440 addition to all other applicable fees and costs, such amount as
6441 may be incurred by the board in requesting and obtaining state and
6442 national criminal history records information on the applicant.

6443 Each application or filing made under this section shall
6444 include the social security number(s) of the applicant in
6445 accordance with Section 93-11-64.

6446 **SECTION 74.** Section 73-27-12, Mississippi Code of 1972, is
6447 amended as follows:

6448 73-27-12. (1) Except as provided in Section 33-1-39, the
6449 license of every person licensed to practice podiatry in the State
6450 of Mississippi shall be renewed annually.

6451 On or before May 1 of each year, the board shall mail a
6452 notice of renewal of license to every podiatrist to whom a license
6453 was issued or renewed during the current licensing year. The



6454 notice shall provide instructions for obtaining and submitting
6455 applications for renewal. The State Board of Medical Licensure is
6456 authorized to make applications for renewal available via
6457 electronic means. The applicant shall obtain and complete the
6458 application and submit it to the board in the manner prescribed by
6459 the board in the notice before June 30 with the renewal fee of an
6460 amount established by the board, but not to exceed Three Hundred
6461 Dollars (\$300.00), a portion of which fee shall be used to support
6462 a program to aid impaired podiatrists. Upon receipt of the
6463 application and fee, the board shall verify the accuracy of the
6464 application and issue to applicant a certificate of renewal for
6465 the ensuing year, beginning July 1 and expiring June 30 of the
6466 succeeding calendar year. That renewal shall render the holder
6467 thereof a legal practitioner as stated on the renewal form.

6468 (2) Any podiatrist practicing in Mississippi who allows his
6469 or her license to lapse by failing to renew the license as
6470 provided in subsection (1) may be reinstated by the board on
6471 satisfactory explanation for the failure to renew, by completion
6472 of a reinstatement form, and upon payment of the renewal fee for
6473 the current year, and shall be assessed a fine of Twenty-five
6474 Dollars (\$25.00) plus an additional fine of Five Dollars (\$5.00)
6475 for each month thereafter that the license renewal remains
6476 delinquent.

6477 (3) Any podiatrist not practicing in Mississippi who allows
6478 his or her license to lapse by failing to renew the license as



6479 provided in subsection (1) may be reinstated by the board on
6480 satisfactory explanation for the failure to renew, by completion
6481 of a reinstatement form and upon payment of the arrearages for the
6482 previous five (5) years and the renewal fee for the current year.

6483 (4) Any podiatrist who allows his or her license to lapse
6484 shall be notified by the board within thirty (30) days of that
6485 lapse.

6486 (5) Any person practicing as a licensed podiatrist during
6487 the time his or her license has lapsed shall be considered an
6488 illegal practitioner and shall be subject to penalties set forth
6489 in Section 73-27-17, provided that he or she has not submitted the
6490 required reinstatement form and fee within fifteen (15) days after
6491 notification by the board of the lapse.

6492 (6) Any podiatrist practicing in the State of Mississippi
6493 whose license has lapsed and is deemed an illegal practitioner
6494 under subsection (5) of this section may petition the board for
6495 reinstatement of his or her license on a retroactive basis, if the
6496 podiatrist was unable to meet the June 30 deadline due to
6497 extraordinary or other legitimate reasons, and retroactive
6498 reinstatement of licensure shall be granted or may be denied by
6499 the board only for good cause. Failure to advise the board of
6500 change of address shall not be considered a basis for
6501 reinstatement.

6502 (7) Fees collected under the provisions of this section
6503 shall be used by the board to defray expenses of administering the



6504 licensure provisions of Title 73, Chapter 27, Mississippi Code of
6505 1972, and to support a program to aid impaired podiatrists in an
6506 amount determined by the board.

6507 (8) In order for a podiatrist whose podiatric medical
6508 license has been expired for five (5) years or more to qualify for
6509 reinstatement of license, the podiatrist must have successfully
6510 been cleared for reinstatement through an investigation that shall
6511 consist of a * * * verification that the prospective licensee is
6512 not guilty of or in violation of any statutory ground for denial
6513 of licensure as set forth in Section 73-27-13. To assist the
6514 board in conducting its licensure investigation, all applicants
6515 shall undergo a fingerprint-based criminal history records check
6516 of the Mississippi central criminal database and the Federal
6517 Bureau of Investigation criminal history database. Each applicant
6518 shall submit a full set of the applicant's fingerprints in a form
6519 and manner prescribed by the board, which shall be forwarded to
6520 the Mississippi Department of Public Safety (department) and the
6521 Federal Bureau of Investigation Identification Division for this
6522 purpose.

6523 Any and all state or national criminal history records
6524 information obtained by the board that is not already a matter of
6525 public record shall be deemed nonpublic and confidential
6526 information restricted to the exclusive use of the board, its
6527 members, officers, investigators, agents and attorneys in
6528 evaluating the applicant's eligibility or disqualification for



6529 licensure, and shall be exempt from the Mississippi Public Records
6530 Act of 1983. Except when introduced into evidence in a hearing
6531 before the board to determine licensure, no such information or
6532 records related thereto shall, except with the written consent of
6533 the applicant or by order of a court of competent jurisdiction, be
6534 released or otherwise disclosed by the board to any other person
6535 or agency.

6536 The board shall provide to the department the fingerprints of
6537 the applicant, any additional information that may be required by
6538 the department, and a form signed by the applicant consenting to
6539 the check of the criminal records and to the use of the
6540 fingerprints and other identifying information required by the
6541 state or national repositories.

6542 The board shall charge and collect from the applicant, in
6543 addition to all other applicable fees and costs, such amount as
6544 may be incurred by the board in requesting and obtaining state and
6545 national criminal history records information on the applicant.

6546 **SECTION 75.** Section 73-27-16, Mississippi Code of 1972, is
6547 amended as follows:

6548 73-27-16. (1) A person whose license to practice podiatry
6549 has been revoked or suspended may petition the Mississippi State
6550 Board of Medical Licensure to reinstate this license after a
6551 period of not less than one (1) year has elapsed from the date of
6552 the revocation or suspension. The procedure for the reinstatement
6553 of a license that is suspended for being out of compliance with an



6554 order for support, as defined in Section 93-11-153, shall be
6555 governed by Section 93-11-157 or 93-11-163, as the case may be.

6556 (2) The petition shall be accompanied by two (2) or more
6557 verified recommendations from podiatrists licensed by the Board of
6558 Medical Licensure to which the petition is addressed and by two
6559 (2) or more recommendations from citizens each having personal
6560 knowledge of the activities of the petitioner since the
6561 disciplinary penalty was imposed and such facts as may be required
6562 by the board.

6563 The petition may be heard at the next regular meeting of the
6564 Board of Medical Licensure but not earlier than thirty (30) days
6565 after the petition was filed. No petition shall be considered
6566 while the petitioner is under sentence for any criminal offense,
6567 including any period during which he is under probation or parole.
6568 The hearing may be continued from time to time as the Board of
6569 Medical Licensure finds necessary. Any final action by the board
6570 on a petition under this section shall be made with the advice of
6571 the advisory committee.

6572 (3) In determining whether the disciplinary penalty should
6573 be set aside and the terms and conditions, if any, which should be
6574 imposed if the disciplinary penalty is set aside, the Board of
6575 Medical Licensure may investigate and consider all activities of
6576 the petitioner since the disciplinary action was taken against
6577 him, the offense for which he was disciplined, his activity during
6578 the time his certificate was in good standing, his general



6579 reputation for truth * * * and professional ability * * *; and it
6580 may require the petitioner to pass an oral examination.

6581 (4) The Secretary-Treasurer of the Board of Medical
6582 Licensure shall enter into his records of the case all actions of
6583 the Board of Medical Licensure in setting aside a disciplinary
6584 penalty under this section and he shall certify notices to the
6585 proper court clerk. The clerk shall make such changes on his
6586 records as may be necessary.

6587 **SECTION 76.** Section 73-29-19, Mississippi Code of 1972, is
6588 amended as follows:

6589 73-29-19. An applicant who is a polygraph examiner licensed
6590 under the laws of another state or territory of the United States
6591 may be issued a license upon payment of a fee of Fifty Dollars
6592 (\$50.00) and the production of satisfactory proof that:

- 6593 (1) He is at least twenty-one (21) years of age;
6594 (2) He is a citizen of the United States;

6595 * * *

6596 (* * *3) The requirements for the licensing of
6597 polygraph examiners in such particular state or territory of the
6598 United States were, at the date of the applicant's licensing
6599 therein, substantially equivalent to the requirements now in force
6600 in this state;

6601 (* * *4) The applicant had lawfully engaged in the
6602 administration of polygraph examinations under the laws of such



6603 state or territory for at least two (2) years prior to his
6604 application for license hereunder;

6605 (* * *5) Such other state or territory grants similar
6606 reciprocity to license holders of this state; and

6607 (* * *6) He has complied with Section 73-29-17.

6608 The issuance of a license by reciprocity to a
6609 military-trained applicant, military spouse or person who
6610 establishes residence in this state shall be subject to the
6611 provisions of Section 73-50-1 or 73-50-2, as applicable.

6612 **SECTION 77.** Section 73-30-9, Mississippi Code of 1972, is
6613 amended as follows:

6614 73-30-9. (1) The board shall issue a license as a
6615 provisional licensed professional counselor, without regard to
6616 race, religion, sex or national origin, to each applicant who
6617 furnishes satisfactory evidence of the following:

6618 (a) The applicant has completed an application on a
6619 form prescribed by the board accompanied by a nonrefundable
6620 application fee of Fifty Dollars (\$50.00).

6621 (b) The applicant is at least twenty-one (21) years of
6622 age.

6623 * * *

6624 (* * *c) The applicant is a citizen of the United
6625 States, or has an immigration document to verify legal alien work
6626 status in the United States. The immigration document must be
6627 current and issued by the United States Immigration Bureau.



6628 (* * *d) The applicant is not in violation of any of
6629 the provisions of this article and the rules and regulations
6630 adopted hereunder.

6631 (* * *e) The applicant shall have a minimum acceptable
6632 graduate semester hour or acceptable quarter-hour master's degree
6633 as determined by the board primarily in counseling or a related
6634 counseling field from a regionally or nationally accredited
6635 college or university program in counselor education or a related
6636 counseling program subject to board approval. All applicants
6637 shall provide official transcripts of all graduate work.

6638 (* * *f) The applicant must pass the examination
6639 approved by the board, as set forth in Section 73-30-7(5).

6640 (* * *g) A provisional license issued under this
6641 section shall require that the individual confine one's practice
6642 to a board-approved site and accrue counseling experience under
6643 the supervision of a board-qualified supervisor.

6644 (* * *h) The limited license shall be renewable for
6645 not more than four (4) years, with a nonrefundable license fee in
6646 the amount provided in Section 73-30-29. Licensees may appeal to
6647 the board for an extension of the renewal period.

6648 (* * *i) Each applicant for licensure shall apply to
6649 undergo a fingerprint-based criminal history records check of the
6650 Mississippi central criminal database and the Federal Bureau of
6651 Investigation criminal history database. Each applicant shall
6652 submit a full set of the applicant's fingerprints in a form and



6653 manner prescribed by the board, which shall be forwarded to the
6654 Mississippi Department of Public Safety and the Federal Bureau of
6655 Investigation Identification Division for this purpose.

6656 (2) The board shall issue a license or the privilege to
6657 practice as a licensed professional counselor, without regard to
6658 race, religion, sex or national origin, to each applicant who
6659 furnishes satisfactory evidence of the following:

6660 (a) The applicant has completed an application on a
6661 form prescribed by the board accompanied by a nonrefundable full
6662 application fee of Fifty Dollars (\$50.00).

6663 (b) The applicant is at least twenty-one (21) years of
6664 age.

6665 * * *

6666 (* * *c) The applicant is a citizen of the United
6667 States, or has an immigration document to verify legal alien work
6668 status in the United States. The immigration document must be
6669 current and issued by the United States Immigration Bureau.

6670 (* * *d) The applicant is not in violation of any of
6671 the provisions of this article and the rules and regulations
6672 adopted hereunder.

6673 (* * *e) The applicant shall have a minimum acceptable
6674 graduate semester hour or acceptable quarter-hour master's degree
6675 as determined by the board primarily in counseling or a related
6676 counseling field from a regionally or nationally accredited
6677 college or university program in counselor education or a related



6678 counseling program subject to board approval. All applicants
6679 shall provide official transcripts of all graduate work.

6680 (* * *f) The applicant for licensure must pass the
6681 examination approved by the board, as set forth in Section
6682 73-30-7(5).

6683 (* * *g) The applicant has had post graduate
6684 supervised experience in professional counseling acceptable to the
6685 board. Applicant shall submit verification of supervised
6686 experience.

6687 Each application or filing made under this section shall
6688 include the social security number(s) of the applicant in
6689 accordance with Section 93-11-64.

6690 (* * *h) The board shall require each first-time
6691 applicant for licensure or the initial privilege to practice and
6692 may require applicants for license renewal to undergo a
6693 fingerprint-based criminal history records check of the
6694 Mississippi central criminal database and the Federal Bureau of
6695 Investigation criminal history database. Each applicant for
6696 licensure and each renewal applicant as required by the board
6697 shall apply to undergo a fingerprint-based criminal history
6698 records check of the Mississippi central criminal database and the
6699 Federal Bureau of Investigation criminal history database. Each
6700 applicant shall submit a full set of the applicant's fingerprints
6701 in a form and manner prescribed by the board, which shall be
6702 forwarded to the Mississippi Department of Public Safety and the



6703 Federal Bureau of Investigation Identification Division for this
6704 purpose.

6705 (3) The board shall administer the privilege to practice in
6706 accordance with the Professional Counseling Compact.

6707 **SECTION 78.** Section 73-31-13, Mississippi Code of 1972, is
6708 amended as follows:

6709 73-31-13. The board shall issue a license as a psychologist
6710 to each applicant who files an application upon a form and in the
6711 manner as the board prescribes, accompanied by the fee as is
6712 required by this chapter; and who furnishes evidence satisfactory
6713 to the board that he or she:

6714 (a) Is at least twenty-one (21) years of age; and

6715 (b) * * * Has not been convicted of a disqualifying
6716 crime as provided in the Fresh Start Act. Applicants shall
6717 undergo a fingerprint-based criminal history records check of the
6718 Mississippi central criminal database and the Federal Bureau of
6719 Investigation criminal history database. Each applicant shall
6720 submit a full set of the applicant's fingerprints in a form and
6721 manner prescribed by the board, which shall be forwarded to the
6722 Mississippi Department of Public Safety (department) and the
6723 Federal Bureau of Investigation Identification Division for this
6724 purpose; and

6725 (c) Is not in violation of any of the provisions of
6726 this chapter and the rules and regulations adopted under this



6727 chapter, and is not currently under investigation by another
6728 licensure board; and

6729 (d) Holds a doctoral degree in psychology from an
6730 institution of higher education that is: regionally accredited by
6731 an accrediting body recognized by the United States Department of
6732 Education, or authorized by Provincial statute or Royal Charter to
6733 grant doctoral degrees. From a program accredited by the American
6734 Psychological Association, or the Canadian Psychological
6735 Association, and from a program that requires at least one (1)
6736 year of continuous, full-time residence at the educational
6737 institution granting the doctoral degree. For graduates from
6738 newly established programs seeking accreditation or in areas where
6739 no accreditation exists, applicants for licensure shall have
6740 completed a doctoral program in psychology that meets recognized
6741 acceptable professional standards as determined by the board. For
6742 applicants graduating from doctoral level psychology training
6743 programs outside of the United States of America or Canada,
6744 applicants for licensure shall have completed a doctoral program
6745 in psychology that meets recognized acceptable professional
6746 standards as determined by the board; and

6747 (e) Has completed a supervised internship from a
6748 program accredited by the American Psychological Association or
6749 the Canadian Psychological Association that meet the standards of
6750 training as defined by the board. The internship shall be
6751 comprised of at least one thousand eight hundred (1,800) hours of



6752 actual work, to include direct service, training and supervisory
6753 time; and

6754 (f) Demonstrates professional knowledge by passing
6755 written (as used in this paragraph, the term "written" means
6756 either paper and pencil or computer-administered or computerized
6757 testing) and oral examinations in psychology prescribed by the
6758 board; except that upon examination of credentials, the board may,
6759 by unanimous consent, consider these credentials adequate evidence
6760 of professional knowledge.

6761 Upon investigation of the application and other evidence
6762 submitted, the board shall, not less than thirty (30) days before
6763 the examination, notify each applicant that the application and
6764 evidence submitted is satisfactory and accepted or unsatisfactory
6765 and rejected; if rejected, the notice shall state the reasons for
6766 the rejection.

6767 The place of examination shall be designated in advance by
6768 the board, and the examination shall be given at such time and
6769 place and under such supervision as the board may determine. The
6770 examination used by the board shall consist of written tests and
6771 oral tests, and shall fairly test the applicant's knowledge and
6772 application thereof in those areas deemed relevant by the
6773 board. All examinations serve the purpose of verifying that a
6774 candidate for licensure has acquired a basic core of knowledge in
6775 the discipline of psychology and can apply that knowledge to the



6776 problems confronted in the practice of psychology within the
6777 applicant's area of practice.

6778 The board shall evaluate the results from both the written
6779 and oral examinations. The passing scores for the written and
6780 oral examinations shall be established by the board in its rules
6781 and regulations. If an applicant fails to receive a passing score
6782 on the entire examination, he or she may reapply and shall be
6783 allowed to take a later examination. An applicant who has failed
6784 two (2) successive examinations by the board may not reapply until
6785 after two (2) years from the date of the last examination failed.
6786 The board shall keep the written examination scores, and an
6787 accurate transcript of the questions and answers relating to the
6788 oral examinations, and the grade assigned to each answer thereof,
6789 as part of its records for at least two (2) years after the date
6790 of examination.

6791 Each application or filing made under this section shall
6792 include the social security number(s) of the applicant in
6793 accordance with Section 93-11-64.

6794 **SECTION 79.** Section 73-33-1, Mississippi Code of 1972, is
6795 amended as follows:

6796 73-33-1. (1) Any person residing or having a place for the
6797 regular transaction of business in the State of Mississippi * * *,
6798 and who shall have received from the State Board of Public
6799 Accountancy a license certifying his qualifications as a certified
6800 public accountant as hereinafter provided, shall be styled or



6801 known as a certified public accountant, and it shall be unlawful
6802 for any other person or persons to assume such title or use any
6803 letters, abbreviations or words to indicate that such person using
6804 same is a certified public accountant, unless such person
6805 qualifies for a practice privilege under Section 73-33-17, or at
6806 the discretion of the board, such person has been granted use of
6807 the title of "certified public accountant retired" by the
6808 Mississippi State Board of Public Accountancy or has received a
6809 reciprocal certified public accountant license from the State
6810 Board of Public Accountancy.

6811 (2) A certified public accountant practicing public
6812 accounting under a Mississippi license must be associated and
6813 registered with a certified public accountant firm.

6814 (3) The State Board of Public Accountancy shall grant and
6815 renew permits to practice as a CPA firm to applicants that
6816 demonstrate their qualifications in accordance with this section.

6817 (a) The following shall hold a permit issued under this
6818 section: any firm with an office in this state that practices
6819 public accountancy or that uses the title "CPA" or "CPA firm," and
6820 any firm that does not have an office in this state but performs
6821 the services described in Section 73-33-17(4) for a client having
6822 its home office in this state.

6823 (b) A firm that does not have an office in this state
6824 may perform a review of a financial statement to be performed in
6825 accordance with Statements on Standards for Accounting and Review



6826 Services, or a compilation as defined in Section 73-33-2(d), for a
6827 client having its home office in this state and may use the title
6828 "CPA" and "CPA firm" without a permit issued under this section
6829 only if such firm has the qualifications described in subsection
6830 (4), complies with the peer review requirements set forth by board
6831 rule, and performs such services through an individual with
6832 practice privileges under Section 73-33-17.

6833 (c) A firm that is not subject to the requirements of
6834 paragraph (a) or (b) of this subsection may perform other
6835 professional services within the practice of public accountancy
6836 while using the title "CPA" and "CPA firm" in this state without a
6837 permit issued under this section only if such firm performs such
6838 services through an individual with practice privileges under
6839 Section 73-33-17 and such firm can lawfully do so in the state
6840 where the individuals with practice privileges have their
6841 principal place of business.

6842 (4) In order to obtain and maintain a firm permit, a
6843 certified public accountant firm shall be required to show the
6844 following:

6845 (a) It is wholly owned by natural persons and not owned
6846 in whole or in part by business entities; and

6847 (b) A simple majority of the ownership of the firm in
6848 terms of financial interests and/or voting rights hold certified
6849 public accountant licenses in any state; however, the individuals
6850 whose principal place of business is in Mississippi and who



6851 perform professional services in this state shall hold a
6852 Mississippi certified public accountant license, and that
6853 individuals who qualify for practice privileges under Section
6854 73-33-17 who perform services for which a firm permit is required
6855 under Section 73-33-17(4) shall not be required to obtain a
6856 certificate pursuant to Section 73-33-3 or 73-33-9.

6857 (5) Any certified public accountant firm may include
6858 nonlicensee owners, provided that:

6859 (a) The firm designates a licensee of this state who is
6860 responsible for the proper registration of the firm and identifies
6861 that individual to the board; or in the case of a firm without a
6862 Mississippi office which must have a permit pursuant to subsection
6863 (3)(a), the firm designates a licensee of another state who meets
6864 the requirements provided in Section 73-33-17;

6865 (b) All nonlicensee owners are active individual
6866 participants in the certified public accountant firm or affiliated
6867 entities; and

6868 (c) The firm complies with such other requirements as
6869 the board may impose by rule.

6870 (6) Unless exempt from the firm permit requirement under
6871 Section 73-33-1(3), no person or persons shall engage in the
6872 practice of public accounting as defined herein as a partnership,
6873 joint venture or professional corporation, sole proprietor, or
6874 other business organization allowed by law, unless and until each
6875 business organization or office thereof located inside the State



6876 of Mississippi has registered with and been issued a firm permit
6877 by the State Board of Public Accountancy.

6878 **SECTION 80.** Section 73-38-9, Mississippi Code of 1972, is
6879 amended as follows:

6880 73-38-9. (1) To be eligible for licensure by the board as a
6881 speech-language pathologist or audiologist and to be eligible for
6882 registration as a speech-language pathology aide or audiology
6883 aide, a person shall:

6884 * * *

6885 (* * *a) (* * *i) For speech-language pathologists
6886 or audiologists, possess at least a master's degree or its
6887 equivalent in the area of speech-language pathology or audiology,
6888 as the case may be, from an educational institution recognized by
6889 the board;

6890 (* * *ii) For speech-language pathology aide or
6891 audiology aide, the board shall set minimum educational standards
6892 which shall be less than a bachelor's degree;

6893 (* * *b) For speech-language pathologists and
6894 audiologists, submit evidence of the completion of the
6895 educational, clinical experience and employment requirements,
6896 which requirements shall be based on appropriate national
6897 standards and prescribed by the rules and regulations adopted
6898 pursuant to this article;

6899 (* * *c) For speech-language pathologists and
6900 audiologists licensure applicants, pass an examination approved by



6901 the board. This examination may be taken either before or after
6902 the completion of the employment requirement specified pursuant to
6903 paragraph (c) of this subsection;

6904 (* * *d) For speech-language pathology aides and
6905 audiology aides, no examination shall be required.

6906 (2) To be eligible for the privilege to practice, applicants
6907 must meet the requirements set out in the Audiology and
6908 Speech-Language Pathology Interstate Compact.

6909 **SECTION 81.** Section 73-39-67, Mississippi Code of 1972, is
6910 amended as follows:

6911 73-39-67. (1) To obtain a license to practice veterinary
6912 medicine, a person shall file a written application and
6913 application fee with the board. The application shall show that
6914 the applicant is a graduate of an accredited college of veterinary
6915 medicine or has the educational equivalence as set by the board.
6916 The application shall also show * * * any other information and
6917 proof as the board may require.

6918 (2) If the board determines that the applicant possesses the
6919 proper qualifications, it shall admit the applicant to the next
6920 examination, or if the applicant is eligible for license by
6921 endorsement, the board may grant him a license. If an applicant
6922 is found not qualified to take the examination or for a license by
6923 endorsement, the board shall notify the applicant in writing
6924 within thirty (30) days of its finding and the grounds for its



6925 findings. An applicant found unqualified may request a hearing
6926 before the board.

6927 (3) The board may grant a temporary license to an applicant
6928 to practice veterinary medicine until the scheduled state board
6929 examination, if the applicant pays the application fee, provides
6930 sufficient evidence that he meets the qualifications for
6931 licensure, and provides evidence that he resides in the State of
6932 Mississippi. The board may grant a second temporary permit, but
6933 the board may not grant more than two (2) temporary permits to any
6934 one (1) person.

6935 (4) A person licensed by the board shall display the license
6936 in the facility in which the licensee practices.

6937 **SECTION 82.** Section 73-39-71, Mississippi Code of 1972, is
6938 amended as follows:

6939 73-39-71. (1) The board may issue a license by endorsement
6940 to an applicant who furnishes satisfactory proof that he is a
6941 graduate of an accredited college of veterinary medicine or the
6942 educational equivalence. The applicant must also show that
6943 he * * * is licensed to practice veterinary medicine in at least
6944 one (1) state, territory or district of the United States and has
6945 practiced veterinary medicine in one or more of those states
6946 without disciplinary action by any state or federal agency for at
6947 least the three (3) years immediately before filing the
6948 application.



6949 (2) The board may examine any person qualifying for
6950 licensing under this section.

6951 (3) The issuance of a license by endorsement to a
6952 military-trained applicant, military spouse or person who
6953 establishes residence in this state shall be subject to the
6954 provisions of Section 73-50-1 or 73-50-2, as applicable.

6955 **SECTION 83.** Section 73-53-13, Mississippi Code of 1972, is
6956 amended as follows:

6957 73-53-13. The board shall issue the appropriate license to
6958 applicants who meet the qualifications of this section.

6959 (a) A license as a "licensed social worker" shall be
6960 issued to an applicant who demonstrates to the satisfaction of the
6961 board that he or she meets the following qualifications:

6962 (i) Has a baccalaureate degree in social work from
6963 a college or university accredited by the Council on Social Work
6964 Education or Southern Association of Colleges and Schools and has
6965 satisfactorily completed the Association for Social Work Boards
6966 (ASWB) examination for this license; or

6967 (ii) Has a comparable license or registration from
6968 another state or territory of the United States of America that
6969 imposes qualifications substantially similar to those of this
6970 chapter.

6971 (b) A license as a "licensed master's social worker"
6972 shall be issued to an applicant who demonstrates to the



6973 satisfaction of the board that he or she meets the following
6974 qualifications:

6975 (i) Has a doctorate or master's degree from a
6976 school of social work accredited by the Council on Social Work
6977 Education; and

6978 (ii) Has satisfactorily completed the ASWB
6979 examination for this license; or

6980 (iii) Has a comparable license or registration
6981 from another state or territory of the United States of America
6982 that imposes qualifications substantially similar to those of this
6983 chapter.

6984 (c) A license as a "licensed certified social worker"
6985 shall be issued to an applicant who demonstrates to the
6986 satisfaction of the board that he or she meets the following
6987 qualifications:

6988 (i) Is licensed under this section as a "master's
6989 social worker"; and

6990 (ii) Has twenty-four (24) months of professional
6991 supervision and clinical or macro social work practice experience
6992 acceptable to the board, under appropriate supervision; and

6993 (iii) Has satisfactorily completed the ASWB
6994 examination for this license; or

6995 (iv) Has a comparable license or registration from
6996 another state or territory of the United States of America that



6997 imposes qualifications substantially similar to those of this
6998 chapter.

6999 (d) In addition to the above qualifications, an
7000 applicant for any of the above licenses must prove to the board's
7001 satisfaction:

7002 (i) Age of at least twenty-one (21) years, and

7003 * * *

7004 (* * *ii) United States of America citizenship or
7005 status as a legal resident alien, and

7006 (* * *iii) Absence of conviction of a * * *
7007 disqualifying crime as provided in the Fresh Start Act.

7008 Conviction, as used in this subparagraph, includes a deferred
7009 conviction, deferred prosecution, deferred sentence, finding or
7010 verdict of guilt, an admission of guilty, or a plea of nolo
7011 contendere, and

7012 (* * *iv) That the applicant has not been
7013 declared mentally incompetent by any court, and if any such decree
7014 has ever been rendered, that the decree has since been changed,
7015 and

7016 (* * *y) Freedom from dependency on alcohol or
7017 drugs, and

7018 (* * *vi) Complete criminal history records
7019 check, including a fingerprint and an acceptable sex offender
7020 check, by appropriate governmental authorities as prescribed by
7021 the board.



7022 (e) Only individuals licensed as "certified social
7023 workers" shall be permitted to call themselves "clinical social
7024 workers."

7025 The issuance of a license by reciprocity to a
7026 military-trained applicant, military spouse or person who
7027 establishes residence in this state shall be subject to the
7028 provisions of Section 73-50-1 or 73-50-2, as applicable.

7029 Each application or filing made under this section shall
7030 include the social security number(s) of the applicant in
7031 accordance with Section 93-11-64.

7032 **SECTION 84.** Section 73-54-13, Mississippi Code of 1972, is
7033 amended as follows:

7034 73-54-13. Each person desiring to obtain a license as
7035 a marriage and family therapist or marriage and family therapy
7036 associate shall make application thereof to the board in such
7037 manner as the board prescribes and with required application fees
7038 and shall furnish evidence satisfactory to the board that he or
7039 she:

7040 * * *

7041 (* * *a) Has not engaged or is not engaged in any
7042 practice or conduct which would be a ground for refusing to issue
7043 a license under Section 73-54-29 or Section 73-53-17;

7044 (* * *b) Is qualified for licensure pursuant to the
7045 requirements of this chapter; and

7046 (* * *c) Is at least twenty-one (21) years of age.



7047 **SECTION 85.** Section 73-63-27, Mississippi Code of 1972, is
7048 amended as follows:

7049 73-63-27. (1) (a) Except as provided in subsections (2)
7050 and (3) of this section, the following shall be considered as
7051 minimum evidence satisfactory to the board that the applicant is
7052 qualified for registration as a registered professional geologist:

7053 (i) Graduation from a course of study in geology
7054 satisfactory to the board from an accredited college or
7055 university, or from a program accredited by an organization
7056 recognized by the board, of four (4) or more years and which
7057 includes at least thirty (30) semester or forty-five (45) quarter
7058 hours of credit, with a major in geology or a geological
7059 specialty;

7060 (ii) Demonstration through a specific record of a
7061 minimum of four (4) years of qualifying experience, after
7062 completion of the academic requirements, in geology or a specialty
7063 indicating that the applicant is competent to practice geology or
7064 a specialty. The board may require the experience be gained under
7065 the supervision of a geologist registered in this state or any
7066 other state with at least as stringent geologic registration
7067 requirements, or under the supervision of others who, in the
7068 opinion of the board, are qualified to have responsible charge of
7069 geological work;



7070 (iii) Successful passage of at least one (1)
7071 examination in geology as determined and prescribed by the board;
7072 and

7073 (iv) Other requirements as may be established in
7074 rules and regulations by the board.

7075 (b) In addition to the qualifications named in
7076 paragraph (a) of this subsection, applicants for registration as a
7077 registered professional geologist shall include with their
7078 application at least three (3) letters of reference from
7079 geologists having personal knowledge of the applicant's geologic
7080 experience.

7081 (c) The board may give credit for a master's degree in
7082 the geological sciences or in a specialty as one (1) year of
7083 professional experience and an earned doctorate degree in the
7084 geological sciences or in a specialty as two (2) years of
7085 professional experience. The board shall not give more than two
7086 (2) years of professional experience credit for the completion of
7087 all graduate degrees.

7088 (d) The board may give credit for geological research
7089 or teaching of persons studying geology or a specialty at an
7090 accredited college or university level as qualifying experience,
7091 if the research or teaching, in the opinion of the board, is
7092 comparable to experience obtained in the practice of geology or a
7093 specialty.



7094 (e) The board may adopt qualifications which, in its
7095 judgment, are equivalent to the educational and experience
7096 requirements in subsection (1)(a) of this section.

7097 * * *

7098 (2) Before December 31, 1998, any applicant who applies for
7099 registration or enrollment shall be considered qualified, without
7100 written examination, if the applicant possesses the qualifications
7101 prescribed in subsection (1) or (3) of this section, as the case
7102 may be.

7103 (3) An applicant who applies for registration before July 1,
7104 1998, shall be qualified without written examination, if the
7105 applicant possesses the following qualifications:

7106 (a) A bachelor's degree from an accredited college or
7107 university in civil engineering with a minimum of fifteen (15)
7108 semester hours or an equivalent number of quarter hours of credit
7109 in geology or a geologically-related course, as determined by the
7110 board;

7111 (b) A certificate of registration as a professional
7112 engineer in the State of Mississippi; and

7113 (c) A minimum of ten (10) years of qualifying
7114 experience in geotechnical or geological engineering work
7115 demonstrated by a specific record.

7116 If the board determines after review of the academic and
7117 experience qualifications required by this subsection that the



7118 applicant is competent to practice geology, the board may issue a
7119 certificate of registration under this chapter.

7120 (4) Applicants for enrollment as a geologist-in-training
7121 shall meet the qualifications for a registered professional
7122 geologist, except the requirement for four (4) years of
7123 experience.

7124 (5) The board may adopt requirements for the issuance of
7125 temporary registrations. Qualifications for temporary
7126 registrations shall be consistent with those required under this
7127 chapter.

7128 (6) Upon written request of an applicant, the board may
7129 waive, on a case-by-case basis, any requirement for registration
7130 or enrollment, except payment of the applicable fees. The request
7131 shall state the reasons a waiver should be granted. The
7132 requirements waived and the basis for that waiver shall be
7133 recorded in the applicant's record and in the proceedings of the
7134 board, and any waiver may be subject to repeal or suspension as
7135 determined by the board.

7136 **SECTION 86.** Section 73-67-21, Mississippi Code of 1972, is
7137 amended as follows:

7138 73-67-21. (1) It shall be the responsibility of a massage
7139 therapy establishment to verify the current license of any and all
7140 persons practicing massage therapy at the location of or on behalf
7141 of the establishment. Failure to comply is subject to penalty
7142 assessed by the board of not less than Five Hundred Dollars



7143 (\$500.00) and not more than One Thousand Dollars (\$1,000.00) per
7144 offense.

7145 (2) No person may advertise massage or practice massage for
7146 compensation in this state unless he is licensed as a massage
7147 therapist by the board. No person may use the title of or
7148 represent himself to be a massage therapist or use any other
7149 title, abbreviations, letters, figures, signs or devices that
7150 indicate that the person is a massage therapist unless he is
7151 licensed to practice massage therapy under the provisions of this
7152 chapter. A current massage therapy license issued by the board
7153 shall at all times be prominently displayed in any place where
7154 massage therapy is being practiced.

7155 (3) The following are requirements for licensure:

7156 (a) An applicant must be eighteen (18) years of age, or
7157 older, on the date the application is submitted.

7158 (b) An application must provide proof of high school
7159 graduate equivalency.

7160 (c) An applicant must be of legal status not only to
7161 receive a license, but also to work in the State of Mississippi
7162 with that license.

7163 (d) An applicant must supply proof of current
7164 certification in cardiopulmonary resuscitation (CPR) and first aid
7165 of at least eight (8) hours of training, including practical
7166 testing, and supply documentation of familiarity with the
7167 Americans with Disabilities Act.



7168 (e) All required fees for licensure must be submitted
7169 by the applicant.

7170 (f) Any and all requirements regarding * * *
7171 competency, as provided for in this chapter and in accepted codes
7172 of ethics, shall be met.

7173 (g) An applicant must have completed an approved course
7174 on communicable diseases, including HIV/AIDS information and
7175 prevention.

7176 (h) The applicant's official and certified
7177 transcript(s) from the applicant's massage therapy school. The
7178 transcript must verify that the applicant has completed a
7179 board-approved training program of no less than the minimum
7180 requirement for massage therapy instruction and student clinic,
7181 with a minimum grade requirement of "C" or better in every course
7182 of instruction, as stated for school requirements.

7183 (4) The following pre-act practitioners are exempt from
7184 having to take any examination for licensure, but must fulfill all
7185 other requirements as stated in this chapter, except for the
7186 requirements in subsection (3) (h) of this section:

7187 (a) Those having more than three hundred (300)
7188 documented, board-accepted hours of massage therapy education
7189 before January 1, 2001.

7190 (b) Those having more than five (5) years of
7191 professional massage therapy experience and a minimum of one
7192 hundred fifty (150) hours of approved massage therapy education.



7193 (c) Those having no formal training, but who have
7194 successfully passed the National Certification Examination for
7195 Therapeutic Massage and Bodywork.

7196 (d) All grandfathering exemption allowances as stated
7197 in this subsection (4) shall end on July 1, 2002, for nonstudents,
7198 and on June 1, 2003, for students who were enrolled in a part-time
7199 massage school curriculum on July 1, 2001. Individuals may apply
7200 for a license until the grandfathering exemption ends, but may not
7201 practice massage beyond the allowed grace period as provided for
7202 in Section 73-67-37 unless a valid massage therapy license or
7203 provisional permit is obtained. Except as provided in subsection
7204 (5) of this section, all other pre-act practitioners and anyone
7205 not practicing massage therapy before January 1, 2001, must take
7206 and pass the licensure examination and follow the requirements in
7207 this chapter to practice massage therapy for compensation in
7208 Mississippi.

7209 (e) Students enrolled in a massage therapy curriculum
7210 of at least five hundred (500) hours on July 1, 2001, who complete
7211 graduation from the same curriculum.

7212 (5) Any person who has practiced massage therapy for a
7213 period of more than twenty-five (25) years before March 14, 2005,
7214 who is employed as a massage therapist by a YMCA or YWCA
7215 authorized and existing as a nonprofit corporation under the laws
7216 of this state on March 14, 2005, is exempt from having to take any
7217 examination for licensure, but must fulfill all other requirements



7218 as stated in this chapter, except for the requirements in
7219 subsection (3) (b), (d), (g) and (h) of this section. Persons
7220 exempt under this subsection may apply for a massage therapy
7221 license until January 1, 2006, but may not practice massage
7222 therapy after January 1, 2006, unless a valid license is obtained.

7223 (6) Certificates of registration issued by the board before
7224 July 1, 2008, shall remain valid as licenses until the next
7225 renewal period.

7226 (7) An applicant must have successfully been cleared for
7227 licensure through an investigation that shall consist of a * * *
7228 verification that the prospective licensee is not guilty of or in
7229 violation of any statutory ground for denial of licensure as set
7230 forth in Section 73-67-27.

7231 (a) To assist the board in conducting its licensure
7232 investigation, all applicants shall undergo a fingerprint-based
7233 criminal history records check of the Mississippi central criminal
7234 database and the Federal Bureau of Investigation criminal history
7235 database. Each applicant shall submit a full set of the
7236 applicant's fingerprints in a form and manner prescribed by the
7237 board, which shall be forwarded to the Mississippi Department of
7238 Public Safety (department) and the Federal Bureau of Investigation
7239 Identification Division for this purpose.

7240 (b) Any and all state or national criminal history
7241 records information obtained by the board that is not already a
7242 matter of public record shall be deemed nonpublic and confidential



7243 information restricted to the exclusive use of the board, its
7244 members, officers, investigators, agents and attorneys in
7245 evaluating the applicant's eligibility or disqualification for
7246 licensure, and shall be exempt from the Mississippi Public Records
7247 Act of 1983. Except when introduced into evidence in a hearing
7248 before the board to determine licensure, no such information or
7249 records related thereto shall, except with the written consent of
7250 the applicant or by order of a court of competent jurisdiction, be
7251 released or otherwise disclosed by the board to any other person
7252 or agency.

7253 (c) The board shall provide to the department the
7254 fingerprints of the applicant, any additional information that may
7255 be required by the department, and a form signed by the applicant
7256 consenting to the check of the criminal records and to the use of
7257 the fingerprints and other identifying information required by the
7258 state or national repositories.

7259 (d) The board shall charge and collect from the
7260 applicant, in addition to all other applicable fees and costs,
7261 such amount as may be incurred by the board in requesting and
7262 obtaining state and national criminal history records information
7263 on the applicant.

7264 **SECTION 87.** Section 73-71-19, Mississippi Code of 1972, is
7265 amended as follows:

7266 73-71-19. (1) No person shall be licensed to practice
7267 acupuncture unless he or she has passed an examination and/or has



7268 been found to have the necessary qualifications as prescribed in
7269 the regulations adopted by the board.

7270 (2) Before any applicant is eligible for an examination or
7271 qualification, he or she shall furnish satisfactory proof that he
7272 or she:

7273 (a) Is a citizen or permanent resident of the United
7274 States;

7275 (b) Has demonstrated proficiency in the English
7276 language;

7277 (c) Is at least twenty-one (21) years of age;

7278 * * *

7279 (* * *d) Has completed a program of acupuncture and
7280 has received a certificate or diploma from an institute approved
7281 by the board, according to the provisions of this chapter;

7282 (* * *e) Has completed a clinical internship training
7283 as approved by the board; and

7284 (* * *f) Has received training in cardiopulmonary
7285 resuscitation (CPR).

7286 (3) The board may hold an examination at least once a year,
7287 and all applicants shall be notified in writing of the date and
7288 time of all examinations. The board may use a NCCAOM examination
7289 if it deems that national examination to be sufficient to qualify
7290 a practitioner for licensure in this state. In no case shall the
7291 state's own examination be less rigorous than the nationally
7292 recognized examination.



7293 (4) In addition to the written examination, if the
7294 nationally recognized examination does not provide a suitable
7295 practical examination comparable to board standards, the board
7296 shall examine each applicant in the practical application of
7297 Oriental medical diagnostic and treatment techniques in a manner
7298 and by methods that reveal the applicant's skill and knowledge.

7299 (5) The board shall require all qualified applicants to be
7300 examined in the following subjects:

- 7301 (a) Anatomy and physiology;
- 7302 (b) Pathology;
- 7303 (c) Diagnosis;
- 7304 (d) Hygiene, sanitation and sterilization techniques;
- 7305 (e) All major acupuncture principles, practices and
7306 techniques; and
- 7307 (f) Clean Needle Technique Exam.

7308 (6) To assist the board in conducting its licensure
7309 investigation, all applicants shall undergo a fingerprint-based
7310 criminal history records check of the Mississippi central criminal
7311 database and the Federal Bureau of Investigation criminal history
7312 database. Each applicant shall submit a full set of the
7313 applicant's fingerprints in a form and manner prescribed by the
7314 board, which shall be forwarded to the Mississippi Department of
7315 Public Safety (department) and the Federal Bureau of Investigation
7316 Identification Division for this purpose. Any and all state or
7317 national criminal history records information obtained by the



7318 board that is not already a matter of public record shall be
7319 deemed nonpublic and confidential information restricted to the
7320 exclusive use of the board, its members, officers, investigators,
7321 agents and attorneys in evaluating the applicant's eligibility or
7322 disqualification for licensure, and shall be exempt from the
7323 Mississippi Public Records Act of 1983. Except when introduced
7324 into evidence in a hearing before the board to determine
7325 licensure, no such information or records related thereto shall,
7326 except with the written consent of the applicant or by order of a
7327 court of competent jurisdiction, be released or otherwise
7328 disclosed by the board to any other person or agency. The board
7329 shall provide to the department the fingerprints of the applicant,
7330 any additional information that may be required by the department,
7331 and a form signed by the applicant consenting to the check of the
7332 criminal records and to the use of the fingerprints and other
7333 identifying information required by the state or national
7334 repositories. The board shall charge and collect from the
7335 applicant, in addition to all other applicable fees and costs,
7336 such amount as may be incurred by the board in requesting and
7337 obtaining state and national criminal history records information
7338 on the applicant.

7339 (7) The board shall issue a license to every applicant whose
7340 application has been filed with and approved by the board and who
7341 has paid the required fees and who either:



7342 (a) Has passed the board's written examination and
7343 practical examination, with a score of not less than seventy
7344 percent (70%) on each examination; or

7345 (b) Has achieved a passing score on a board approved
7346 nationally recognized examination, which examination includes a
7347 written and practical portion, as determined by the board; or

7348 (c) Has received certification from a board approved
7349 national certification process; or

7350 (d) Has achieved a passing score on a board approved
7351 nationally recognized written examination and has passed the
7352 board's practical examination with a score of not less than
7353 seventy percent (70%).

7354 (8) The board shall keep a record of all examinations held,
7355 together with the names and addresses of all persons taking
7356 examinations, and the examination results. Within forty-five (45)
7357 days after the examination, the board shall give written notice of
7358 the results of the examination to each applicant.

7359 **SECTION 88.** Section 75-27-305, Mississippi Code of 1972, is
7360 amended as follows:

7361 75-27-305. (1) A citizen of the United States or a person
7362 who has declared his or her intention of becoming such a citizen,
7363 who is a resident of the State of Mississippi, not less than
7364 twenty-one (21) years of age, * * * who has the ability to weigh
7365 accurately and to make correct weight certificates, and who has



7366 received from the commissioner a license as a bonded weighmaster,
7367 shall be styled and authorized to act as a bonded weighmaster.

7368 (2) The commissioner may adopt rules and regulations for
7369 determining the qualifications of the applicant for license as a
7370 bonded weighmaster. The commissioner may pass upon the
7371 qualifications of the applicant upon the basis of the information
7372 supplied in the application, may examine such applicant orally or
7373 in writing, or both, for the purpose of determining his or her
7374 qualifications. The commissioner shall grant licenses to such
7375 applicants as may be found to possess the qualifications required
7376 herein. The commissioner shall keep a record of all such
7377 applications and of all licenses issued thereon.

7378 **SECTION 89.** Section 75-57-49, Mississippi Code of 1972, is
7379 amended as follows:

7380 75-57-49. (1) Before any person shall be granted a permit
7381 to, or shall engage in or continue in the business of the
7382 distributing, either wholesale or retail, installing, altering,
7383 extending, changing or repairing of any liquefied compressed gas
7384 system, appliance or container, or in the business of distributing
7385 and selling liquefied compressed gas, either at wholesale or
7386 retail, whether from trucks or other vessels, in cylinders or in
7387 any other manner, such person shall satisfy the State Liquefied
7388 Compressed Gas Board that he or she is * * * competent to transact
7389 business so as to safeguard the interest of the public, and is
7390 financially responsible; and this provision as to financial



7391 responsibility shall be met by such person by filing with the
 7392 State Liquefied Compressed Gas Board evidence that he or she has
 7393 in force such of the hereinafter listed insurance policies on
 7394 standard contract forms and written by an insurance company, or
 7395 companies, qualified to do business in the State of Mississippi,
 7396 as the State Liquefied Compressed Gas Board shall require, based
 7397 upon those activities listed above in which such person is
 7398 engaged, to wit:

7399 **ANY PERSON THAT ENGAGES IN FILLING CYLINDERS AND MOTOR FUEL**
 7400 **TANKS WITH LIQUEFIED COMPRESSED GAS ON THEIR PREMISES OR ANY**
 7401 **PERSON WHO IS IN THE BUSINESS OF INSTALLING LC GAS CARBURETION OR**
 7402 **APPLIANCES:**

	Limits of Liability	
	Each	
	Occasion	Aggregate
7403		
7404		
7405		
7406	Manufacturers and Contractors	
7407	Public Liability	\$100,000 \$300,000
7408	Products Liability	\$100,000 \$300,000
7409	Workers' Compensation and	
7410	Employers' Liability	
7411	Insurance	State Statute

7412 **ANY PERSON THAT ENGAGES IN ANY PHASE OF THE LIQUEFIED**
 7413 **COMPRESSED GAS BUSINESS OTHER THAN CYLINDER-FILLING LOCATIONS:**

	Limits of Liability	
	Bodily Injury	Property
7414		
7415		



7416		Each	Each	Damage Each
7417		Person	Accident	Accident
7418	Automobile Public Liability	\$500,000	\$1,000,000	\$1,000,000
7419		Each		
7420		Occasion	Aggregate	
7421	Manufacturers and Contractors			
7422	Public Liability	\$1,000,000	\$1,000,000	
7423	Products Liability	\$1,000,000	\$1,000,000	
7424	Workers' Compensation and			
7425	Employers' Liability			
7426	Insurance	State Statute		

7427 (2) The State Liquefied Compressed Gas Board shall not
7428 require insurance coverage as specified above unless the hazard of
7429 liquefied compressed gases is involved.

7430 (3) No policy issued under the provisions of this chapter
7431 may be cancelled before thirty (30) days from the date of receipt
7432 by the Commissioner of Insurance of written notice of intention to
7433 cancel the policy.

7434 (4) It is expressly provided, however, that in lieu of
7435 filing with the State Liquefied Compressed Gas Board evidence that
7436 such insurance, as outlined above, is in force, any such person
7437 may file with the State Liquefied Compressed Gas Board a good and
7438 sufficient surety bond executed by a surety company licensed to do
7439 business in this state in the amount of One Million Dollars
7440 (\$1,000,000.00), which such bond shall be payable to the State of



7441 Mississippi and shall be conditioned to guarantee the payment of
7442 all damages which proximately result from any act of negligence on
7443 the part of such person, or their agents or employees, while
7444 engaged in any of the activities herein specified. In lieu of the
7445 surety bond, any such person may execute and file a good and
7446 sufficient personal bond in the amount and conditioned as
7447 specified above, which such personal bond shall be secured by
7448 bonds or other obligations of the State of Mississippi or the
7449 United States government, of equal value.

7450 (5) Upon compliance with the provisions of this section,
7451 where such compliance is required, and upon compliance with all
7452 other provisions of this chapter, the State Liquefied Compressed
7453 Gas Board shall issue to such dealer a permit to engage in such
7454 business, but not before. All such permits shall be valid until
7455 voluntarily surrendered, or until suspended, revoked or cancelled
7456 by the State Liquefied Compressed Gas Board, the Commissioner of
7457 Insurance or the chancery or circuit court. All permits issued
7458 under the provisions of Chapter 170, Laws of 1940, as amended, or
7459 Chapter 265, Laws of 1946, shall remain in full force and effect
7460 until the expiration date thereof at which time they must be
7461 renewed under the terms and conditions of this chapter.

7462 **SECTION 90.** Section 75-60-31, Mississippi Code of 1972, is
7463 amended as follows:

7464 75-60-31. No agent permit shall be issued pursuant to
7465 Section 75-60-25 to any person found by the Commission on



7466 Proprietary School and College Registration * * * to have been
7467 convicted of a disqualifying crime as provided in the Fresh Start
7468 Act.

7469 **SECTION 91.** Section 75-60-33, Mississippi Code of 1972, is
7470 amended as follows:

7471 75-60-33. Any agent permit issued may be revoked by the
7472 Commission on Proprietary School and College Registration if the
7473 holder of the permit solicits or enrolls students through fraud,
7474 deception or misrepresentation * * *.

7475 The Commission on Proprietary School and College Registration
7476 shall hold informal conferences pursuant to Section 75-60-19 with
7477 an agent believed to be in violation of one or more of the above
7478 conditions. If these conferences fail to eliminate the agent's
7479 objectionable practices or procedures, the commission shall hold a
7480 public hearing. A record of such proceedings shall be taken and
7481 appeals to the commission shall be upon such record, except as may
7482 be provided by rules and regulations to be adopted by the
7483 commission. Nothing said or done in the informal conferences
7484 shall be disclosed by the staff of the commission nor be used as
7485 evidence in any subsequent proceedings.

7486 **SECTION 92.** Section 75-76-67, Mississippi Code of 1972, is
7487 amended as follows:

7488 75-76-67. (1) Any person who the commission determines is
7489 qualified to receive a license or be found suitable under the
7490 provisions of this chapter, having due consideration for the



7491 proper protection of the health, safety, morals, good order and
7492 general welfare of the inhabitants of the State of Mississippi and
7493 the declared policy of this state, may be issued a state gaming
7494 license or found suitable. The burden of proving his
7495 qualification to receive any license or be found suitable is on
7496 the applicant.

7497 (2) An application to receive a license or be found suitable
7498 shall not be granted unless the commission is satisfied that the
7499 applicant is:

7500 (a) A person of * * * honesty and integrity;

7501 (b) A person whose prior activities, criminal record,
7502 if any, reputation, habits and associations do not pose a threat
7503 to the public interest of this state or to the effective
7504 regulation and control of gaming, or create or enhance the dangers
7505 of unsuitable, unfair or illegal practices, methods and activities
7506 in the conduct of gaming or the carrying on of the business and
7507 financial arrangements incidental thereto; and

7508 (c) In all other respects qualified to be licensed or
7509 found suitable consistent with the declared laws of the state.

7510 (3) No person shall be granted a license or found suitable
7511 under the provisions of this chapter who has been convicted of
7512 a * * * disqualifying crime as provided in the Fresh Start Act in
7513 any court of this state, another state, or the United States; and
7514 no person shall be granted a license or found suitable hereunder
7515 who has been convicted of a * * * disqualifying crime as provided



7516 in the Fresh Start Act in any court of another state or the United
7517 States which, if committed in this state, would be a * * *
7518 disqualifying crime; and no person shall be granted a license or
7519 found suitable under the provisions of this chapter who has been
7520 convicted of a misdemeanor in any court of this state or of
7521 another state, when such conviction was for gambling, sale of
7522 alcoholic beverages to minors, prostitution, or procuring or
7523 inducing individuals to engage in prostitution.

7524 (4) A license to operate a gaming establishment shall not be
7525 granted unless the applicant has satisfied the commission that:

7526 (a) He has adequate business probity, competence and
7527 experience, in gaming or generally; and

7528 (b) The proposed financing of the entire operation is:

7529 (i) Adequate for the nature of the proposed
7530 operation; and

7531 (ii) From a suitable source. Any lender or other
7532 source of money or credit which the commission finds does not meet
7533 the standards set forth in subsection (2) may be deemed
7534 unsuitable.

7535 (5) An application to receive a license or be found suitable
7536 constitutes a request for a determination of the applicant's
7537 general * * * integrity and ability to participate or engage in,
7538 or be associated with gaming. Any written or oral statement made
7539 in the course of an official proceeding of the commission or the
7540 executive director or any witness testifying under oath which is



7541 relevant to the purpose of the proceeding is absolutely privileged
7542 and does not impose liability for defamation or constitute a
7543 ground for recovery in any civil action.

7544 (6) The commission may, in its discretion, grant a license
7545 to a corporation which has complied with the provisions of this
7546 chapter.

7547 (7) The commission may, in its discretion, grant a license
7548 to a limited partnership which has complied with the provisions of
7549 this chapter.

7550 (8) No limited partnership, except one whose sole limited
7551 partner is a publicly traded corporation which has registered with
7552 the commission, or business trust or organization or other
7553 association of a quasi-corporate character is eligible to receive
7554 or hold any license under this chapter unless all persons having
7555 any direct or indirect interest therein of any nature whatsoever,
7556 whether financial, administrative, policymaking or supervisory,
7557 are individually qualified to be licensed under the provisions of
7558 this chapter.

7559 (9) The commission may, by regulation, limit the number of
7560 persons who may be financially interested and the nature of their
7561 interest in any corporation or other organization or association
7562 licensed under this chapter, and may establish such other
7563 qualifications of licenses as the commission, in its discretion,
7564 deems to be in the public interest and consistent with the
7565 declared policy of the state.



7566 **SECTION 93.** Section 81-18-9, Mississippi Code of 1972, is
7567 amended as follows:

7568 81-18-9. (1) Applicants for a license shall apply in a form
7569 as prescribed by the commissioner. Each such form shall contain
7570 content as set forth by rule, regulation, instruction or procedure
7571 of the commissioner and may be changed or updated as necessary by
7572 the commissioner in order to carry out the purposes of this
7573 chapter.

7574 (2) The mortgage broker and mortgage lender application
7575 through the Nationwide Mortgage Licensing System and Registry
7576 shall include, but is not limited to, the following:

7577 (a) The legal name, residence and business address of
7578 the applicant and, if applicable, the legal name, residence and
7579 business address of every principal and executive officer,
7580 together with the résumé of the applicant and of every principal
7581 and executive officer of the applicant. In addition, an
7582 independent credit report obtained from a consumer-reporting
7583 agency described in Section 603(p) of the Fair Credit Reporting
7584 Act and information related to any administrative, civil or
7585 criminal findings by any governmental jurisdiction of every
7586 principal and executive officer.

7587 (b) The legal name of the mortgage broker or mortgage
7588 lender in addition to the name under which the applicant will
7589 conduct business in the state, neither of which may be already
7590 assigned to a licensed mortgage broker or mortgage lender.



7591 (c) The complete address of the applicant's principal
7592 place of business, branch office(s) and any other locations at
7593 which the applicant will engage in any business activity covered
7594 by this chapter. All locations shall be within the United States
7595 of America or a territory of the United States of America,
7596 including Puerto Rico and the U.S. Virgin Islands.

7597 (d) A copy of the certificate of incorporation, if a
7598 Mississippi corporation.

7599 (e) Documentation satisfactory to the department as to
7600 a certificate of existence of authority to transact business
7601 lawfully in Mississippi from the Mississippi Secretary of State's
7602 office, if a limited liability company, partnership, trust or any
7603 other group of persons, however organized. This paragraph does
7604 not pertain to applicants organized as an individual or as a sole
7605 proprietorship.

7606 (f) If a foreign entity, a copy of a certificate of
7607 authority to conduct business in Mississippi and the address of
7608 the principal place of business of the foreign entity.

7609 (g) Documentation of a minimum of two (2) years'
7610 experience directly related to mortgage activities by a person
7611 named as the qualifying individual of the company. The qualifying
7612 individual shall be primarily responsible for the operations of
7613 the licensed mortgage broker or mortgage lender. Only one (1)
7614 qualifying individual shall be named for Mississippi and this



7615 person shall be the qualifying individual for only one (1)
7616 licensee. Evidence of experience shall include, where applicable:

7617 (i) Copies of business licenses issued by
7618 governmental agencies.

7619 (ii) Employment history of the person filing the
7620 application for at least two (2) years before the date of the
7621 filing of an application, including, but not limited to, job
7622 descriptions, length of employment, names, addresses and phone
7623 numbers for past employers.

7624 (iii) Any other data and pertinent information as
7625 the department may require with respect to the applicant, its
7626 directors, principals, trustees, officers, members, contractors or
7627 agents. A résumé alone shall not be sufficient proof of
7628 employment history.

7629 (3) The mortgage broker and mortgage lender applications
7630 shall be filed on the Nationwide Mortgage Licensing System and
7631 Registry together with the following:

7632 (a) The license fee specified in Section 81-18-15;

7633 (b) An original or certified copy of a surety bond in
7634 favor of the State of Mississippi for the use, benefit and
7635 indemnity of any person who suffers any damage or loss as a result
7636 of the company's breach of contract or of any obligation arising
7637 therefrom or any violation of law;

7638 (c) A set of fingerprints from any local law
7639 enforcement agency from the following applicants:



7640 (i) All persons operating as a sole proprietorship
7641 that plan to conduct a mortgage-brokering or lending business in
7642 the State of Mississippi;

7643 (ii) Partners in a partnership or principal owners
7644 of a limited liability company that own at least ten percent (10%)
7645 of the voting shares of the company;

7646 (iii) Any shareholders owning ten percent (10%) or
7647 more of the outstanding shares of the corporation;

7648 (iv) All executive officers of the applicant;

7649 (v) All loan originators; and

7650 (vi) The named qualifying individual of the
7651 company as required in Section 81-18-9(2)(g). The applicant shall
7652 name only one (1) individual as the qualifying individual for the
7653 State of Mississippi; and

7654 (d) At least one (1) employee shall be licensed as a
7655 loan originator at a licensed location.

7656 (4) In connection with an application for licensing as a
7657 mortgage broker or lender under this chapter, the required
7658 stockholders, owners, directors and executive officers of the
7659 applicant shall, at a minimum, furnish to the Nationwide Mortgage
7660 Licensing System and Registry information concerning the
7661 individual's identity, including:

7662 (a) Fingerprints from any local law enforcement agency
7663 for submission to the Federal Bureau of Investigation and any
7664 governmental entity authorized to receive that information for a



7665 state, national and/or international criminal history background
7666 check; and

7667 (b) Personal history and experience in a form
7668 prescribed by the Nationwide Mortgage Licensing System and
7669 Registry, including the submission of authorization for the
7670 Nationwide Mortgage Licensing System and Registry and the
7671 commissioner to obtain:

7672 (i) An independent credit report obtained from a
7673 consumer-reporting agency described in Section 603(p) of the Fair
7674 Credit Reporting Act; and

7675 (ii) Information related to any administrative,
7676 civil or criminal findings by any governmental jurisdiction.

7677 (5) Upon receipt of an application for licensure, the
7678 department or designated third party shall conduct an
7679 investigation as it deems necessary to determine that the
7680 applicant and its officers, directors and principals are of
7681 good * * * ethical reputation; that the applicant demonstrates
7682 reasonable financial responsibility; and that the applicant has
7683 reasonable policies and procedures to receive and process customer
7684 grievances and inquiries promptly and fairly.

7685 (6) The commissioner shall not license an applicant unless
7686 he is satisfied that the applicant will operate its mortgage
7687 activities in compliance with the laws, rules and regulations of
7688 this state and the United States.



7689 (7) If an applicant satisfies the requirements of this
7690 chapter for a mortgage broker or mortgage lender license, the
7691 commissioner shall issue the license unless the commissioner finds
7692 any of the following:

7693 (a) The applicant has had a mortgage lender, mortgage
7694 broker or mortgage servicer license revoked in any governmental
7695 jurisdiction, except that a subsequent formal vacation of the
7696 revocation shall not be deemed a revocation; or

7697 (b) The applicant or its controlling persons has been
7698 convicted of, or pled guilty or nolo contendere to, (i) a * * *
7699 disqualifying crime as provided in the Fresh Start Act; or (ii) at
7700 any time preceding the date of application if such * * * crime
7701 involved an act of fraud, dishonesty, a breach of trust, or money
7702 laundering. However, any pardon or expungement of a conviction
7703 shall not be a conviction for purposes of this subsection.

7704 (8) Applicants for a mortgage loan originator license shall
7705 apply in a form as prescribed by the commissioner and shall be
7706 filed on the Nationwide Mortgage Licensing System and Registry.
7707 Each such form shall contain content as set forth by rules,
7708 regulations, instructions or procedures of the commissioner and
7709 may be changed or updated as necessary by the commissioner in
7710 order to carry out the purposes of this chapter. The initial
7711 license of a mortgage loan originator shall be accompanied by a
7712 fee of Two Hundred Dollars (\$200.00), to be paid to the Nationwide
7713 Mortgage Licensing System and Registry, and any additional fees as



7714 required by the Nationwide Mortgage Licensing System and Registry.
7715 The commissioner shall not issue a mortgage loan originator
7716 license unless the commissioner makes at a minimum the following
7717 findings:

7718 (a) The applicant has never had a mortgage loan
7719 originator license revoked in any governmental jurisdiction,
7720 except that a later formal vacation of that revocation shall not
7721 be deemed a revocation.

7722 (b) The applicant has not been convicted of, or pled
7723 guilty or nolo contendere to, (i) a * * * disqualifying crime as
7724 provided in the Fresh Start Act; or (ii) at any time preceding the
7725 date of application if such * * * crime involved an act of fraud,
7726 dishonesty, a breach of trust or money laundering. However, any
7727 pardon or expungement of a conviction shall not be a conviction
7728 for purposes of this subsection.

7729 (c) The applicant has demonstrated financial
7730 responsibility, character and general fitness such as to command
7731 the confidence of the community and to warrant a determination
7732 that the mortgage loan originator will operate honestly, fairly
7733 and efficiently within the purposes of this chapter.

7734 (d) The applicant has completed the prelicensing
7735 education requirement described in Section 81-18-14(1).

7736 (e) The applicant has passed a written test that meets
7737 the test requirement described in Section 81-18-14(7).



7738 (f) The applicant has met the surety bond requirement
7739 as provided in Section 81-18-11.

7740 (g) This individual must work for a Mississippi
7741 licensed company and work from the location licensed with the
7742 department. The licensed location that he or she is assigned to
7743 must be within one hundred twenty-five (125) miles of his or her
7744 residency. If the licensed loan originator resides and works in
7745 Mississippi, then he or she may work from any licensed location of
7746 the licensed company within the State of Mississippi. However, an
7747 owner of a minimum of ten percent (10%) of a licensed company or
7748 the named qualifying individual on file with the department, who
7749 is a licensed loan originator with the department, may work from
7750 any licensed location of the licensed company within the State of
7751 Mississippi in the capacity of a loan originator as described in
7752 this chapter.

7753 (9) In order to fulfill the purposes of this chapter, the
7754 commissioner is authorized to establish relationships or contracts
7755 with the Nationwide Mortgage Licensing System and Registry or
7756 other entities designated by the Nationwide Mortgage Licensing
7757 System and Registry to collect and maintain records and process
7758 transaction fees or other fees related to licensees or other
7759 persons subject to this chapter.

7760 (10) In connection with an application for licensing as a
7761 mortgage loan originator, the applicant shall, at a minimum,



7762 furnish to the Nationwide Mortgage Licensing System and Registry
7763 information concerning the applicant's identity, including:

7764 (a) Fingerprints for submission to the Federal Bureau
7765 of Investigation, and any governmental agency or entity authorized
7766 to receive that information for a state, national and/or
7767 international criminal history background check; and

7768 (b) Personal history and experience in a form
7769 prescribed by the Nationwide Mortgage Licensing System and
7770 Registry, including the submission of authorization for the
7771 Nationwide Mortgage Licensing System and Registry and the
7772 commissioner to obtain:

7773 (i) An independent credit report obtained from a
7774 consumer-reporting agency described in Section 603(p) of the Fair
7775 Credit Reporting Act; and

7776 (ii) Information related to any administrative,
7777 civil or criminal findings by any governmental jurisdiction.

7778 (11) For the purposes of this section and in order to reduce
7779 the points of contact which the Federal Bureau of Investigation
7780 may have to maintain for purposes of subsection (10) (a) and
7781 (b) (ii) of this section, the commissioner may use the Nationwide
7782 Mortgage Licensing System and Registry as a channeling agent for
7783 requesting information from and distributing information to the
7784 Department of Justice or any governmental agency.

7785 (12) For the purposes of this section and in order to reduce
7786 the points of contact which the commissioner may have to maintain



7787 for purposes of subsection (10)(b)(i) and (ii) of this section,
7788 the commissioner may use the Nationwide Mortgage Licensing System
7789 and Registry as a channeling agent for requesting and distributing
7790 information to and from any source so directed by the
7791 commissioner.

7792 **SECTION 94.** Section 83-17-75, Mississippi Code of 1972, is
7793 amended as follows:

7794 83-17-75. (1) An insurance producer shall not act as an
7795 agent of an insurer unless the insurance producer becomes an
7796 appointed agent of that insurer. An insurance producer who is not
7797 acting as an agent of an insurer is not required to become
7798 appointed.

7799 (2) To appoint a producer as its agent, the appointing
7800 insurer shall file, in a format approved by the commissioner, a
7801 notice of appointment within fifteen (15) days from the date the
7802 agency contract is executed or the first insurance application is
7803 submitted. An insurer may also elect to appoint a producer to all
7804 or some insurers within the insurer's holding company system or
7805 group by the filing of a single appointment request.

7806 (3) Upon receipt of the notice of appointment, the
7807 commissioner shall verify within a reasonable time not to exceed
7808 thirty (30) days that the insurance producer is eligible for
7809 appointment. If the insurance producer is determined to be
7810 ineligible for appointment, the commissioner shall notify the
7811 insurer within five (5) days of its determination.



7812 (4) An insurer shall pay an appointment fee, in the amount
7813 and method of payment set forth in Section 83-5-73 for each
7814 insurance producer appointed by the insurer.

7815 (5) An insurer shall remit, in a manner prescribed by the
7816 commissioner, a renewal appointment fee in the amount set forth in
7817 Section 83-5-73.

7818 (6) Before the issuance of a license or certificate of
7819 authority, the commissioner shall require the company requesting
7820 appointment of the applicant as producer for the first time to
7821 furnish a certificate to the commissioner, verified by an
7822 executive officer or managing general or special agent of such
7823 company, that the company has duly investigated the * * * record
7824 of such person and has satisfied itself that such person is * * *
7825 qualified, fit and trustworthy to act as its producer. The
7826 Commissioner of Insurance may at any time require any company to
7827 obtain a credit report on a producer if the commissioner deems
7828 such request advisable. Should such credit report reflect
7829 information regarding an offense or violation in relation to which
7830 the Department of Insurance has taken action, such information
7831 shall not render the applicant ineligible for a license if
7832 applicant has complied with the order of the commissioner
7833 regarding such offense.

7834 **SECTION 95.** Section 83-39-9, Mississippi Code of 1972, is
7835 amended as follows:



7836 83-39-9. The department upon receipt of the license
7837 application, the required fee * * * and, in the case of a
7838 professional bail agent, an approved qualification bond in the
7839 required amount, shall issue to the applicant a license to do
7840 business as a professional bail agent, soliciting bail agent or
7841 bail enforcement agent as the case may be.

7842 No licensed professional bail agent shall have in his employ
7843 in the bail bond business any person who could not qualify for a
7844 license under this chapter, nor shall any licensed professional
7845 bail agent have as a partner or associate in such business any
7846 person who could not so qualify.

7847 **SECTION 96.** Section 73-34-14, Mississippi Code of 1972, is
7848 amended as follows:

7849 73-34-14. (1) (a) To qualify for a Mississippi real estate
7850 appraiser license, an applicant must have successfully been
7851 cleared for licensure through an investigation that shall consist
7852 of a determination that the applicant does not possess a
7853 background which calls into question public trust, as set forth
7854 below in subsection (2), and verification that the prospective
7855 licensee is not guilty of or in violation of any statutory ground
7856 for denial of licensure as set forth in Section 73-34-35.

7857 (b) To assist the board in conducting its licensure
7858 investigation, on and after January 1, 2015, all applicants for a
7859 real estate appraiser license as a licensed real estate appraiser
7860 (license), licensed certified residential real estate appraiser



7861 (certification), or a licensed certified general real estate
7862 appraiser (certification), and all applicants for renewal of any
7863 real estate appraiser license or certification shall undergo a
7864 fingerprint-based criminal history records check of the
7865 Mississippi central criminal database and the Federal Bureau of
7866 Investigation criminal history database. Each applicant shall
7867 submit a full set of the applicant's fingerprints in a form and
7868 manner prescribed by the board, which shall be forwarded to the
7869 Mississippi Department of Public Safety (department) and the
7870 Federal Bureau of Investigation Identification Division for this
7871 purpose.

7872 (c) Any and all state or national criminal history
7873 records information obtained by the board that is not already a
7874 matter of public record shall be deemed nonpublic and confidential
7875 information restricted to the exclusive use of the board, its
7876 members, officers, investigators, agents and attorneys in
7877 evaluating the applicant's eligibility or disqualification for
7878 licensure, and shall be exempt from the Mississippi Public Records
7879 Act of 1983. Except when introduced into evidence in a hearing
7880 before the board to determine licensure, no such information or
7881 records related thereto shall, except with the written consent of
7882 the applicant or by order of a court of competent jurisdiction, be
7883 released or otherwise disclosed by the board to any other person
7884 or agency.



7885 (d) The board shall provide to the department the
7886 fingerprints of the applicant, any additional information that may
7887 be required by the department, and a form signed by the applicant
7888 consenting to the check of the criminal records and to the use of
7889 the fingerprints and other identifying information required by the
7890 state or national repositories.

7891 (e) The board shall charge and collect from the
7892 applicant, in addition to all other applicable fees and costs,
7893 such amount as may be incurred by the board in requesting and
7894 obtaining state and national criminal history records information
7895 on the applicant.

7896 (2) (a) The board must ensure that applicants for a real
7897 estate appraiser license or certification do not possess a
7898 background that could call into question public trust. An
7899 applicant found by the board to possess a background which calls
7900 into question the applicant's ability to maintain public trust
7901 shall not be issued a real estate appraiser license or
7902 certification.

7903 (b) The board shall not issue a real estate appraiser
7904 license or certification if:

7905 (i) The applicant has had an appraiser license or
7906 certification revoked in any governmental jurisdiction within the
7907 five (5) year period immediately preceding the date of the
7908 application;



7909 (ii) The applicant has been convicted of, or pled
7910 guilty or nolo contendere to, a * * * disqualifying crime as
7911 provided in the Fresh Start Act:

7912 1. During the five-year period immediately
7913 preceding the date of the application for licensing or
7914 certification; or

7915 2. At any time preceding the date of the
7916 application, if such felony involved an act of fraud, dishonesty,
7917 or a breach of trust, or money laundering.

7918 (iii) The applicant has failed to demonstrate
7919 character and general fitness such as to command the confidence of
7920 the community and to warrant a determination that the appraiser
7921 will operate honestly, fairly and efficiently within the purpose
7922 of these criteria.

7923 (c) The board shall evaluate and consider, by rules and
7924 regulations, additional background issues, including, but not
7925 limited to, those required by the Appraiser Qualifications Board
7926 of the Appraisal Foundation in compliance with federal
7927 requirements, prior to issuing (or taking disciplinary action
7928 against) a real estate appraiser.

7929 (d) The board shall adopt rules and regulations
7930 necessary to implement, administer and enforce the provisions of
7931 this section.

7932 **SECTION 97.** Section 73-35-10, Mississippi Code of 1972, is
7933 amended as follows:



7934 73-35-10. (1) (a) To qualify for a Mississippi real estate
7935 broker's license or a Mississippi resident license as a real
7936 estate salesperson, or a nonresident's license in Mississippi, an
7937 applicant must have successfully been cleared for licensure
7938 through an investigation that shall consist of a determination
7939 that the applicant does not possess a background which calls into
7940 question public trust, as set forth below in subsection (2), and
7941 verification that the prospective licensee is not guilty of or in
7942 violation of any statutory ground for denial of licensure as set
7943 forth in Section 73-35-21.

7944 (b) To assist the commission in conducting its
7945 licensure investigation, from and after July 1, 2016, all
7946 applicants for a Mississippi real estate broker's license, or a
7947 Mississippi resident license as a real estate salesperson, or a
7948 nonresident's license in Mississippi, and all applicants for
7949 renewal of any real estate license shall undergo a
7950 fingerprint-based criminal history records check of the
7951 Mississippi central criminal database and the Federal Bureau of
7952 Investigation criminal history database. Each applicant shall
7953 submit a full set of the applicant's fingerprints in a form and
7954 manner prescribed by the commission, which shall be forwarded to
7955 the Mississippi Department of Public Safety (department) and the
7956 Federal Bureau of Investigation Identification Division for this
7957 purpose.



7958 (c) Any and all state or national criminal history
7959 records information obtained by the commission that is not already
7960 a matter of public record shall be deemed nonpublic and
7961 confidential information restricted to the exclusive use of the
7962 commission, its members, officers, investigators, agents and
7963 attorneys in evaluating the applicant's eligibility or
7964 disqualification for licensure, and shall be exempt from the
7965 Mississippi Public Records Act of 1983. Except when introduced
7966 into evidence in a hearing before the commission to determine
7967 licensure, no such information or records related thereto shall,
7968 except with the written consent of the applicant or by order of a
7969 court of competent jurisdiction, be released or otherwise
7970 disclosed by the commission to any other person or agency.

7971 (d) The commission shall provide to the department the
7972 fingerprints of the applicant, any additional information that may
7973 be required by the department, and a form signed by the applicant
7974 consenting to the check of the criminal records and to the use of
7975 the fingerprints and other identifying information required by the
7976 state or national repositories.

7977 (e) The commission shall charge and collect from the
7978 applicant, in addition to all other applicable fees and costs,
7979 such amount as may be incurred by the commission in requesting and
7980 obtaining state and national criminal history records information
7981 on the applicant.



7982 (2) (a) The commission must ensure that applicants for real
7983 estate licenses do not possess a background that could call into
7984 question public trust. An applicant found by the commission to
7985 possess a background which calls into question the applicant's
7986 ability to maintain public trust shall not be issued a real estate
7987 license.

7988 (b) The commission shall not issue a real estate
7989 license if:

7990 (i) The applicant has had a real estate license
7991 revoked in any governmental jurisdiction within the five-year
7992 period immediately preceding the date of the application;

7993 (ii) The applicant has been convicted of, or pled
7994 guilty or nolo contendere to, a * * * disqualifying crime as
7995 provided in the Fresh Start Act:

7996 1. During the five-year period immediately
7997 preceding the date of the application for licensing; or

7998 2. At any time preceding the date of the
7999 application, if such felony involved an act of fraud, dishonesty
8000 or a breach of trust, or money laundering.

8001 (c) The commission shall adopt rules and regulations
8002 necessary to implement, administer and enforce the provisions of
8003 this section.

8004 (d) The requirement of a criminal background check
8005 provided in this section shall not apply to persons who have held
8006 a broker's or salesperson's license in this state for at least



8007 twenty-five (25) years and who are older than seventy (70) years
8008 of age.

8009 **SECTION 98.** Section 73-69-7, Mississippi Code of 1972, is
8010 amended as follows:

8011 73-69-7. (1) The State Fire Marshal shall administer and
8012 enforce the provisions of this chapter and shall have the
8013 authority to promulgate and adopt such rules and regulations as
8014 may be necessary for such proper administration and enforcement.
8015 The Electronic Protection Advisory Licensing Board created in
8016 Section 73-69-21 shall advise the State Fire Marshal with respect
8017 to the rules and regulations of the provisions of this chapter.
8018 The State Fire Marshal shall have the authority to approve written
8019 training programs or acceptable equivalents for meeting the
8020 training requirements of this licensing law. The State Fire
8021 Marshal may also accept, as such an equivalent, licensure of a
8022 company or person by a jurisdiction outside this state, which has
8023 standards and requirements of practice which substantially conform
8024 to the provisions of this chapter. The State Fire Marshal shall
8025 also establish continuing education requirements.

8026 (2) Application for a Class A license. In order to engage
8027 in alarm contracting, a company shall apply for and obtain a Class
8028 A license for each operating location doing business in the state.
8029 A Class A license shall authorize a company to engage in any type
8030 of alarm contracting. An applicant for a Class A license shall
8031 submit the following to the State Fire Marshal:



8032 (a) Documentation that the company is an entity duly
8033 authorized to conduct business within this state.

8034 (b) Documentation that the company holds a general
8035 liability and errors and omissions insurance policy, or a surety
8036 bond, in an amount not less than Three Hundred Thousand Dollars
8037 (\$300,000.00).

8038 (c) Documentation that the company carries a current
8039 and valid workers' compensation insurance policy as required by
8040 state law.

8041 (d) The name of the person who will serve as the
8042 designated agent of the company.

8043 (e) For a company applying for a Class A license,
8044 evidence that the company has at least one (1) employee who holds
8045 a Class B license at each of its operating locations.

8046 (f) A statement that no officer or principal has been
8047 convicted of a * * * disqualifying crime as provided in the Fresh
8048 Start Act, has received a first-time offender pardon for a * * *
8049 disqualifying crime as provided in the Fresh Start Act, or has
8050 entered a plea of guilty or nolo contendere to a * * *
8051 disqualifying crime as provided in the Fresh Start Act.

8052 (g) The application fee authorized by this chapter.

8053 (h) Documentation that the company is located within
8054 the physical boundaries of the state.

8055 (i) Beginning on July 1, 2014, in order to assist the
8056 Office of the State Fire Marshal in determining an applicant's



8057 suitability for a license under this chapter, a Class A applicant,
8058 upon request from the State Fire Marshal, shall submit a set of
8059 fingerprints for all officers and principals with the submission
8060 of an application for license or at such time as deemed necessary
8061 by the State Fire Marshal. The Office of the State Fire Marshal
8062 shall forward the fingerprints to the Department of Public Safety
8063 for the purpose of conducting a criminal history record check. If
8064 no disqualifying record is identified at the state level, the
8065 fingerprints shall be forwarded by the Department of Public Safety
8066 to the Federal Bureau of Investigation for a national criminal
8067 history record check. Fees related to the criminal history record
8068 check shall be paid by the applicant to the State Fire Marshal and
8069 the monies from such fees shall be deposited in the special fund
8070 in the State Treasury designated as the Electronic Protection
8071 Licensing Fund.

8072 (j) The name of each company providing monitoring
8073 services.

8074 (3) If the action by the State Fire Marshal is to nonrenew
8075 or to deny an application for license, the State Fire Marshal
8076 shall notify the applicant or licensee and advise, in writing, the
8077 applicant or licensee of the reason for the denial or nonrenewal
8078 of the applicant's or licensee's license. The applicant or
8079 licensee may make written demand upon the State Fire Marshal
8080 within ten (10) days for a hearing before the State Fire Marshal



8081 to determine the reasonableness of the State Fire Marshal's
8082 action. The hearing shall be held within thirty (30) days.

8083 **SECTION 99.** Section 73-69-11, Mississippi Code of 1972, is
8084 amended as follows:

8085 73-69-11. (1) Any person employed by an alarm contracting
8086 company shall hold an individual license issued by the State Fire
8087 Marshal. Such license shall authorize its holder to engage in
8088 alarm contracting, only to the extent of the terms as further
8089 provided in this chapter.

8090 (2) Such application shall be accompanied by:

8091 (a) Two (2) suitable photographs of the applicant
8092 acceptable to the State Fire Marshal. The State Fire Marshal
8093 shall keep one (1) photograph on file and shall make the other
8094 photograph a part of any license subsequently issued to the
8095 applicant.

8096 (b) Documentation that the applicant meets educational
8097 requirements applicable to the type of license for which he is
8098 applying, as follows:

8099 (i) For a Class B license: a minimum of
8100 Electronic Security Association, Level 2 A and Level 2 B Burglar
8101 Alarm training course or the Electronic Security Association, Fire
8102 Alarm Installation Methods and Advanced Intrusion Systems training
8103 courses, or equivalent training approved by the State Fire
8104 Marshal, and documentation proving residency within a radius of



8105 one hundred fifty (150) miles of the office to which he is
8106 assigned.

8107 (ii) For a Class C license: a minimum of
8108 Electronic Security Association Level 1 Certified Alarm/Security
8109 Technician training course, or equivalent training approved by the
8110 State Fire Marshal.

8111 (iii) For a Class D license: a minimum of
8112 Electronic Security Association, Understanding Electronic Security
8113 Systems training course, or equivalent training approved by the
8114 State Fire Marshal.

8115 (iv) For a Class H license: application by a
8116 Class B or Class C license holder that they will provide direct
8117 supervision of the Class H licensee.

8118 (c) (i) A statement by the applicant that he has not
8119 been convicted of a * * * disqualifying crime as provided in the
8120 Fresh Start Act, received a first-time offender pardon for a * * *
8121 disqualifying crime as provided in the Fresh Start Act, or entered
8122 a plea of guilty or nolo contendere to a * * * disqualifying crime
8123 as provided in the Fresh Start Act. * * *

8124 (ii) A conviction or a plea of guilty or nolo
8125 contendere to a * * * disqualifying crime as provided in the Fresh
8126 Start or receipt of a first-time offender pardon shall not
8127 constitute an automatic disqualification as otherwise required
8128 pursuant to subparagraph (i) if ten (10) or more years have
8129 elapsed between the date of application and the successful



8130 completion or service of any sentence, deferred adjudication or
8131 period of probation or parole.

8132 (iii) Subparagraph (ii) shall not apply to any
8133 person convicted of a felony crime of violence or a sex offense as
8134 defined within the Mississippi Criminal Code.

8135 (d) The State Fire Marshal shall have the authority to
8136 conduct criminal history verification on a local, state or
8137 national level. Beginning on July 1, 2014, in order to assist the
8138 Office of the State Fire Marshal in determining an applicant's
8139 suitability for a license under this chapter, an applicant shall
8140 submit a set of fingerprints with the submission of an application
8141 for license. The Office of the State Fire Marshal shall forward
8142 the fingerprints to the Department of Public Safety for the
8143 purpose of conducting a criminal history record check. If no
8144 disqualifying record is identified at the state level, the
8145 fingerprints shall be forwarded by the Department of Public Safety
8146 to the Federal Bureau of Investigation for a national criminal
8147 history record check. Fees related to the criminal history record
8148 check shall be paid by the applicant to the State Fire Marshal and
8149 the monies from such fees shall be deposited in the special fund
8150 in the State Treasury designated as the Electronic Protection
8151 Licensing Fund.

8152 (e) The application fee authorized by this chapter.

8153 (3) The State Fire Marshal shall have the authority to
8154 determine if information submitted by an applicant is in a form



8155 acceptable to him. The State Fire Marshal shall verify or have
8156 another entity verify information submitted by each applicant.

8157 (4) If the State Fire Marshal finds that an applicant has
8158 met the applicable requirements of the alarm licensing law, he
8159 shall issue the appropriate type of license to the applicant upon
8160 payment of the license fee authorized by this chapter.

8161 (5) Each individual license holder shall maintain his
8162 license on his person while engaging in any type of alarm
8163 contracting as applicable. Each such license holder shall present
8164 his license for inspection upon demand by an employee of the
8165 Office of the State Fire Marshal or a law enforcement officer.

8166 (6) Each individual license holder shall notify the State
8167 Fire Marshal, on a form specified and provided by the State Fire
8168 Marshal, within ten (10) days of the following:

8169 (a) Any change in business or home address.

8170 (b) Any separation from an employer or change in
8171 employer.

8172 (c) Any conviction for a * * * disqualifying crime as
8173 provided in the Fresh Start Act.

8174 (7) No individual licensed under this chapter shall contract
8175 for his services as an independent contractor or agent without
8176 applying for and being issued a Class A license per Section
8177 73-69-9. No alarm contracting company shall contract for the
8178 independent services of a holder of an individual license under
8179 this section.



8180 (8) The State Fire Marshal may enter into reciprocal
8181 agreements with other states for mutual recognition of individual
8182 license holders, if the State Fire Marshal has established the
8183 criteria for acceptance of reciprocal agreements by rule or
8184 regulation. The issuance of a license by reciprocity to a
8185 military-trained applicant, military spouse or person who
8186 establishes residence in this state shall be subject to the
8187 provisions of Section 73-50-1 or 73-50-2, as applicable.

8188 (9) If the action by the State Fire Marshal is to nonrenew
8189 or to deny an application for license, the State Fire Marshal
8190 shall notify the applicant or licensee and advise, in writing, the
8191 applicant or licensee of the reason for the denial or nonrenewal
8192 of the applicant's or licensee's license. The applicant or
8193 licensee may make written demand upon the State Fire Marshal
8194 within ten (10) days for a hearing before the State Fire Marshal
8195 to determine the reasonableness of the State Fire Marshal's
8196 action. The hearing shall be held within thirty (30) days.

8197 **SECTION 100.** Section 75-15-11, Mississippi Code of 1972, is
8198 amended as follows:

8199 75-15-11. Each application for a license shall be
8200 accompanied by:

8201 (a) Certified financial statements, reasonably
8202 satisfactory to the commissioner, showing that the applicant has a
8203 net worth of at least Twenty-five Thousand Dollars (\$25,000.00)
8204 plus Fifteen Thousand Dollars (\$15,000.00) for each location in



8205 excess of one (1) at which the applicant proposes to conduct money
8206 transmissions in this state, computed according to generally
8207 accepted accounting principles, but in no event shall the net
8208 worth be required to be in excess of Two Hundred Fifty Thousand
8209 Dollars (\$250,000.00).

8210 (b) A surety bond issued by a bonding company or
8211 insurance company authorized to do business in this state, in the
8212 principal sum of Twenty-five Thousand Dollars (\$25,000.00) or in
8213 an amount equal to outstanding money transmissions in Mississippi,
8214 whichever is greater, but in no event shall the bond be required
8215 to be in excess of Five Hundred Thousand Dollars (\$500,000.00).
8216 However, the commissioner may increase the required amount of the
8217 bond upon the basis of the impaired financial condition of a
8218 licensee as evidenced by a reduction in net worth, financial
8219 losses or other relevant criteria. The bond shall be in form
8220 satisfactory to the commissioner and shall run to the state for
8221 the use and benefit of the Department of Banking and Consumer
8222 Finance and any claimants against the applicant or his agents to
8223 secure the faithful performance of the obligations of the
8224 applicant and his agents with respect to the receipt, handling,
8225 transmission and payment of money in connection with money
8226 transmissions in Mississippi. The aggregate liability of the
8227 surety in no event shall exceed the principal sum of the bond.
8228 The surety on the bond shall have the right to cancel the bond
8229 upon giving sixty (60) days' notice in writing to the commissioner



8230 and thereafter shall be relieved of liability for any breach of
8231 condition occurring after the effective date of the cancellation.
8232 Any claimants against the applicant or his agents may themselves
8233 bring suit directly on the bond, or the Attorney General may bring
8234 suit thereon in behalf of those claimants, either in one (1)
8235 action or successive actions.

8236 (c) In lieu of the corporate surety bond, the applicant
8237 may deposit with the State Treasurer bonds or other obligations of
8238 the United States or guaranteed by the United States or bonds or
8239 other obligations of this state or of any municipal corporation,
8240 county, or other political subdivision or agency of this state, or
8241 certificates of deposit of national or state banks doing business
8242 in Mississippi, having an aggregate market value at least equal to
8243 that of the corporate surety bond otherwise required. Those bonds
8244 or obligations or certificates of deposit shall be deposited with
8245 the State Treasurer to secure the same obligations as would a
8246 corporate surety bond, but the depositor shall be entitled to
8247 receive all interest and dividends thereon and shall have the
8248 right to substitute other bonds or obligations or certificates of
8249 deposit for those deposited, with the approval of the
8250 commissioner, and shall be required so to do on order of the
8251 commissioner made for good cause shown. The State Treasurer shall
8252 provide for custody of the bonds or obligations or certificates of
8253 deposits by a qualified trust company or bank located in the State
8254 of Mississippi or by any Federal Reserve Bank. The compensation,



8255 if any, of the custodian for acting as such under this section
8256 shall be paid by the depositing licensee.

8257 (d) Proof of registration as a money service business
8258 per 31 CFR Section 103.41, if applicable.

8259 (e) A set of fingerprints from any local law
8260 enforcement agency for each owner of a sole proprietorship,
8261 partners in a partnership or principal owners of a limited
8262 liability company that own at least ten percent (10%) of the
8263 voting shares of the company, shareholders owning ten percent
8264 (10%) or more of the outstanding shares of the corporation, except
8265 publically traded corporations and their subsidiaries, and any
8266 other executive officer with significant oversight duties of the
8267 business. In order to determine the applicant's suitability for
8268 license, the commissioner shall forward the fingerprints to the
8269 Department of Public Safety for a state criminal history records
8270 check, and the fingerprints shall be forwarded by the Department
8271 of Public Safety to the FBI for a national criminal history
8272 records check. The department shall not issue a license if it
8273 finds that the applicant, or any person who is an owner, partner,
8274 director or executive officer of the applicant, has been convicted
8275 of: (i) a * * * disqualifying crime as provided in the Fresh
8276 Start Act; or (ii) a crime that, if committed within the state,
8277 would constitute a * * * disqualifying crime as provided in the
8278 Fresh Start Act; or (iii) a misdemeanor of fraud, theft, forgery,
8279 bribery, embezzlement or making a fraudulent or false statement in



8280 any jurisdiction. For the purposes of this chapter, a person
8281 shall be deemed to have been convicted of a crime if the person
8282 has pleaded guilty to a crime before a court or federal
8283 magistrate, or plea of nolo contendere, or has been found guilty
8284 of a crime by the decision or judgment of a court or federal
8285 magistrate or by the verdict of a jury, irrespective of the
8286 pronouncement of sentence or the suspension of a sentence, unless
8287 the person convicted of the crime has received a pardon from the
8288 President of the United States or the Governor or other pardoning
8289 authority in the jurisdiction where the conviction was obtained.

8290 **SECTION 101.** Section 75-67-323, Mississippi Code of 1972, is
8291 amended as follows:

8292 75-67-323. (1) To be eligible for a pawnbroker license, an
8293 applicant shall:

8294 (a) Operate lawfully and fairly within the purposes of
8295 this article;

8296 (b) Not have been convicted of a * * * disqualifying
8297 crime as provided in the Fresh Start Act or be active as a
8298 beneficial owner for someone who has been convicted of a * * *
8299 disqualifying crime as provided in the Fresh Start Act;

8300 (c) File with the commissioner a bond with good
8301 security in the penal sum of Ten Thousand Dollars (\$10,000.00),
8302 payable to the State of Mississippi for the faithful performance
8303 by the licensee of the duties and obligations pertaining to the
8304 business so licensed and the prompt payment of any judgment which



8305 may be recovered against such licensee on account of damages or
8306 other claim arising directly or collaterally from any violation of
8307 the provisions of this article; such bond shall not be valid until
8308 it is approved by the commissioner; such applicant may file, in
8309 lieu thereof, cash, a certificate of deposit, or government bonds
8310 in the amount of Ten Thousand Dollars (\$10,000.00); such deposit
8311 shall be filed with the commissioner and is subject to the same
8312 terms and conditions as are provided for in the surety bond
8313 required herein; any interest or earnings on such deposits are
8314 payable to the depositor;

8315 (d) File with the commissioner an application
8316 accompanied by the initial license fee required in this article;

8317 (e) Submit a set of fingerprints from any local law
8318 enforcement agency. In order to determine the applicant's
8319 suitability for license, the commissioner shall forward the
8320 fingerprints to the Department of Public Safety; and if no
8321 disqualifying record is identified at the state level, the
8322 fingerprints shall be forwarded by the Department of Public Safety
8323 to the FBI for a national criminal history record check.

8324 (2) Every licensee shall post his license in a conspicuous
8325 place at each place of business.

8326 (3) Every licensee shall post and display a sign which
8327 measures at least twenty (20) inches by twenty (20) inches in a
8328 conspicuous place and in easy view of all persons who enter the
8329 place of business. The sign shall display bold, blocked letters,



8330 easily readable, with the following information: "This pawnshop
8331 is licensed and regulated by the Mississippi Department of Banking
8332 and Consumer Finance. If you encounter any unresolved problem
8333 with a transaction at this location, you are entitled to
8334 assistance. Please call or write: Mississippi Department of
8335 Banking and Consumer Finance, Post Office Drawer 23729, Jackson,
8336 MS 39225-3729; Phone 1-800-844-2499."

8337 (4) From and after December 1, 2010, each application for an
8338 initial license shall include evidence of the satisfactory
8339 completion of at least six (6) hours of approved prelicensing
8340 education, and each application for renewal shall include evidence
8341 of the satisfactory completion of at least six (6) hours of
8342 approved continuing education, by the owners or designated
8343 representative in pawnbroker transactions. Two (2) of the six (6)
8344 hours shall consist of instruction on the Mississippi Pawnshop Act
8345 and shall be approved by the department once the course is
8346 approved by the Mississippi Pawnbrokers Association or the
8347 National Pawnbrokers Association.

8348 **SECTION 102.** Section 75-67-421, Mississippi Code of 1972, is
8349 amended as follows:

8350 75-67-421. (1) To be eligible for a title pledge lender
8351 license, an applicant shall:

8352 (a) Operate lawfully and fairly within the purposes of
8353 this article;



8354 (b) Not have been convicted of a * * * disqualifying
8355 crime as provided in the Fresh Start Act or be active as a
8356 beneficial owner for someone who has been convicted of a * * *
8357 disqualifying crime as provided in the Fresh Start Act;

8358 (c) File with the commissioner a bond with good
8359 security in the penal sum of Fifty Thousand Dollars (\$50,000.00)
8360 for each location at which the applicant proposes to engage in the
8361 business of title pledge lending, but in no event shall the
8362 aggregate amount of the bond for all locations per applicant
8363 exceed Two Hundred Fifty Thousand Dollars (\$250,000.00) and no
8364 more than Fifty Thousand Dollars (\$50,000.00) shall be payable or
8365 recoverable on the bond for each location; the bond shall be
8366 payable to the State of Mississippi for the faithful performance
8367 by the licensee of the duties and obligations pertaining to the
8368 business so licensed and the prompt payment of any judgment which
8369 may be recovered against the licensee on account of damages or
8370 other claim arising directly or collaterally from any violation of
8371 the provisions of this article; the bond shall not be valid until
8372 it is approved by the commissioner; the applicant may file, in
8373 lieu thereof, cash, a certificate of deposit or government bonds
8374 in the amount of Twenty-five Thousand Dollars (\$25,000.00) for
8375 each location at which the applicant proposes to engage in the
8376 business of title pledge lending, but in no event shall the
8377 aggregate amount of the cash, certificate of deposit or government
8378 bonds for all locations per applicant exceed Two Hundred Fifty



8379 Thousand Dollars (\$250,000.00) and no more than Twenty-five
8380 Thousand Dollars (\$25,000.00) shall be payable or recoverable on
8381 the cash, certificate of deposit or government bonds for each
8382 location; the deposit of the cash, certificate of deposit or
8383 government bonds shall be filed with the commissioner and is
8384 subject to the same terms and conditions as are provided for in
8385 the surety bond required herein; any interest or earnings on such
8386 deposits are payable to the depositor * * *;

8387 (d) File with the commissioner an application
8388 accompanied by a set of fingerprints from any local law
8389 enforcement agency, and the initial license fee required in this
8390 article. In order to determine the applicant's suitability for
8391 license, the commissioner shall forward the fingerprints to the
8392 Department of Public Safety; and if no disqualifying record is
8393 identified at the state level, the fingerprints shall be forwarded
8394 by the Department of Public Safety to the FBI for a national
8395 criminal history record check.

8396 (2) Upon the filing of an application in a form prescribed
8397 by the commissioner, accompanied by the fee and documents required
8398 in this article, the department shall investigate to ascertain
8399 whether the qualifications prescribed by this article have been
8400 satisfied. If the commissioner finds that the qualifications have
8401 been satisfied and, if he approves the documents so filed by the
8402 applicant, he shall issue to the applicant a license to engage in
8403 the business of title pledge lending in this state.



8404 (3) Complete and file with the commissioner an annual
8405 renewal application accompanied by the renewal fee required in
8406 this article.

8407 (4) The license shall be kept conspicuously posted in the
8408 place of business of the licensee.

8409 **SECTION 103.** Section 75-67-509, Mississippi Code of 1972, is
8410 amended as follows:

8411 75-67-509. To be eligible for a check casher license, an
8412 applicant shall:

8413 (a) Operate lawfully and fairly within the purposes of
8414 this article.

8415 (b) Not have been convicted of a * * * disqualifying
8416 crime as provided in the Fresh Start Act or be active as a
8417 beneficial owner for someone who has been convicted of a * * *
8418 disqualifying crime as provided in the Fresh Start Act.

8419 (c) File with the commissioner a bond with good
8420 security in the penal sum of Ten Thousand Dollars (\$10,000.00),
8421 payable to the State of Mississippi for the faithful performance
8422 by the licensee of the duties and obligations pertaining to the
8423 business so licensed and the prompt payment of any judgment which
8424 may be recovered against the licensee on account of charges or
8425 other claims arising directly or collectively from any violation
8426 of the provisions of this article. The bond shall not be valid
8427 until it is approved by the commissioner. The applicant may file,
8428 in lieu of the bond, cash, a certificate of deposit or government



8429 bonds in the amount of Ten Thousand Dollars (\$10,000.00). Those
8430 deposits shall be filed with the commissioner and are subject to
8431 the same terms and conditions as are provided for in the surety
8432 bond required in this paragraph. Any interest or earnings on
8433 those deposits are payable to the depositor.

8434 (d) File with the commissioner an application for a
8435 license and the initial license fee required in this article. If
8436 applicant's application is approved, a check casher license will
8437 be issued within thirty (30) days.

8438 (e) Submit a set of fingerprints from any local law
8439 enforcement agency. In order to determine the applicant's
8440 suitability for license, the commissioner shall forward the
8441 fingerprints to the Department of Public Safety; and if no
8442 disqualifying record is identified at the state level, the
8443 fingerprints shall be forwarded by the Department of Public Safety
8444 to the FBI for a national criminal history record check.

8445 (f) Complete and file with the commissioner an annual
8446 renewal application for a license accompanied by the renewal fee
8447 required in this article.

8448 **SECTION 104.** Section 75-67-609, Mississippi Code of 1972, is
8449 amended as follows:

8450 75-67-609. To be eligible for a credit availability license,
8451 an applicant shall:

8452 (a) Operate lawfully and fairly within the purposes of
8453 this article.



8454 (b) Not have been convicted in the last ten (10) years
8455 or be active as a beneficial owner for someone who has been
8456 convicted in the last ten (10) years of a disqualifying
8457 crime * * * as provided in the Fresh Start Act.

8458 (c) File with the commissioner a bond with good
8459 security in the penal sum of Ten Thousand Dollars (\$10,000.00),
8460 payable to the State of Mississippi, for the faithful performance
8461 by the licensee of the duties and obligations pertaining to the
8462 business so licensed and the prompt payment of any judgment which
8463 may be recovered against the licensee on account of charges or
8464 other claims arising directly or collectively from any violation
8465 of the provisions of this article. The bond shall not be valid
8466 until the commissioner approves it. The applicant may file, in
8467 lieu of the bond, cash, a certificate of deposit or government
8468 bonds in the amount of Ten Thousand Dollars (\$10,000.00). Those
8469 deposits shall be filed with the commissioner and are subject to
8470 the same terms and conditions as are provided for in the surety
8471 bond required in this paragraph. Any interest or earnings on
8472 those deposits are payable to the depositor. Applicants applying
8473 for multiple licenses may submit a single bond for all licenses,
8474 provided that the total value of the bond is equal to Ten Thousand
8475 Dollars (\$10,000.00) per license applied for.

8476 (d) File with the commissioner an application for a
8477 license and the initial license fee required in this article. If



8478 applicant's application is approved, a credit availability license
8479 will be issued within thirty (30) days.

8480 (e) File with the commissioner a set of fingerprints
8481 from any local law enforcement agency for each owner of a sole
8482 proprietorship, partners in a partnership or principal owners of a
8483 limited liability company that own at least ten percent (10%) of
8484 the voting shares of the company, shareholders owning ten percent
8485 (10%) or more of the outstanding shares of the corporation, except
8486 publically traded corporations and their subsidiaries, and any
8487 other executive officer with significant oversight duties of the
8488 business. In order to determine the applicant's suitability for
8489 license, the commissioner shall forward the fingerprints to the
8490 Department of Public Safety; and if no disqualifying record is
8491 identified at the state level, the Department of Public Safety
8492 shall forward the fingerprints to the FBI for a national criminal
8493 history record check.

8494 (f) Complete and file with the commissioner an annual
8495 renewal application for a license accompanied by the renewal fee
8496 required in this article.

8497 **SECTION 105.** Section 27-115-55, Mississippi Code of 1972, is
8498 amended as follows:

8499 27-115-55. (1) The Legislature hereby recognizes that to
8500 conduct a successful lottery, the corporation must develop and
8501 maintain a statewide network of lottery retailers that will serve
8502 the public convenience and promote the sale of tickets, while



8503 ensuring the integrity of the lottery operations, games and
8504 activities.

8505 (2) To govern the selection of lottery retailers, the board
8506 shall, by administrative rules and regulations, develop a list of
8507 objective criteria upon which the selection of lottery retailers
8508 shall be based. In developing these criteria, the board shall
8509 consider such factors as the applicant's financial responsibility,
8510 location and security of the applicant's place of business or
8511 activity, integrity, and reputation; however, the board shall not
8512 consider political affiliation, activities or monetary
8513 contributions to political organizations or candidates for any
8514 public office. The criteria shall include, but not be limited to,
8515 the following:

8516 (a) The applicant shall be current in payment of all
8517 taxes, interest and penalties owed to any taxing political
8518 subdivision where the lottery retailer will sell lottery tickets.

8519 (b) The applicant shall be current in filing all
8520 applicable tax returns and in payment of all taxes, interest and
8521 penalties owed to the State of Mississippi, excluding items under
8522 formal appeal pursuant to applicable statutes, before a license is
8523 issued and before each renewal.

8524 (c) No person shall be selected as a lottery retailer
8525 for the sale of lottery tickets who:



8526 (i) Has been convicted of a criminal offense
8527 related to the security or integrity of the lottery in this or any
8528 other jurisdiction.

8529 (ii) Has been convicted of any illegal gambling
8530 activity, false statements, false swearing or perjury in this or
8531 any other jurisdiction, or convicted of a * * * disqualifying
8532 crime as provided in the Fresh Start Act.

8533 (iii) Has been found to have violated the
8534 provisions of this chapter or any administrative rules and
8535 regulations adopted under this chapter, unless either ten (10)
8536 years have passed since the violation, or the president and the
8537 board find the violation both minor and unintentional in nature.

8538 (iv) Is a vendor or an employee or agent of any
8539 vendor doing business with the corporation.

8540 (v) Resides in the same household as an officer or
8541 board member of the corporation.

8542 (vi) Has made a statement of material fact to the
8543 corporation, knowing such statement to be false.

8544 **SECTION 106.** Section 37-13-89, Mississippi Code of 1972, is
8545 amended as follows:

8546 37-13-89. (1) In each school district within the state,
8547 there shall be employed the number of school attendance officers
8548 determined by the Office of Compulsory School Attendance
8549 Enforcement to be necessary to adequately enforce the provisions
8550 of the Mississippi Compulsory School Attendance Law; however, this



8551 number shall not exceed one hundred fifty-three (153) school
8552 attendance officers at any time. From and after July 1, 1998, all
8553 school attendance officers employed pursuant to this section shall
8554 be employees of the State Department of Education. The State
8555 Department of Education shall employ all persons employed as
8556 school attendance officers by district attorneys before July 1,
8557 1998, and shall assign them to school attendance responsibilities
8558 in the school district in which they were employed before July 1,
8559 1998. The first twelve (12) months of employment for each school
8560 attendance officer shall be the probationary period of state
8561 service.

8562 (2) (a) The State Department of Education shall obtain
8563 current criminal records background checks and current child abuse
8564 registry checks on all persons applying for the position of school
8565 attendance officer after July 2, 2002. The criminal records
8566 information and registry checks must be kept on file for any new
8567 hires. In order to determine an applicant's suitability for
8568 employment as a school attendance officer, the applicant must be
8569 fingerprinted. If no disqualifying record is identified at the
8570 state level, the Department of Public Safety shall forward the
8571 fingerprints to the Federal Bureau of Investigation (FBI) for a
8572 national criminal history record check. The applicant shall pay
8573 the fee, not to exceed Fifty Dollars (\$50.00), for the
8574 fingerprinting and criminal records background check; however, the
8575 State Department of Education, in its discretion, may pay the fee



8576 for the fingerprinting and criminal records background check on
8577 behalf of any applicant. Under no circumstances may a member of
8578 the State Board of Education, employee of the State Department of
8579 Education or any person other than the subject of the criminal
8580 records background check disseminate information received through
8581 any such checks except insofar as required to fulfill the purposes
8582 of this subsection.

8583 (b) If the fingerprinting or criminal records check
8584 discloses a * * * disqualifying crime as provided in the Fresh
8585 Start Act, the applicant is not eligible to be employed as a
8586 school attendance officer. Any employment of an applicant pending
8587 the results of the fingerprinting and criminal records check is
8588 voidable if the new hire receives a disqualifying criminal records
8589 check. However, the State Board of Education, in its discretion,
8590 may allow an applicant aggrieved by an employment decision under
8591 this subsection to appear before the board, or before a hearing
8592 officer designated for that purpose, to show mitigating
8593 circumstances that may exist and allow the new hire to be employed
8594 as a school attendance officer. The State Board of Education may
8595 grant waivers for mitigating circumstances, which may include, but
8596 are not necessarily limited to: (i) age at which the crime was
8597 committed; (ii) circumstances surrounding the crime; (iii) length
8598 of time since the conviction and criminal history since the
8599 conviction; (iv) work history; (v) current employment and
8600 character references; and (vi) other evidence demonstrating the



8601 ability of the person to perform the responsibilities of a school
8602 attendance officer competently and that the person does not pose a
8603 threat to the health or safety of children.

8604 (c) A member of the State Board of Education or
8605 employee of the State Department of Education may not be held
8606 liable in any employment discrimination suit in which an
8607 allegation of discrimination is made regarding an employment
8608 decision authorized under this section.

8609 (3) Each school attendance officer shall possess a college
8610 degree with a major in a behavioral science or a related field or
8611 shall have no less than three (3) years combined actual experience
8612 as a school teacher, school administrator, law enforcement officer
8613 possessing such degree, and/or social worker; however, these
8614 requirements shall not apply to persons employed as school
8615 attendance officers before January 1, 1987. School attendance
8616 officers also shall satisfy any additional requirements that may
8617 be established by the State Personnel Board for the position of
8618 school attendance officer.

8619 (4) It shall be the duty of each school attendance officer
8620 to:

8621 (a) Cooperate with any public agency to locate and
8622 identify all compulsory-school-age children who are not attending
8623 school;

8624 (b) Cooperate with all courts of competent
8625 jurisdiction;



8626 (c) Investigate all cases of nonattendance and unlawful
8627 absences by compulsory-school-age children not enrolled in a
8628 nonpublic school;

8629 (d) Provide appropriate counseling to encourage all
8630 school-age children to attend school until they have completed
8631 high school;

8632 (e) Attempt to secure the provision of social or
8633 welfare services that may be required to enable any child to
8634 attend school;

8635 (f) Contact the home or place of residence of a
8636 compulsory-school-age child and any other place in which the
8637 officer is likely to find any compulsory-school-age child when the
8638 child is absent from school during school hours without a valid
8639 written excuse from school officials, and when the child is found,
8640 the officer shall notify the parents and school officials as to
8641 where the child was physically located;

8642 (g) Contact promptly the home of each
8643 compulsory-school-age child in the school district within the
8644 officer's jurisdiction who is not enrolled in school or is not in
8645 attendance at public school and is without a valid written excuse
8646 from school officials; if no valid reason is found for the
8647 nonenrollment or absence from the school, the school attendance
8648 officer shall give written notice to the parent, guardian or
8649 custodian of the requirement for the child's enrollment or
8650 attendance;



8651 (h) Collect and maintain information concerning
8652 absenteeism, dropouts and other attendance-related problems, as
8653 may be required by law or the Office of Compulsory School
8654 Attendance Enforcement; and

8655 (i) Perform all other duties relating to compulsory
8656 school attendance established by the State Department of Education
8657 or district school attendance supervisor, or both.

8658 (5) While engaged in the performance of his duties, each
8659 school attendance officer shall carry on his person a badge
8660 identifying him as a school attendance officer under the Office of
8661 Compulsory School Attendance Enforcement of the State Department
8662 of Education and an identification card designed by the State
8663 Superintendent of Public Education and issued by the school
8664 attendance officer supervisor. Neither the badge nor the
8665 identification card shall bear the name of any elected public
8666 official.

8667 (6) The State Personnel Board shall develop a salary scale
8668 for school attendance officers as part of the variable
8669 compensation plan. The various pay ranges of the salary scale
8670 shall be based upon factors including, but not limited to,
8671 education, professional certification and licensure, and number of
8672 years of experience. School attendance officers shall be paid in
8673 accordance with this salary scale. The minimum salaries under the
8674 scale shall be no less than the following:



8675 (a) For school attendance officers holding a bachelor's
8676 degree or any other attendance officer who does not hold such a
8677 degree, the annual salary shall be based on years of experience as
8678 a school attendance officer or related field of service or
8679 employment, no less than as follows:

8680	Years of Experience	Salary
8681	0 - 4 years	\$24,528.29
8682	5 - 8 years	26,485.29
8683	9 - 12 years	28,050.89
8684	13 - 16 years	29,616.49
8685	Over 17 years	31,182.09

8686 (b) For school attendance officers holding a license as
8687 a social worker, the annual salary shall be based on years of
8688 experience as a school attendance officer or related field of
8689 service or employment, no less than as follows:

8690	Years of Experience	Salary
8691	0 - 4 years	\$25,558.29
8692	5 - 8 years	27,927.29
8693	9 - 12 years	29,822.49
8694	13 - 16 years	31,717.69
8695	17 - 20 years	33,612.89
8696	Over 21 years	35,415.39

8697 (c) For school attendance officers holding a master's
8698 degree in a behavioral science or a related field, the annual
8699 salary shall be based on years of experience as a school



8700 attendance officer or related field of service or employment, no
8701 less than as follows:

8702	Years of Experience	Salary
8703	0 - 4 years	\$26,382.29
8704	5 - 8 years	29,008.79
8705	9 - 12 years	31,109.99
8706	13 - 16 years	33,211.19
8707	17 - 20 years	35,312.39
8708	Over 21 years	37,413.59

8709 (7) (a) Each school attendance officer employed by a
8710 district attorney on June 30, 1998, who became an employee of the
8711 State Department of Education on July 1, 1998, shall be awarded
8712 credit for personal leave and major medical leave for his
8713 continuous service as a school attendance officer under the
8714 district attorney, and if applicable, the youth or family court or
8715 a state agency. The credit for personal leave shall be in an
8716 amount equal to one-third (1/3) of the maximum personal leave the
8717 school attendance officer could have accumulated had he been
8718 credited with such leave under Section 25-3-93 during his
8719 employment with the district attorney, and if applicable, the
8720 youth or family court or a state agency. The credit for major
8721 medical leave shall be in an amount equal to one-half (1/2) of the
8722 maximum major medical leave the school attendance officer could
8723 have accumulated had he been credited with such leave under
8724 Section 25-3-95 during his employment with the district attorney,



8725 and if applicable, the youth or family court or a state agency.
8726 However, if a district attorney who employed a school attendance
8727 officer on June 30, 1998, certifies, in writing, to the State
8728 Department of Education that the school attendance officer had
8729 accumulated, pursuant to a personal leave policy or major medical
8730 leave policy lawfully adopted by the district attorney, a number
8731 of days of unused personal leave or major medical leave, or both,
8732 which is greater than the number of days to which the school
8733 attendance officer is entitled under this paragraph, the State
8734 Department of Education shall authorize the school attendance
8735 officer to retain the actual unused personal leave or major
8736 medical leave, or both, certified by the district attorney,
8737 subject to the maximum amount of personal leave and major medical
8738 leave the school attendance officer could have accumulated had he
8739 been credited with such leave under Sections 25-3-93 and 25-3-95.

8740 (b) For the purpose of determining the accrual rate for
8741 personal leave under Section 25-3-93 and major medical leave under
8742 Section 25-3-95, the State Department of Education shall give
8743 consideration to all continuous service rendered by a school
8744 attendance officer before July 1, 1998, in addition to the service
8745 rendered by the school attendance officer as an employee of the
8746 department.

8747 (c) In order for a school attendance officer to be
8748 awarded credit for personal leave and major medical leave or to
8749 retain the actual unused personal leave and major medical leave



8750 accumulated by him before July 1, 1998, the district attorney who
8751 employed the school attendance officer must certify, in writing,
8752 to the State Department of Education the hire date of the school
8753 attendance officer. For each school attendance officer employed
8754 by the youth or family court or a state agency before being
8755 designated an employee of the district attorney who has not had a
8756 break in continuous service, the hire date shall be the date that
8757 the school attendance officer was hired by the youth or family
8758 court or state agency. The department shall prescribe the date by
8759 which the certification must be received by the department and
8760 shall provide written notice to all district attorneys of the
8761 certification requirement and the date by which the certification
8762 must be received.

8763 (8) (a) School attendance officers shall maintain regular
8764 office hours on a year-round basis; however, during the school
8765 term, on those days that teachers in all of the school districts
8766 served by a school attendance officer are not required to report
8767 to work, the school attendance officer also shall not be required
8768 to report to work. (For purposes of this subsection, a school
8769 district's school term is that period of time identified as the
8770 school term in contracts entered into by the district with
8771 licensed personnel.) A school attendance officer shall be
8772 required to report to work on any day recognized as an official
8773 state holiday if teachers in any school district served by that
8774 school attendance officer are required to report to work on that



8775 day, regardless of the school attendance officer's status as an
8776 employee of the State Department of Education, and compensatory
8777 leave may not be awarded to the school attendance officer for
8778 working during that day. However, a school attendance officer may
8779 be allowed by the school attendance officer's supervisor to use
8780 earned leave on such days.

8781 (b) The State Department of Education annually shall
8782 designate a period of six (6) consecutive weeks in the summer
8783 between school years during which school attendance officers shall
8784 not be required to report to work. A school attendance officer
8785 who elects to work at any time during that period may not be
8786 awarded compensatory leave for such work and may not opt to be
8787 absent from work at any time other than during the six (6) weeks
8788 designated by the department unless the school attendance officer
8789 uses personal leave or major medical leave accrued under Section
8790 25-3-93 or 25-3-95 for such absence.

8791 (9) The State Department of Education shall provide all
8792 continuing education and training courses that school attendance
8793 officers are required to complete under state law or rules and
8794 regulations of the department.

8795 **SECTION 107.** Section 37-9-17, Mississippi Code of 1972, is
8796 amended as follows:

8797 37-9-17. (1) On or before April 1 of each year, the
8798 principal of each school shall recommend to the superintendent of
8799 the local school district the licensed employees or



8800 noninstructional employees to be employed for the school involved
8801 except those licensed employees or noninstructional employees who
8802 have been previously employed and who have a contract valid for
8803 the ensuing scholastic year. If such recommendations meet with
8804 the approval of the superintendent, the superintendent shall
8805 recommend the employment of such licensed employees or
8806 noninstructional employees to the local school board, and, unless
8807 good reason to the contrary exists, the board shall elect the
8808 employees so recommended. If, for any reason, the local school
8809 board shall decline to elect any employee so recommended,
8810 additional recommendations for the places to be filled shall be
8811 made by the principal to the superintendent and then by the
8812 superintendent to the local school board as provided above. The
8813 school board of any local school district shall be authorized to
8814 designate a personnel supervisor or another principal employed by
8815 the school district to recommend to the superintendent licensed
8816 employees or noninstructional employees; however, this
8817 authorization shall be restricted to no more than two (2)
8818 positions for each employment period for each school in the local
8819 school district. Any noninstructional employee employed upon the
8820 recommendation of a personnel supervisor or another principal
8821 employed by the local school district must have been employed by
8822 the local school district at the time the superintendent was
8823 elected or appointed to office; a noninstructional employee
8824 employed under this authorization may not be paid compensation in



8825 excess of the statewide average compensation for such
8826 noninstructional position with comparable experience, as
8827 established by the State Department of Education. The school
8828 board of any local school district shall be authorized to
8829 designate a personnel supervisor or another principal employed by
8830 the school district to accept the recommendations of principals or
8831 their designees for licensed employees or noninstructional
8832 employees and to transmit approved recommendations to the local
8833 school board; however, this authorization shall be restricted to
8834 no more than two (2) positions for each employment period for each
8835 school in the local school district.

8836 When the licensed employees have been elected as provided in
8837 the preceding paragraph, the superintendent of the district shall
8838 enter into a contract with such persons in the manner provided in
8839 this chapter.

8840 If, at the commencement of the scholastic year, any licensed
8841 employee shall present to the superintendent a license of a higher
8842 grade than that specified in such individual's contract, such
8843 individual may, if funds are available from adequate education
8844 program funds of the district, or from district funds, be paid
8845 from such funds the amount to which such higher grade license
8846 would have entitled the individual, had the license been held at
8847 the time the contract was executed.

8848 (2) Superintendents/directors of schools under the purview
8849 of the State Board of Education, the superintendent of the local



8850 school district and any private firm under contract with the local
8851 public school district to provide substitute teachers to teach
8852 during the absence of a regularly employed schoolteacher shall
8853 require, through the appropriate governmental authority, that
8854 current criminal records background checks and current child abuse
8855 registry checks are obtained, and that such criminal record
8856 information and registry checks are on file for any new hires
8857 applying for employment as a licensed or nonlicensed employee at a
8858 school and not previously employed in such school under the
8859 purview of the State Board of Education or at such local school
8860 district prior to July 1, 2000. In order to determine the
8861 applicant's suitability for employment, the applicant shall be
8862 fingerprinted. If no disqualifying record is identified at the
8863 state level, the fingerprints shall be forwarded by the Department
8864 of Public Safety to the Federal Bureau of Investigation for a
8865 national criminal history record check. The fee for such
8866 fingerprinting and criminal history record check shall be paid by
8867 the applicant, not to exceed Fifty Dollars (\$50.00); however, the
8868 State Board of Education, the school board of the local school
8869 district or a private firm under contract with a local school
8870 district to provide substitute teachers to teach during the
8871 temporary absence of the regularly employed schoolteacher, in its
8872 discretion, may elect to pay the fee for the fingerprinting and
8873 criminal history record check on behalf of any applicant. Under
8874 no circumstances shall a member of the State Board of Education,



8875 superintendent/director of schools under the purview of the State
8876 Board of Education, local school district superintendent, local
8877 school board member or any individual other than the subject of
8878 the criminal history record checks disseminate information
8879 received through any such checks except insofar as required to
8880 fulfill the purposes of this section. Any nonpublic school which
8881 is accredited or approved by the State Board of Education may
8882 avail itself of the procedures provided for herein and shall be
8883 responsible for the same fee charged in the case of local public
8884 schools of this state. The determination whether the applicant
8885 has a disqualifying crime, as set forth in subsection (3) of this
8886 section, shall be made by the appropriate governmental authority,
8887 and the appropriate governmental authority shall notify the
8888 private firm whether a disqualifying crime exists.

8889 (3) If such fingerprinting or criminal record checks
8890 disclose a * * * disqualifying crime as provided in the Fresh
8891 Start Act, the new hire shall not be eligible to be employed at
8892 such school. Any employment contract for a new hire executed by
8893 the superintendent of the local school district or any employment
8894 of a new hire by a superintendent/director of a new school under
8895 the purview of the State Board of Education or by a private firm
8896 shall be voidable if the new hire receives a disqualifying
8897 criminal record check. However, the State Board of Education or
8898 the school board may, in its discretion, allow any applicant
8899 aggrieved by the employment decision under this section to appear



8900 before the respective board, or before a hearing officer
8901 designated for such purpose, to show mitigating circumstances
8902 which may exist and allow the new hire to be employed at the
8903 school. The State Board of Education or local school board may
8904 grant waivers for such mitigating circumstances, which shall
8905 include, but not be limited to: (a) age at which the crime was
8906 committed; (b) circumstances surrounding the crime; (c) length of
8907 time since the conviction and criminal history since the
8908 conviction; (d) work history; (e) current employment and character
8909 references; (f) other evidence demonstrating the ability of the
8910 person to perform the employment responsibilities competently and
8911 that the person does not pose a threat to the health or safety of
8912 the children at the school.

8913 (4) No local school district, local school district
8914 employee, member of the State Board of Education or employee of a
8915 school under the purview of the State Board of Education shall be
8916 held liable in any employment discrimination suit in which an
8917 allegation of discrimination is made regarding an employment
8918 decision authorized under this Section 37-9-17.

8919 (5) The provisions of this section shall be fully applicable
8920 to licensed employees of the Mississippi School of the Arts (MSA),
8921 established in Section 37-140-1 et seq.

8922 **SECTION 108.** Section 37-29-232, Mississippi Code of 1972, is
8923 amended as follows:

8924 37-29-232. (1) For the purposes of this section:



8925 (a) "Health care professional/vocational technical
8926 academic program" means an academic program in medicine, nursing,
8927 dentistry, occupational therapy, physical therapy, social
8928 services, nutrition services, speech therapy, or other
8929 allied-health professional whose purpose is to prepare
8930 professionals to render patient care services.

8931 (b) "Health care professional/vocational technical
8932 student" means a student enrolled in a health care
8933 professional/vocational technical academic program.

8934 (2) The dean or director of the health care
8935 professional/vocational technical academic program is authorized
8936 to ensure that criminal history record checks and fingerprinting
8937 are obtained on their students before the students begin any
8938 clinical rotation in a licensed health care entity and that the
8939 criminal history record check information and registry checks are
8940 on file at the academic institution. In order to determine the
8941 student's suitability for the clinical rotation, the student shall
8942 be fingerprinted. If no disqualifying record is identified at the
8943 state level, the fingerprints shall be forwarded by the Department
8944 of Public Safety, the Department of Health, or any other legally
8945 authorized entity to the FBI for a national criminal history
8946 record check. The fee for the fingerprinting and criminal history
8947 record check shall be paid by the applicant, not to exceed Fifty
8948 Dollars (\$50.00); however, the academic institution in which the
8949 student is enrolled, in its discretion, may elect to pay the fee



8950 for the fingerprinting and criminal history record check on behalf
8951 of any applicant. Under no circumstances shall the academic
8952 institution representative or any individual other than the
8953 subject of the criminal history record checks disseminate
8954 information received through any such checks except insofar as
8955 required to fulfill the purposes of this section.

8956 (3) If the fingerprinting or criminal history record checks
8957 disclose a * * * disqualifying crime as provided in the Fresh
8958 Start Act, the student shall not be eligible to be admitted to the
8959 health care professional/vocational technical academic program of
8960 study. Any preadmission agreement executed by the health care
8961 professional/vocational technical academic program shall be
8962 voidable if the student receives a disqualifying criminal history
8963 record check. However, the administration of the health care
8964 professional/vocational technical academic program may, in its
8965 discretion, allow any applicant aggrieved by the admissions
8966 decision under this section to appear before an appeals committee
8967 or before a hearing officer designated for that purpose, to show
8968 mitigating circumstances that may exist and allow the student to
8969 be admitted to or continue in the program of study. The health
8970 care professional/vocational technical academic program may grant
8971 waivers for those mitigating circumstances, which shall include,
8972 but not be limited to: (a) age at which the crime was committed;
8973 (b) circumstances surrounding the crime; (c) length of time since
8974 the conviction and criminal history since the conviction; (d) work



8975 history; (e) current employment and character references; (f)
8976 other evidence demonstrating the ability of the student to perform
8977 the clinical responsibilities competently and that the student
8978 does not pose a threat to the health or safety of patients in the
8979 licensed health care entities in which they will be conducting
8980 clinical experiences. The health care professional/vocational
8981 technical academic program shall provide assurance to the licensed
8982 health care entity in which the clinical rotation is planned that
8983 the results of a health care professional/vocational technical
8984 student's criminal history record check would not prohibit the
8985 student from being able to conduct his or her clinical activities
8986 in the facility, institution, or organization. The criminal
8987 history record check shall be valid for the course of academic
8988 study, provided that annual disclosure statements are provided to
8989 the health care professional/vocational technical academic program
8990 regarding any criminal activity that may have occurred during the
8991 student's tenure with the health care professional/vocational
8992 technical academic program. The criminal history record check may
8993 be repeated at the discretion of the health care
8994 professional/vocational technical academic program based on
8995 information obtained during the annual disclosure statements. In
8996 extenuating circumstances, if a criminal history record check is
8997 initiated and the results are not available at the time the
8998 clinical rotation begins, the academic institution in which the
8999 student is enrolled, at its discretion, may require a signed



9000 affidavit from the student assuring compliance with this section.
9001 The affidavit will be considered void within sixty (60) days of
9002 its signature.

9003 (4) Criminal history record checks that are done as part of
9004 the requirements for participation in the health care
9005 professional/vocational technical academic program may not be used
9006 for any other purpose than those activities associated with their
9007 program of study. Students who may be employed as health care
9008 professionals outside of their program of study may be required to
9009 obtain additional criminal history record checks as part of their
9010 employment agreement.

9011 (5) No health care professional/vocational technical
9012 academic program or academic program employee shall be held liable
9013 in any admissions discrimination suit in which an allegation of
9014 discrimination is made regarding an admissions decision authorized
9015 under this section.

9016 **SECTION 109.** Section 73-3-41, Mississippi Code of 1972, is
9017 amended as follows:

9018 73-3-41. Every person who has been or shall hereafter be
9019 convicted of * * * a disqualifying crime as provided in the Fresh
9020 Start Act in a court of this or any other state or a court of the
9021 United States, manslaughter or a violation of the Internal Revenue
9022 Code excepted, shall be incapable of obtaining a license to
9023 practice law. Any court of the State of Mississippi in which a
9024 licensed attorney shall have been convicted of a * * *



9025 disqualifying crime as provided in the Fresh Start Act, other than
9026 manslaughter or a violation of the Internal Revenue Code, shall
9027 enter an order disbaring the attorney.

9028 **SECTION 110.** Section 73-4-25, Mississippi Code of 1972, is
9029 amended as follows:

9030 73-4-25. (1) The commission may refuse to issue or renew a
9031 license, place a licensee on probation or administrative
9032 supervision, suspend or revoke any license, or may reprimand or
9033 take any other action in relation to a license, including the
9034 imposition of a fine not to exceed Five Thousand Dollars
9035 (\$5,000.00) for each violation upon a licensee, or applicant for
9036 licensure, under this chapter for any of the following reasons:

9037 (a) Knowingly filing or causing to be filed a false
9038 application.

9039 (b) Failure to enter into a written contract with a
9040 seller or consignor prior to placing or permitting advertising for
9041 an auction sale to be placed.

9042 (c) Failure by the licensee to give the seller or
9043 consignor a signed receipt for items received for sale at auction,
9044 either by item or lot number at the time the goods are received,
9045 unless the goods are to remain in the possession of the seller or
9046 consignor.

9047 (d) Failure to give the seller or consignor a statement
9048 or lot description, selling price, purchaser's identity and the
9049 net proceeds due to the seller or consignor.



9050 (e) Failure to place funds received from an auction
9051 sale in an escrow or trust account, and failure to make timely
9052 settlement on escrowed funds. Absent a written agreement to the
9053 contrary, five (5) business days shall be deemed timely for
9054 settlement on personal property.

9055 (f) Permitting an unlicensed auctioneer to call for
9056 bids in an auction sale.

9057 (g) Having been convicted of or pled guilty to a * * *
9058 disqualifying crime as provided in the Fresh Start Act in the
9059 courts of this state or any other state, territory or country.
9060 Conviction, as used in this paragraph, shall include a deferred
9061 conviction, deferred prosecution, deferred sentence, finding or
9062 verdict of guilt, an admission of guilt or a plea of nolo
9063 contendere.

9064 (h) Any course of intentional, willful or wanton
9065 conduct by a licensee or such licensee's employees which misleads
9066 or creates a false impression among the seller, buyer, bidders and
9067 the auctioneer in the advertising, conducting and closing of an
9068 auction sale.

9069 (i) A continued and flagrant course of
9070 misrepresentation or making false promises, either by the
9071 licensee, an employee of the licensee, or by someone acting on
9072 behalf of and with the licensee's consent.



9073 (j) Any failure to account for or to pay over within a
9074 reasonable time funds belonging to another which have come into
9075 the licensee's possession through an auction sale.

9076 (k) Any false, misleading or untruthful advertising.

9077 (l) Any act of conduct in connection with a sales
9078 transaction which demonstrates bad faith or dishonesty.

9079 (m) Knowingly using false bidders, cappers or pullers,
9080 or knowingly making a material false statement or representation.

9081 (n) Commingling the funds or property of a client with
9082 the licensee's own or failing to maintain and deposit in a trust
9083 or escrow account in an insured bank or savings and loan
9084 association located in Mississippi funds received for another
9085 person through sale at auction.

9086 (o) Failure to give full cooperation to the commission
9087 and/or its designees, agents or other representatives in the
9088 performance of official duties of the commission. Such failure to
9089 cooperate includes, but is not limited to:

9090 (i) Failure to properly make any disclosures or to
9091 provide documents or information required by this chapter or by
9092 the commission;

9093 (ii) Not furnishing, in writing, a full and
9094 complete explanation covering the matter contained in a complaint
9095 filed with the commission;

9096 (iii) Failure, without good cause, to cooperate
9097 with any request by the board to appear before it;



9098 (iv) Not providing access, as directed by the
9099 commission, for its authorized agents or representatives seeking
9100 to perform reviews, audits or inspections at facilities or places
9101 utilized by the license holder in the auction business;

9102 (v) Failure to provide information within the
9103 specified time allotted and as required by the board and/or its
9104 representatives or designees;

9105 (vi) Failure to cooperate with the board or its
9106 designees or representatives in the investigation of any alleged
9107 misconduct or willfully interfering with a board investigation.

9108 (p) A demonstrated lack of financial responsibility.

9109 (q) Having had a license for the practice of
9110 auctioneering or the auction business suspended or revoked in any
9111 jurisdiction, having voluntarily surrendered a license in any
9112 jurisdiction, having been placed on probation in any jurisdiction,
9113 having been placed under disciplinary order(s) or other
9114 restriction in any manner for auctioneering or the auction
9115 business (a certified copy of the order of suspension, revocation,
9116 probation or disciplinary action shall be prima facie evidence of
9117 such action).

9118 (r) Any violation of this chapter or any violation of a
9119 rule or regulation duly adopted by the commission.

9120 (2) In addition to the acts specified in subsection (1) of
9121 this section, the commission shall be authorized to suspend the
9122 license of any licensee for being out of compliance with an order



9123 for support, as defined in Section 93-11-153. The procedure for
9124 suspension of a license for being out of compliance with an order
9125 for support, and the procedure for the reissuance or reinstatement
9126 of a license suspended for that purpose, and the payment of any
9127 fees for the reissuance or reinstatement of a license suspended
9128 for that purpose, shall be governed by Section 93-11-157 or
9129 93-11-163. If there is any conflict between any provision of
9130 Section 93-11-157 or 93-11-163 and any provision of this chapter,
9131 the provisions of Section 93-11-157 or 93-11-163, as the case may
9132 be, shall control.

9133 **SECTION 111.** Section 73-5-25, Mississippi Code of 1972, is
9134 amended as follows:

9135 73-5-25. (1) The Board of Barber Examiners may refuse to
9136 issue, or may suspend definitely or indefinitely, or revoke any
9137 certificate of registration or license for any one (1) or a
9138 combination of the following causes:

9139 (a) Conviction of a * * * disqualifying crime as
9140 provided in the Fresh Start Act shown by a certified copy of the
9141 judgment of court in which such conviction is had, unless upon a
9142 full and unconditional pardon of such convict, and upon
9143 satisfactory showing that such convict will in the future conduct
9144 himself in a law-abiding way.

9145 (b) Gross malpractice or gross incompetency.

9146 (c) Continued practice by a person knowingly having an
9147 infectious or contagious disease.



9148 (d) Advertising, practicing or attempting to practice
9149 under a trade name or name other than one's own.

9150 (e) Habitual drunkenness or habitual addiction to the
9151 use of morphine, cocaine or habit-forming drug, or any other
9152 illegal controlled substances.

9153 (f) Immoral or unprofessional conduct.

9154 (g) Violation of regulations that may be prescribed as
9155 provided for in Sections 73-5-7 through 73-5-43.

9156 (2) In addition to the causes specified in subsection (1) of
9157 this section, the board shall be authorized to suspend the
9158 certificate of registration of any person for being out of
9159 compliance with an order for support, as defined in Section
9160 93-11-153. The procedure for suspension of a certificate for
9161 being out of compliance with an order for support, and the
9162 procedure for the reissuance or reinstatement of a certificate
9163 suspended for that purpose, and the payment of any fees for the
9164 reissuance or reinstatement of a certificate suspended for that
9165 purpose, shall be governed by Section 93-11-157 or 93-11-163. If
9166 there is any conflict between any provision of Section 93-11-157
9167 or 93-11-163 and any provision of this chapter, the provisions of
9168 Section 93-11-157 or 93-11-163, as the case may be, shall control.

9169 **SECTION 112.** Section 73-6-19, Mississippi Code of 1972, is
9170 amended as follows:

9171 73-6-19. (1) The board shall refuse to grant a certificate
9172 of licensure to any applicant or may cancel, revoke or suspend the



9173 certificate upon the finding of any of the following facts
9174 regarding the applicant or licensed practitioner:

9175 (a) Failure to comply with the rules and regulations
9176 adopted by the State Board of Chiropractic Examiners;

9177 (b) Violation of any of the provisions of this chapter
9178 or any of the rules and regulations of the State Board of Health
9179 pursuant to this chapter with regard to the operation and use of
9180 x-rays;

9181 (c) Fraud or deceit in obtaining a license;

9182 (d) Addiction to the use of alcohol, narcotic drugs, or
9183 anything which would seriously interfere with the competent
9184 performance of his professional duties;

9185 (e) Conviction by a court of competent jurisdiction of
9186 a * * * disqualifying crime as provided in the Fresh Start Act;

9187 (f) Unprofessional and unethical conduct;

9188 (g) Contraction of a contagious disease which may be
9189 carried for a prolonged period;

9190 (h) Failure to report to the Mississippi Department of
9191 Human Services or the county attorney any case wherein there are
9192 reasonable grounds to believe that a child or vulnerable adult has
9193 been abused by its parent or person responsible for such person's
9194 welfare;

9195 (i) Advising a patient to use drugs, prescribing or
9196 providing drugs for a patient, or advising a patient not to use a
9197 drug prescribed by a licensed physician or dentist;



9198 (j) Professional incompetency in the practice of
9199 chiropractic;
9200 (k) Having disciplinary action taken by his peers
9201 within any professional chiropractic association or society;
9202 (l) Offering to accept or accepting payment for
9203 services rendered by assignment from any third-party payor after
9204 offering to accept or accepting whatever the third-party payor
9205 covers as payment in full, if the effect of the offering or
9206 acceptance is to eliminate or give the impression of eliminating
9207 the need for payment by an insured of any required deductions
9208 applicable in the policy of the insured;
9209 (m) Associating his practice with any chiropractor who
9210 does not hold a valid chiropractic license in Mississippi, or
9211 teach chiropractic manipulation to nonqualified persons under
9212 Section 73-6-13;
9213 (n) Failure to make payment on chiropractic student
9214 loans;
9215 (o) Failure to follow record keeping requirements
9216 prescribed in Section 73-6-18;
9217 (p) If the practitioner is certified to provide animal
9218 chiropractic treatment, failure to follow guidelines approved by
9219 the Mississippi Board of Veterinary Medicine; or
9220 (q) Violation(s) of the provisions of Sections 41-121-1
9221 through 41-121-9 relating to deceptive advertisement by health



9222 care practitioners. This paragraph shall stand repealed on July
9223 1, 2025.

9224 (2) Any holder of such certificate or any applicant therefor
9225 against whom is preferred any of the designated charges shall be
9226 furnished a copy of the complaint and shall receive a formal
9227 hearing in Jackson, Mississippi, before the board, at which time
9228 he may be represented by counsel and examine witnesses. The board
9229 is authorized to administer oaths as may be necessary for the
9230 proper conduct of any such hearing. In addition, the board is
9231 authorized and empowered to issue subpoenas for the attendance of
9232 witnesses and the production of books and papers. The process
9233 issued by the board shall extend to all parts of the state. Where
9234 in any proceeding before the board any witness shall fail or
9235 refuse to attend upon subpoena issued by the board, shall refuse
9236 to testify, or shall refuse to produce any books and papers, the
9237 production of which is called for by the subpoena, the attendance
9238 of such witness and the giving of his testimony and the production
9239 of the books and papers shall be enforced by any court of
9240 competent jurisdiction of this state in the manner provided for
9241 the enforcement of attendance and testimony of witnesses in civil
9242 cases in the courts of this state.

9243 (3) In addition to any other investigators the board
9244 employs, the board shall appoint one or more licensed
9245 chiropractors to act for the board in investigating the conduct
9246 relating to the competency of a chiropractor, whenever



9247 disciplinary action is being considered for professional
9248 incompetence and unprofessional conduct.

9249 (4) Whenever the board finds any person unqualified to
9250 practice chiropractic because of any of the grounds set forth in
9251 subsection (1) of this section, after a hearing has been conducted
9252 as prescribed by this section, the board may enter an order
9253 imposing one or more of the following:

9254 (a) Deny his application for a license or other
9255 authorization to practice chiropractic;

9256 (b) Administer a public or private reprimand;

9257 (c) Suspend, limit or restrict his license or other
9258 authorization to practice chiropractic for up to five (5) years;

9259 (d) Revoke or cancel his license or other authorization
9260 to practice chiropractic;

9261 (e) Require him to submit to care, counseling or
9262 treatment by physicians or chiropractors designated by the board,
9263 as a condition for initial, continued or renewal of licensure or
9264 other authorization to practice chiropractic;

9265 (f) Require him to participate in a program of
9266 education prescribed by the board; or

9267 (g) Require him to practice under the direction of a
9268 chiropractor designated by the board for a specified period of
9269 time.

9270 (5) Any person whose application for a license or whose
9271 license to practice chiropractic has been cancelled, revoked or



9272 suspended by the board within thirty (30) days from the date of
9273 such final decision shall have the right of a de novo appeal to
9274 the circuit court of his county of residence or the Circuit Court
9275 of the First Judicial District of Hinds County, Mississippi. If
9276 there is an appeal, such appeal may, in the discretion of and on
9277 motion to the circuit court, act as a supersedeas. The circuit
9278 court shall dispose of the appeal and enter its decision promptly.
9279 The hearing on the appeal may, in the discretion of the circuit
9280 judge, be tried in vacation. Either party shall have the right of
9281 appeal to the Supreme Court as provided by law from any decision
9282 of the circuit court.

9283 (6) In a proceeding conducted under this section by the
9284 board for the revocation, suspension or cancellation of a license
9285 to practice chiropractic, after a hearing has been conducted as
9286 prescribed by this section, the board shall have the power and
9287 authority for the grounds stated in subsection (1) of this
9288 section, with the exception of paragraph (c) thereof, to assess
9289 and levy upon any person licensed to practice chiropractic in the
9290 state a monetary penalty in lieu of such revocation, suspension or
9291 cancellation, as follows:

9292 (a) For the first violation, a monetary penalty of not
9293 less than Five Hundred Dollars (\$500.00) nor more than One
9294 Thousand Dollars (\$1,000.00) for each violation.

9295 (b) For the second and each subsequent violation, a
9296 monetary penalty of not less than One Thousand Dollars (\$1,000.00)



9297 nor more than Two Thousand Five Hundred Dollars (\$2,500.00) for
9298 each violation.

9299 The power and authority of the board to assess and levy such
9300 monetary penalties under this section shall not be affected or
9301 diminished by any other proceeding, civil or criminal, concerning
9302 the same violation or violations. A licensee shall have the right
9303 of appeal from the assessment and levy of a monetary penalty as
9304 provided in this section to the circuit court under the same
9305 conditions as a right of appeal is provided for in this section
9306 for appeals from an adverse ruling, or order, or decision of the
9307 board. Any monetary penalty assessed and levied under this
9308 section shall not take effect until after the time for appeal has
9309 expired, and an appeal of the assessment and levy of such a
9310 monetary penalty shall act as a supersedeas.

9311 (7) In addition to the grounds specified in subsection (1)
9312 of this section, the board shall be authorized to suspend the
9313 license of any licensee for being out of compliance with an order
9314 for support, as defined in Section 93-11-153. The procedure for
9315 suspension of a license for being out of compliance with an order
9316 for support, and the procedure for the reissuance or reinstatement
9317 of a license suspended for that purpose, and the payment of any
9318 fees for the reissuance or reinstatement of a license suspended
9319 for that purpose, shall be governed by Section 93-11-157 or
9320 93-11-163, as the case may be. Actions taken by the board in
9321 suspending a license when required by Section 93-11-157 or



9322 93-11-163 are not actions from which an appeal may be taken under
9323 this section. Any appeal of a license suspension that is required
9324 by Section 93-11-157 or 93-11-163 shall be taken in accordance
9325 with the appeal procedure specified in Section 93-11-157 or
9326 93-11-163, as the case may be, rather than the procedure specified
9327 in this section. If there is any conflict between any provision
9328 of Section 93-11-157 or 93-11-163 and any provision of this
9329 chapter, the provisions of Section 93-11-157 or 93-11-163, as the
9330 case may be, shall control.

9331 **SECTION 113.** Section 73-7-27, Mississippi Code of 1972, is
9332 amended as follows:

9333 73-7-27. (1) Any complaint may be filed with the board by a
9334 member or agent of the board or by any person charging any
9335 licensee of the board with the commission of any of the offenses
9336 enumerated in subsection (2) of this section. Such complaint
9337 shall be in writing, signed by the accuser or accusers, and
9338 verified under oath, and such complaints shall be investigated as
9339 set forth in Section 73-7-7. If, after the investigation, the
9340 board through its administrative review agents determines that
9341 there is not substantial justification to believe that the accused
9342 licensee has committed any of the offenses enumerated, it may
9343 dismiss the complaint or may prepare a formal complaint proceeding
9344 against the licensee as hereinafter provided. When used with
9345 reference to any complaint filed against a licensee herein, the
9346 term "not substantial justification" means a complaint that is



9347 frivolous, groundless in fact or law, or vexatious, as determined
9348 by unanimous vote of the board. In the event of a dismissal, the
9349 person filing the accusation and the accused licensee shall be
9350 given written notice of the board's determination. If the board
9351 determines there is reasonable cause to believe the accused has
9352 committed any of those offenses, the secretary of the board shall
9353 give written notice of such determination to the accused licensee
9354 and set a day for a hearing as provided in subsection (3) of this
9355 section.

9356 (2) The board shall have the power to revoke, suspend or
9357 refuse to issue or renew any license or certificate provided for
9358 in this chapter, and to fine, place on probation and/or otherwise
9359 discipline a student or licensee or holder of a certificate, upon
9360 proof that such person: (a) has not complied with or has violated
9361 any of the rules and regulations promulgated by the board; (b) has
9362 not complied with or has violated any of the sections of this
9363 chapter; (c) has committed fraud or dishonest conduct in the
9364 taking of the examination herein provided for; (d) has been
9365 convicted of a * * * disqualifying crime as provided in the Fresh
9366 Start Act; (e) has committed grossly unprofessional or dishonest
9367 conduct; (f) is addicted to the excessive use of intoxicating
9368 liquors or to the use of drugs to such an extent as to render him
9369 or her unfit to practice in any of the practices or occupations
9370 set forth in this chapter; (g) has advertised by means of
9371 knowingly false or deceptive statements; or (h) has failed to



9372 display the license or certificate issued to him or her as
9373 provided for in this chapter; or (i) has been convicted of
9374 violating any of the provisions of this chapter. A conviction of
9375 violating any of the provisions of this chapter shall be grounds
9376 for automatic suspension of the license or certificate of such
9377 person.

9378 (3) The board shall not revoke, suspend or refuse to issue
9379 or renew any license or certificate, or fine, place on probation
9380 or otherwise discipline any person in a disciplinary matter except
9381 after a hearing of which the applicant or licensee or holder of
9382 the certificate affected shall be given at least twenty (20) days'
9383 notice in writing, specifying the reason or reasons for denying
9384 the applicant a license or certificate of registration, or in the
9385 case of any other disciplinary action, the offense or offenses of
9386 which the licensee or holder of a certificate of registration is
9387 charged. Such notice may be served by mailing a copy thereof by
9388 United States first-class certified mail, postage prepaid, to the
9389 last-known residence or business address of such applicant,
9390 licensee or holder of a certificate. The hearing on such charges
9391 shall be at such time and place as the board may prescribe.

9392 (4) At such hearings, all witnesses shall be sworn by a
9393 member of the board, and stenographic notes of the proceedings
9394 shall be taken. Any party to the proceedings desiring it shall be
9395 furnished with a copy of such stenographic notes upon payment to



9396 the board of such fees as it shall prescribe, not exceeding,
9397 however, the actual costs of transcription.

9398 (5) The board is hereby authorized and empowered to issue
9399 subpoenas for the attendance of witnesses and the production of
9400 books and papers. The process issued by the board shall extend to
9401 all parts of the state and such process shall be served by any
9402 person designated by the board for such service. The person
9403 serving such process shall receive such compensation as may be
9404 allowed by the board, not to exceed the fee prescribed by law for
9405 similar services. All witnesses who shall be subpoenaed, and who
9406 shall appear in any proceedings before the board, shall receive
9407 the same fees and mileage as allowed by law.

9408 (6) Where in any proceeding before the board any witness
9409 shall fail or refuse to attend upon subpoena issued by the board,
9410 shall refuse to testify, or shall refuse to produce any books and
9411 papers, the production of which is called for by the subpoena, the
9412 attendance of such witness and the giving of his testimony and the
9413 production of the books and papers shall be enforced by any court
9414 of competent jurisdiction of this state, in the same manner as are
9415 enforced for the attendance and testimony of witnesses in civil
9416 cases in the courts of this state.

9417 (7) The board shall conduct the hearing in an orderly and
9418 continuous manner, granting continuances only when the ends of
9419 justice may be served. The board shall, within sixty (60) days
9420 after conclusion of the hearing, reduce its decision to writing



9421 and forward an attested true copy thereof to the last-known
9422 residence or business address of such applicant, licensee or
9423 holder of a certificate, by way of United States first-class
9424 certified mail, postage prepaid. Such applicant, licensee, holder
9425 of a certificate, or person aggrieved shall have the right of
9426 appeal from an adverse ruling, or order, or decision of the board
9427 to the Chancery Court of the First Judicial District of Hinds
9428 County, Mississippi, upon forwarding notice of appeal to the board
9429 within thirty (30) days after the decision of the board is mailed
9430 in the manner here contemplated. An appeal will not be allowed in
9431 the event notice of appeal, together with the appeal bond
9432 hereinafter required, shall not have been forwarded to the board
9433 within the thirty-day period. Appeal shall be to the Chancery
9434 Court of the First Judicial District of Hinds County, Mississippi.
9435 The appeal shall thereupon be heard in due course by the court
9436 which shall review the record and make its determination thereon.

9437 (8) The appellant shall, together with the notice of appeal,
9438 forward to and post with the board a satisfactory bond in the
9439 amount of Five Hundred Dollars (\$500.00) for the payment of any
9440 costs which may be adjudged against him.

9441 (9) In the event of an appeal, the court shall dispose of
9442 the appeal and enter its decision promptly. The hearing on the
9443 appeal may, in the discretion of the chancellor, be tried in
9444 vacation. If there is an appeal, such appeal may, in the
9445 discretion of and on motion to the chancery court, act as a



9446 supersedeas. However, any fine imposed by the board under the
9447 provisions of this chapter shall not take effect until after the
9448 time for appeal has expired, and an appeal of the imposition of
9449 such a fine shall act as a supersedeas.

9450 (10) Any fine imposed by the board upon a licensee or holder
9451 of a certificate shall be in accordance with the following
9452 schedule:

9453 (a) For the first violation, a fine of not less than
9454 Fifty Dollars (\$50.00) nor more than One Hundred Dollars (\$100.00)
9455 for each violation.

9456 (b) For the second and each subsequent violation, a
9457 fine of not less than One Hundred Dollars (\$100.00) nor more than
9458 Four Hundred Dollars (\$400.00) for each violation.

9459 The power and authority of the board to impose such fines
9460 under this section shall not be affected or diminished by any
9461 other proceeding, civil or criminal, concerning the same violation
9462 or violations.

9463 (11) In addition to the reasons specified in subsection (2)
9464 of this section, the board shall be authorized to suspend the
9465 license of any licensee for being out of compliance with an order
9466 for support, as defined in Section 93-11-153. The procedure for
9467 suspension of a license for being out of compliance with an order
9468 for support, and the procedure for the reissuance or reinstatement
9469 of a license suspended for that purpose, and the payment of any
9470 fees for the reissuance or reinstatement of a license suspended



9471 for that purpose, shall be governed by Section 93-11-157 or
9472 93-11-163, as the case may be. Actions taken by the board in
9473 suspending a license when required by Section 93-11-157 or
9474 93-11-163 are not actions from which an appeal may be taken under
9475 this section. Any appeal of a license suspension that is required
9476 by Section 93-11-157 or 93-11-163 shall be taken in accordance
9477 with the appeal procedure specified in Section 93-11-157 or
9478 93-11-163, as the case may be, rather than the procedure specified
9479 in this section. If there is any conflict between any provision
9480 of Section 93-11-157 or 93-11-163 and any provision of this
9481 chapter, the provisions of Section 93-11-157 or 93-11-163, as the
9482 case may be, shall control.

9483 **SECTION 114.** Section 73-17-15, Mississippi Code of 1972, is
9484 amended as follows:

9485 73-17-15. (1) (a) The board is authorized to investigate,
9486 either on the basis of complaints filed with it or on its own
9487 initiative, instances of suspected violations of this chapter of
9488 any nature, including, but not limited to: performing the duties
9489 of a nursing home administrator without a license; the providing
9490 of false information to the board either incident to an
9491 application for a license, incident to a hearing, or otherwise;
9492 maladministration; unethical conduct; incompetence; the conviction
9493 of a licensee of a * * * disqualifying crime as provided in the
9494 Fresh Start Act; the misappropriation of funds; or of any other
9495 matter reflecting unfavorably upon the holder of a license under



9496 this chapter or an applicant therefor. On the basis of
9497 information developed during such an investigation, the board may
9498 (i) revoke, suspend, or refuse to renew any license issued by the
9499 board, (ii) deny an application for a license, or (iii) reprimand,
9500 place on probation, and/or take any other action in relation to a
9501 license, as the board may deem proper under the circumstances.
9502 Whenever the results of such an investigation are filed, the
9503 executive director of the board shall set a day for a hearing and
9504 shall notify the licensee that on the day fixed for hearing he or
9505 she may appear and show cause, if any, why his or her license
9506 should not be revoked, suspended, or other action taken in
9507 relation to his or her license. The notice shall be transmitted
9508 to the licensee by certified United States mail to the address of
9509 the licensee appearing of record with the board.

9510 (b) In cases where violations of this chapter have been
9511 substantiated, the board may assess a monetary penalty for those
9512 reasonable costs that are expended by the board in the
9513 investigation and conduct of a proceeding for licensure
9514 revocation, suspension or restriction, including, but not limited
9515 to, the cost of process service, court reporters, expert witnesses
9516 and investigations.

9517 (2) The board, upon finding and determining that any person
9518 represents himself or herself to be a nursing home administrator
9519 or performs any or all of the services, acts or duties of a
9520 nursing home administrator as defined in this chapter without a



9521 license, is authorized to petition the chancery court of the
9522 county in which the unauthorized acts have been, are being or may
9523 be committed, for writ or writs of injunction prohibiting the
9524 unauthorized acts. This provision is supplemental and in addition
9525 to the penal provisions set forth in Section 73-17-13.

9526 (3) Any licensee whose license has been revoked or
9527 suspended, or who has been placed on probation or reprimanded
9528 after a contested hearing, may appeal that action of the board to
9529 the chancery court of the county in which the nursing home
9530 administrator is practicing, which appeal shall not be a de novo
9531 appeal but shall be determined upon an official transcript of the
9532 record of the contested hearing. Appeals to the chancery court
9533 shall be taken within ten (10) days from the date of the board's
9534 order and shall be taken, perfected, heard and determined either
9535 in termtime or in vacation, and the appeals shall be heard and
9536 disposed of promptly by the court. Appeals from the board shall
9537 be taken and perfected by the filing of a bond in the sum of Two
9538 Hundred Fifty Dollars (\$250.00) with two (2) sureties, or with a
9539 surety company qualified to do business in Mississippi as surety,
9540 conditioned to pay the costs of the appeal. The bond shall be
9541 payable to the state and shall be approved by the clerk of the
9542 chancery court. The bond may be enforced in its name as other
9543 judicial bonds filed in the chancery court, and judgment may be
9544 entered upon those bonds and process and execution shall issue
9545 upon those judgments as provided by law in other cases. Upon



9546 approval of the bond by the clerk of the chancery court, the clerk
9547 shall give notice to the board of the appeal from the decision of
9548 the board. It thereupon shall be the duty of the board through
9549 its duly authorized representative to promptly transmit to the
9550 clerk of the chancery court in which the appeal is pending a
9551 certified copy of the order of the board and all documents filed
9552 relating to the board's action against the licensee, together with
9553 a transcript of the testimony, both oral and documentary,
9554 introduced for consideration by the board both in support of and
9555 in opposition to the action, which appeal shall be docketed by the
9556 clerk and shall be determined by the court based upon the record.
9557 If there is an appeal, the appeal may, in the discretion of and on
9558 motion to the chancery court, act as a supersedeas. The chancery
9559 court shall dispose of the appeal and enter its decision promptly.
9560 The hearing on the appeal may, in the discretion of the
9561 chancellor, be tried in vacation.

9562 (4) Appeals from the decision of the chancery court may be
9563 taken by either the board or the licensee to the Supreme Court as
9564 in the case of appeals generally from the chancery court to the
9565 Supreme Court.

9566 (5) In addition to the reasons specified in subsection (1)
9567 of this section, the board shall be authorized to suspend the
9568 license of any licensee for being out of compliance with an order
9569 for support, as defined in Section 93-11-153. The procedure for
9570 suspension of a license for being out of compliance with an order



9571 for support, and the procedure for the reissuance or reinstatement
9572 of a license suspended for that purpose, and the payment of any
9573 fees for the reissuance or reinstatement of a license suspended
9574 for that purpose, shall be governed by Section 93-11-157 or
9575 93-11-163, as the case may be. Actions taken by the board in
9576 revoking a license when required by Section 93-11-157 or 93-11-163
9577 are not actions from which an appeal may be taken under this
9578 section. Any appeal of a license suspension that is required by
9579 Section 93-11-157 or 93-11-163 shall be taken in accordance with
9580 the appeal procedure specified in Section 93-11-157 or 93-11-163,
9581 as the case may be, rather than the procedure specified in this
9582 section. If there is any conflict between any provision of
9583 Section 93-11-157 or 93-11-163 and any provision of this chapter,
9584 the provisions of Section 93-11-157 or 93-11-163, as the case may
9585 be, shall control.

9586 **SECTION 115.** Section 73-23-59, Mississippi Code of 1972, is
9587 amended as follows:

9588 73-23-59. (1) Licensees subject to this chapter shall
9589 conduct their activities, services and practice in accordance with
9590 this chapter and any rules promulgated pursuant hereto. The
9591 board, upon satisfactory proof and in accordance with the
9592 provisions of this chapter and the regulations of the board, may
9593 suspend, revoke, or refuse to issue or renew any license
9594 hereunder, or revoke or suspend any privilege to practice,
9595 censure or reprimand any licensee, restrict or limit a license,



9596 and take any other action in relation to a license or privilege to
9597 practice as the board may deem proper under the circumstances upon
9598 any of the following grounds:

9599 (a) Negligence in the practice or performance of
9600 professional services or activities;

9601 (b) Engaging in dishonorable, unethical or
9602 unprofessional conduct of a character likely to deceive, defraud
9603 or harm the public in the course of professional services or
9604 activities;

9605 (c) Perpetrating or cooperating in fraud or material
9606 deception in obtaining or renewing a license or attempting the
9607 same or obtaining a privilege to practice;

9608 (d) Being convicted of any crime which has a
9609 substantial relationship to the licensee's activities and services
9610 or an essential element of which is misstatement, fraud or
9611 dishonesty;

9612 (e) Having been convicted of or pled guilty to a * * *
9613 disqualifying crime as provided in the Fresh Start Act in the
9614 courts of this state or any other state, territory or country.
9615 Conviction, as used in this paragraph, shall include a deferred
9616 conviction, deferred prosecution, deferred sentence, finding or
9617 verdict of guilt, an admission of guilty, or a plea of nolo
9618 contendere;

9619 (f) Engaging in or permitting the performance of
9620 unacceptable services personally or by others working under the



9621 licensee's supervision due to the licensee's deliberate or
9622 negligent act or acts or failure to act, regardless of whether
9623 actual damage or damages to the public is established;

9624 (g) Continued practice although the licensee has become
9625 unfit to practice as a physical therapist or physical therapist
9626 assistant due to: (i) failure to keep abreast of current
9627 professional theory or practice; or (ii) physical or mental
9628 disability; the entry of an order or judgment by a court of
9629 competent jurisdiction that a licensee is in need of mental
9630 treatment or is incompetent shall constitute mental disability; or
9631 (iii) addiction or severe dependency upon alcohol or other drugs
9632 which may endanger the public by impairing the licensee's ability
9633 to practice;

9634 (h) Having disciplinary action taken against the
9635 licensee's license in another state;

9636 (i) Making differential, detrimental treatment against
9637 any person because of race, color, creed, sex, religion or
9638 national origin;

9639 (j) Engaging in lewd conduct in connection with
9640 professional services or activities;

9641 (k) Engaging in false or misleading advertising;

9642 (l) Contracting, assisting or permitting unlicensed
9643 persons to perform services for which a license is required under
9644 this chapter or privilege to practice is required under Section
9645 73-23-101;



9646 (m) Violation of any probation requirements placed on a
9647 license or privilege to practice by the board;

9648 (n) Revealing confidential information except as may be
9649 required by law;

9650 (o) Failing to inform clients of the fact that the
9651 client no longer needs the services or professional assistance of
9652 the licensee;

9653 (p) Charging excessive or unreasonable fees or engaging
9654 in unreasonable collection practices;

9655 (q) For treating or attempting to treat ailments or
9656 other health conditions of human beings other than by physical
9657 therapy as authorized by this chapter;

9658 (r) Except as authorized in Section 73-23-35(3), for
9659 applying or offering to apply physical therapy, exclusive of
9660 initial evaluation or screening and exclusive of education or
9661 consultation for the prevention of physical and mental disability
9662 within the scope of physical therapy, other than upon the referral
9663 of a licensed physician, dentist, osteopath, podiatrist,
9664 chiropractor, physician assistant or nurse practitioner; or for
9665 acting as a physical therapist assistant other than under the
9666 direct, on-site supervision of a licensed physical therapist;

9667 (s) Failing to adhere to the recognized standards of
9668 ethics of the physical therapy profession as established by rules
9669 of the board;



9670 (t) Failing to complete continuing competence
9671 requirements as established by board rule;

9672 (u) Failing to supervise physical therapist assistants
9673 in accordance with this chapter and/or board rules;

9674 (v) Engaging in sexual misconduct. For the purpose of
9675 this paragraph, sexual misconduct includes, but is not necessarily
9676 limited to:

9677 (i) Engaging in or soliciting sexual
9678 relationships, whether consensual or nonconsensual, while a
9679 physical therapist or physical therapist assistant/patient
9680 relationship exists.

9681 (ii) Making sexual advances, requesting sexual
9682 favors or engaging in other verbal conduct or physical contact of
9683 a sexual nature with patients or clients.

9684 (iii) Intentionally viewing a completely or
9685 partially disrobed patient in the course of treatment if the
9686 viewing is not related to patient diagnosis or treatment under
9687 current practice standards;

9688 (w) The erroneous issuance of a license or privilege to
9689 practice to any person;

9690 (x) Violations of any provisions of this chapter, board
9691 rules or regulations or a written order or directive of the board;

9692 (y) Failing to maintain adequate patient records. For
9693 the purposes of this paragraph, "adequate patient records" means
9694 legible records that contain at minimum sufficient information to



9695 identify the patient, an evaluation of objective findings, a
9696 diagnosis, a plan of care, a treatment record and a discharge
9697 plan;

9698 (z) Failing to report to the board any unprofessional,
9699 incompetent or illegal acts that appear to be in violation of this
9700 law or any rules established by the board.

9701 (2) The board may order a licensee to submit to a reasonable
9702 physical or mental examination if the licensee's physical or
9703 mental capacity to practice safely is at issue in a disciplinary
9704 proceeding.

9705 (3) Failure to comply with a board order to submit to a
9706 physical or mental examination shall render a licensee subject to
9707 the summary suspension procedures described in Section 73-23-64.

9708 (4) In addition to the reasons specified in subsection (1)
9709 of this section, the board shall be authorized to suspend the
9710 license or privilege to practice of any licensee for being out of
9711 compliance with an order for support, as defined in Section
9712 93-11-153. The procedure for suspension of a license or privilege
9713 to practice for being out of compliance with an order for support,
9714 and the procedure for the reissuance or reinstatement of a license
9715 or privilege to practice suspended for that purpose, and the
9716 payment of any fees for the reissuance or reinstatement of a
9717 license or privilege to practice suspended for that purpose, shall
9718 be governed by Section 93-11-157 or 93-11-163, as the case may be.
9719 If there is any conflict between any provision of Section



9720 93-11-157 or 93-11-163 and any provision of this chapter, the
9721 provisions of Section 93-11-157 or 93-11-163, as the case may be,
9722 shall control.

9723 **SECTION 116.** Section 73-30-21, Mississippi Code of 1972, is
9724 amended as follows:

9725 73-30-21. (1) The board may, after notice and opportunity
9726 for a hearing, suspend, revoke or refuse to issue or renew a
9727 license or the privilege to practice or may reprimand the license
9728 holder or holder of the privilege to practice, upon a
9729 determination by the board that such license holder or holder of
9730 the privilege to practice or applicant for licensure or the
9731 privilege to practice has:

9732 (a) Been adjudged by any court to be mentally
9733 incompetent or have had a guardian of person appointed;

9734 (b) Been convicted of a * * * disqualifying crime as
9735 provided in the Fresh Start Act;

9736 (c) Sworn falsely under oath or affirmation;

9737 (d) Obtained a license or certificate or the privilege
9738 to practice by fraud, deceit or other misrepresentation;

9739 (e) Engaged in the conduct of professional counseling
9740 in a grossly negligent or incompetent manner;

9741 (f) Intentionally violated any provision of this
9742 article;

9743 (g) Violated any rules or regulations of the board; or



9744 (h) Aided or assisted another in falsely obtaining a
9745 license or the privilege to practice under this article.

9746 With regard to a refusal to issue a privilege to practice,
9747 such refusal by the board shall be in accordance with the terms of
9748 the Professional Counseling Compact instead of this subsection
9749 (1).

9750 (2) Appeals from disciplinary action are to be brought in
9751 the circuit court in the county of residence of the practitioner.
9752 In the event the practitioner resides out of state the appeal
9753 should be brought in Hinds County Circuit Court.

9754 (3) The board may assess and levy upon any licensee,
9755 practitioner or applicant for licensure or the privilege to
9756 practice the costs incurred or expended by the board in the
9757 investigation and prosecution of any licensure, privilege to
9758 practice or disciplinary action, including, but not limited to,
9759 the costs of process service, court reporters, expert witnesses,
9760 investigators and attorney's fees.

9761 (4) No revoked license or privilege to practice may be
9762 reinstated within twelve (12) months after such revocation.
9763 Reinstatement thereafter shall be upon such conditions as the
9764 board may prescribe, which may include, without being limited to,
9765 successful passing of the examination required by this article.

9766 (5) A license or privilege to practice certificate issued by
9767 the board is the property of the board and must be surrendered on
9768 demand.



9769 (6) The chancery court is hereby vested with the
9770 jurisdiction and power to enjoin the unlawful practice of
9771 counseling and/or the false representation as a licensed counselor
9772 in a proceeding brought by the board or any members thereof or by
9773 any citizen of this state.

9774 (7) In addition to the reasons specified in subsection (1)
9775 of this section, the board shall be authorized to suspend the
9776 license of any licensee for being out of compliance with an order
9777 for support, as defined in Section 93-11-153. The procedure for
9778 suspension of a license for being out of compliance with an order
9779 for support, and the procedure for the reissuance or reinstatement
9780 of a license suspended for that purpose, and the payment of any
9781 fees for the reissuance or reinstatement of a license suspended
9782 for that purpose, shall be governed by Section 93-11-157 or
9783 93-11-163, as the case may be. If there is any conflict between
9784 any provision of Section 93-11-157 or 93-11-163 and any provision
9785 of this article, the provisions of Section 93-11-157 or 93-11-163,
9786 as the case may be, shall control.

9787 **SECTION 117.** Section 73-35-21, Mississippi Code of 1972, is
9788 amended as follows:

9789 73-35-21. (1) Except as otherwise provided in this section,
9790 the commission may, upon its own motion and shall upon the
9791 verified complaint in writing of any person, hold a hearing
9792 pursuant to Section 73-35-23 for the refusal of license or for the
9793 suspension or revocation of a license previously issued, or for



9794 such other action as the commission deems appropriate. The
9795 commission shall have full power to refuse a license for cause or
9796 to revoke or suspend a license where it has been obtained by false
9797 or fraudulent representation, or where the licensee in performing
9798 or attempting to perform any of the acts mentioned herein, is
9799 deemed to be guilty of:

9800 (a) Making any substantial misrepresentation in
9801 connection with a real estate transaction;

9802 (b) Making any false promises of a character likely to
9803 influence, persuade or induce;

9804 (c) Pursuing a continued and flagrant course of
9805 misrepresentation or making false promises through agents or
9806 salespersons or any medium of advertising or otherwise;

9807 (d) Any misleading or untruthful advertising;

9808 (e) Acting for more than one (1) party in a transaction
9809 or receiving compensation from more than one (1) party in a
9810 transaction, or both, without the knowledge of all parties for
9811 whom he acts;

9812 (f) Failing, within a reasonable time, to account for
9813 or to remit any monies coming into his possession which belong to
9814 others, or commingling of monies belonging to others with his own
9815 funds. Every responsible broker procuring the execution of an
9816 earnest money contract or option or other contract who shall take
9817 or receive any cash or checks shall deposit, within a reasonable
9818 period of time, the sum or sums so received in a trust or escrow



9819 account in a bank or trust company pending the consummation or
9820 termination of the transaction. "Reasonable time" in this context
9821 means by the close of business of the next banking day;

9822 (g) Entering a guilty plea or conviction in a court of
9823 competent jurisdiction of this state, or any other state or the
9824 United States of any * * * disqualifying crime as provided in the
9825 Fresh Start Act;

9826 (h) Displaying a "for sale" or "for rent" sign on any
9827 property without the owner's consent;

9828 (i) Failing to furnish voluntarily, at the time of
9829 signing, copies of all listings, contracts and agreements to all
9830 parties executing the same;

9831 (j) Paying any rebate, profit or commission to any
9832 person other than a real estate broker or salesperson licensed
9833 under the provisions of this chapter;

9834 (k) Inducing any party to a contract, sale or lease to
9835 break such contract for the purpose of substituting in lieu
9836 thereof a new contract, where such substitution is motivated by
9837 the personal gain of the licensee;

9838 (l) Accepting a commission or valuable consideration as
9839 a real estate salesperson for the performance of any of the acts
9840 specified in this chapter from any person, except his employer who
9841 must be a licensed real estate broker;



9842 (m) Failing to successfully pass the commission's
9843 background investigation for licensure or renewal as provided in
9844 Section 73-35-10; or

9845 (n) Any act or conduct, whether of the same or a
9846 different character than hereinabove specified, which constitutes
9847 or demonstrates bad faith, incompetency or untrustworthiness, or
9848 dishonest, fraudulent or improper dealing. However, simple
9849 contact and/or communication with any mortgage broker or lender by
9850 a real estate licensee about any professional, including, but not
9851 limited to, an appraiser, home inspector, contractor, and/or
9852 attorney regarding a listing and/or a prospective or pending
9853 contract for the lease, sale and/or purchase of real estate shall
9854 not constitute conduct in violation of this section.

9855 (2) No real estate broker shall practice law or give legal
9856 advice directly or indirectly unless said broker be a duly
9857 licensed attorney under the laws of this state. He shall not act
9858 as a public conveyancer nor give advice or opinions as to the
9859 legal effect of instruments nor give opinions concerning the
9860 validity of title to real estate; nor shall he prevent or
9861 discourage any party to a real estate transaction from employing
9862 the services of an attorney; nor shall a broker undertake to
9863 prepare documents fixing and defining the legal rights of parties
9864 to a transaction. However, when acting as a broker, he may use an
9865 earnest money contract form. A real estate broker shall not
9866 participate in attorney's fees, unless the broker is a duly



9867 licensed attorney under the laws of this state and performs legal
9868 services in addition to brokerage services.

9869 (3) It is expressly provided that it is not the intent and
9870 purpose of the Mississippi Legislature to prevent a license from
9871 being issued to any person who is found to be of good reputation,
9872 is able to give bond, and who has lived in the State of
9873 Mississippi for the required period or is otherwise qualified
9874 under this chapter.

9875 (4) In addition to the reasons specified in subsection (1)
9876 of this section, the commission shall be authorized to suspend the
9877 license of any licensee for being out of compliance with an order
9878 for support, as defined in Section 93-11-153. The procedure for
9879 suspension of a license for being out of compliance with an order
9880 for support, and the procedure for the reissuance or reinstatement
9881 of a license suspended for that purpose, and the payment of any
9882 fees for the reissuance or reinstatement of a license suspended
9883 for that purpose, shall be governed by Section 93-11-157 or
9884 93-11-163, as the case may be. If there is any conflict between
9885 any provision of Section 93-11-157 or 93-11-163 and any provision
9886 of this chapter, the provisions of Section 93-11-157 or 93-11-163,
9887 as the case may be, shall control.

9888 (5) Nothing in this chapter shall prevent an associate
9889 broker or salesperson from owning any lawfully constituted
9890 business organization, including, but not limited to, a
9891 corporation, limited liability company or limited liability



9892 partnership, for the purpose of receiving payments contemplated in
9893 this chapter. The business organization shall not be required to
9894 be licensed under this chapter and shall not engage in any other
9895 activity requiring a real estate license.

9896 (6) The Mississippi Real Estate Commission shall not
9897 promulgate any rule or regulation, nor make any administrative or
9898 other interpretation, whereby any real estate licensee may be held
9899 responsible or subject to discipline or other actions by the
9900 commission relating to the provisions of this section or the
9901 information required to be disclosed by Sections 89-1-501 through
9902 89-1-523 or delivery of information required to be disclosed by
9903 Sections 89-1-501 through 89-1-523.

9904 **SECTION 118.** Section 73-38-27, Mississippi Code of 1972, is
9905 amended as follows:

9906 73-38-27. (1) With regard to a refusal to issue a privilege
9907 to practice, such refusal by the board shall be in accordance with
9908 terms of the Audiology and Speech-Language Pathology Interstate
9909 Compact. The board may refuse to issue or renew a license, or may
9910 suspend or revoke a license where the licensee or applicant for a
9911 license has been guilty of unprofessional conduct which has
9912 endangered or is likely to endanger the health, welfare or safety
9913 of the public. Such unprofessional conduct may result from:

9914 (a) Negligence in the practice or performance of
9915 professional services or activities;



9916 (b) Engaging in dishonorable, unethical or
9917 unprofessional conduct of a character likely to deceive, defraud
9918 or harm the public in the course of professional services or
9919 activities;

9920 (c) Perpetrating or cooperating in fraud or material
9921 deception in obtaining or renewing a license or attempting the
9922 same;

9923 (d) Being convicted of any crime which has a
9924 substantial relationship to the licensee's activities and services
9925 or an essential element of which is misstatement, fraud or
9926 dishonesty;

9927 (e) Being convicted of any crime which is a * * *
9928 disqualifying crime as provided in the Fresh Start Act;

9929 (f) Engaging in or permitting the performance of
9930 unacceptable services personally or by others working under the
9931 licensee's supervision due to the licensee's deliberate or
9932 negligent act or acts or failure to act, regardless of whether
9933 actual damage or damages to the public is established;

9934 (g) Continued practice although the licensee has become
9935 unfit to practice as a speech-language pathologist or audiologist
9936 due to: (i) failure to keep abreast of current professional
9937 theory or practice; or (ii) physical or mental disability; the
9938 entry of an order or judgment by a court of competent jurisdiction
9939 that a licensee is in need of mental treatment or is incompetent
9940 shall constitute mental disability; or (iii) addiction or severe



9941 dependency upon alcohol or other drugs which may endanger the
9942 public by impairing the licensee's ability to practice;

9943 (h) Having disciplinary action taken against the
9944 licensee's license in another state;

9945 (i) Making differential, detrimental treatment against
9946 any person because of race, color, creed, sex, religion or
9947 national origin;

9948 (j) Engaging in lewd conduct in connection with
9949 professional services or activities;

9950 (k) Engaging in false or misleading advertising;

9951 (l) Contracting, assisting or permitting unlicensed
9952 persons to perform services for which a license is required under
9953 this article;

9954 (m) Violation of any probation requirements placed on a
9955 license by the board;

9956 (n) Revealing confidential information except as may be
9957 required by law;

9958 (o) Failing to inform clients of the fact that the
9959 client no longer needs the services or professional assistance of
9960 the licensee;

9961 (p) Charging excessive or unreasonable fees or engaging
9962 in unreasonable collection practices;

9963 (q) For treating or attempting to treat ailments or
9964 other health conditions of human beings other than by speech or
9965 audiology therapy as authorized by this article;



9966 (r) For applying or offering to apply speech or
9967 audiology therapy, exclusive of initial evaluation or screening
9968 and exclusive of education or consultation for the prevention of
9969 physical and mental disability within the scope of speech or
9970 audiology therapy, or for acting as a speech-language pathologist
9971 or audiologist, or speech-language pathologist or audiologist aide
9972 other than under the direct, on-site supervision of a licensed
9973 speech-language pathologist or audiologist;

9974 (s) Violations of the current codes of conduct for
9975 speech-language pathologists or audiologists, and speech-language
9976 pathologist or audiologist assistants adopted by the American
9977 Speech-Language-Hearing Association;

9978 (t) Violations of any rules or regulations promulgated
9979 pursuant to this article.

9980 (2) The board may order a licensee to submit to a reasonable
9981 physical or mental examination if the licensee's physical or
9982 mental capacity to practice safely is at issue in a disciplinary
9983 proceeding.

9984 (3) In addition to the reasons specified in subsection (1)
9985 of this section, the board shall be authorized to suspend the
9986 license of any licensee for being out of compliance with an order
9987 for support, as defined in Section 93-11-153. The procedure for
9988 suspension of a license for being out of compliance with an order
9989 for support, and the procedure for the reissuance or reinstatement
9990 of a license suspended for that purpose, and the payment of any



9991 fees for the reissuance or reinstatement of a license suspended
9992 for that purpose, shall be governed by Section 93-11-157 or
9993 93-11-163, as the case may be. If there is any conflict between
9994 any provision of Section 93-11-157 or 93-11-163 and any provision
9995 of this article, the provisions of Section 93-11-157 or 93-11-163,
9996 as the case may be, shall control.

9997 **SECTION 119.** Section 73-53-17, Mississippi Code of 1972, is
9998 amended as follows:

9999 73-53-17. (1) Individuals licensed by the board shall
10000 conduct their activities, services and practice in accordance with
10001 the laws governing their professional practice and any rules
10002 promulgated by the board. Licensees and applicants may be subject
10003 to the exercise of the sanctions enumerated in Section 73-53-23 if
10004 the board finds that a licensee or applicant has committed any of
10005 the following:

10006 (a) Negligence in the practice or performance of
10007 professional services or activities;

10008 (b) Engaging in dishonorable, unethical or
10009 unprofessional conduct of a character likely to deceive, defraud
10010 or harm the public in the course of professional services or
10011 activities;

10012 (c) Perpetrating or cooperating in fraud or material
10013 deception in obtaining or renewing a license or attempting the
10014 same;



10015 (d) Violating the rules and regulations established by
10016 the board;

10017 (e) Violating the National Association of Social
10018 Workers Code of Ethics or the American Association for Marriage
10019 and Family Therapy Code of Ethics;

10020 (f) Being convicted of any crime which has a
10021 substantial relationship to the licensee's activities and services
10022 or an essential element of which is misstatement, fraud or
10023 dishonesty;

10024 (g) Being convicted of any crime which is a * * *
10025 disqualifying crime as provided in the Fresh Start Act under the
10026 laws of this state or of the United States of America;

10027 (h) Engaging in or permitting the performance of
10028 unacceptable services personally due to the licensee's deliberate
10029 or grossly negligent act or acts or failure to act, regardless of
10030 whether actual damage or damages to the public is established, or
10031 assuming responsibility for another's work by signing documents
10032 without personal knowledge of the work as established by board
10033 rule;

10034 (i) Continued practice although the licensee has become
10035 unfit to practice social work due to: (i) failure to keep abreast
10036 of current professional theory or practice; or (ii) physical or
10037 mental disability; the entry of an order or judgment by a court of
10038 competent jurisdiction that a licensee is in need of mental
10039 treatment or is incompetent shall constitute mental disability; or



10040 (iii) addiction or severe dependency upon alcohol or other drugs
10041 which may endanger the public by impairing the licensee's ability
10042 to practice;

10043 (j) Continued practice although the individual failed
10044 to renew and has a lapsed license;

10045 (k) Having disciplinary action taken against the
10046 licensee's license in another state;

10047 (l) Making differential, detrimental treatment against
10048 any person because of race, color, creed, sex, religion or
10049 national origin;

10050 (m) Engaging in lewd conduct in connection with
10051 professional services or activities;

10052 (n) Engaging in false or misleading advertising;

10053 (o) Contracting, assisting or permitting unlicensed
10054 persons to perform services for which a license is required under
10055 this chapter;

10056 (p) Violation of any probation requirements placed on a
10057 licensee by the board;

10058 (q) Revealing confidential information except as may be
10059 required by law;

10060 (r) Failing to inform clients of the fact that the
10061 client no longer needs the services or professional assistance of
10062 the licensee;

10063 (s) Charging excessive or unreasonable fees or engaging
10064 in unreasonable collection practices.



10065 (2) The board may order a licensee to submit to a reasonable
10066 physical or mental examination if the licensee's physical or
10067 mental capacity to practice safely is at issue in a disciplinary
10068 proceeding.

10069 (3) Failure to comply with a board order to submit to a
10070 physical or mental examination shall render a licensee subject to
10071 the summary suspension procedures described in Section 73-53-23.

10072 (4) In addition to the reasons specified in subsection (1)
10073 of this section, the board shall be authorized to suspend the
10074 license of any licensee for being out of compliance with an order
10075 for support, as defined in Section 93-11-153. The procedure for
10076 suspension of a license for being out of compliance with an order
10077 for support, and the procedure for the reissuance or reinstatement
10078 of a license suspended for that purpose, and the payment of any
10079 fees for the reissuance or reinstatement of a license suspended
10080 for that purpose, shall be governed by Section 93-11-157 or
10081 93-11-163, as the case may be. If there is any conflict between
10082 any provision of Section 93-11-157 or 93-11-163 and any provision
10083 of this chapter, the provisions of Section 93-11-157 or 93-11-163,
10084 as the case may be, shall control.

10085 **SECTION 120.** Section 73-60-31, Mississippi Code of 1972, is
10086 amended as follows:

10087 73-60-31. The commission may refuse to issue or to renew or
10088 may revoke or suspend a license or may place on probation,
10089 censure, reprimand, or take other disciplinary action with regard



10090 to any license issued under this chapter, including the issuance
10091 of fines for each violation, for any one (1) or combination of the
10092 following causes:

10093 (a) Violations of this chapter or the commission's
10094 rules promulgated pursuant hereto;

10095 (b) Violation of terms of license probation;

10096 (c) Conviction of a * * * disqualifying crime as
10097 provided in the Fresh Start Act or making a plea of guilty or nolo
10098 contendere within five (5) years prior to the date of application;

10099 (d) Operating without adequate insurance coverage
10100 required for licensees;

10101 (e) Fraud in the procurement or performance of a
10102 contract to conduct a home inspection; and

10103 (f) Failure to submit to or pass a background
10104 investigation pursuant to Section 73-60-47.

10105 **SECTION 121.** Section 73-67-27, Mississippi Code of 1972, is
10106 amended as follows:

10107 73-67-27. (1) The board may refuse to issue or renew or may
10108 deny, suspend or revoke any license held or applied for under this
10109 chapter upon finding that the holder of a license or applicant:

10110 (a) Is guilty of fraud, deceit or misrepresentation in
10111 procuring or attempting to procure any license provided for in
10112 this chapter;

10113 (b) Attempted to use as his own the license of another;

10114 (c) Allowed the use of his license by another;



10115 (d) Has been adjudicated as mentally incompetent by
10116 regularly constituted authorities;

10117 (e) Has been convicted of a crime, or has charges or
10118 disciplinary action pending that directly relates to the practice
10119 of massage therapy or to the ability to practice massage therapy.
10120 Any plea of nolo contendere shall be considered a conviction for
10121 the purposes of this section;

10122 (f) Is guilty of unprofessional or unethical conduct as
10123 defined by the code of ethics;

10124 (g) Is guilty of false, misleading or deceptive
10125 advertising, or is guilty of aiding or assisting in the
10126 advertising or practice of any unlicensed or unpermitted person in
10127 the practice of massage therapy;

10128 (h) Is grossly negligent or incompetent in the practice
10129 of massage therapy;

10130 (i) Has had rights, credentials or one or more
10131 license(s) to practice massage therapy revoked, suspended or
10132 denied in any jurisdiction, territory or possession of the United
10133 States or another country for acts of the licensee similar to acts
10134 described in this section. A certified copy of the record of the
10135 jurisdiction making such a revocation, suspension or denial shall
10136 be conclusive evidence thereof; or

10137 (j) Has been convicted of any * * * disqualifying crime
10138 as provided in the Fresh Start Act.



10139 (2) Investigative proceedings may be implemented by a
10140 complaint by any person, including members of the board.

10141 (3) (a) Any person(s) found guilty of prostitution using as
10142 any advertisement, claim or insignia of being an actual licensed
10143 massage therapist or to be practicing massage therapy by using the
10144 word "massage" or any other description indicating the same,
10145 whether or not the person(s) have one or more license for the
10146 person(s) or establishment(s), shall be guilty of a misdemeanor,
10147 and upon conviction, shall be punished by a fine of not less than
10148 One Thousand Dollars (\$1,000.00), nor more than Five Thousand
10149 Dollars (\$5,000.00), or imprisonment of up to six (6) months, or
10150 both, per offense, per person.

10151 (b) Any person who knowingly participates in receiving
10152 illegal service(s) of any person found guilty as described in
10153 paragraph (a) of this subsection, upon conviction, shall be
10154 punished by a fine not exceeding Five Hundred Dollars (\$500.00),
10155 or imprisonment for up to one (1) month, or both. Persons
10156 officially designated to investigate complaints are exempt.

10157 (c) Any person who violates any provision of this
10158 chapter, other than violation(s) of paragraph (a) of this
10159 subsection, is guilty of a misdemeanor, and upon conviction, shall
10160 be punished by a fine not exceeding Five Hundred Dollars
10161 (\$500.00), or imprisonment for up to one (1) month in jail, or
10162 both, per offense.



10163 (d) The board, in its discretion, may assess and tax
10164 any part or all of the costs of any disciplinary proceedings
10165 conducted against either the accused, the charging party, or both,
10166 as it may elect.

10167 **SECTION 122.** Section 73-75-13, Mississippi Code of 1972, is
10168 amended as follows:

10169 73-75-13. **Eligibility for license.** To be eligible for
10170 licensure by the board as a behavior analyst or assistant behavior
10171 analyst, a person shall:

10172 (a) Submit to the board an application, upon such form
10173 and in such manner as the board shall prescribe, along with the
10174 applicable fee and personal references;

10175 (b) Certify that the applicant has not been convicted
10176 of a * * * disqualifying crime as provided in the Fresh Start Act
10177 as defined by the laws of the State of Mississippi;

10178 (c) Undergo a fingerprint-based criminal history
10179 records check of the Mississippi central criminal database and the
10180 Federal Bureau of Investigation criminal history database. Each
10181 applicant shall submit a full set of the applicant's fingerprints
10182 in a form and manner prescribed by the board, which shall be
10183 forwarded to the Mississippi Department of Public Safety and the
10184 Federal Bureau of Investigation Identification Division for this
10185 purpose; and

10186 (d) For a behavior analyst:



10187 (i) Possess at least a master's degree, or its
10188 equivalent, from an educational institution recognized by the
10189 board;

10190 (ii) Have current and active certification by the
10191 Behavior Analyst Certification Board as a Board Certified Behavior
10192 Analyst (BCBA) or Board Certified Behavior Analyst-Doctoral
10193 (BCBA-D), verified by the board; and

10194 (iii) Comply with such other requirements of the
10195 board.

10196 (e) For an assistant behavior analyst:

10197 (i) Possess a bachelor's degree, or its
10198 equivalent, from an educational institution recognized by the
10199 board;

10200 (ii) Have current and active certification by the
10201 Behavior Analyst Certification Board as a Board Certified
10202 Assistant Behavior Analyst (BCABA), verified by the board; and

10203 (iii) Provide proof of ongoing supervision by a
10204 licensed behavior analyst.

10205 (f) All licenses issued pursuant to this section shall
10206 be for a term of three (3) years, but shall not exceed the
10207 expiration of the licensee's certification by the Behavior Analyst
10208 Certification Board.

10209 **SECTION 123.** Section 75-15-9, Mississippi Code of 1972, is
10210 amended as follows:



10211 75-15-9. Each application for a license to engage in the
10212 business of money transmission shall be made in writing and under
10213 oath to the commissioner in such form as he may prescribe. The
10214 application shall state the full name and business address of:

10215 (a) The proprietor, if the applicant is an individual;

10216 (b) Every member, if the applicant is a partnership or
10217 association;

10218 (c) The corporation and each executive officer and
10219 director thereof, if the applicant is a corporation;

10220 (d) Every trustee and officer if the applicant is a
10221 trust;

10222 (e) The applicant shall have a net worth of at least
10223 Twenty-five Thousand Dollars (\$25,000.00) plus Fifteen Thousand
10224 Dollars (\$15,000.00) for each location in excess of one (1) at
10225 which the applicant proposes to conduct money transmissions in
10226 this state, computed according to generally accepted accounting
10227 principles, but in no event shall the net worth be required to be
10228 in excess of Two Hundred Fifty Thousand Dollars (\$250,000.00);

10229 (f) The financial responsibility, financial condition,
10230 business experience and character and general fitness of the
10231 applicant shall be such as reasonably to warrant the belief that
10232 applicant's business will be conducted honestly, carefully and
10233 efficiently;

10234 (g) Each application for a license shall be accompanied
10235 by an investigation fee of Fifty Dollars (\$50.00) and license fee



10236 in the amount required by Section 75-15-15. All fees collected by
10237 the commissioner under the provisions of this chapter shall be
10238 deposited into the Consumer Finance Fund of the Department of
10239 Banking and Consumer Finance;

10240 (h) An applicant shall not have been convicted of
10241 a * * * disqualifying crime as provided in the Fresh Start Act.

10242 **SECTION 124.** Section 75-60-19, Mississippi Code of 1972, is
10243 amended as follows:

10244 75-60-19. (1) The Commission on Proprietary School and
10245 College Registration may suspend, revoke or cancel a certificate
10246 of registration for any one (1) or any combination of the
10247 following causes:

10248 (a) Violation of any provision of the sections of this
10249 chapter or any regulation made by the commission;

10250 (b) The furnishing of false, misleading or incomplete
10251 information requested by the commission;

10252 (c) The signing of an application or the holding of a
10253 certificate of registration by a person who has pleaded guilty or
10254 has been found guilty of a * * * disqualifying crime as provided
10255 in the Fresh Start Act or has pleaded guilty or been found guilty
10256 of any other * * * disqualifying crime;

10257 (d) The signing of an application or the holding of a
10258 certificate of registration by a person who is addicted to the use
10259 of any narcotic drug, or who is found to be mentally incompetent;



10260 (e) Violation of any commitment made in an application
10261 for a certificate of registration;

10262 (f) Presentation to prospective students of misleading,
10263 false or fraudulent information relating to the course of
10264 instruction, employment opportunity, or opportunities for
10265 enrollment in accredited institutions of higher education after
10266 entering or completing courses offered by the holder of a
10267 certificate of registration;

10268 (g) Failure to provide or maintain premises or
10269 equipment for offering courses of instruction in a safe and
10270 sanitary condition;

10271 (h) Refusal by an agent to display his agent permit
10272 upon demand of a prospective student or other interested person;

10273 (i) Failure to maintain financial resources adequate
10274 for the satisfactory conduct of courses of study as presented in
10275 the plan of operation or to retain a sufficient number and
10276 qualified staff of instruction; however nothing in this chapter
10277 shall require an instructor to be certificated by the Commission
10278 on Proprietary School and College Registration or to hold any type
10279 of post-high school degree;

10280 (j) Offering training or courses of instruction other
10281 than those presented in the application; however, schools may
10282 offer special courses adapted to the needs of individual students
10283 where the special courses are in the subject field specified in
10284 the application;



10285 (k) Accepting the services of an agent not licensed in
10286 accordance with Sections 75-60-23 through 75-60-37, inclusive;

10287 (l) Conviction or a plea of nolo contendere on the part
10288 of any owner, operator or director of a registered school of
10289 any * * * disqualifying crime as provided in the Fresh Start Act
10290 under Mississippi law or the law of another jurisdiction;

10291 (m) Continued employment of a teacher or instructor who
10292 has been convicted of or entered a plea of nolo contendere to
10293 any * * * disqualifying crime as provided in the Fresh Start Act
10294 under Mississippi law or the law of another jurisdiction;

10295 (n) Incompetence of any owner or operator to operate a
10296 school.

10297 (2) (a) Any person who believes he has been aggrieved by a
10298 violation of this section shall have the right to file a written
10299 complaint within two (2) years of the alleged violation. The
10300 commission shall maintain a written record of each complaint that
10301 is made. The commission shall also send to the complainant a form
10302 acknowledging the complaint and requesting further information if
10303 necessary and shall advise the director of the school that a
10304 complaint has been made and, where appropriate, the nature of the
10305 complaint.

10306 (b) The commission shall within twenty (20) days of
10307 receipt of such written complaint commence an investigation of the
10308 alleged violation and shall, within ninety (90) days of the
10309 receipt of such written complaint, issue a written finding. The



10310 commission shall furnish such findings to the person who filed the
10311 complaint and to the chief operating officer of the school cited
10312 in the complaint. If the commission finds that there has been a
10313 violation of this section, the commission shall take appropriate
10314 action.

10315 (c) Schools shall disclose in writing to all
10316 prospective and current students their right to file a complaint
10317 with the commission.

10318 (d) The existence of an arbitration clause in no way
10319 negates the student's right to file a complaint with the
10320 commission.

10321 (e) The commission may initiate an investigation
10322 without a complaint.

10323 (3) **Hearing procedures.** (a) Upon a finding that there is
10324 good cause to believe that a school, or an officer, agent,
10325 employee, partner or teacher, has committed a violation of
10326 subsection (1) of this section, the commission shall initiate
10327 proceedings by serving a notice of hearing upon each and every
10328 such party subject to the administrative action. The school or
10329 such party shall be given reasonable notice of hearing, including
10330 the time, place and nature of the hearing and a statement
10331 sufficiently particular to give notice of the transactions or
10332 occurrences intended to be proved, the material elements of each
10333 cause of action and the civil penalties and/or administrative
10334 sanctions sought.



10335 (b) Opportunity shall be afforded to the party to
10336 respond and present evidence and argument on the issues involved
10337 in the hearing including the right of cross-examination. In a
10338 hearing, the school or such party shall be accorded the right to
10339 have its representative appear in person or by or with counsel or
10340 other representative. Disposition may be made in any hearing by
10341 stipulation, agreed settlement, consent order, default or other
10342 informal method.

10343 (c) The commission shall designate an impartial hearing
10344 officer to conduct the hearing, who shall be empowered to:

10345 (i) Administer oaths and affirmations; and

10346 (ii) Regulate the course of the hearings, set the
10347 time and place for continued hearings, and fix the time for filing
10348 of briefs and other documents; and

10349 (iii) Direct the school or such party to appear
10350 and confer to consider the simplification of the issues by
10351 consent; and

10352 (iv) Grant a request for an adjournment of the
10353 hearing only upon good cause shown.

10354 The strict legal rules of evidence shall not apply, but the
10355 decision shall be supported by substantial evidence in the record.

10356 (4) The commission, acting by and through its hearing
10357 officer, is hereby authorized and empowered to issue subpoenas for
10358 the attendance of witnesses and the production of books and papers
10359 at such hearing. Process issued by the commission shall extend to



10360 all parts of the state and shall be served by any person
10361 designated by the commission for such service. Where, in any
10362 proceeding before the hearing officer, any witness fails or
10363 refuses to attend upon a subpoena issued by the commission,
10364 refuses to testify, or refuses to produce any books and papers the
10365 production of which is called for by a subpoena, the attendance of
10366 such witness, the giving of his testimony or the production of the
10367 books and papers shall be enforced by any court of competent
10368 jurisdiction of this state in the manner provided for the
10369 enforcement of attendance and testimony of witnesses in civil
10370 cases in the courts of this state.

10371 (5) **Decision after hearing.** The hearing officer shall make
10372 written findings of fact and conclusions of law, and shall also
10373 recommend in writing to the commission a final decision, including
10374 penalties. The hearing officer shall mail a copy of his findings
10375 of fact, conclusions of law and recommended penalty to the party
10376 and his attorney, or representative. The commission shall make
10377 the final decision, which shall be based exclusively on evidence
10378 and other materials introduced at the hearing. If it is
10379 determined that a party has committed a violation, the commission
10380 shall issue a final order and shall impose penalties in accordance
10381 with this section. The commission shall send by certified mail,
10382 return receipt requested, a copy of the final order to the party
10383 and his attorney, or representative. The commission shall, at the



10384 request of the school or such party, furnish a copy of the
10385 transcript or any part thereof upon payment of the cost thereof.

10386 (6) **Civil penalties and administrative sanctions.** (a) A
10387 hearing officer may recommend, and the commission may impose, a
10388 civil penalty not to exceed Two Thousand Five Hundred Dollars
10389 (\$2,500.00) for any violation of this section. In the case of a
10390 second or further violation committed within the previous five (5)
10391 years, the liability shall be a civil penalty not to exceed Five
10392 Thousand Dollars (\$5,000.00) for each such violation.

10393 (b) Notwithstanding the provisions of paragraph (a) of
10394 this subsection, a hearing officer may recommend and the
10395 commission may impose a civil penalty not to exceed Twenty-five
10396 Thousand Dollars (\$25,000.00) for any of the following violations:
10397 (i) operation of a school without a registration in violation of
10398 this chapter; (ii) operation of a school knowing that the school's
10399 registration has been suspended or revoked; (iii) use of false,
10400 misleading, deceptive or fraudulent advertising; (iv) employment
10401 of recruiters on the basis of a commission, bonus or quota, except
10402 as authorized by the commission; (v) directing or authorizing
10403 recruiters to offer guarantees of jobs upon completion of a
10404 course; (vi) failure to make a tuition refund when such failure is
10405 part of a pattern of misconduct; or (vii) violation of any other
10406 provision of this chapter, or any rule or regulation promulgated
10407 pursuant thereto, when such violation constitutes part of a
10408 pattern of misconduct which significantly impairs the educational



10409 quality of the program or programs being offered by the school.
10410 For each enumerated offense, a second or further violation
10411 committed within the previous five (5) years shall be subject to a
10412 civil penalty not to exceed Fifty Thousand Dollars (\$50,000.00)
10413 for each such violation.

10414 (c) In addition to the penalties authorized in
10415 paragraphs (a) and (b) of this subsection, a hearing officer may
10416 recommend and the commission may impose any of the following
10417 administrative sanctions: (i) a cease and desist order; (ii) a
10418 mandatory direction; (iii) a suspension or revocation of a
10419 certificate of registration; (iv) a probation order; or (v) an
10420 order of restitution.

10421 (d) The commission may suspend a registration upon the
10422 failure of a school to pay any fee, fine or penalty as required by
10423 this chapter unless such failure is determined by the commission
10424 to be for good cause.

10425 (e) All civil penalties, fines and settlements received
10426 shall accrue to the credit of the Commission on Proprietary School
10427 and College Registration.

10428 (7) Any penalty or administrative sanction imposed by the
10429 commission under this section may be appealed by the school,
10430 college or other person affected to the Mississippi Community
10431 College Board as provided in Section 75-60-4(3), which appeal
10432 shall be on the record previously made before the commission's
10433 hearing officer. All appeals from the Mississippi Community



10434 College Board shall be on the record and shall be filed in the
10435 Chancery Court of the First Judicial District of Hinds County,
10436 Mississippi.

10437 **SECTION 125.** Section 75-76-137, Mississippi Code of 1972, is
10438 amended as follows:

10439 75-76-137. (1) If any gaming employee is convicted of any
10440 violation of this chapter or if in investigating an alleged
10441 violation of this chapter by any licensee the executive director
10442 or the commission finds that a gaming employee employed by the
10443 licensee has been guilty of cheating, the commission shall, after
10444 a hearing as provided in Sections 75-76-103 through 75-76-119,
10445 inclusive, revoke the employee's work permit.

10446 (2) The commission may revoke a work permit if it finds
10447 after a hearing as provided in Sections 75-76-103 through
10448 75-76-119, inclusive, that the gaming employee has failed to
10449 disclose, misstated or otherwise misled the commission with
10450 respect to any fact contained within any application for a work
10451 permit, or subsequent to being issued a work permit:

10452 (a) Committed, attempted or conspired to do any of the
10453 acts prohibited by this chapter;

10454 (b) Knowingly possessed or permitted to remain in or
10455 upon any licensed premises any cards, dice, mechanical device or
10456 any other cheating device whatever the use of which is prohibited
10457 by statute or ordinance;



10458 (c) Concealed or refused to disclose any material fact
10459 in any investigation by the executive director or the commission;

10460 (d) Committed, attempted or conspired to commit larceny
10461 or embezzlement against a gaming licensee or upon the premises of
10462 a licensed gaming establishment;

10463 (e) Been convicted in any jurisdiction other than
10464 Mississippi of any offense involving or relating to gambling;

10465 (f) Accepted employment without prior commission
10466 approval in a position for which he or she could be required to be
10467 licensed under this chapter after having been denied a license for
10468 a reason involving personal unsuitability or after failing to
10469 apply for licensing when requested to do so by the commission or
10470 the executive director;

10471 (g) Been refused the issuance of any license, permit or
10472 approval to engage in or be involved with gaming in any
10473 jurisdiction other than Mississippi, or had any such license,
10474 permit or approval revoked or suspended;

10475 (h) Been prohibited under color of governmental
10476 authority from being present upon the premises of any gaming
10477 establishment for any reason relating to improper gambling
10478 activities or any illegal act;

10479 (i) Contumaciously defied any legislative investigative
10480 committee or other officially constituted bodies acting on behalf
10481 of the United States or any state, county or municipality which



10482 seeks to investigate crimes relating to gaming, corruption of
10483 public officials, or any organized criminal activities; or

10484 (j) Been convicted of any * * * disqualifying crime as
10485 provided in the Fresh Start Act.

10486 (3) A work permit shall not be issued to a person whose work
10487 permit has previously been revoked pursuant to this section or to
10488 whom the issuance or renewal of a work permit has been denied,
10489 except with the unanimous approval of the commission members.

10490 (4) A gaming employee whose work permit has been revoked
10491 pursuant to this section is entitled to judicial review of the
10492 commission's action in the manner prescribed by Sections 75-76-121
10493 through 75-76-127, inclusive.

10494 **SECTION 126.** Section 77-8-25, Mississippi Code of 1972, is
10495 amended as follows:

10496 77-8-25. (1) Before allowing an individual to accept trip
10497 requests through a transportation network company's digital
10498 platform as a transportation network company driver:

10499 (a) The individual shall submit an application to the
10500 transportation network company, which includes information
10501 regarding his or her address, age, driver's license, motor vehicle
10502 registration, automobile liability insurance, and other
10503 information required by the transportation network company;

10504 (b) The transportation network company shall conduct,
10505 or have a third party conduct, a local and national criminal
10506 background check for each applicant that shall include:



10507 (i) Multistate/multijurisdiction criminal records
10508 locator or other similar commercial nationwide database with
10509 validation (primary source search); and

10510 (ii) United States Department of Justice National
10511 Sex Offender Public Website * * *.

10512 (2) The transportation network company shall review, or have
10513 a third party review, a driving history research report for such
10514 individual.

10515 (3) The transportation network company shall not permit an
10516 individual to act as a transportation network company driver on
10517 its digital platform who:

10518 (a) Has had more than three (3) moving violations in
10519 the prior three-year period, or one (1) of the following major
10520 violations in the prior three-year period:

10521 (i) Attempting to evade the police;

10522 (ii) Reckless driving; or

10523 (iii) Driving on a suspended or revoked license;

10524 (b) Has been convicted, within the past seven (7)
10525 years, of

10526 (i) Any * * * disqualifying crime as provided in
10527 the Fresh Start Act; or

10528 (ii) Misdemeanor driving under the influence,
10529 reckless driving, hit and run, or any other driving-related
10530 offense or any misdemeanor violent offense or sexual offense;



- 10531 (c) Is a match in the United States Department of
10532 Justice National Sex Offender Public Website;
- 10533 (d) Does not possess a valid driver's license;
- 10534 (e) Does not possess proof of registration for the
10535 motor vehicle used to provide prearranged rides;
- 10536 (f) Does not possess proof of automobile liability
10537 insurance for the motor vehicle used to provide prearranged rides;
10538 or
- 10539 (g) Is not at least nineteen (19) years of age.

10540 **SECTION 127.** Section 83-1-191, Mississippi Code of 1972, is
10541 amended as follows:

10542 83-1-191. (1) There is established within the Department of
10543 Insurance a Comprehensive Hurricane Damage Mitigation Program.
10544 This section does not create an entitlement for property owners or
10545 obligate the state in any way to fund the inspection or
10546 retrofitting of residential property or commercial property in
10547 this state. Implementation of this program is subject to the
10548 availability of funds that may be appropriated by the Legislature
10549 for this purpose. The program may develop and implement a
10550 comprehensive and coordinated approach for hurricane damage
10551 mitigation that may include the following:

10552 (a) **Cost-benefit study on wind hazard mitigation**
10553 **construction measures.** The performance of a cost-benefit study to
10554 establish the most appropriate wind hazard mitigation construction
10555 measures for both new construction and the retrofitting of



10556 existing construction for both residential and commercial
10557 facilities within the wind-borne debris regions of Mississippi as
10558 defined by the International Building Code. The recommended wind
10559 construction techniques shall be based on both the newly adopted
10560 Mississippi building code sections for wind load design and the
10561 wind-borne debris region. The list of construction measures to be
10562 considered for evaluation in the cost-benefit study shall be based
10563 on scientifically established and sound, but common, construction
10564 techniques that go above and beyond the basic recommendations in
10565 the adopted building codes. This allows residents to utilize
10566 multiple options that will further reduce risk and loss and still
10567 be awarded for their endeavors with appropriate wind insurance
10568 discounts. It is recommended that existing accepted scientific
10569 studies that validate the wind hazard construction techniques
10570 benefits and effects be taken into consideration when establishing
10571 the list of construction techniques that homeowners and business
10572 owners can employ. This will ensure that only established
10573 construction measures that have been studied and modeled as
10574 successful mitigation measures will be considered to reduce the
10575 chance of including risky or unsound data that will cost both the
10576 property owner and state unnecessary losses. The cost-benefit
10577 study shall be based on actual construction cost data collected
10578 for several types of residential construction and commercial
10579 construction materials, building techniques and designs that are
10580 common to the region. The study shall provide as much information



10581 as possible that will enhance the data and options provided to the
10582 public, so that homeowners and business owners can make informed
10583 and educated decisions as to their level of involvement. Based on
10584 the construction data, modeling shall be performed on a variety of
10585 residential and commercial designs, so that a broad enough
10586 representative spectrum of data can be obtained. The data from
10587 the study will be utilized in a report to establish tables
10588 reflecting actuarially appropriate levels of wind insurance
10589 discounts (in percentages) for each mitigation construction
10590 technique/combination of techniques. This report will be utilized
10591 as a guide for the Department of Insurance and the insurance
10592 industry for developing actuarially appropriate discounts, credits
10593 or other rate differentials, or appropriate reductions in
10594 deductibles, for properties on which fixtures or construction
10595 techniques demonstrated to reduce the amount of loss in a
10596 windstorm have been installed or implemented. Additional data
10597 that will enhance the program, such as studies to reflect property
10598 value increases for retrofitting or building to the established
10599 wind hazard mitigation construction techniques and cost comparison
10600 data collected to establish the value of this program against the
10601 investment required to include the mitigation measures, also may
10602 be provided.

10603 (b) **Wind certification and hurricane mitigation**
10604 **inspections.**



10605 (i) Home-retrofit inspections of site-built,
10606 residential property, including single-family, two-family,
10607 three-family or four-family residential units, and a set of
10608 representative commercial facilities may be offered to determine
10609 what mitigation measures are needed and what improvements to
10610 existing residential properties are needed to reduce the
10611 property's vulnerability to hurricane damage. A state program may
10612 be established within the Department of Insurance to provide
10613 homeowners and business owners wind certification and hurricane
10614 mitigation inspections. The inspections provided to homeowners
10615 and business owners, at a minimum, must include:

10616 1. A home inspection and report that
10617 summarizes the results and identifies corrective actions a
10618 homeowner may take to mitigate hurricane damage.

10619 2. A range of cost estimates regarding the
10620 mitigation features.

10621 3. Insurer-specific information regarding
10622 premium discounts correlated to recommended mitigation features
10623 identified by the inspection.

10624 4. A hurricane resistance rating scale
10625 specifying the home's current as well as projected wind resistance
10626 capabilities.

10627 This data may be provided by trained and certified inspectors
10628 in standardized reporting formats and forms to ensure all data
10629 collected during inspections is equivalent in style and content



10630 that allows construction data, estimates and discount information
10631 to be easily assimilated into a database. Data pertaining to the
10632 number of inspections and inspection reports may be stored in a
10633 state database for evaluation of the program's success and review
10634 of state goals in reducing wind hazard loss in the state.

10635 (ii) To qualify for selection by the department as
10636 a provider of wind certification and hurricane mitigation
10637 inspections services, the entity shall, at a minimum, and on a
10638 form and in the manner prescribed by the commissioner:

10639 1. Use wind certification and hurricane
10640 mitigation inspectors who:

10641 a. Have prior experience in residential
10642 and/or commercial construction or inspection and have received
10643 specialized training in hurricane mitigation procedures through
10644 the state certified program. In order to qualify for training in
10645 the inspection process, the individual should be either a licensed
10646 building code official, a licensed contractor or inspector in the
10647 State of Mississippi, or a civil engineer.

10648 b. Have undergone drug testing and
10649 background checks.

10650 c. Have been certified through a state
10651 mandated training program, in a manner satisfactory to the
10652 department, to conduct the inspections.

10653 d. Have not been convicted of a * * *
10654 disqualifying crime as provided in the Fresh Start Act; have not



10655 received a first-time offender pardon or nonadjudication order for
10656 a * * * disqualifying crime as provided in the Fresh Start Act; or
10657 have not entered a plea of guilty or nolo contendere to a * * *
10658 disqualifying crime as provided in the Fresh Start Act.

10659 e. Submit a statement authorizing the
10660 Commissioner of Insurance to order fingerprint analysis or any
10661 other analysis or documents deemed necessary by the commissioner
10662 for the purpose of verifying the criminal history of the
10663 individual. The commissioner shall have the authority to conduct
10664 criminal history verification on a local, state or national level,
10665 and shall have the authority to require the individual to pay for
10666 the costs of such criminal history verification.

10667 2. Provide a quality assurance program
10668 including a reinspection component.

10669 3. Have data collection equipment and
10670 computer systems, so that data can be submitted electronically to
10671 the state's database of inspection reports, insurance
10672 certificates, and other industry information related to this
10673 program. It is mandatory that all inspectors provide original
10674 copies to the property owner of any inspection reports, estimates,
10675 etc., pertaining to the inspection and keep a copy of all
10676 inspection materials on hand for state audits.

10677 (c) **Financial grants to retrofit properties.** Financial
10678 grants may be used to encourage single-family, site-built,
10679 owner-occupied, residential property owners or commercial property



10680 owners to retrofit their properties to make them less vulnerable
10681 to hurricane damage.

10682 (d) **Education and consumer awareness.** Multimedia
10683 public education, awareness and advertising efforts designed to
10684 specifically address mitigation techniques may be employed, as
10685 well as a component to support ongoing consumer resources and
10686 referral services. In addition, all insurance companies shall
10687 provide notification to their clients regarding the availability
10688 of this program, participation details, and directions to the
10689 state website promoting the program, along with appropriate
10690 contact phone numbers to the state agency administrating the
10691 program. The notification to the clients must be sent by the
10692 insurance company within thirty (30) days after filing their
10693 insurance discount schedules with the Department of Insurance.

10694 (e) **Advisory council.** There is created an advisory
10695 council to provide advice and assistance to the program
10696 administrator with regard to his or her administration of the
10697 program. The advisory council shall consist of:

10698 (i) An agent, selected by the Independent
10699 Insurance Agents of Mississippi.

10700 (ii) Two (2) representatives of residential
10701 property insurers, selected by the Department of Insurance.

10702 (iii) One (1) representative of homebuilders,
10703 selected by the Home Builders Association of Mississippi.



10704 (iv) The Chairman of the House Insurance
10705 Committee, or his designee.

10706 (v) The Chairman of the Senate Insurance
10707 Committee, or his designee.

10708 (vi) The Executive Director of the Mississippi
10709 Windstorm Underwriting Association, or his designee.

10710 (vii) The Director of the Mississippi Emergency
10711 Management Agency, or his designee.

10712 Members appointed under subparagraphs (i) and (ii) shall
10713 serve at the pleasure of the Department of Insurance. All other
10714 members shall serve as voting ex officio members. Members of the
10715 advisory council who are not legislators, state officials or state
10716 employees shall be compensated at the per diem rate authorized by
10717 Section 25-3-69, and shall be reimbursed in accordance with
10718 Section 25-3-41, for mileage and actual expenses incurred in the
10719 performance of their duties. Legislative members of the advisory
10720 council shall be paid from the contingent expense funds of their
10721 respective houses in the same manner as provided for committee
10722 meetings when the Legislature is not in session; however, no per
10723 diem or expense for attending meetings of the advisory council may
10724 be paid while the Legislature is in session. No advisory council
10725 member may incur per diem, travel or other expenses unless
10726 previously authorized by vote, at a meeting of the council, which
10727 action shall be recorded in the official minutes of the meeting.



10728 Nonlegislative members shall be paid from any funds made available
10729 to the advisory council for that purpose.

10730 (f) **Rules and regulations.** The Department of Insurance
10731 may adopt rules and regulations governing the Comprehensive
10732 Hurricane Damage Mitigation Program. The department also may
10733 adopt rules and regulations establishing priorities for grants
10734 provided under this section based on objective criteria that gives
10735 priority to reducing the state's probable maximum loss from
10736 hurricanes. However, pursuant to this overall goal, the
10737 department may further establish priorities based on the insured
10738 value of the dwelling, whether or not the dwelling is insured by
10739 the Mississippi Windstorm Underwriting Association and whether or
10740 not the area under consideration has sufficient resources and the
10741 ability to perform the retrofitting required.

10742 (2) Nothing in this section shall prohibit the Department of
10743 Insurance from entering into an agreement with any other
10744 appropriate state agency to assist with or perform any of the
10745 duties set forth hereunder.

10746 (3) This section shall stand repealed from and after July 1,
10747 2025.

10748 **SECTION 128.** Section 83-17-71, Mississippi Code of 1972, is
10749 amended as follows:

10750 83-17-71. (1) The commissioner may place on probation,
10751 suspend, revoke or refuse to issue or renew an insurance
10752 producer's license or may levy a civil penalty in an amount not to



10753 exceed One Thousand Dollars (\$1,000.00) per violation and such
10754 penalty shall be deposited into the special fund of the State
10755 Treasury designated as the "Insurance Department Fund" for any one
10756 or more of the following causes:

10757 (a) Providing incorrect, misleading, incomplete or
10758 materially untrue information in the license application;

10759 (b) Violating any insurance laws, or violating any
10760 regulation, subpoena or order of the commissioner or of another
10761 state's commissioner;

10762 (c) Obtaining or attempting to obtain a license through
10763 misrepresentation or fraud;

10764 (d) Improperly withholding, misappropriating or
10765 converting any monies or properties received in the course of
10766 doing insurance business;

10767 (e) Intentionally misrepresenting the terms of an
10768 actual or proposed insurance contract or application for
10769 insurance;

10770 (f) Having been convicted of a * * * disqualifying
10771 crime as provided in the Fresh Start Act;

10772 (g) Having admitted or been found to have committed any
10773 insurance unfair trade practice or fraud;

10774 (h) Using fraudulent, coercive or dishonest practices
10775 or demonstrating incompetence, untrustworthiness or financial
10776 irresponsibility in the conduct of business in this state or
10777 elsewhere;



10778 (i) Having an insurance producer license, or its
10779 equivalent, denied, suspended or revoked in any other state,
10780 province, district or territory;

10781 (j) Forging another's name to an application for
10782 insurance or to any document related to an insurance transaction;

10783 (k) Improperly using notes or any other reference
10784 material to complete an examination for an insurance license;

10785 (l) Knowingly accepting insurance business from an
10786 individual who is not licensed;

10787 (m) Failing to comply with an administrative or court
10788 order imposing a child support obligation; or

10789 (n) Failing to pay state income tax or comply with any
10790 administrative or court order directing payment of state income
10791 tax.

10792 (2) If the action by the commissioner is to nonrenew or to
10793 deny an application for a license, the commissioner shall notify
10794 the applicant or licensee and advise, in writing, the applicant or
10795 licensee of the reason for the denial or nonrenewal of the
10796 applicant's or licensee's license. The applicant or licensee may
10797 make written demand upon the commissioner within ten (10) days for
10798 a hearing before the commissioner to determine the reasonableness
10799 of the commissioner's action. The hearing shall be held within
10800 thirty (30) days.

10801 (3) The license of a business entity may be suspended,
10802 revoked or refused if the commissioner finds, after hearing, that



10803 an individual licensee's violation was known or should have been
10804 known by one or more of the partners, officers or managers acting
10805 on behalf of the partnership or corporation and the violation was
10806 neither reported to the commissioner nor corrective action taken.

10807 (4) In addition to, or in lieu of, any applicable denial,
10808 suspension or revocation of a license, a person may, after
10809 hearing, be subject to a civil fine not to exceed One Thousand
10810 Dollars (\$1,000.00) per violation and such fine shall be deposited
10811 into the special fund in the State Treasury designated as the
10812 "Insurance Department Fund."

10813 (5) The commissioner shall retain the authority to enforce
10814 the provisions of and impose any penalty or remedy authorized by
10815 this article and Title 83, Mississippi Code of 1972, against any
10816 person who is under investigation for or charged with a violation
10817 of this article or Title 83, Mississippi Code of 1972, even if the
10818 person's license or registration has been surrendered or has
10819 lapsed by operation of law.

10820 (6) No licensee whose license has been revoked hereunder
10821 shall be entitled to file another application for a license as a
10822 producer within one (1) year from the effective date of such
10823 revocation or, if judicial review of such revocation is sought,
10824 within one (1) year from the date of final court order or decree
10825 affirming such revocation. Such application, when filed, may be
10826 refused by the commissioner unless the applicant shows good cause



10827 why the revocation of his license shall not be deemed a bar to the
10828 issuance of a new license.

10829 (7) Notwithstanding any other provision of this article to
10830 the contrary, a person licensed in this state as a nonresident
10831 producer whose license is denied, suspended or revoked in his or
10832 her home state shall also have his or her nonresident license
10833 denied, suspended or revoked in this state without prior notice or
10834 hearing.

10835 (8) From and after July 1, 2016, the expenses of this agency
10836 shall be defrayed by appropriation from the State General Fund and
10837 all user charges and fees authorized under this section shall be
10838 deposited into the State General Fund as authorized by law.

10839 (9) From and after July 1, 2016, no state agency shall
10840 charge another state agency a fee, assessment, rent or other
10841 charge for services or resources received by authority of this
10842 section.

10843 **SECTION 129.** Section 83-17-421, Mississippi Code of 1972, is
10844 amended as follows:

10845 83-17-421. (1) A license may be refused, or a license duly
10846 issued may be suspended or revoked or the renewal thereof refused
10847 by the commissioner if, after notice and hearing as hereinafter
10848 provided, he or she finds that the applicant for, or holder of,
10849 such license:

10850 (a) Has * * * willfully violated any provision of the
10851 insurance laws of this state; or



10852 (b) Has intentionally made a material misstatement in
10853 the application for such license; or
10854 (c) Has obtained, or attempted to obtain, such license
10855 by fraud or misrepresentation; or
10856 (d) Has misappropriated or converted to his or her own
10857 use or illegally withheld money belonging to an insurer or
10858 beneficiary; or
10859 (e) Has otherwise demonstrated lack of trustworthiness
10860 or competence to act as an adjuster; or
10861 (f) Has been guilty of fraudulent or dishonest
10862 practices or has been convicted of a * * * disqualifying crime as
10863 provided in the Fresh Act; or
10864 (g) Has materially misrepresented the terms and
10865 conditions of insurance policies or contracts; or * * * willfully
10866 exaggerated prospective returns on investment features of policies
10867 or fails to identify himself or herself as an adjuster and in so
10868 doing receives a compensation for his or her participation in the
10869 sale of insurance; or
10870 (h) Has made or issued, or caused to be made or issued,
10871 any statement misrepresenting or making incomplete comparisons
10872 regarding the terms or conditions of any insurance or annuity
10873 contract legally issued by any insurer, for the purpose of
10874 inducing or attempting to induce the owner of such contract to
10875 forfeit or surrender such contract or allow it to lapse for the
10876 purpose of replacing such contract with another; or



10877 (i) Has obtained or attempted to obtain such license,
10878 not for the purpose of holding himself or herself out to the
10879 general public as an adjuster, but primarily for the purpose of
10880 soliciting, negotiating or procuring insurance or annuity
10881 contracts covering himself or herself or members of his or her
10882 family.

10883 (2) Before any license shall be refused (except for failure
10884 to pass a required written examination) or suspended or revoked or
10885 the renewal thereof refused hereunder, the commissioner shall give
10886 notice of his or her intention so to do, by registered mail, to
10887 the applicant for or holder of such license and the insurer whom
10888 he or she represents or who desires that he or she be licensed,
10889 and shall set a date not less than twenty (20) days from the date
10890 of mailing such notice when the applicant or licensee and a duly
10891 authorized representative of the insurer may appear to be heard
10892 and produce evidence. Such notice shall constitute automatic
10893 suspension of license if the person involved is a licensed
10894 adjuster. In the conduct of such hearing, the commissioner or any
10895 regular salaried employee specially designated by him or her for
10896 such purpose shall have power to administer oaths, to require the
10897 appearance of and examine any person under oath and to require the
10898 production of books, records or papers relevant to the inquiry
10899 upon his or her own initiative or upon the request of the
10900 applicant or licensee. Upon the termination of such hearing,
10901 findings shall be reduced to writing and, upon approval by the



10902 commissioner, shall be filed in his or her office; and notice of
10903 the findings shall be sent by registered mail to the applicant or
10904 licensee and the insurer concerned.

10905 (3) Where the grounds set out in subsection (1)(d) or (1)(g)
10906 are the grounds for any hearing, the commissioner may, in his or
10907 her discretion in lieu of the hearing provided for in subsection
10908 (2) of this section, file a petition to suspend or revoke any
10909 license authorized hereunder in a court of competent jurisdiction
10910 of the county or district in which the alleged offense occurred.
10911 In such cases, subpoenas may be issued for witnesses, and mileage
10912 and witness fees paid as in other cases. All costs of such cause
10913 shall be paid by the defendant, if found guilty, and if costs
10914 cannot be made and collected from the defendant, such costs shall
10915 be assessed against the company issuing the contract involved in
10916 such cause.

10917 (4) No licensee whose license has been revoked hereunder
10918 shall be entitled to file another application for a license as an
10919 adjuster within one (1) year from the effective date of such
10920 revocation or, if judicial review of such revocation is sought,
10921 within one (1) year from the date of final court order or decree
10922 affirming such revocation. Such application, when filed, may be
10923 refused by the commissioner unless the applicant shows good cause
10924 why the revocation of his or her license shall not be deemed a bar
10925 to the issuance of a new license.



10926 **SECTION 130.** Section 83-17-519, Mississippi Code of 1972, is
10927 amended as follows:

10928 83-17-519. (1) A license may be refused, or a license duly
10929 issued may be suspended or revoked or the renewal thereof refused
10930 by the commissioner, or the commissioner may levy a civil penalty
10931 in an amount not to exceed Five Thousand Dollars (\$5,000.00) per
10932 violation, or both, and any such penalty shall be deposited into
10933 the special fund of the State Treasury designated as the
10934 "Insurance Department Fund," if, after notice and hearing as
10935 hereinafter provided, he finds that the applicant for, or holder
10936 of, such license:

10937 (a) Has intentionally made a material misstatement in
10938 the application for such license; or

10939 (b) Has obtained, or attempted to obtain, such license
10940 by fraud or misrepresentation; or

10941 (c) Has misappropriated or converted to his own use or
10942 illegally withheld money belonging to another person or entity; or

10943 (d) Has otherwise demonstrated lack of trustworthiness
10944 or competence to act as a public adjuster; or

10945 (e) Has been guilty of fraudulent or dishonest
10946 practices or has been convicted of a * * * disqualifying crime as
10947 provided in the Fresh Start Act; or

10948 (f) Has materially misrepresented the terms and
10949 conditions of insurance policies or contracts or failed to
10950 identify himself as a public adjuster; or



10951 (g) Has obtained or attempted to obtain such license
10952 for a purpose other than holding himself out to the general public
10953 as a public adjuster; or

10954 (h) Has violated any insurance laws, or any regulation,
10955 subpoena or order of the commissioner or of another state's
10956 commissioner of insurance.

10957 (2) Before any license shall be refused (except for failure
10958 to pass a required written examination) or suspended or revoked or
10959 the renewal thereof refused hereunder, the commissioner shall give
10960 notice of his intention so to do, by certified mail, return
10961 receipt requested, to the applicant for or holder of such license,
10962 and shall set a date not less than twenty (20) days from the date
10963 of mailing such notice when the applicant or licensee may appear
10964 to be heard and produce evidence in opposition to such refusal,
10965 suspension or revocation. Such notice shall constitute automatic
10966 suspension of license if the person involved is a licensed public
10967 adjuster. In the conduct of such hearing, the commissioner or any
10968 regular salaried employee of the department specially designated
10969 by him for such purpose shall have the power to administer oaths,
10970 to require the appearance of and examine any person under oath,
10971 and to require the production of books, records or papers relevant
10972 to the inquiry upon his own initiative or upon the request of the
10973 applicant or licensee. Upon the termination of such hearing,
10974 findings shall be reduced to writing and, upon approval by the
10975 commissioner, shall be filed in his office; and notice of the



10976 findings shall be sent by certified mail, return receipt
10977 requested, to the applicant or licensee.

10978 (3) Where the grounds set out in subsection (1)(c) or (1)(f)
10979 of this section are the grounds for any hearing, the commissioner
10980 may, in his discretion in lieu of the hearing provided for in
10981 subsection (2) of this section, file a petition requesting the
10982 court to suspend or revoke any license authorized hereunder in a
10983 court of competent jurisdiction of the county or district in which
10984 the alleged offense occurred. In such cases, subpoenas may be
10985 issued for witnesses, and mileage and witness fees paid as in
10986 other cases. All costs of such cause shall be paid by the
10987 defendant, if the finding of the court be against him.

10988 (4) No licensee whose license has been revoked hereunder
10989 shall be entitled to file another application for a license as a
10990 public adjuster within one (1) year from the effective date of
10991 such revocation or, if judicial review of such revocation is
10992 sought, within one (1) year from the date of final court order or
10993 decree affirming such revocation. An application filed after such
10994 one-year period shall be refused by the commissioner unless the
10995 applicant shows good cause why the revocation of his license shall
10996 not be deemed a bar to the issuance of a new license.

10997 (5) From and after July 1, 2016, the expenses of this agency
10998 shall be defrayed by appropriation from the State General Fund and
10999 all user charges and fees authorized under this section shall be
11000 deposited into the State General Fund as authorized by law.



11001 (6) From and after July 1, 2016, no state agency shall
11002 charge another state agency a fee, assessment, rent or other
11003 charge for services or resources received by authority of this
11004 section.

11005 **SECTION 131.** Section 83-21-19, Mississippi Code of 1972, is
11006 amended as follows:

11007 83-21-19. (1) Surplus lines insurance may be placed by a
11008 surplus lines insurance producer if:

11009 (a) Each insurer is an eligible surplus lines insurer;

11010 (b) Each insurer is authorized to write the line of
11011 insurance in its domiciliary jurisdiction; and

11012 (c) All other requirements as set forth by law are met.

11013 (2) The Commissioner of Insurance, upon the biennial payment
11014 of a fee of One Hundred Dollars (\$100.00) and submission of a
11015 completed license application on a form approved by the
11016 commissioner, may issue a surplus lines insurance producer license
11017 to a qualified holder of an insurance producer license with a
11018 property, casualty and/or personal lines line of authority, who is
11019 regularly commissioned to represent a fire and casualty insurance
11020 company licensed to do business in the state.

11021 (3) The privilege license shall continue from the date of
11022 issuance until the last day of the month of the licensee's
11023 birthday in the second year following issuance or renewal of the
11024 license, with a minimum term of twelve (12) months.



11025 (4) A nonresident person shall receive a surplus lines
11026 insurance producer license if:

11027 (a) The person is currently licensed as a surplus lines
11028 insurance producer or equivalent and in good standing in his or
11029 her home state;

11030 (b) The person has submitted the proper request for
11031 licensure and has paid the biennial fee of One Hundred Dollars
11032 (\$100.00); and

11033 (c) The person's home state awards nonresident surplus
11034 lines licenses to residents of this state on the same basis.

11035 (5) The commissioner may verify a person's licensing status
11036 through the National Producer Database maintained by the National
11037 Association of Insurance Commissioners, its affiliates or
11038 subsidiaries.

11039 (6) A nonresident surplus lines insurance producer licensee
11040 who moves from one (1) state to another state, or a resident
11041 surplus lines licensee who moves from this state to another state,
11042 shall file a change of address and provide certification from the
11043 new resident state within thirty (30) days of the change of legal
11044 residence. No fee or license application is required.

11045 (7) The commissioner may deny, suspend, revoke or refuse the
11046 license of a surplus lines insurance producer licensee and/or levy
11047 a civil penalty in an amount not to exceed Two Thousand Five
11048 Hundred Dollars (\$2,500.00) per violation, after notice and



11049 hearing as provided hereunder, for one or more of the following
11050 grounds:

11051 (a) Providing incorrect, misleading, incomplete or
11052 materially untrue information in the license application;

11053 (b) Violating any insurance laws, or violating any
11054 regulation, subpoena or order of the commissioner or of another
11055 state's commissioner;

11056 (c) Obtaining or attempting to obtain a license through
11057 misrepresentation or fraud;

11058 (d) Improperly withholding, misappropriating or
11059 converting any monies or properties received in the course of
11060 doing the business of insurance;

11061 (e) Intentionally misrepresenting the terms of an
11062 actual or proposed insurance contract or application for
11063 insurance;

11064 (f) Having been convicted of a * * * disqualifying
11065 crime as provided in the Fresh Start Act;

11066 (g) Having admitted or been found to have committed any
11067 insurance unfair trade practice or fraud;

11068 (h) Using fraudulent, coercive or dishonest practices
11069 or demonstrating incompetence, untrustworthiness or financial
11070 irresponsibility in the conduct of business in this state or
11071 elsewhere;



11072 (i) Having an insurance producer license, or its
11073 equivalent, denied, suspended or revoked in any other state,
11074 province, district or territory;

11075 (j) Forging another's name to an application for
11076 insurance or to any document related to an insurance transaction;

11077 (k) Improperly using notes or any other reference
11078 material to complete an examination for an insurance license;

11079 (l) Knowingly accepting insurance business from an
11080 individual who is not licensed;

11081 (m) Failing to comply with an administrative or court
11082 order imposing a child support obligation; or

11083 (n) Failing to pay state income tax or comply with any
11084 administrative or court order directing payment of state income
11085 tax.

11086 (8) If the action by the commissioner is to nonrenew,
11087 suspend, revoke or to deny an application for a license, the
11088 commissioner shall notify the applicant or licensee and advise, in
11089 writing, the applicant or licensee of the reason for the denial or
11090 nonrenewal of the applicant's or licensee's license. The
11091 applicant or licensee may make written demand upon the
11092 commissioner within ten (10) days for a hearing before the
11093 commissioner to determine the reasonableness of the commissioner's
11094 action. The hearing shall be held within thirty (30) days.

11095 (9) Every surplus lines insurance contract procured and
11096 delivered according to Sections 83-21-17 through 83-21-31 shall



11097 have stamped upon it in bold ten-point type, and bear the name of
11098 the surplus lines insurance producer who procured it, the
11099 following: "NOTE: This insurance policy is issued pursuant to
11100 Mississippi law covering surplus lines insurance. The company
11101 issuing the policy is not licensed by the State of Mississippi,
11102 but is authorized to do business in Mississippi as a nonadmitted
11103 company. The policy is not protected by the Mississippi Insurance
11104 Guaranty Association in the event of the insurer's insolvency."
11105 No diminution of the license fee herein provided shall occur as to
11106 any license effective after January 1 of any year.

11107 **SECTION 132.** Section 83-49-11, Mississippi Code of 1972, is
11108 amended as follows:

11109 83-49-11. The commissioner may revoke or suspend or refuse
11110 to renew the license of any sponsor or representative of such
11111 sponsor when and if after investigation the commissioner finds
11112 that:

11113 (a) Any license issued to such sponsor or
11114 representative of such sponsor was obtained by fraud;

11115 (b) There was any misrepresentation in the application
11116 for the license;

11117 (c) The sponsor or representative of such sponsor has
11118 otherwise shown itself untrustworthy or incompetent to act as a
11119 sponsor or representative of such sponsor;



11120 (d) Such sponsor or representative of such sponsor has
11121 violated any of the provisions of this chapter or of the rules and
11122 regulations of the commissioner;

11123 (e) The sponsor or representative of such sponsor has
11124 misappropriated, converted, illegally withheld, or refused to pay
11125 over upon proper demand any monies entrusted to the sponsor or
11126 representative of such sponsor in its fiduciary capacity belonging
11127 to an insurer or insured;

11128 (f) The sponsor or representative of such sponsor is
11129 found to be in an unsound condition or in such condition as to
11130 render the future transaction of business in this state hazardous
11131 to the public; or

11132 (g) The sponsor or representative of such sponsor is
11133 found guilty of fraudulent, deceptive, unfair or dishonest
11134 practices as defined in Section 83-5-35 or 83-5-45, Mississippi
11135 Code of 1972, or has been convicted of a * * * disqualifying crime
11136 as provided in the Fresh Start Act.

11137 Before any license shall be refused, suspended, revoked or
11138 the renewal thereof refused hereunder, the commissioner shall give
11139 notice of his intention so to do, by certified mail, return
11140 receipt requested, to the applicant for or holder of such license
11141 and to any sponsor whom such representative represents or who
11142 desires that he be licensed, and shall set a date not less than
11143 twenty (20) days from the date of mailing such notice when the
11144 applicant or licensee and a duly authorized representative of the



11145 sponsor may appear to be heard and produce evidence. In the
11146 conduct of such hearing, the commissioner or any regular salaried
11147 employee specially designated by him for such purposes shall have
11148 power to administer oaths, to require the appearance of and
11149 examine any person under oath, and to require the production of
11150 books, records or papers relevant to the inquiry upon his own
11151 initiative or upon the request of the applicant or licensee. Upon
11152 the termination of such hearing, findings shall be reduced to
11153 writing and, upon approval by the commissioner, shall be filed in
11154 his office; and notice of the findings shall be sent by certified
11155 mail to the applicant or licensee and the sponsor concerned.

11156 No licensee whose license has been revoked hereunder shall be
11157 entitled to file another application for a license as a sponsor or
11158 a representative of any sponsor within one (1) year from the
11159 effective date of such revocation. Such application, when filed,
11160 may be refused by the commissioner unless the applicant shows good
11161 cause why the revocation of his license shall not be deemed a bar
11162 to the issuance of a new license.

11163 In lieu of revoking, suspending or refusing to renew the
11164 license for any of the causes enumerated in this section, after
11165 hearing as herein provided, the commissioner may place the sponsor
11166 on probation for a period of time not to exceed one (1) year, or
11167 may fine such sponsor not more than One Thousand Dollars
11168 (\$1,000.00) for each offense, or both, when in his judgment he
11169 finds that the public interest would not be harmed by the



11170 continued operation of the sponsor. The amount of any such
11171 penalty shall be paid by such sponsor to the commissioner for the
11172 use of the state. At any hearing provided by this section, the
11173 commissioner shall have authority to administer oaths to
11174 witnesses. Anyone testifying falsely, after having been
11175 administered such oath, shall be subject to the penalty of
11176 perjury.

11177 Any action of the commissioner taken pursuant to the
11178 provisions of this section shall be subject to review as may be
11179 provided in Section 83-17-125.

11180 **SECTION 133.** Section 97-33-315, Mississippi Code of 1972, is
11181 amended as follows:

11182 97-33-315. (1) The executive director shall make
11183 appropriate investigations:

11184 (a) To determine whether there has been any violation
11185 of Sections 97-33-301 through 97-33-317 or of any regulations
11186 adopted thereunder.

11187 (b) To determine any facts, conditions, practices or
11188 matters which it may deem necessary or proper to aid in the
11189 enforcement of any such law or regulation.

11190 (c) To aid in adopting regulations.

11191 (d) To secure information as a basis for recommending
11192 legislation relating to Sections 97-33-301 through 97-33-317.

11193 (e) To determine annual compliance with Sections
11194 97-33-301 through 97-33-317.



11195 (2) If after any investigation the executive director is
11196 satisfied that a license should be limited, conditioned, suspended
11197 or revoked, he shall initiate a hearing by filing a complaint with
11198 the commission and transmit therewith a summary of evidence in his
11199 possession bearing on the matter and the transcript of testimony
11200 at any investigative hearing conducted by or on behalf of the
11201 executive director to the licensee.

11202 (3) Upon receipt of the complaint of the executive director,
11203 the commission shall review all matter presented in support
11204 thereof and shall appoint a hearing examiner to conduct further
11205 proceedings.

11206 (4) After proceedings required by Sections 97-33-301 through
11207 97-33-317, the hearing examiner may recommend that the commission
11208 take any or all of the following actions:

11209 (a) As to operations at a licensed gaming establishment
11210 under Section 97-33-307(5):

11211 (i) Limit, condition, suspend or revoke the
11212 license of any licensed gaming establishment or the individual
11213 license of any licensee without affecting the license of the
11214 establishment; and

11215 (ii) Order an operator to exclude an individual
11216 licensee from the operation of the registered business or not to
11217 pay the licensee any remuneration for services or any profits,
11218 income or accruals on his investment in the licensed gaming
11219 establishment;



11220 (b) Limit, condition, suspend or revoke any license
11221 granted to any applicant by the commission;

11222 (c) Fine each licensee for any act or transaction for
11223 which commission approval was required or permitted, as provided
11224 in Section 97-33-309.

11225 (5) The hearing examiner shall prepare a written decision
11226 containing his recommendation to the commission and shall serve it
11227 on all parties. Any party disagreeing with the hearing examiner's
11228 recommendation may ask the commission to review the recommendation
11229 within ten (10) days of service of the recommendation. The
11230 commission may hold a hearing to consider the recommendation
11231 whether there has been a request to review the recommendation or
11232 not.

11233 (6) If the commission decides to review the recommendation,
11234 it shall give notice of that fact to all parties within thirty
11235 (30) days of the recommendation and shall schedule a hearing to
11236 review the recommendation. The commission's review shall be de
11237 novo but shall be based upon the evidence presented before the
11238 hearing examiner. The commission may remand the case to the
11239 hearing examiner for the presentation of additional evidence upon
11240 a showing of good cause why the evidence could not have been
11241 presented at the previous hearing.

11242 (7) If the commission does not decide to review the
11243 recommendation within thirty (30) days, the recommendation becomes
11244 the final order of the commission.



11245 (8) If the commission limits, conditions, suspends or
11246 revokes any license, or imposes a fine, it shall issue its written
11247 order therefor after causing to be prepared and filed the hearing
11248 examiner's written decision upon which the order is based.

11249 (9) Any limitation, condition, revocation, suspension or
11250 fine is effective until reversed upon judicial review, except that
11251 the commission may stay its order pending a rehearing or judicial
11252 review upon such terms and conditions as it deems proper.

11253 (10) Judicial review of an order or decision of the
11254 commission may be had to the Chancery Court of the First Judicial
11255 District of Hinds County, Mississippi, as a case in equity.

11256 (11) A license * * * may be revoked if the individual is
11257 convicted of a * * * disqualifying crime as provided in the Fresh
11258 Start Act. An appeal from the conviction shall not act as a
11259 supersedeas to the revocation required by this subsection.

11260 **SECTION 134.** Section 73-15-201, Mississippi Code of 1972, is
11261 brought forward as follows:

11262 73-15-201. The Nurse Licensure Compact is enacted into law
11263 and entered into by this state with any and all states legally
11264 joining in the compact in accordance with its term, in the form
11265 substantially as follows:

11266 **ARTICLE I.**

11267 **Findings and declaration of purpose.**

11268 (a) The party states find that:



11269 1. The health and safety of the public are
11270 affected by the degree of compliance with and the effectiveness of
11271 enforcement activities related to state nurse licensure laws;

11272 2. Violations of nurse licensure and other laws
11273 regulating the practice of nursing may result in injury or harm to
11274 the public;

11275 3. The expanded mobility of 73-15- and the use of
11276 advanced communication technologies as part of our nation's health
11277 care delivery system require greater coordination and cooperation
11278 among states in the areas of nurse licensure and regulation;

11279 4. New practice modalities and technology make
11280 compliance with individual state nurse licensure laws difficult
11281 and complex;

11282 5. The current system of duplicative licensure for
11283 nurses practicing in multiple states is cumbersome and redundant
11284 for both nurses and states; and

11285 6. Uniformity of nurse licensure requirements
11286 throughout the states promotes public safety and public health
11287 benefits.

11288 (b) The general purposes of this compact are to:

11289 1. Facilitate the states' responsibility to
11290 protect the public's health and safety;

11291 2. Ensure and encourage the cooperation of party
11292 states in the areas of nurse licensure and regulation;



11318 (b) "Alternative program" means a nondisciplinary
11319 monitoring program approved by a licensing board.

11320 (c) "Coordinated licensure information system" means an
11321 integrated process for collecting, storing and sharing information
11322 on nurse licensure and enforcement activities related to nurse
11323 licensure laws that is administered by a nonprofit organization
11324 composed of and controlled by licensing boards.

11325 (d) "Current significant investigative information"
11326 means:

11327 1. Investigative information that a licensing
11328 board, after a preliminary inquiry that includes notification and
11329 an opportunity for the nurse to respond, if required by state law,
11330 has reason to believe is not groundless and, if proved true, would
11331 indicate more than a minor infraction; or

11332 2. Investigative information that indicates that
11333 the nurse represents an immediate threat to public health and
11334 safety regardless of whether the nurse has been notified and had
11335 an opportunity to respond.

11336 (e) "Encumbrance" means a revocation or suspension of,
11337 or any limitation on, the full and unrestricted practice of
11338 nursing imposed by a licensing board.

11339 (f) "Home state" means the party state which is the
11340 nurse's primary state of residence.

11341 (g) "Licensing board" means a party state's regulatory
11342 body responsible for issuing nurse licenses.



11343 (h) "Multistate license" means a license to practice as
11344 a registered or a licensed practical/vocational nurse (LPN/VN)
11345 issued by a home state licensing board that authorizes the
11346 licensed nurse to practice in all party states under a multistate
11347 licensure privilege.

11348 (i) "Multistate licensure privilege" means a legal
11349 authorization associated with a multistate license permitting the
11350 practice of nursing as either a registered nurse (RN) or LPN/VN in
11351 a remote state.

11352 (j) "Nurse" means RN or LPN/VN, as those terms are
11353 defined by each party state's practice laws.

11354 (k) "Party state" means any state that has adopted this
11355 compact.

11356 (l) "Remote state" means a party state, other than the
11357 home state.

11358 (m) "Single-state license" means a nurse license issued
11359 by a party state that authorizes practice only within the issuing
11360 state and does not include a multistate licensure privilege to
11361 practice in any other party state.

11362 (n) "State" means a state, territory or possession of
11363 the United States and the District of Columbia.

11364 (o) "State practice laws" means a party state's laws,
11365 rules and regulations that govern the practice of nursing, define
11366 the scope of nursing practice, and create the methods and grounds
11367 for imposing discipline. "State practice laws" do not include



11368 requirements necessary to obtain and retain a license, except for
11369 qualifications or requirements of the home state.

11370 **ARTICLE III.**

11371 **General provisions and jurisdiction.**

11372 (a) A multistate license to practice registered or
11373 licensed practical/vocational nursing issued by a home state to a
11374 resident in that state will be recognized by each party state as
11375 authorizing a nurse to practice as a registered nurse (RN) or as a
11376 licensed practical/vocational nurse (LPN/VN), under a multistate
11377 licensure privilege, in each party state.

11378 (b) A state must implement procedures for considering
11379 the criminal history records of applicants for initial multistate
11380 license or licensure by endorsement. Such procedures shall
11381 include the submission of fingerprints or other biometric-based
11382 information by applicants for the purpose of obtaining an
11383 applicant's criminal history record information from the Federal
11384 Bureau of Investigation and the agency responsible for retaining
11385 that state's criminal records.

11386 (c) Each party state shall require the following for an
11387 applicant to obtain or retain a multistate license in the home
11388 state:

11389 1. Meets the home state's qualifications for
11390 licensure or renewal of licensure, as well as, all other
11391 applicable state laws;



11392 2. (i) Has graduated or is eligible to graduate
11393 from a licensing board-approved RN or LPN/VN prelicensure
11394 education program; or

11395 (ii) Has graduated from a foreign RN or
11396 LPN/VN prelicensure education program that (a) has been approved
11397 by the authorized accrediting body in the applicable country and
11398 (b) has been verified by an independent credentials review agency
11399 to be comparable to a licensing board-approved prelicensure
11400 education program;

11401 3. Has, if a graduate of a foreign prelicensure
11402 education program not taught in English or if English is not the
11403 individual's native language, successfully passed an English
11404 proficiency examination that includes the components of reading,
11405 speaking, writing and listening;

11406 4. Has successfully passed a National Council
11407 Licensure Examination-Registered Nurse (NCLEX-RN®) or National
11408 Council Licensure Examination-Practical Nurse (NCLEX-PN®)
11409 Examination or recognized predecessor, as applicable;

11410 5. Is eligible for or holds an active,
11411 unencumbered license;

11412 6. Has submitted, in connection with an
11413 application for initial licensure or licensure by endorsement,
11414 fingerprints or other biometric data for the purpose of obtaining
11415 criminal history record information from the Federal Bureau of



11416 Investigation and the agency responsible for retaining that
11417 state's criminal records;

11418 7. Has not been convicted or found guilty, or has
11419 entered into an agreed disposition, of a felony offense under
11420 applicable state or federal criminal law;

11421 8. Has not been convicted or found guilty, or has
11422 entered into an agreed disposition, of a misdemeanor offense
11423 related to the practice of nursing as determined on a case-by-case
11424 basis;

11425 9. Is not currently enrolled in an alternative
11426 program;

11427 10. Is subject to self-disclosure requirements
11428 regarding current participation in an alternative program; and

11429 11. Has a valid United States social security
11430 number.

11431 (d) All party states shall be authorized, in accordance
11432 with existing state due process law, to take adverse action
11433 against a nurse's multistate licensure privilege such as
11434 revocation, suspension, probation or any other action that affects
11435 a nurse's authorization to practice under a multistate licensure
11436 privilege, including cease and desist actions. If a party state
11437 takes such action, it shall promptly notify the administrator of
11438 the coordinated licensure information system. The administrator
11439 of the coordinated licensure information system shall promptly
11440 notify the home state of any such actions by remote states.



11441 (e) A nurse practicing in a party state must comply
11442 with the state practice laws of the state in which the client is
11443 located at the time service is provided. The practice of nursing
11444 is not limited to patient care, but shall include all nursing
11445 practice as defined by the state practice laws of the party state
11446 in which the client is located. The practice of nursing in a
11447 party state under a multistate licensure privilege will subject a
11448 nurse to the jurisdiction of the licensing board, the courts and
11449 the laws of the party state in which the client is located at the
11450 time service is provided.

11451 (f) Individuals not residing in a party state shall
11452 continue to be able to apply for a party state's single-state
11453 license as provided under the laws of each party state. However,
11454 the single-state license granted to these individuals will not be
11455 recognized as granting the privilege to practice nursing in any
11456 other party state. Nothing in this compact shall affect the
11457 requirements established by a party state for the issuance of a
11458 single-state license.

11459 (g) Any nurse holding a home state multistate license,
11460 on the effective date of this compact, may retain and renew the
11461 multistate license issued by the nurse's then-current home state,
11462 provided that:

11463 1. A nurse, who changes primary state of residence
11464 after this compact's effective date, must meet all applicable



11489 (c) If a nurse changes primary state of residence by
11490 moving between two (2) party states, the nurse must apply for
11491 licensure in the new home state, and the multistate license issued
11492 by the prior home state will be deactivated in accordance with
11493 applicable rules adopted by the commission.

11494 1. The nurse may apply for licensure in advance of
11495 a change in primary state of residence.

11496 2. A multistate license shall not be issued by the
11497 new home state until the nurse provides satisfactory evidence of a
11498 change in primary state of residence to the new home state and
11499 satisfies all applicable requirements to obtain a multistate
11500 license from the new home state.

11501 (d) If a nurse changes primary state of residence by
11502 moving from a party state to a nonparty state, the multistate
11503 license issued by the prior home state will convert to a
11504 single-state license, valid only in the former home state.

11505 **ARTICLE V.**

11506 **Additional authorities invested in party state licensing boards.**

11507 (a) In addition to the other powers conferred by state
11508 law, a licensing board shall have the authority to:

11509 1. Take adverse action against a nurse's
11510 multistate licensure privilege to practice within that party
11511 state.



11512 (i) Only the home state shall have the power
11513 to take adverse action against a nurse's license issued by the
11514 home state.

11515 (ii) For purposes of taking adverse action,
11516 the home state licensing board shall give the same priority and
11517 effect to reported conduct received from a remote state as it
11518 would if such conduct had occurred within the home state.

11519 In so doing, the home state shall apply its own state laws to
11520 determine appropriate action.

11521 2. Issue cease and desist orders or impose an
11522 encumbrance on a nurse's authority to practice within that party
11523 state.

11524 3. Complete any pending investigations of a nurse
11525 who changes primary state of residence during the course of such
11526 investigations. The licensing board shall also have the authority
11527 to take appropriate action(s) and shall promptly report the
11528 conclusions of such investigations to the administrator of the
11529 coordinated licensure information system. The administrator of
11530 the coordinated licensure information system shall promptly notify
11531 the new home state of any such actions.

11532 4. Issue subpoenas for both hearings and
11533 investigations that require the attendance and testimony of
11534 witnesses, as well as, the production of evidence.

11535 Subpoenas issued by a licensing board in a party state for
11536 the attendance and testimony of witnesses or the production of



11537 evidence from another party state shall be enforced in the latter
11538 state by any court of competent jurisdiction, according to the
11539 practice and procedure of that court applicable to subpoenas
11540 issued in proceedings pending before it. The issuing authority
11541 shall pay any witness fees, travel expenses, mileage and other
11542 fees required by the service statutes of the state in which the
11543 witnesses or evidence are located.

11544 5. Obtain and submit, for each nurse licensure
11545 applicant, fingerprint or other biometric-based information to the
11546 Federal Bureau of Investigation for criminal background checks,
11547 receive the results of the Federal Bureau of Investigation record
11548 search on criminal background checks and use the results in making
11549 licensure decisions.

11550 6. If otherwise permitted by state law, recover
11551 from the affected nurse the costs of investigations and
11552 disposition of cases resulting from any adverse action taken
11553 against that nurse.

11554 7. Take adverse action based on the factual
11555 findings of the remote state, provided that the licensing board
11556 follows its own procedures for taking such adverse action.

11557 (b) If adverse action is taken by the home state
11558 against a nurse's multistate license, the nurse's multistate
11559 licensure privilege to practice in all other party states shall be
11560 deactivated until all encumbrances have been removed from the
11561 multistate license. All home state disciplinary orders that



11562 impose adverse action against a nurse's multistate license shall
11563 include a statement that the nurse's multistate licensure
11564 privilege is deactivated in all party states during the pendency
11565 of the order.

11566 (c) Nothing in this compact shall override a party
11567 state's decision that participation in an alternative program may
11568 be used in lieu of adverse action. The home state licensing board
11569 shall deactivate the multistate licensure privilege under the
11570 multistate license of any nurse for the duration of the nurse's
11571 participation in an alternative program.

11572 **ARTICLE VI.**

11573 **Coordinated licensure information system and exchange of**
11574 **information.**

11575 (a) All party states shall participate in a coordinated
11576 licensure information system of all licensed registered nurses
11577 (RNs) and licensed practical/vocational nurses (LPNs/VNs). This
11578 system will include information on the licensure and disciplinary
11579 history of each nurse, as submitted by party states, to assist in
11580 the coordination of nurse licensure and enforcement efforts.

11581 (b) The commission, in consultation with the
11582 administrator of the coordinated licensure information system,
11583 shall formulate necessary and proper procedures for the
11584 identification, collection and exchange of information under this
11585 compact.



11586 (c) All licensing boards shall promptly report to the
11587 coordinated licensure information system any adverse action, any
11588 current significant investigative information, denials of
11589 applications (with the reasons for such denials) and nurse
11590 participation in alternative programs known to the licensing board
11591 regardless of whether such participation is deemed nonpublic or
11592 confidential under state law.

11593 (d) Current significant investigative information and
11594 participation in nonpublic or confidential alternative programs
11595 shall be transmitted through the coordinated licensure information
11596 system only to party state licensing boards.

11597 (e) Notwithstanding any other provision of law, all
11598 party state licensing boards contributing information to the
11599 coordinated licensure information system may designate information
11600 that may not be shared with nonparty states or disclosed to other
11601 entities or individuals without the express permission of the
11602 contributing state.

11603 (f) Any personally identifiable information obtained
11604 from the coordinated licensure information system by a party state
11605 licensing board shall not be shared with nonparty states or
11606 disclosed to other entities or individuals except to the extent
11607 permitted by the laws of the party state contributing the
11608 information.

11609 (g) Any information contributed to the coordinated
11610 licensure information system that is subsequently required to be



11611 expunged by the laws of the party state contributing that
11612 information shall also be expunged from the coordinated licensure
11613 information system.

11614 (h) The compact administrator of each party state shall
11615 furnish a uniform data set to the compact administrator of each
11616 other party state, which shall include, at a minimum:

- 11617 1. Identifying information;
- 11618 2. Licensure data;
- 11619 3. Information related to alternative program
11620 participation; and
- 11621 4. Other information that may facilitate the
11622 administration of this compact, as determined by commission rules.

11623 (i) The compact administrator of a party state shall
11624 provide all investigative documents and information requested by
11625 another party state.

11626 **ARTICLE VII.**

11627 **Establishment of the Interstate Commission of Nurse Licensure**
11628 **Compact administrators.**

11629 (a) The party states hereby create and establish a
11630 joint public entity known as the Interstate Commission of Nurse
11631 Licensure Compact Administrators.

- 11632 1. The commission is an instrumentality of the
11633 party states.
- 11634 2. Venue is proper, and judicial proceedings by or
11635 against the commission shall be brought solely and exclusively, in



11636 a court of competent jurisdiction where the principal office of
11637 the commission is located. The commission may waive venue and
11638 jurisdictional defenses to the extent it adopts or consents to
11639 participate in alternative dispute resolution proceedings.

11640 3. Nothing in this compact shall be construed to
11641 be a waiver of sovereign immunity.

11642 (b) Membership, voting and meetings.

11643 1. Each party state shall have and be limited to
11644 one (1) administrator. The head of the state licensing board or
11645 designee shall be the administrator of this compact for each party
11646 state. Any administrator may be removed or suspended from office
11647 as provided by the law of the state from which the administrator
11648 is appointed. Any vacancy occurring in the commission shall be
11649 filled in accordance with the laws of the party state in which the
11650 vacancy exists.

11651 2. Each administrator shall be entitled to one (1)
11652 vote with regard to the promulgation of rules and creation of
11653 bylaws and shall otherwise have an opportunity to participate in
11654 the business and affairs of the commission. An administrator
11655 shall vote in person or by such other means as provided in the
11656 bylaws. The bylaws may provide for an administrator's
11657 participation in meetings by telephone or other means of
11658 communication.

11659 3. The commission shall meet at least once during
11660 each calendar year.



11661 Additional meetings shall be held as set forth in the bylaws
11662 or rules of the commission.

11663 4. All meetings shall be open to the public, and
11664 public notice of meetings shall be given in the same manner as
11665 required under the rulemaking provisions in Article VIII.

11666 5. The commission may convene in a closed,
11667 nonpublic meeting if the commission must discuss:

11668 (i) Noncompliance of a party state with its
11669 obligations under this compact;

11670 (ii) The employment, compensation, discipline
11671 or other personnel matters, practices or procedures related to
11672 specific employees or other matters related to the commission's
11673 internal personnel practices and procedures;

11674 (iii) Current, threatened or reasonably
11675 anticipated litigation;

11676 (iv) Negotiation of contracts for the
11677 purchase or sale of goods, services or real estate;

11678 (v) Accusing any person of a crime or
11679 formally censuring any person;

11680 (vi) Disclosure of trade secrets or
11681 commercial or financial information that is privileged or
11682 confidential;

11683 (vii) Disclosure of information of a personal
11684 nature where disclosure would constitute a clearly unwarranted
11685 invasion of personal privacy;



11686 (viii) Disclosure of investigatory records
11687 compiled for law enforcement purposes;

11688 (ix) Disclosure of information related to any
11689 reports prepared by or on behalf of the commission for the purpose
11690 of investigation of compliance with this compact; or

11691 (x) Matters specifically exempted from
11692 disclosure by federal or state statute.

11693 6. If a meeting, or portion of a meeting, is
11694 closed pursuant to this provision, the commission's legal counsel
11695 or designee shall certify that the meeting may be closed and shall
11696 reference each relevant exempting provision. The commission shall
11697 keep minutes that fully and clearly describe all matters discussed
11698 in a meeting and shall provide a full and accurate summary of
11699 actions taken, and the reasons therefor, including a description
11700 of the views expressed. All documents considered in connection
11701 with an action shall be identified in such minutes. All minutes
11702 and documents of a closed meeting shall remain under seal, subject
11703 to release by a majority vote of the commission or order of a
11704 court of competent jurisdiction.

11705 (c) The commission shall, by a majority vote of the
11706 administrators, prescribe bylaws or rules to govern its conduct as
11707 may be necessary or appropriate to carry out the purposes and
11708 exercise the powers of this compact, including, but not limited
11709 to:

11710 1. Establishing the fiscal year of the commission;



11711 2. Providing reasonable standards and procedures:
11712 (i) For the establishment and meetings of
11713 other committees; and

11714 (ii) Governing any general or specific
11715 delegation of any authority or function of the commission;

11716 3. Providing reasonable procedures for calling and
11717 conducting meetings of the commission, ensuring reasonable advance
11718 notice of all meetings and providing an opportunity for attendance
11719 of such meetings by interested parties, with enumerated exceptions
11720 designed to protect the public's interest, the privacy of
11721 individuals, and proprietary information, including trade secrets.
11722 The commission may meet in closed session only after a majority of
11723 the administrators vote to close a meeting in whole or in part.
11724 As soon as practicable, the commission must make public a copy of
11725 the vote to close the meeting revealing the vote of each
11726 administrator, with no proxy votes allowed;

11727 4. Establishing the titles, duties and authority
11728 and reasonable procedures for the election of the officers of the
11729 commission;

11730 5. Providing reasonable standards and procedures
11731 for the establishment of the personnel policies and programs of
11732 the commission. Notwithstanding any civil service or other
11733 similar laws of any party state, the bylaws shall exclusively
11734 govern the personnel policies and programs of the commission; and



11735 6. Providing a mechanism for winding up the
11736 operations of the commission and the equitable disposition of any
11737 surplus funds that may exist after the termination of this compact
11738 after the payment or reserving of all of its debts and
11739 obligations;

11740 (d) The commission shall publish its bylaws and rules,
11741 and any amendments thereto, in a convenient form on the website of
11742 the commission.

11743 (e) The commission shall maintain its financial records
11744 in accordance with the bylaws.

11745 (f) The commission shall meet and take such actions as
11746 are consistent with the provisions of this compact and the bylaws.

11747 (g) The commission shall have the following powers:

11748 1. To promulgate uniform rules to facilitate and
11749 coordinate implementation and administration of this compact. The
11750 rules shall have the force and effect of law and shall be binding
11751 in all party states;

11752 2. To bring and prosecute legal proceedings or
11753 actions in the name of the commission, provided that the standing
11754 of any licensing board to sue or be sued under applicable law
11755 shall not be affected;

11756 3. To purchase and maintain insurance and bonds;

11757 4. To borrow, accept or contract for services of
11758 personnel, including, but not limited to, employees of a party
11759 state or nonprofit organizations;



- 11760 5. To cooperate with other organizations that
11761 administer state compacts related to the regulation of nursing,
11762 including, but not limited to, sharing administrative or staff
11763 expenses, office space or other resources;
- 11764 6. To hire employees, elect or appoint officers,
11765 fix compensation, define duties, grant such individuals
11766 appropriate authority to carry out the purposes of this compact,
11767 and to establish the commission's personnel policies and programs
11768 relating to conflicts of interest, qualifications of personnel and
11769 other related personnel matters;
- 11770 7. To accept any and all appropriate donations,
11771 grants and gifts of money, equipment, supplies, materials and
11772 services, and to receive, utilize and dispose of the same;
11773 provided that at all times the commission shall avoid any
11774 appearance of impropriety or conflict of interest;
- 11775 8. To lease, purchase, accept appropriate gifts or
11776 donations of, or otherwise to own, hold, improve or use, any
11777 property, whether real, personal or mixed; provided that at all
11778 times the commission shall avoid any appearance of impropriety;
- 11779 9. To sell, convey, mortgage, pledge, lease,
11780 exchange, abandon or otherwise dispose of any property, whether
11781 real, personal or mixed;
- 11782 10. To establish a budget and make expenditures;
- 11783 11. To borrow money;



11784 12. To appoint committees, including advisory
11785 committees comprised of administrators, state nursing regulators,
11786 state legislators or their representatives, and consumer
11787 representatives, and other such interested persons;

11788 13. To provide and receive information from, and
11789 to cooperate with, law enforcement agencies;

11790 14. To adopt and use an official seal; and

11791 15. To perform such other functions as may be
11792 necessary or appropriate to achieve the purposes of this compact
11793 consistent with the state regulation of nurse licensure and
11794 practice.

11795 (h) Financing of the commission.

11796 1. The commission shall pay, or provide for the
11797 payment of, the reasonable expenses of its establishment,
11798 organization and ongoing activities.

11799 2. The commission may also levy on and collect an
11800 annual assessment from each party state to cover the cost of its
11801 operations, activities and staff in its annual budget as approved
11802 each year. The aggregate annual assessment amount, if any, shall
11803 be allocated based upon a formula to be determined by the
11804 commission, which shall promulgate a rule that is binding upon all
11805 party states.

11806 3. The commission shall not incur obligations of
11807 any kind prior to securing the funds adequate to meet the same;



11808 nor shall the commission pledge the credit of any of the party
11809 states, except by, and with the authority of, such party state.

11810 4. The commission shall keep accurate accounts of
11811 all receipts and disbursements. The receipts and disbursements of
11812 the commission shall be subject to the audit and accounting
11813 procedures established under its bylaws. However, all receipts
11814 and disbursements of funds handled by the commission shall be
11815 audited yearly by a certified or licensed public accountant, and
11816 the report of the audit shall be included in and become part of
11817 the annual report of the commission.

11818 (i) Qualified immunity, defense and indemnification.

11819 1. The administrators, officers, executive
11820 director, employees and representatives of the commission shall be
11821 immune from suit and liability, either personally or in their
11822 official capacity, for any claim for damage to or loss of property
11823 or personal injury or other civil liability caused by or arising
11824 out of any actual or alleged act, error or omission that occurred,
11825 or that the person against whom the claim is made had a reasonable
11826 basis for believing occurred, within the scope of commission
11827 employment, duties or responsibilities; provided that nothing in
11828 this paragraph shall be construed to protect any such person from
11829 suit or liability for any damage, loss, injury or liability caused
11830 by the intentional, willful or wanton misconduct of that person.

11831 2. The commission shall defend any administrator,
11832 officer, executive director, employee or representative of the



11858 adopted thereunder. Rules and amendments shall become binding as
11859 of the date specified in each rule or amendment and shall have the
11860 same force and effect as provisions of this compact.

11861 (b) Rules or amendments to the rules shall be adopted
11862 at a regular or special meeting of the commission.

11863 (c) Prior to promulgation and adoption of a final rule
11864 or rules by the commission, and at least sixty (60) days in
11865 advance of the meeting at which the rule will be considered and
11866 voted upon, the commission shall file a notice of proposed
11867 rulemaking:

- 11868 1. On the website of the commission; and
- 11869 2. On the website of each licensing board or the
11870 publication in which each state would otherwise publish proposed
11871 rules.

11872 (d) The notice of proposed rulemaking shall include:

- 11873 1. The proposed time, date and location of the
11874 meeting in which the rule will be considered and voted upon;
- 11875 2. The text of the proposed rule or amendment, and
11876 the reason for the proposed rule;
- 11877 3. A request for comments on the proposed rule
11878 from any interested person; and
- 11879 4. The manner in which interested persons may
11880 submit notice to the commission of their intention to attend the
11881 public hearing and any written comments.



11882 (e) Prior to adoption of a proposed rule, the
11883 commission shall allow persons to submit written data, facts,
11884 opinions and arguments, which shall be made available to the
11885 public.

11886 (f) The commission shall grant an opportunity for a
11887 public hearing before it adopts a rule or amendment.

11888 (g) The commission shall publish the place, time and
11889 date of the scheduled public hearing.

11890 1. Hearings shall be conducted in a manner
11891 providing each person who wishes to comment a fair and reasonable
11892 opportunity to comment orally or in writing.

11893 All hearings will be recorded, and a copy will be made
11894 available upon request.

11895 2. Nothing in this section shall be construed as
11896 requiring a separate hearing on each rule. Rules may be grouped
11897 for the convenience of the commission at hearings required by this
11898 section.

11899 (h) If no one appears at the public hearing, the
11900 commission may proceed with promulgation of the proposed rule.

11901 (i) Following the scheduled hearing date, or by the
11902 close of business on the scheduled hearing date if the hearing was
11903 not held, the commission shall consider all written and oral
11904 comments received.

11905 (j) The commission shall, by majority vote of all
11906 administrators, take final action on the proposed rule and shall



11907 determine the effective date of the rule, if any, based on the
11908 rulemaking record and the full text of the rule.

11909 (k) Upon determination that an emergency exists, the
11910 commission may consider and adopt an emergency rule without prior
11911 notice, opportunity for comment or hearing, provided that the
11912 usual rulemaking procedures provided in this compact and in this
11913 section shall be retroactively applied to the rule as soon as
11914 reasonably possible, in no event later than ninety (90) days after
11915 the effective date of the rule. For the purposes of this
11916 provision, an emergency rule is one that must be adopted
11917 immediately in order to:

- 11918 1. Meet an imminent threat to public health,
11919 safety or welfare;
- 11920 2. Prevent a loss of commission or party state
11921 funds; or
- 11922 3. Meet a deadline for the promulgation of an
11923 administrative rule that is required by federal law or rule.

11924 (l) The commission may direct revisions to a previously
11925 adopted rule or amendment for purposes of correcting typographical
11926 errors, errors in format, errors in consistency or grammatical
11927 errors. Public notice of any revisions shall be posted on the
11928 website of the commission. The revision shall be subject to
11929 challenge by any person for a period of thirty (30) days after
11930 posting. The revision may be challenged only on grounds that the
11931 revision results in a material change to a rule. A challenge



11932 shall be made in writing, and delivered to the commission, prior
11933 to the end of the notice period. If no challenge is made, the
11934 revision will take effect without further action. If the revision
11935 is challenged, the revision may not take effect without the
11936 approval of the commission.

11937 **ARTICLE IX.**

11938 **Oversight, dispute resolution and enforcement.**

11939 (a) Oversight:

11940 1. Each party state shall enforce this compact and
11941 take all actions necessary and appropriate to effectuate this
11942 compact's purposes and intent.

11943 2. The commission shall be entitled to receive
11944 service of process in any proceeding that may affect the powers,
11945 responsibilities or actions of the commission, and shall have
11946 standing to intervene in such a proceeding for all purposes.
11947 Failure to provide service of process in such proceeding to the
11948 commission shall render a judgment or order void as to the
11949 commission, this compact or promulgated rules.

11950 (b) Default, technical assistance and termination:

11951 1. If the commission determines that a party state
11952 has defaulted in the performance of its obligations or
11953 responsibilities under this compact or the promulgated rules, the
11954 commission shall:

11955 (i) Provide written notice to the defaulting
11956 state and other party states of the nature of the default, the



11957 proposed means of curing the default or any other action to be
11958 taken by the commission; and

11959 (ii) Provide remedial training and specific
11960 technical assistance regarding the default.

11961 2. If a state in default fails to cure the
11962 default, the defaulting state's membership in this compact may be
11963 terminated upon an affirmative vote of a majority of the
11964 administrators, and all rights, privileges and benefits conferred
11965 by this compact may be terminated on the effective date of
11966 termination. A cure of the default does not relieve the offending
11967 state of obligations or liabilities incurred during the period of
11968 default.

11969 3. Termination of membership in this compact shall
11970 be imposed only after all other means of securing compliance have
11971 been exhausted. Notice of intent to suspend or terminate shall be
11972 given by the commission to the Governor of the defaulting state
11973 and to the executive officer of the defaulting state's licensing
11974 board and each of the party states.

11975 4. A state whose membership in this compact has
11976 been terminated is responsible for all assessments, obligations
11977 and liabilities incurred through the effective date of
11978 termination, including obligations that extend beyond the
11979 effective date of termination.

11980 5. The commission shall not bear any costs related
11981 to a state that is found to be in default or whose membership in



11982 this compact has been terminated unless agreed upon in writing
11983 between the commission and the defaulting state.

11984 6. The defaulting state may appeal the action of
11985 the commission by petitioning the United States District Court for
11986 the District of Columbia or the federal district in which the
11987 commission has its principal offices. The prevailing party shall
11988 be awarded all costs of such litigation, including reasonable
11989 attorneys' fees.

11990 (c) Dispute resolution:

11991 1. Upon request by a party state, the commission
11992 shall attempt to resolve disputes related to the compact that
11993 arise among party states and between party and nonparty states.

11994 2. The commission shall promulgate a rule
11995 providing for both mediation and binding dispute resolution for
11996 disputes, as appropriate.

11997 3. In the event the commission cannot resolve
11998 disputes among party states arising under this compact:

11999 (i) The party states may submit the issues in
12000 dispute to an arbitration panel, which will be comprised of
12001 individuals appointed by the compact administrator in each of the
12002 affected party states and an individual mutually agreed upon by
12003 the compact administrators of all the party states involved in the
12004 dispute.

12005 (ii) The decision of a majority of the
12006 arbitrators shall be final and binding.



12007 (d) Enforcement:

12008 1. The commission, in the reasonable exercise of
12009 its discretion, shall enforce the provisions and rules of this
12010 compact.

12011 2. By majority vote, the commission may initiate
12012 legal action in the United States District Court for the District
12013 of Columbia or the federal district in which the commission has
12014 its principal offices against a party state that is in default to
12015 enforce compliance with the provisions of this compact and its
12016 promulgated rules and bylaws.

12017 The relief sought may include both injunctive relief and
12018 damages. In the event judicial enforcement is necessary, the
12019 prevailing party shall be awarded all costs of such litigation,
12020 including reasonable attorneys' fees.

12021 3. The remedies herein shall not be the exclusive
12022 remedies of the commission. The commission may pursue any other
12023 remedies available under federal or state law.

12024 **ARTICLE X.**

12025 **Effective date, withdrawal and amendment.**

12026 (a) This compact shall become effective and binding on
12027 the earlier of the date of legislative enactment of this compact
12028 into law by no less than twenty-six (26) states or December 31,
12029 2018. All party states to this compact, that also were parties to
12030 the prior Nurse Licensure Compact, superseded by this compact,
12031 ("prior compact"), shall be deemed to have withdrawn from the



12032 prior compact within six (6) months after the effective date of
12033 this compact.

12034 (b) Each party state to this compact shall continue to
12035 recognize a nurse's multistate licensure privilege to practice in
12036 that party state issued under the prior compact until such party
12037 state has withdrawn from the prior compact.

12038 (c) Any party state may withdraw from this compact by
12039 enacting a statute repealing the same. A party state's withdrawal
12040 shall not take effect until six (6) months after enactment of the
12041 repealing statute.

12042 (d) A party state's withdrawal or termination shall not
12043 affect the continuing requirement of the withdrawing or terminated
12044 state's licensing board to report adverse actions and significant
12045 investigations occurring prior to the effective date of such
12046 withdrawal or termination.

12047 (e) Nothing contained in this compact shall be
12048 construed to invalidate or prevent any nurse licensure agreement
12049 or other cooperative arrangement between a party state and a
12050 nonparty state that is made in accordance with the other
12051 provisions of this compact.

12052 (f) This compact may be amended by the party states.
12053 No amendment to this compact shall become effective and binding
12054 upon the party states unless and until it is enacted into the laws
12055 of all party states.



12056 (g) Representatives of nonparty states to this compact
12057 shall be invited to participate in the activities of the
12058 commission, on a nonvoting basis, prior to the adoption of this
12059 compact by all states.

12060 **ARTICLE XI.**

12061 **Construction and severability.**

12062 This compact shall be liberally construed so as to effectuate
12063 the purposes thereof.

12064 The provisions of this compact shall be severable, and if any
12065 phrase, clause, sentence or provision of this compact is declared
12066 to be contrary to the Constitution of any party state or of the
12067 United States, or if the applicability thereof to any government,
12068 agency, person or circumstance is held invalid, the validity of
12069 the remainder of this compact and the applicability thereof to any
12070 government, agency, person or circumstance shall not be affected
12071 thereby. If this compact shall be held to be contrary to the
12072 Constitution of any party state, this compact shall remain in full
12073 force and effect as to the remaining party states and in full
12074 force and effect as to the party state affected as to all
12075 severable matters.

12076 **SECTION 135.** This act shall take effect and be in force from
12077 and after July 1, 2024.

