

**Pending  
COMMITTEE AMENDMENT NO 1 PROPOSED TO**

**House Bill No. 1303**

**BY: Committee**

**Amend by striking all after the enacting clause and inserting  
in lieu thereof the following:**

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

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

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

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



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

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

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

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

51 73-77-5. \* \* \* (1) Notwithstanding any other provision of  
52 law to the contrary, no person shall be disqualified from  
53 pursuing, practicing \* \* \* or engaging in any occupation for which  
54 a license is required solely or in part because of a prior  
55 conviction of a crime, unless the crime for which \* \* \* the person  
56 was convicted directly relates to the duties and responsibilities  
57 for the licensed occupation. The provisions of this \* \* \* act  
58 shall not apply to the admission or reinstatement of any person to  
59 The Mississippi Bar as an attorney in good standing authorized to  
60 practice law.

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

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



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

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

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

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

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

88           (d) Any evidence of rehabilitation or treatment  
89 undertaken by the individual that might mitigate against a direct



90 relation. Nothing in this section shall preclude any board,  
91 commission or other licensing entity from granting licenses to  
92 individuals convicted of disqualifying convictions, after  
93 considering the factors listed under this subsection (2).

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

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

100 \* \* \*

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

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

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

108 73-77-9. (1) \* \* \* Notwithstanding any other provision of  
109 law to the contrary, \* \* \* a person with a criminal record may  
110 petition a licensing authority at any time for a determination of  
111 whether the \* \* \* person's criminal record will disqualify \* \* \*  
112 that person from obtaining a license. This petition shall include  
113 details on the \* \* \* person's criminal record. The licensing  
114 authority shall inform the individual of his or her standing



115 within thirty (30) days of receiving the petition from the \* \* \*  
116 person. The licensing authority may charge a fee \* \* \* not to  
117 exceed Twenty-five Dollars (\$25.00) for each petition.

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

122 (a) The grounds and reasons for \* \* \* disqualification;

123 (b) That the \* \* \* person has the right to a hearing to  
124 challenge the licensing authority's decision;

125 (c) The earliest date the person may reapply for a  
126 license; and

127 (d) That evidence of rehabilitation may be considered  
128 upon reapplication.

129 (3) If \* \* \* a person's criminal \* \* \* record disqualifies a  
130 person from receiving a license and the licensing authority  
131 determines that the criminal record is directly related to the  
132 duties and responsibilities of the licensed occupation, the  
133 licensing authority must document its findings in writing  
134 sufficient for a reviewing court.

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



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

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

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

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

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

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



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

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

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

187           (6) Persons having been employed by any public safety, fire,  
188 911 PSAP or emergency medical agency as a telecommunicator for  
189 less than one (1) year prior to July 1, 1993, shall be required to



190 have completed all the requirements for minimum training  
191 standards, as set forth in Sections 19-5-351 through 19-5-361,  
192 within one (1) year from July 1, 1993. Persons certified on or  
193 before July 1, 1993, in any course or courses chosen shall be  
194 given credit for these courses, provided the courses are still  
195 current and such persons can provide a course completion  
196 certificate.

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

205 (8) Professional certificates remain the property of the  
206 board, and the board reserves the right to either reprimand the  
207 holder of a certificate, suspend a certificate upon conditions  
208 imposed by the board, or cancel and recall any certificate when:

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

210 (b) The certificate was obtained through

211 misrepresentation or fraud;

212 \* \* \*

213 ( \* \* \*c) The holder has been convicted of a \* \* \*

214 disqualifying crime as provided in the Fresh Start Act; or





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

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

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

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

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



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

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

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

261 (2) Jail officers serving under permanent appointment on  
262 January 1, 2000, shall not be required to meet certification  
263 requirements of this section as a condition of continued  
264 employment; nor shall failure of any such jail officer to fulfill



265 such requirements make that person ineligible for any promotional  
266 examination for which that person is otherwise eligible. If any  
267 jail officer certified under this chapter leaves his employment  
268 and does not become employed as a jail officer within two (2)  
269 years from the date of termination of his prior employment, he  
270 shall be required to comply with board policy as to rehiring  
271 standards in order to be employed as a jail officer.

272 (3) In addition to the other requirements of this section,  
273 the Board on Jail Officer Standards and Training, by rules and  
274 regulations consistent with other provisions of law, shall fix  
275 other qualifications for the employment of jail officers,  
276 including education, physical and mental standards,  
277 citizenship, \* \* \* experience and such other matters as relate to  
278 the competence and reliability of persons to assume and discharge  
279 the responsibilities of jail officers, and the board shall  
280 prescribe the means for presenting evidence of fulfillment of  
281 these requirements. Additionally, the board shall fix  
282 qualifications for the appointment or employment of part-time jail  
283 officers to essentially the same standards and requirements as  
284 jail officers. The board shall develop and implement a part-time  
285 jail officer training program that meets the same performance  
286 objectives and has essentially the same or similar content as the  
287 programs approved by the board for full-time jail officers.

288 (4) (a) The Board on Jail Officer Standards and Training  
289 shall issue a certificate evidencing satisfaction of the



290 requirements of subsections (1) and (3) of this section to any  
291 applicant who presents such evidence as may be required by its  
292 rules and regulations of satisfactory completion of a program or  
293 course of instruction in another jurisdiction equivalent in  
294 content and quality to that required by the board for approved  
295 jail officer education and training programs in this state.

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

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

305 (5) Professional certificates remain the property of the  
306 board, and the board reserves the right to either reprimand the  
307 holder of a certificate, suspend a certificate upon conditions  
308 imposed by the board, or cancel and recall any certificate when:

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

310 (b) The certificate was obtained through  
311 misrepresentation or fraud;

312 \* \* \*

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



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

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

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

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

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

331 45-6-11. (1) Law enforcement officers already serving under  
332 permanent appointment on July 1, 1981, and personnel of the  
333 Division of Community Services under Section 47-7-9, Mississippi  
334 Code of 1972, serving on July 1, 1994, shall not be required to  
335 meet any requirement of subsections (3) and (4) of this section as  
336 a condition of continued employment; nor shall failure of any such  
337 law enforcement officer to fulfill such requirements make that  
338 person ineligible for any promotional examination for which that  
339 person is otherwise eligible. Provided, however, if any law



340 enforcement officer certified under the provisions of this chapter  
341 leaves his employment as such and does not become employed as a  
342 law enforcement officer within two (2) years from the date of  
343 termination of his prior employment, he shall be required to  
344 comply with board policy as to rehiring standards in order to be  
345 employed as a law enforcement officer; except, that, if any law  
346 enforcement officer certified under this chapter leaves his  
347 employment as such to serve as a sheriff, he may be employed as a  
348 law enforcement officer after he has completed his service as a  
349 sheriff without being required to comply with board policy as to  
350 rehiring standards. Part-time law enforcement officers serving on  
351 or before July 1, 1998, shall have until July 1, 2001, to obtain  
352 certification as a part-time officer.

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

359 (b) Any person who has twenty-five (25) years of law  
360 enforcement experience, whether as a part-time, full-time, reserve  
361 or auxiliary officer, and who has received certification as a  
362 part-time officer, may be certified as a law enforcement officer  
363 as defined in Section 45-6-3(c) without having to meet further



364 requirements. Application to the board to qualify under this  
365 paragraph shall be made no later than June 30, 2009.

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

370 (b) No person shall be appointed or employed as a law  
371 enforcement trainee in a full-time capacity by any law enforcement  
372 unit for a period to exceed one (1) year. No person shall be  
373 appointed or employed as a law enforcement trainee in a part-time,  
374 reserve or auxiliary capacity by any law enforcement unit for a  
375 period to exceed two (2) years. The prohibition against the  
376 appointment or employment of a law enforcement trainee in a  
377 full-time capacity for a period not to exceed one (1) year or a  
378 part-time, reserve or auxiliary capacity for a period not to  
379 exceed two (2) years may not be nullified by terminating the  
380 appointment or employment of such a person before the expiration  
381 of the time period and then rehiring the person for another  
382 period. Any person, who, due to illness or other events beyond  
383 his control, could not attend the required school or training as  
384 scheduled, may serve with full pay and benefits in such a capacity  
385 until he can attend the required school or training.

386 (c) No person shall serve as a law enforcement officer  
387 in any full-time, part-time, reserve or auxiliary capacity during



388 a period when that person's certification has been suspended,  
389 cancelled or recalled pursuant to the provisions of this chapter.

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

409 (5) Any elected sheriff, constable, deputy or chief of  
410 police may apply for certification. Such certification shall be  
411 granted at the request of the elected official after providing  
412 evidence of satisfaction of the requirements of subsections (3)





413 and (4) of this section. Certification granted to such elected  
414 officials shall be granted under the same standards and conditions  
415 as established by law enforcement officers and shall be subject to  
416 recall as in subsection (7) of this section.

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

427 (7) Professional certificates remain the property of the  
428 board, and the board reserves the right to either reprimand the  
429 holder of a certificate, suspend a certificate upon conditions  
430 imposed by the board, or cancel and recall any certificate when:

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

432 (b) The certificate was obtained through  
433 misrepresentation or fraud;

434 \* \* \*

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



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

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

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

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

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

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

459 73-1-13. (1) The board shall adopt rules and regulations  
460 for the eligibility, examination and registration of applicants



461 desiring to practice architecture in accordance with this chapter  
462 and may amend, modify or repeal such rules and regulations.

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

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

471 (b) The applicant must have been enrolled for a minimum  
472 of one (1) year in, and have completed all requirements of, a  
473 practical work internship program patterned after the National  
474 Council of Architectural Registration Boards intern-architect  
475 development program that will be prepared, adopted and approved by  
476 the board and must have received from the board a certification by  
477 the board that the applicant has met or exceeded the work  
478 requirements of the board. The internship work program shall  
479 include, but not be limited to, the following subjects:

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



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

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

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

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

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

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

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

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



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

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

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

523           73-3-339. Whenever any attorney subject to the disciplinary  
524 jurisdiction of the court shall be convicted in any state court or  
525 in any federal court, or enter a plea of guilty or a plea of nolo  
526 contendere therein, of any felony other than manslaughter or any  
527 violation of the United States Internal Revenue Code, or of any  
528 offense involving fraud, dishonesty, misrepresentation, deceit,  
529 failure to account for money or property of a client, or of any  
530 offense involving moral turpitude, a certified copy of the  
531 judgment of conviction shall be presented to the court by the  
532 Board of Commissioners. Upon the presentation of such certified  
533 copy of judgment, the court shall forthwith strike the name of the



534 attorney so convicted or who entered such a plea from the rolls of  
535 The Mississippi Bar and order his immediate suspension from  
536 practice, pending an appeal and final disposition of disciplinary  
537 proceedings. Such attorney will be reinstated immediately upon  
538 the reversal of his conviction for the offense that has resulted  
539 in his automatic suspension, but such reinstatement shall not  
540 terminate any disciplinary proceeding then pending against the  
541 attorney.

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

546 Upon the conviction of an attorney, or the entry by him of a  
547 plea of nolo contendere, for the above offenses, excluding  
548 manslaughter or any violation of the United States Internal  
549 Revenue Code, the Board of Commissioners shall immediately direct  
550 complaint counsel to institute a disciplinary proceeding in which  
551 the sole issue to be determined will be the extent of the final  
552 discipline to be imposed; provided, however, a disciplinary  
553 proceeding so instituted shall not be brought to hearing until all  
554 appeals from such conviction have been concluded.

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



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

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

570                   (a) Misrepresentation in obtaining a license, or  
571 attempting to obtain, obtaining, attempting to renew or renewing a  
572 license or professional credential by making any material  
573 misrepresentation, including the signing in his or her  
574 professional capacity any certificate that is known to be false at  
575 the time he or she makes or signs the certificate.

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

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



583 or any other type of material or as a result of any mental or  
584 physical condition.

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

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

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

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

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





608 prima facie evidence thereof, notwithstanding the pendency of any  
609 appeal.

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

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

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

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

629 \* \* \*

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



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

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

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

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

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

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

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

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



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

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

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

664 (r) Violation(s) of the provisions of Sections 41-121-1  
665 through 41-121-9 relating to deceptive advertisement by health  
666 care practitioners. This paragraph shall stand repealed on July  
667 1, 2025.

668 (2) In lieu of revocation of a license as provided for  
669 above, the board may suspend the license of the offending dentist  
670 or dental hygienist, suspend the sedation permit of the offending  
671 dentist, or take any other action in relation to his or her  
672 license as the board may deem proper under the circumstances.

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



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

690 (a) For the first violation of any of \* \* \* paragraph  
691 (a), (b), (c), (d), (f), (i), (l), (m), (n), (o) or (q) of  
692 subsection (1) of this section, a monetary penalty of not less  
693 than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars  
694 (\$500.00).

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

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

705 (d) For any violation of any of \* \* \* paragraphs (a)  
706 through (q) of subsection (1) of this section, those reasonable



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

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

716 (6) A licensee shall have the right of appeal from the  
717 assessment and levy of a monetary penalty as provided in this  
718 section under the same conditions as a right of appeal is provided  
719 elsewhere for appeals from an adverse ruling, order or decision of  
720 the board.

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

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



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

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

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



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

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

763 73-11-57. (1) The board, upon satisfactory proof at proper  
764 hearing and in accordance with the provisions of this chapter and  
765 the regulations of the board, may suspend, revoke, or refuse to  
766 issue or renew any license under this chapter, reprimand or place  
767 the holder of a license on a term of probation, and/or take any  
768 other action in relation to a license as the board may deem proper  
769 under the circumstances upon any of the following grounds:

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

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

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



782 sentence, finding or verdict of guilt, an admission of guilty, or  
783 a plea of nolo contendere;

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

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

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

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

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

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





807 harassment, or if the solicitation takes place at the residence of  
808 the client or prospective client and is uninvited by the client or  
809 prospective client and has not been previously agreed to by the  
810 client or prospective client; however, this shall not be deemed to  
811 prohibit general advertising;

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

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

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

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

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

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



832 to perform reviews or inspections at facilities or places utilized  
833 by the license holder in the practice of funeral service or  
834 funeral directing and/or in performing any other activity  
835 regulated by the board under this chapter;

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

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

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

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

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

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

853 \* \* \*

854 ( \* \* \*n) Violating any statute, ordinance, rule or  
855 regulation of the state or any of its boards, agencies or



856 political subdivisions affecting the registration of deaths or the  
857 handling, custody, care or transportation of dead human bodies; or  
858 ( \* \* \* o) Unprofessional conduct in the practice of  
859 funeral service or funeral directing which includes, but is not  
860 limited to:

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

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

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

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

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



880 the Federal Trade Commission relative to the practice of funeral  
881 service or funeral directing.

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

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



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

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

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

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

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

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



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

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

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

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

944           (5) The board may, upon satisfactory proof that the  
945 applicant or licensee has been guilty of any of the offenses above  
946 enumerated, take the action authorized by this section against an  
947 applicant or licensee of the board upon a majority vote of the  
948 board members, after a hearing thereon. The board is vested with  
949 full power and authority to hold and conduct such hearings, compel  
950 the attendance of witnesses and the production of books, records  
951 and documents, issue subpoenas therefor, administer oaths, examine  
952 witnesses, and do all things necessary to properly conduct such



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

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



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

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

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

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

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

996 (8) A licensee shall have the right of appeal from the  
997 assessment and levy of a monetary penalty as provided in this  
998 section under the same conditions as a right of appeal is provided  
999 elsewhere for appeals from an adverse ruling, order or decision of  
1000 the board.





1001           (9) Any monetary penalty assessed and levied under this  
1002 section shall not take effect until after the time for appeal  
1003 shall have expired.

1004           (10) A monetary penalty assessed and levied under this  
1005 section shall be paid to the board by the licensee upon the  
1006 expiration of the period allowed for appeal of such penalties  
1007 under this section or may be paid sooner if the licensee elects.

1008           With the exception of subsection (5)(d) of this section,  
1009 monetary penalties collected by the board under this section shall  
1010 be deposited in the State Treasury to the credit of the State  
1011 Board of Funeral Service. Any monies collected by the board under  
1012 subsection (5)(d) of this section shall be deposited into the  
1013 special fund operating account of the board.

1014           (11) When payment of a monetary penalty assessed and levied  
1015 by the board against a licensee in accordance with this section is  
1016 not paid by the licensee when due under this section, the board  
1017 shall have power to institute and maintain proceedings in its name  
1018 for enforcement of payment in the chancery court of the county and  
1019 judicial district of residence of the licensee, or if the licensee  
1020 is a nonresident of the State of Mississippi, in the Chancery  
1021 Court of the First Judicial District of Hinds County, Mississippi.

1022           (12) In any administrative or judicial proceeding in which  
1023 the board prevails, the board shall have the right to recover  
1024 reasonable attorney fees.



1025           (13) In addition to the reasons specified in subsection (1)  
1026 of this section, the board shall be authorized to suspend the  
1027 license of any licensee for being out of compliance with an order  
1028 for support, as defined in Section 93-11-153. The procedure for  
1029 suspension of a license for being out of compliance with an order  
1030 for support, and the procedure for the reissuance or reinstatement  
1031 of a license suspended for that purpose, and the payment of any  
1032 fees for the reissuance or reinstatement of a license suspended  
1033 for that purpose, shall be governed by Section 93-11-157 or  
1034 93-11-163, as the case may be. Actions taken by the board in  
1035 suspending a license when required by Section 93-11-157 or  
1036 93-11-163 are not actions from which an appeal may be taken under  
1037 this section. Any appeal of a license suspension that is required  
1038 by Section 93-11-157 or 93-11-163 shall be taken in accordance  
1039 with the appeal procedure specified in Section 93-11-157 or  
1040 93-11-163, as the case may be, rather than the procedure specified  
1041 in this section. If there is any conflict between any provision  
1042 of Section 93-11-157 or 93-11-163 and any provision of this  
1043 chapter, the provisions of Section 93-11-157 or 93-11-163, as the  
1044 case may be, shall control.

1045           **SECTION 13.** Section 73-14-35, Mississippi Code of 1972, is  
1046 amended as follows:

1047           73-14-35. (1) Any person registered under this chapter may  
1048 have his license or certificate revoked or suspended for a fixed



1049 period to be determined by the board for any of the following  
1050 causes:

1051 (a) Being convicted of \* \* \* a disqualifying crime as  
1052 provided in the Fresh Start Act. The record of such conviction,  
1053 or certified copy thereof from the clerk of the court where such  
1054 conviction occurred or by the judge of that court, shall be  
1055 sufficient evidence to warrant revocation or suspension.

1056 (b) By securing a license or certificate under this  
1057 chapter through fraud or deceit.

1058 (c) For unethical conduct or for gross ignorance or  
1059 inefficiency in the conduct of his practice.

1060 (d) For knowingly practicing while suffering with a  
1061 contagious or infectious disease.

1062 (e) For the use of a false name or alias in the  
1063 practice of his profession.

1064 (f) For violating any of the provisions of this chapter  
1065 or any rules or regulations promulgated pursuant to this chapter.

1066 (g) For violating the provisions of any applicable  
1067 federal laws or regulations.

1068 (h) Discipline by another jurisdiction if at least one  
1069 (1) of the grounds for the discipline is the same or substantially  
1070 equivalent to those set forth in this chapter or rules and  
1071 regulations promulgated pursuant to this chapter.

1072 (2) In addition to the causes specified in subsection (1) of  
1073 this section, the board shall be authorized to suspend the license



1074 of any licensee for being out of compliance with an order for  
1075 support, as defined in Section 93-11-153. The procedure for  
1076 suspension of a license for being out of compliance with an order  
1077 for support, and the procedure for the reissuance or reinstatement  
1078 of a license suspended for that purpose, and the payment of any  
1079 fees for the reissuance or reinstatement of a license suspended  
1080 for that purpose, shall be governed by Section 93-11-157 or  
1081 93-11-163, as the case may be. If there is any conflict between  
1082 any provision of Section 93-11-157 or 93-11-163 and any provision  
1083 of this chapter, the provisions of Section 93-11-157 or 93-11-163,  
1084 as the case may be, shall control.

1085         **SECTION 14.** Section 73-15-29, Mississippi Code of 1972, is  
1086 brought forward as follows:

1087         73-15-29. (1) The board shall have power to revoke, suspend  
1088 or refuse to renew any license issued by the board, or to revoke  
1089 or suspend any privilege to practice, or to deny an application  
1090 for a license, or to fine, place on probation and/or discipline a  
1091 licensee, in any manner specified in this article, upon proof that  
1092 such person:

1093                 (a) Has committed fraud or deceit in securing or  
1094 attempting to secure such license;

1095                 (b) Has been convicted of a felony, or a crime  
1096 involving moral turpitude or has had accepted by a court a plea of  
1097 nolo contendere to a felony or a crime involving moral turpitude  
1098 (a certified copy of the judgment of the court of competent



1099 jurisdiction of such conviction or pleas shall be prima facie  
1100 evidence of such conviction);

1101 (c) Has negligently or willfully acted in a manner  
1102 inconsistent with the health or safety of the persons under the  
1103 licensee's care;

1104 (d) Has had a license or privilege to practice as a  
1105 registered nurse or a licensed practical nurse suspended or  
1106 revoked in any jurisdiction, has voluntarily surrendered such  
1107 license or privilege to practice in any jurisdiction, has been  
1108 placed on probation as a registered nurse or licensed practical  
1109 nurse in any jurisdiction or has been placed under a disciplinary  
1110 order(s) in any manner as a registered nurse or licensed practical  
1111 nurse in any jurisdiction, (a certified copy of the order of  
1112 suspension, revocation, probation or disciplinary action shall be  
1113 prima facie evidence of such action);

1114 (e) Has negligently or willfully practiced nursing in a  
1115 manner that fails to meet generally accepted standards of such  
1116 nursing practice;

1117 (f) Has negligently or willfully violated any order,  
1118 rule or regulation of the board pertaining to nursing practice or  
1119 licensure;

1120 (g) Has falsified or in a repeatedly negligent manner  
1121 made incorrect entries or failed to make essential entries on  
1122 records;



1123           (h) Is addicted to or dependent on alcohol or other  
1124 habit-forming drugs or is a habitual user of narcotics,  
1125 barbiturates, amphetamines, hallucinogens, or other drugs having  
1126 similar effect, or has misappropriated any medication;

1127           (i) Has a physical, mental or emotional condition that  
1128 renders the licensee unable to perform nursing services or duties  
1129 with reasonable skill and safety;

1130           (j) Has engaged in any other conduct, whether of the  
1131 same or of a different character from that specified in this  
1132 article, that would constitute a crime as defined in Title 97 of  
1133 the Mississippi Code of 1972, as now or hereafter amended, and  
1134 that relates to such person's employment as a registered nurse or  
1135 licensed practical nurse;

1136           (k) Engages in conduct likely to deceive, defraud or  
1137 harm the public;

1138           (l) Engages in any unprofessional conduct as identified  
1139 by the board in its rules;

1140           (m) Has violated any provision of this article;

1141           (n) Violation(s) of the provisions of Sections 41-121-1  
1142 through 41-121-9 relating to deceptive advertisement by health  
1143 care practitioners. This paragraph shall stand repealed on July  
1144 1, 2025; or

1145           (o) Violation(s) of any provision of Title 41, Chapter  
1146 141, Mississippi Code of 1972.



1147           (2) When the board finds any person unqualified because of  
1148 any of the grounds set forth in subsection (1) of this section, it  
1149 may enter an order imposing one or more of the following  
1150 penalties:

1151           (a) Denying application for a license or other  
1152 authorization to practice nursing or practical nursing;

1153           (b) Administering a reprimand;

1154           (c) Suspending or restricting the license or other  
1155 authorization to practice as a registered nurse or licensed  
1156 practical nurse for up to two (2) years without review;

1157           (d) Revoking the license or other authorization to  
1158 practice nursing or practical nursing;

1159           (e) Requiring the discipline to submit to care,  
1160 counseling or treatment by persons and/or agencies approved or  
1161 designated by the board as a condition for initial, continued or  
1162 renewed licensure or other authorization to practice nursing or  
1163 practical nursing;

1164           (f) Requiring the discipline to participate in a  
1165 program of education prescribed by the board as a condition for  
1166 initial, continued or renewed licensure or other authorization to  
1167 practice;

1168           (g) Requiring the discipline to practice under the  
1169 supervision of a registered nurse for a specified period of time;  
1170 or



1171           (h) Imposing a fine not to exceed Five Hundred Dollars  
1172 (\$500.00).

1173           (3) In addition to the grounds specified in subsection (1)  
1174 of this section, the board shall be authorized to suspend the  
1175 license or privilege to practice of any licensee for being out of  
1176 compliance with an order for support, as defined in Section  
1177 93-11-153. The procedure for suspension of a license or privilege  
1178 to practice for being out of compliance with an order for support,  
1179 and the procedure for the reissuance or reinstatement of a license  
1180 or privilege to practice suspended for that purpose, and the  
1181 payment of any fees for the reissuance or reinstatement of a  
1182 license or privilege to practice suspended for that purpose, shall  
1183 be governed by Section 93-11-157 or 93-11-163, as the case may be.  
1184 If there is any conflict between any provision of Section  
1185 93-11-157 or 93-11-163 and any provision of this article, the  
1186 provisions of Section 93-11-157 or 93-11-163, as the case may be,  
1187 shall control.

1188           (4) If the public health, safety or welfare imperatively  
1189 requires emergency action and the board incorporates a finding to  
1190 that effect in an order, the board may order summary suspension of  
1191 a license pending proceedings for revocation or other action.  
1192 These proceedings shall be promptly instituted and determined by  
1193 the board.

1194           (5) The board may establish by rule an alternative to  
1195 discipline program for licensees who have an impairment as a





1196 result of substance abuse or a mental health condition, which  
1197 program shall include at least the following components:

1198 (a) Participation in the program is voluntary with the  
1199 licensee, and the licensee must enter the program before the board  
1200 holds a disciplinary action hearing regarding the licensee;

1201 (b) The full cost of participation in the program,  
1202 including the cost of any care, counseling, treatment and/or  
1203 education received by the licensee, shall be borne by the  
1204 licensee;

1205 (c) All of the procedures and records regarding the  
1206 licensee's participation in the program shall be confidential,  
1207 shall not be disclosed and shall be exempt from the provisions of  
1208 the Mississippi Public Records Act of 1983; and

1209 (d) A licensee may not participate in the program more  
1210 often than one (1) time during any period of five (5) years or  
1211 such longer period as set by the board.

1212 (6) A nurse practitioner who provides a written  
1213 certification as authorized under the Mississippi Medical Cannabis  
1214 Act and in compliance with rules and regulations adopted  
1215 thereunder shall not be subject to any disciplinary action under  
1216 this section solely due to providing the written certification.

1217 **SECTION 15.** Section 73-19-23, Mississippi Code of 1972, is  
1218 amended as follows:

1219 73-19-23. (1) (a) The board shall refuse to grant a  
1220 certificate of licensure to any applicant and may cancel, revoke



1221 or suspend the operation of any certificate by it granted for any  
1222 or all of the following reasons: unprofessional and unethical  
1223 conduct \* \* \*, habitual intemperance in the use of ardent spirits,  
1224 or stimulants, narcotics, or any other substance that impairs the  
1225 intellect and judgment to such an extent as to incapacitate one  
1226 for the performance of the duties of an optometrist. The  
1227 certificate of licensure of any person can be revoked for  
1228 violating any section of this chapter.

1229 (b) The board shall conduct a criminal history records  
1230 check on licensure applicants and on licensees whose licenses are  
1231 subject to investigation.

1232 (i) The applicant or licensee shall undergo a  
1233 fingerprint-based criminal history records check of the  
1234 Mississippi central criminal database and the Federal Bureau of  
1235 Investigation criminal history database. Each applicant or  
1236 licensee shall submit a full set of the applicant's fingerprints  
1237 in a form or manner prescribed by the board, which shall be  
1238 forwarded to the Bureau of Investigation Identification Division  
1239 for this purpose.

1240 (ii) Any and all state or national criminal  
1241 history records information obtained by the board that is not  
1242 already a matter of public record shall be deemed nonpublic and  
1243 confidential information restricted to the exclusive use of the  
1244 board, its members, officers, investigators, agents and attorneys  
1245 in evaluating the applicant's eligibility or disqualification for



1246 licensure, and shall be exempt from the Mississippi Public Records  
1247 Act of 1983. Except when introduced into evidence in a hearing  
1248 before the board to determine licensure, no such information or  
1249 records related thereto shall, except with the written consent of  
1250 the applicant or licensee or by order of a court of competent  
1251 jurisdiction, be released or otherwise disclosed by the board to  
1252 any other person or agency.

1253 (iii) The board shall provide to the department  
1254 the fingerprints of the applicant or licensee, any additional  
1255 information that may be required by the department, and a form  
1256 signed by the applicant consenting to the check of the criminal  
1257 records and to the use of the fingerprints and other identifying  
1258 information required by the state or national repositories.

1259 (iv) The board shall charge and collect from the  
1260 applicant or licensee, in addition to all other applicable fees  
1261 and costs, such amount as may be incurred by the board in  
1262 requesting and obtaining state and national criminal history  
1263 records information on the applicant or licensee.

1264 (2) The board shall further be authorized to take  
1265 disciplinary action against a licensee for any unlawful acts,  
1266 which shall include violations of regulations promulgated by the  
1267 board, as well as the following acts:

1268 (a) Fraud or misrepresentation in applying for or  
1269 procuring an optometric license or in connection with applying for  
1270 or procuring periodic renewal of an optometric license.



1271 (b) Cheating on or attempting to subvert the optometric  
1272 licensing examination(s).

1273 (c) The conviction of a \* \* \* disqualifying crime as  
1274 provided in the Fresh Start Act in this state or any other  
1275 jurisdiction, or the entry of a guilty or nolo contendere plea to  
1276 a \* \* \* disqualifying crime.

1277 (d) The conviction of a \* \* \* disqualifying crime as  
1278 provided in the Fresh Start Act as defined by federal law, or the  
1279 entry of a guilty or nolo contendere plea to a \* \* \* disqualifying  
1280 crime as provided in the Fresh Start Act.

1281 (e) Conduct likely to deceive, defraud or harm the  
1282 public.

1283 (f) Making a false or misleading statement regarding  
1284 his or her skill or the efficacy or value of the medicine, device,  
1285 treatment or remedy prescribed by him or her or used at his or her  
1286 direction in the treatment of any disease or other condition.

1287 (g) Willfully or negligently violating the  
1288 confidentiality between doctor and patient, except as required by  
1289 law.

1290 (h) Negligence or gross incompetence in the practice of  
1291 optometry as determined by the board.

1292 (i) Being found to be a person with mental illness or  
1293 with an intellectual disability by any court of competent  
1294 jurisdiction.



1295           (j) The use of any false, fraudulent, deceptive or  
1296 misleading statement in any document connected with the practice  
1297 of optometry.

1298           (k) Aiding or abetting the practice of optometry by an  
1299 unlicensed, incompetent or impaired person.

1300           (l) Commission of any act of sexual abuse, misconduct  
1301 or exploitation related to the licensee's practice of optometry.

1302           (m) Being addicted or habituated to a drug or  
1303 intoxicant.

1304           (n) Violating any state or federal law or regulation  
1305 relating to a drug legally classified as a controlled substance.

1306           (o) Obtaining any fee by fraud, deceit or  
1307 misrepresentation.

1308           (p) Disciplinary action of another state or  
1309 jurisdiction against a licensee or other authorization to practice  
1310 optometry based upon acts or conduct by the licensee similar to  
1311 acts or conduct that would constitute grounds for action as  
1312 defined in this chapter, a certified copy of the record of the  
1313 action taken by the other state or jurisdiction being conclusive  
1314 evidence thereof.

1315           (q) Failure to report to the board the relocation of  
1316 his or her office in or out of the jurisdiction, or to furnish  
1317 floor plans as required by regulation.



1318 (r) Violation of any provision(s) of the Optometry  
1319 Practice Act or the rules and regulations of the board or of an  
1320 action, stipulation or agreement of the board.

1321 (s) To advertise in a manner that tends to deceive,  
1322 mislead or defraud the public.

1323 (t) The designation of any person licensed under this  
1324 chapter, other than by the terms "optometrist," "Doctor of  
1325 Optometry" or "O.D.," which through June 30, 2025, shall include  
1326 any violation(s) of the provisions of Sections 41-121-1 through  
1327 41-121-9 relating to deceptive advertisement by health care  
1328 practitioners.

1329 (u) To knowingly submit or cause to be submitted any  
1330 misleading, deceptive or fraudulent representation on a claim  
1331 form, bill or statement.

1332 (v) To practice or attempt to practice optometry while  
1333 his or her license is suspended.

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



1343 suspension of a certificate of licensure by reason of the use of  
1344 stimulants or narcotics may be removed when the holder of the  
1345 certificate has been adjudged by the board to be cured and capable  
1346 of practicing optometry.

1347 (4) In addition to the reasons specified in subsections (1)  
1348 and (2) of this section, the board shall be authorized to suspend  
1349 the license of any licensee for being out of compliance with an  
1350 order for support, as defined in Section 93-11-153. The procedure  
1351 for suspension of a license for being out of compliance with an  
1352 order for support, and the procedure for the reissuance or  
1353 reinstatement of a license suspended for that purpose, and the  
1354 payment of any fees for the reissuance or reinstatement of a  
1355 license suspended for that purpose, shall be governed by Section  
1356 93-11-157 or 93-11-163, as the case may be. If there is any  
1357 conflict between any provision of Section 93-11-157 or 93-11-163  
1358 and any provision of this chapter, the provisions of Section  
1359 93-11-157 or 93-11-163, as the case may be, shall control.

1360 (5) A licensee who provides a written certification as  
1361 authorized under the Mississippi Medical Cannabis Act and in  
1362 compliance with rules and regulations adopted thereunder shall not  
1363 be subject to any disciplinary action under this section solely  
1364 due to providing the written certification.

1365 **SECTION 16.** Section 73-21-97, Mississippi Code of 1972, is  
1366 amended as follows:



1367           73-21-97. (1) The board may refuse to issue or renew, or  
1368 may suspend, reprimand, revoke or restrict the license,  
1369 registration or permit of any person upon one or more of the  
1370 following grounds:

1371           (a) Unprofessional conduct as defined by the rules and  
1372 regulations of the board;

1373           (b) Incapacity of a nature that prevents a pharmacist  
1374 from engaging in the practice of pharmacy with reasonable skill,  
1375 confidence and safety to the public;

1376           (c) Being found guilty by a court of competent  
1377 jurisdiction of one or more of the following:

1378           (i) A \* \* \* disqualifying crime as provided in the  
1379 Fresh Start Act;

1380           (ii) Any act involving \* \* \* gross immorality; or

1381           (iii) Violation of pharmacy or drug laws of this  
1382 state or rules or regulations pertaining thereto, or of statutes,  
1383 rules or regulations of any other state or the federal government;

1384           (d) Fraud or intentional misrepresentation by a  
1385 licensee or permit holder in securing the issuance or renewal of a  
1386 license or permit;

1387           (e) Engaging or aiding and abetting an individual to  
1388 engage in the practice of pharmacy without a license;

1389           (f) Violation of any of the provisions of this chapter  
1390 or rules or regulations adopted pursuant to this chapter;

1391           (g) Failure to comply with lawful orders of the board;





1392 (h) Negligently or willfully acting in a manner  
1393 inconsistent with the health or safety of the public;

1394 (i) Addiction to or dependence on alcohol or controlled  
1395 substances or the unauthorized use or possession of controlled  
1396 substances;

1397 (j) Misappropriation of any prescription drug;

1398 (k) Being found guilty by the licensing agency in  
1399 another state of violating the statutes, rules or regulations of  
1400 that jurisdiction;

1401 (l) The unlawful or unauthorized possession of a  
1402 controlled substance;

1403 (m) Willful failure to submit drug monitoring  
1404 information or willful submission of incorrect dispensing  
1405 information as required by the Prescription Monitoring Program  
1406 under Section 73-21-127;

1407 (n) Failure to obtain the license, registration or  
1408 permit required by this chapter; or

1409 (o) Violation(s) of the provisions of Sections 41-121-1  
1410 through 41-121-9 relating to deceptive advertisement by health  
1411 care practitioners. This paragraph shall stand repealed on July  
1412 1, 2025.

1413 (2) In lieu of suspension, revocation or restriction of a  
1414 license as provided for above, the board may warn or reprimand the  
1415 offending pharmacist.



1416 (3) In addition to the grounds specified in subsection (1)  
1417 of this section, the board shall be authorized to suspend the  
1418 license, registration or permit of any person for being out of  
1419 compliance with an order for support, as defined in Section  
1420 93-11-153. The procedure for suspension of a license,  
1421 registration or permit for being out of compliance with an order  
1422 for support, and the procedure for the reissuance or reinstatement  
1423 of a license, registration or permit suspended for that purpose,  
1424 and the payment of any fees for the reissuance or reinstatement of  
1425 a license, registration or permit suspended for that purpose,  
1426 shall be governed by Section 93-11-157 or 93-11-163, as the case  
1427 may be. If there is any conflict between any provision of Section  
1428 93-11-157 or 93-11-163 and any provision of this chapter, the  
1429 provisions of Section 93-11-157 or 93-11-163, as the case may be,  
1430 shall control.

1431 **SECTION 17.** Section 73-25-29, Mississippi Code of 1972, is  
1432 amended as follows:

1433 73-25-29. The grounds for the nonissuance, suspension,  
1434 revocation or restriction of a license or the denial of  
1435 reinstatement or renewal of a license are:

1436 (1) Habitual personal use of narcotic drugs, or any  
1437 other drug having addiction-forming or addiction-sustaining  
1438 liability.

1439 (2) Habitual use of intoxicating liquors, or any  
1440 beverage, to an extent which affects professional competency.



1441           (3) Administering, dispensing or prescribing any  
1442 narcotic drug, or any other drug having addiction-forming or  
1443 addiction-sustaining liability otherwise than in the course of  
1444 legitimate professional practice.

1445           (4) Conviction of violation of any federal or state law  
1446 regulating the possession, distribution or use of any narcotic  
1447 drug or any drug considered a controlled substance under state or  
1448 federal law, a certified copy of the conviction order or judgment  
1449 rendered by the trial court being prima facie evidence thereof,  
1450 notwithstanding the pendency of any appeal.

1451           (5) Procuring, or attempting to procure, or aiding in,  
1452 an abortion that is not medically indicated.

1453           (6) Conviction of a \* \* \* disqualifying crime as  
1454 provided in the Fresh Start Act, a certified copy of the  
1455 conviction order or judgment rendered by the trial court being  
1456 prima facie evidence thereof, notwithstanding the pendency of any  
1457 appeal.

1458           (7) Obtaining or attempting to obtain a license by  
1459 fraud or deception.

1460           (8) Unprofessional conduct, which includes, but is not  
1461 limited to:

1462                   (a) Practicing medicine under a false or assumed  
1463 name or impersonating another practitioner, living or dead.

1464                   (b) Knowingly performing any act which in any way  
1465 assists an unlicensed person to practice medicine.



1466 (c) Making or willfully causing to be made any  
1467 flamboyant claims concerning the licensee's professional  
1468 excellence.

1469 (d) Being guilty of any dishonorable or unethical  
1470 conduct likely to deceive, defraud or harm the public.

1471 (e) Obtaining a fee as personal compensation or  
1472 gain from a person on fraudulent representation of a disease or  
1473 injury condition generally considered incurable by competent  
1474 medical authority in the light of current scientific knowledge and  
1475 practice can be cured or offering, undertaking, attempting or  
1476 agreeing to cure or treat the same by a secret method, which he  
1477 refuses to divulge to the board upon request.

1478 (f) Use of any false, fraudulent or forged  
1479 statement or document, or the use of any fraudulent, deceitful,  
1480 dishonest or immoral practice in connection with any of the  
1481 licensing requirements, including the signing in his professional  
1482 capacity any certificate that is known to be false at the time he  
1483 makes or signs such certificate.

1484 (g) Failing to identify a physician's school of  
1485 practice in all professional uses of his name by use of his earned  
1486 degree or a description of his school of practice.

1487 (9) The refusal of a licensing authority of another  
1488 state or jurisdiction to issue or renew a license, permit or  
1489 certificate to practice medicine in that jurisdiction or the  
1490 revocation, suspension or other restriction imposed on a license,



1491 permit or certificate issued by such licensing authority which  
1492 prevents or restricts practice in that jurisdiction, a certified  
1493 copy of the disciplinary order or action taken by the other state  
1494 or jurisdiction being prima facie evidence thereof,  
1495 notwithstanding the pendency of any appeal.

1496           (10) Surrender of a license or authorization to  
1497 practice medicine in another state or jurisdiction or surrender of  
1498 membership on any medical staff or in any medical or professional  
1499 association or society while under disciplinary investigation by  
1500 any of those authorities or bodies for acts or conduct similar to  
1501 acts or conduct which would constitute grounds for action as  
1502 defined in this section.

1503           (11) Final sanctions imposed by the United States  
1504 Department of Health and Human Services, Office of Inspector  
1505 General or any successor federal agency or office, based upon a  
1506 finding of incompetency, gross misconduct or failure to meet  
1507 professionally recognized standards of health care; a certified  
1508 copy of the notice of final sanction being prima facie evidence  
1509 thereof. As used in this paragraph, the term "final sanction"  
1510 means the written notice to a physician from the United States  
1511 Department of Health and Human Services, Officer of Inspector  
1512 General or any successor federal agency or office, which  
1513 implements the exclusion.

1514           (12) Failure to furnish the board, its investigators or  
1515 representatives information legally requested by the board.



1516 (13) Violation of any provision(s) of the Medical  
1517 Practice Act or the rules and regulations of the board or of any  
1518 order, stipulation or agreement with the board.

1519 (14) Violation(s) of the provisions of Sections  
1520 41-121-1 through 41-121-9 relating to deceptive advertisement by  
1521 health care practitioners.

1522 (15) Performing or inducing an abortion on a woman in  
1523 violation of any provision of Sections 41-41-131 through  
1524 41-41-145.

1525 (16) Performing an abortion on a pregnant woman after  
1526 determining that the unborn human individual that the pregnant  
1527 woman is carrying has a detectable fetal heartbeat as provided in  
1528 Section 41-41-34.1.

1529 (17) Violation(s) of any provision of Title 41, Chapter  
1530 141, Mississippi Code of 1972.

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



1541 93-11-157 or 93-11-163 and any provision of this chapter, the  
1542 provisions of Section 93-11-157 or 93-11-163, as the case may be,  
1543 shall control.

1544 A physician who provides a written certification as  
1545 authorized under the Mississippi Medical Cannabis Act and in  
1546 compliance with rules and regulations adopted thereunder shall not  
1547 be subject to any disciplinary action under this section solely  
1548 due to providing the written certification.

1549 **SECTION 18.** Section 73-25-101, Mississippi Code of 1972, is  
1550 amended as follows:

1551 73-25-101. The Interstate Medical Licensure Compact is  
1552 enacted into law and entered into by this state with any and all  
1553 states legally joining in the Compact in accordance with its  
1554 terms, in the form substantially as follows:

1555 **INTERSTATE MEDICAL LICENSURE COMPACT**

1556 **SECTION 1**

1557 **Purpose**

1558 In order to strengthen access to health care, and in  
1559 recognition of the advances in the delivery of health care, the  
1560 member states of the Interstate Medical Licensure Compact have  
1561 allied in common purpose to develop a comprehensive process that  
1562 complements the existing licensing and regulatory authority of  
1563 state medical boards, provides a streamlined process that allows  
1564 physicians to become licensed in multiple states, thereby  
1565 enhancing the portability of a medical license and ensuring the



1566 safety of patients. The Compact creates another pathway for  
1567 licensure and does not otherwise change a state's existing Medical  
1568 Practice Act. The Compact also adopts the prevailing standard for  
1569 licensure and affirms that the practice of medicine occurs where  
1570 the patient is located at the time of the physician-patient  
1571 encounter, and therefore, requires the physician to be under the  
1572 jurisdiction of the state medical board where the patient is  
1573 located. State medical boards that participate in the Compact  
1574 retain the jurisdiction to impose an adverse action against a  
1575 license to practice medicine in that state issued to a physician  
1576 through the procedures in the Compact.

## 1577 **SECTION 2**

### 1578 **Definitions**

1579 In this Compact:

1580 (a) "Bylaws" means those bylaws established by the  
1581 Interstate Commission pursuant to Section 11 for its governance,  
1582 or for directing and controlling its actions and conduct.

1583 (b) "Commissioner" means the voting representative  
1584 appointed by each member board pursuant to Section 11.

1585 (c) "Conviction" means a finding by a court that an  
1586 individual is guilty of a criminal offense through adjudication,  
1587 or entry of a plea of guilt or no contest to the charge by the  
1588 offender. Evidence of an entry of a conviction of a criminal  
1589 offense by the court shall be considered final for purposes of  
1590 disciplinary action by a member board.





1591 (d) "Expedited license" means a full and unrestricted  
1592 medical license granted by a member state to an eligible physician  
1593 through the process set forth in the Compact.

1594 (e) "Interstate Commission" means the interstate  
1595 commission created pursuant to Section 11.

1596 (f) "License" means authorization by a state for a  
1597 physician to engage in the practice of medicine, which would be  
1598 unlawful without the authorization.

1599 (g) "Medical Practice Act" means laws and regulations  
1600 governing the practice of allopathic and osteopathic medicine  
1601 within a member state.

1602 (h) "Member board" means a state agency in a member  
1603 state that acts in the sovereign interests of the state by  
1604 protecting the public through licensure, regulation, and education  
1605 of physicians as directed by the state government.

1606 (i) "Member state" means a state that has enacted the  
1607 Compact.

1608 (j) "Practice of medicine" means the clinical  
1609 prevention, diagnosis, or treatment of human disease, injury, or  
1610 condition requiring a physician to obtain and maintain a license  
1611 in compliance with the Medical Practice Act of a member state.

1612 (k) "Physician" means any person who:

1613 (1) Is a graduate of a medical school accredited  
1614 by the Liaison Committee on Medical Education, the Commission on



1615 Osteopathic College Accreditation, or a medical school listed in  
1616 the International Medical Education Directory or its equivalent;

1617 (2) Passed each component of the United States  
1618 Medical Licensing Examination (USMLE) or the Comprehensive  
1619 Osteopathic Medical Licensing Examination (COMLEX-USA) within  
1620 three (3) attempts, or any of its predecessor examinations  
1621 accepted by a state medical board as an equivalent examination for  
1622 licensure purposes;

1623 (3) Successfully completed graduate medical  
1624 education approved by the Accreditation Council for Graduate  
1625 Medical Education or the American Osteopathic Association;

1626 (4) Holds specialty certification or a  
1627 time-unlimited specialty certificate recognized by the American  
1628 Board of Medical Specialties or the American Osteopathic  
1629 Association's Bureau of Osteopathic Specialists;

1630 (5) Possesses a full and unrestricted license to  
1631 engage in the practice of medicine issued by a member board;

1632 (6) Has never been convicted, received  
1633 adjudication, deferred adjudication, community supervision, or  
1634 deferred disposition for any offense by a court of appropriate  
1635 jurisdiction;

1636 (7) Has never held a license authorizing the  
1637 practice of medicine subjected to discipline by a licensing agency  
1638 in any state, federal, or foreign jurisdiction, excluding any  
1639 action related to nonpayment of fees related to a license;



1640 (8) Has never had a controlled substance license  
1641 or permit suspended or revoked by a state or the United States  
1642 Drug Enforcement Administration; and

1643 (9) Is not under active investigation by a  
1644 licensing agency or law enforcement authority in any state,  
1645 federal, or foreign jurisdiction.

1646 (l) "Offense" means a \* \* \* disqualifying crime as  
1647 provided in the Fresh Start Act.

1648 (m) "Rule" means a written statement by the Interstate  
1649 Commission promulgated pursuant to Section 12 of the Compact that  
1650 is of general applicability, implements, interprets, or prescribes  
1651 a policy or provision of the Compact, or an organizational,  
1652 procedural, or practice requirement of the Interstate Commission,  
1653 and has the force and effect of statutory law in a member state,  
1654 and includes the amendment, repeal, or suspension of an existing  
1655 rule.

1656 (n) "State" means any state, commonwealth, district, or  
1657 territory of the United States.

1658 (o) "State of principal license" means a member state  
1659 where a physician holds a license to practice medicine and which  
1660 has been designated as such by the physician for purposes of  
1661 registration and participation in the Compact.

1662 **SECTION 3**

1663 **Eligibility**



1664 (a) A physician must meet the eligibility requirements as  
1665 defined in Section 2(k) to receive an expedited license under the  
1666 terms and provisions of the Compact.

1667 (b) A physician who does not meet the requirements of  
1668 Section 2(k) may obtain a license to practice medicine in a member  
1669 state if the individual complies with all laws and requirements,  
1670 other than the Compact, relating to the issuance of a license to  
1671 practice medicine in that state.

1672 **SECTION 4**

1673 **Designation of State of Principal License**

1674 (a) A physician shall designate a member state as the state  
1675 of principal license for purposes of registration for expedited  
1676 licensure through the Compact if the physician possesses a full  
1677 and unrestricted license to practice medicine in that state, and  
1678 the state is:

1679 (1) The state of primary residence for the physician,  
1680 or

1681 (2) The state where at least twenty-five percent (25%)  
1682 of the practice of medicine occurs, or

1683 (3) The location of the physician's employer, or

1684 (4) If no state qualifies under subsection (1),  
1685 subsection (2), or subsection (3), the state designated as state  
1686 of residence for purpose of federal income tax.



1687 (b) A physician may redesignate a member state as state of  
1688 principal license at any time, as long as the state meets the  
1689 requirements in subsection (a).

1690 (c) The Interstate Commission is authorized to develop rules  
1691 to facilitate redesignation of another member state as the state  
1692 of principal license.

1693 **SECTION 5**

1694 **Application and Issuance of Expedited Licensure**

1695 (a) A physician seeking licensure through the Compact shall  
1696 file an application for an expedited license with the member board  
1697 of the state selected by the physician as the state of principal  
1698 license.

1699 (b) Upon receipt of an application for an expedited license,  
1700 the member board within the state selected as the state of  
1701 principal license shall evaluate whether the physician is eligible  
1702 for expedited licensure and issue a letter of qualification,  
1703 verifying or denying the physician's eligibility, to the  
1704 Interstate Commission.

1705 (i) Static qualifications, which include verification  
1706 of medical education, graduate medical education, results of any  
1707 medical or licensing examination, and other qualifications as  
1708 determined by the Interstate Commission through rule, shall not be  
1709 subject to additional primary source verification where already  
1710 primary source verified by the state of principal license.



1711           (ii) The member board within the state selected as the  
1712 state of principal license shall, in the course of verifying  
1713 eligibility, perform a criminal background check of an applicant,  
1714 including the use of the results of fingerprint or other biometric  
1715 data checks compliant with the requirements of the Federal Bureau  
1716 of Investigation, with the exception of federal employees who have  
1717 suitability determination in accordance with United States Code of  
1718 Federal Regulation Section 731.202.

1719           (iii) Appeal on the determination of eligibility shall  
1720 be made to the member state where the application was filed and  
1721 shall be subject to the law of that state.

1722           (c) Upon verification in subsection (b), physicians eligible  
1723 for an expedited license shall complete the registration process  
1724 established by the Interstate Commission to receive a license in a  
1725 member state selected pursuant to subsection (a), including the  
1726 payment of any applicable fees.

1727           (d) After receiving verification of eligibility under  
1728 subsection (b) and any fees under subsection (c), a member board  
1729 shall issue an expedited license to the physician. This license  
1730 shall authorize the physician to practice medicine in the issuing  
1731 state consistent with the Medical Practice Act and all applicable  
1732 laws and regulations of the issuing member board and member state.

1733           (e) An expedited license shall be valid for a period  
1734 consistent with the licensure period in the member state and in



1735 the same manner as required for other physicians holding a full  
1736 and unrestricted license within the member state.

1737 (f) An expedited license obtained through the Compact shall  
1738 be terminated if a physician fails to maintain a license in the  
1739 state of principal licensure for a nondisciplinary reason, without  
1740 redesignation of a new state of principal licensure.

1741 (g) The Interstate Commission is authorized to develop rules  
1742 regarding the application process, including payment of any  
1743 applicable fees, and the issuance of an expedited license.

1744 **SECTION 6**

1745 **Fees for Expedited Licensure**

1746 (a) A member state issuing an expedited license authorizing  
1747 the practice of medicine in that state may impose a fee for a  
1748 license issued or renewed through the Compact.

1749 (b) The Interstate Commission is authorized to develop rules  
1750 regarding fees for expedited licenses.

1751 **SECTION 7**

1752 **Renewal and Continued Participation**

1753 (a) A physician seeking to renew an expedited license  
1754 granted in a member state shall complete a renewal process with  
1755 the Interstate Commission if the physician:

1756 (1) Maintains a full and unrestricted license in a  
1757 state of principal license;

1758 (2) Has not been convicted, received adjudication,  
1759 deferred adjudication, community supervision, or deferred



1760 disposition for any offense by a court of appropriate  
1761 jurisdiction;

1762 (3) Has not had a license authorizing the practice of  
1763 medicine subject to discipline by a licensing agency in any state,  
1764 federal, or foreign jurisdiction, excluding any action related to  
1765 nonpayment of fees related to a license; and

1766 (4) Has not had a controlled substance license or  
1767 permit suspended or revoked by a state or the United States Drug  
1768 Enforcement Administration.

1769 (b) Physicians shall comply with all continuing professional  
1770 development or continuing medical education requirements for  
1771 renewal of a license issued by a member state.

1772 (c) The Interstate Commission shall collect any renewal fees  
1773 charged for the renewal of a license and distribute the fees to  
1774 the applicable member board.

1775 (d) Upon receipt of any renewal fees collected in subsection  
1776 (c), a member board shall renew the physician's license.

1777 (e) Physician information collected by the Interstate  
1778 Commission during the renewal process will be distributed to all  
1779 member boards.

1780 (f) The Interstate Commission is authorized to develop rules  
1781 to address renewal of licenses obtained through the Compact.

## 1782 SECTION 8

### 1783 Coordinated Information System





1784 (a) The Interstate Commission shall establish a database of  
1785 all physicians licensed, or who have applied for licensure, under  
1786 Section 5.

1787 (b) Notwithstanding any other provision of law, member  
1788 boards shall report to the Interstate Commission any public action  
1789 or complaints against a licensed physician who has applied or  
1790 received an expedited license through the Compact.

1791 (c) Member boards shall report disciplinary or investigatory  
1792 information determined as necessary and proper by rule of the  
1793 Interstate Commission.

1794 (d) Member boards may report any nonpublic complaint,  
1795 disciplinary, or investigatory information not required by  
1796 subsection (c) to the Interstate Commission.

1797 (e) Member boards shall share complaint or disciplinary  
1798 information about a physician upon request of another member  
1799 board.

1800 (f) All information provided to the Interstate Commission or  
1801 distributed by member boards shall be confidential, filed under  
1802 seal, and used only for investigatory or disciplinary matters.

1803 (g) The Interstate Commission is authorized to develop rules  
1804 for mandated or discretionary sharing of information by member  
1805 boards.

1806 **SECTION 9**

1807 **Joint Investigations**



1808 (a) Licensure and disciplinary records of physicians are  
1809 deemed investigative.

1810 (b) In addition to the authority granted to a member board  
1811 by its respective Medical Practice Act or other applicable state  
1812 law, a member board may participate with other member boards in  
1813 joint investigations of physicians licensed by the member boards.

1814 (c) A subpoena issued by a member state shall be enforceable  
1815 in other member states.

1816 (d) Member boards may share any investigative, litigation,  
1817 or compliance materials in furtherance of any joint or individual  
1818 investigation initiated under the Compact.

1819 (e) Any member state may investigate actual or alleged  
1820 violations of the statutes authorizing the practice of medicine in  
1821 any other member state in which a physician holds a license to  
1822 practice medicine.

1823 **SECTION 10**

1824 **Disciplinary Actions**

1825 (a) Any disciplinary action taken by any member board  
1826 against a physician licensed through the Compact shall be deemed  
1827 unprofessional conduct which may be subject to discipline by other  
1828 member boards, in addition to any violation of the Medical  
1829 Practice Act or regulations in that state.

1830 (b) If a license granted to a physician by the member board  
1831 in the state of principal license is revoked, surrendered or  
1832 relinquished in lieu of discipline, or suspended, then all



1833 licenses issued to the physician by member boards shall  
1834 automatically be placed, without further action necessary by any  
1835 member board, on the same status. If the member board in the  
1836 state of principal license subsequently reinstates the physician's  
1837 license, a license issued to the physician by any other member  
1838 board shall remain encumbered until that respective member board  
1839 takes action to reinstate the license in a manner consistent with  
1840 the Medical Practice Act of that state.

1841 (c) If disciplinary action is taken against a physician by a  
1842 member board not in the state of principal license, any other  
1843 member board may deem the action conclusive as to matter of law  
1844 and fact decided, and:

1845 (i) Impose the same or lesser sanction(s) against the  
1846 physician so long as such sanctions are consistent with the  
1847 Medical Practice Act of that state; or

1848 (ii) Pursue separate disciplinary action against the  
1849 physician under its respective Medical Practice Act, regardless of  
1850 the action taken in other member states.

1851 (d) If a license granted to a physician by a member board is  
1852 revoked, surrendered or relinquished in lieu of discipline, or  
1853 suspended, then any license(s) issued to the physician by any  
1854 other member board(s) shall be suspended, automatically and  
1855 immediately without further action necessary by the other member  
1856 board(s), for ninety (90) days upon entry of the order by the  
1857 disciplining board, to permit the member board(s) to investigate



1858 the basis for the action under the Medical Practice Act of that  
1859 state. A member board may terminate the automatic suspension of  
1860 the license it issued prior to the completion of the ninety (90)  
1861 day suspension period in a manner consistent with the Medical  
1862 Practice Act of that state.

1863 **SECTION 11**

1864 **Interstate Medical Licensure Compact Commission**

1865 (a) The member states create the "Interstate Medical  
1866 Licensure Compact Commission."

1867 (b) The purpose of the Interstate Commission is the  
1868 administration of the Interstate Medical Licensure Compact, which  
1869 is a discretionary state function.

1870 (c) The Interstate Commission shall be a body corporate and  
1871 joint agency of the member states and shall have all the  
1872 responsibilities, powers, and duties set forth in the Compact, and  
1873 such additional powers as may be conferred upon it by a subsequent  
1874 concurrent action of the respective legislatures of the member  
1875 states in accordance with the terms of the Compact.

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



1882 shall appoint one (1) representative from each member board. A  
1883 Commissioner shall be a(n):

1884 (1) Allopathic or osteopathic physician appointed to a  
1885 member board;

1886 (2) Executive director, executive secretary, or similar  
1887 executive of a member board; or

1888 (3) Member of the public appointed to a member board.

1889 (e) The Interstate Commission shall meet at least once each  
1890 calendar year. A portion of this meeting shall be a business  
1891 meeting to address such matters as may properly come before the  
1892 Commission, including the election of officers. The chairperson  
1893 may call additional meetings and shall call for a meeting upon the  
1894 request of a majority of the member states.

1895 (f) The bylaws may provide for meetings of the Interstate  
1896 Commission to be conducted by telecommunication or electronic  
1897 communication.

1898 (g) Each Commissioner participating at a meeting of the  
1899 Interstate Commission is entitled to one (1) vote. A majority of  
1900 Commissioners shall constitute a quorum for the transaction of  
1901 business, unless a larger quorum is required by the bylaws of the  
1902 Interstate Commission. A Commissioner shall not delegate a vote  
1903 to another Commissioner. In the absence of its Commissioner, a  
1904 member state may delegate voting authority for a specified meeting  
1905 to another person from that state who shall meet the requirements  
1906 of subsection (d).



1907           (h) The Interstate Commission shall provide public notice of  
1908 all meetings and all meetings shall be open to the public. The  
1909 Interstate Commission may close a meeting, in full or in portion,  
1910 where it determines by a two-thirds (2/3) vote of the  
1911 Commissioners present that an open meeting would be likely to:

1912                   (1) Relate solely to the internal personnel practices  
1913 and procedures of the Interstate Commission;

1914                   (2) Discuss matters specifically exempted from  
1915 disclosure by federal statute;

1916                   (3) Discuss trade secrets, commercial, or financial  
1917 information that is privileged or confidential;

1918                   (4) Involve accusing a person of a crime, or formally  
1919 censuring a person;

1920                   (5) Discuss information of a personal nature where  
1921 disclosure would constitute a clearly unwarranted invasion of  
1922 personal privacy;

1923                   (6) Discuss investigative records compiled for law  
1924 enforcement purposes; or

1925                   (7) Specifically relate to the participation in a civil  
1926 action or other legal proceeding.

1927           (i) The Interstate Commission shall keep minutes which shall  
1928 fully describe all matters discussed in a meeting and shall  
1929 provide a full and accurate summary of actions taken, including  
1930 record of any roll call votes.



1931 (j) The Interstate Commission shall make its information and  
1932 official records, to the extent not otherwise designated in the  
1933 Compact or by its rules, available to the public for inspection.

1934 (k) The Interstate Commission shall establish an executive  
1935 committee, which shall include officers, members, and others as  
1936 determined by the bylaws. The executive committee shall have the  
1937 power to act on behalf of the Interstate Commission, with the  
1938 exception of rulemaking, during periods when the Interstate  
1939 Commission is not in session. When acting on behalf of the  
1940 Interstate Commission, the executive committee shall oversee the  
1941 administration of the Compact including enforcement and compliance  
1942 with the provisions of the Compact, its bylaws and rules, and  
1943 other such duties as necessary.

1944 (l) The Interstate Commission may establish other committees  
1945 for governance and administration of the Compact.

## 1946 **SECTION 12**

### 1947 **Powers and Duties of the Interstate Commission**

1948 The Interstate Commission shall have the duty and power to:

1949 (a) Oversee and maintain the administration of the Compact;

1950 (b) Promulgate rules which shall be binding to the extent  
1951 and in the manner provided for in the Compact;

1952 (c) Issue, upon the request of a member state or member  
1953 board, advisory opinions concerning the meaning or interpretation  
1954 of the Compact, its bylaws, rules, and actions;



1955 (d) Enforce compliance with Compact provisions, the rules  
1956 promulgated by the Interstate Commission, and the bylaws, using  
1957 all necessary and proper means, including but not limited to the  
1958 use of judicial process;

1959 (e) Establish and appoint committees, including but not  
1960 limited to an executive committee as required by Section 11, which  
1961 shall have the power to act on behalf of the Interstate Commission  
1962 in carrying out its powers and duties;

1963 (f) Pay, or provide for the payment of the expenses related  
1964 to the establishment, organization, and ongoing activities of the  
1965 Interstate Commission;

1966 (g) Establish and maintain one or more offices;

1967 (h) Borrow, accept, hire, or contract for services of  
1968 personnel;

1969 (i) Purchase and maintain insurance and bonds;

1970 (j) Employ an executive director who shall have such powers  
1971 to employ, select or appoint employees, agents, or consultants,  
1972 and to determine their qualifications, define their duties, and  
1973 fix their compensation;

1974 (k) Establish personnel policies and programs relating to  
1975 conflicts of interest, rates of compensation, and qualifications  
1976 of personnel;

1977 (l) Accept donations and grants of money, equipment,  
1978 supplies, materials and services, and to receive, utilize, and





1979 dispose of it in a manner consistent with the conflict of interest  
1980 policies established by the Interstate Commission;

1981 (m) Lease, purchase, accept contributions or donations of,  
1982 or otherwise to own, hold, improve or use, any property, real,  
1983 personal, or mixed;

1984 (n) Sell, convey, mortgage, pledge, lease, exchange,  
1985 abandon, or otherwise dispose of any property, real, personal, or  
1986 mixed;

1987 (o) Establish a budget and make expenditures;

1988 (p) Adopt a seal and bylaws governing the management and  
1989 operation of the Interstate Commission;

1990 (q) Report annually to the legislatures and governors of the  
1991 member states concerning the activities of the Interstate  
1992 Commission during the preceding year. Such reports shall also  
1993 include reports of financial audits and any recommendations that  
1994 may have been adopted by the Interstate Commission;

1995 (r) Coordinate education, training, and public awareness  
1996 regarding the Compact, its implementation, and its operation;

1997 (s) Maintain records in accordance with the bylaws;

1998 (t) Seek and obtain trademarks, copyrights, and patents; and

1999 (u) Perform such functions as may be necessary or  
2000 appropriate to achieve the purposes of the Compact.

2001 **SECTION 13**

2002 **Finance Powers**



2003 (a) The Interstate Commission may levy on and collect an  
2004 annual assessment from each member state to cover the cost of the  
2005 operations and activities of the Interstate Commission and its  
2006 staff. The total assessment must be sufficient to cover the  
2007 annual budget approved each year for which revenue is not provided  
2008 by other sources. The aggregate annual assessment amount shall be  
2009 allocated upon a formula to be determined by the Interstate  
2010 Commission, which shall promulgate a rule binding upon all member  
2011 states.

2012 (b) The Interstate Commission shall not incur obligations of  
2013 any kind prior to securing the funds adequate to meet the same.

2014 (c) The Interstate Commission shall not pledge the credit of  
2015 any of the member states, except by, and with the authority of,  
2016 the member state.

2017 (d) The Interstate Commission shall be subject to a yearly  
2018 financial audit conducted by a certified or licensed public  
2019 accountant and the report of the audit shall be included in the  
2020 annual report of the Interstate Commission.

2021 **SECTION 14**

2022 **Organization and Operation of the Interstate Commission**

2023 (a) The Interstate Commission shall, by a majority of  
2024 Commissioners present and voting, adopt bylaws to govern its  
2025 conduct as may be necessary or appropriate to carry out the  
2026 purposes of the Compact within twelve (12) months of the first  
2027 Interstate Commission meeting.



2028           (b) The Interstate Commission shall elect or appoint  
2029 annually from among its Commissioners a chairperson, a vice  
2030 chairperson, and a treasurer, each of whom shall have such  
2031 authority and duties as may be specified in the bylaws. The  
2032 chairperson, or in the chairperson's absence or disability, the  
2033 vice chairperson, shall preside at all meetings of the Interstate  
2034 Commission.

2035           (c) Officers selected in subsection (b) shall serve without  
2036 remuneration from the Interstate Commission.

2037           (d) The officers and employees of the Interstate Commission  
2038 shall be immune from suit and liability, either personally or in  
2039 their official capacity, for a claim for damage to or loss of  
2040 property or personal injury or other civil liability caused or  
2041 arising out of, or relating to, an actual or alleged act, error,  
2042 or omission that occurred, or that such person had a reasonable  
2043 basis for believing occurred, within the scope of Interstate  
2044 Commission employment, duties, or responsibilities; provided that  
2045 such person shall not be protected from suit or liability for  
2046 damage, loss, injury, or liability caused by the intentional or  
2047 willful and wanton misconduct of such person.

2048           (1) The liability of the executive director and  
2049 employees of the Interstate Commission or representatives of the  
2050 Interstate Commission, acting within the scope of such person's  
2051 employment or duties for acts, errors, or omissions occurring  
2052 within such person's state, may not exceed the limits of liability



2053 set forth under the constitution and laws of that state for state  
2054 officials, employees, and agents. The Interstate Commission is  
2055 considered to be an instrumentality of the states for the purposes  
2056 of any such action. Nothing in this subsection shall be construed  
2057 to protect such person from suit or liability for damage, loss,  
2058 injury, or liability caused by the intentional or willful and  
2059 wanton misconduct of such person.

2060           (2) The Interstate Commission shall defend the  
2061 executive director, its employees, and subject to the approval of  
2062 the attorney general or other appropriate legal counsel of the  
2063 member state represented by an Interstate Commission  
2064 representative, shall defend such Interstate Commission  
2065 representative in any civil action seeking to impose liability  
2066 arising out of an actual or alleged act, error or omission that  
2067 occurred within the scope of Interstate Commission employment,  
2068 duties or responsibilities, or that the defendant had a reasonable  
2069 basis for believing occurred within the scope of Interstate  
2070 Commission employment, duties, or responsibilities, provided that  
2071 the actual or alleged act, error, or omission did not result from  
2072 intentional or willful and wanton misconduct on the part of such  
2073 person.

2074           (3) To the extent not covered by the state involved,  
2075 member state, or the Interstate Commission, the representatives or  
2076 employees of the Interstate Commission shall be held harmless in  
2077 the amount of a settlement or judgment, including attorney's fees



2078 and costs, obtained against such persons arising out of an actual  
2079 or alleged act, error, or omission that occurred within the scope  
2080 of Interstate Commission employment, duties, or responsibilities,  
2081 or that such persons had a reasonable basis for believing occurred  
2082 within the scope of Interstate Commission employment, duties, or  
2083 responsibilities, provided that the actual or alleged act, error,  
2084 or omission did not result from intentional or willful and wanton  
2085 misconduct on the part of such persons.

## 2086 **SECTION 15**

### 2087 **Rulemaking Functions of the Interstate Commission**

2088 (a) The Interstate Commission shall promulgate reasonable  
2089 rules in order to effectively and efficiently achieve the purposes  
2090 of the Compact. Notwithstanding the foregoing, in the event the  
2091 Interstate Commission exercises its rulemaking authority in a  
2092 manner that is beyond the scope of the purposes of the Compact, or  
2093 the powers granted hereunder, then such an action by the  
2094 Interstate Commission shall be invalid and have no force or  
2095 effect.

2096 (b) Rules deemed appropriate for the operations of the  
2097 Interstate Commission shall be made pursuant to a rulemaking  
2098 process that substantially conforms to the "Model State  
2099 Administrative Procedure Act" of 2010, and subsequent amendments  
2100 thereto.

2101 (c) Not later than thirty (30) days after a rule is  
2102 promulgated, any person may file a petition for judicial review of



2103 the rule in the United States District Court for the District of  
2104 Columbia or the federal district where the Interstate Commission  
2105 has its principal offices, provided that the filing of such a  
2106 petition shall not stay or otherwise prevent the rule from  
2107 becoming effective unless the court finds that the petitioner has  
2108 a substantial likelihood of success. The court shall give  
2109 deference to the actions of the Interstate Commission consistent  
2110 with applicable law and shall not find the rule to be unlawful if  
2111 the rule represents a reasonable exercise of the authority granted  
2112 to the Interstate Commission.

## 2113 **SECTION 16**

### 2114 **Oversight of Interstate Compact**

2115 (a) The executive, legislative, and judicial branches of  
2116 state government in each member state shall enforce the Compact  
2117 and shall take all actions necessary and appropriate to effectuate  
2118 the Compact's purposes and intent. The provisions of the Compact  
2119 and the rules promulgated hereunder shall have standing as  
2120 statutory law but shall not override existing state authority to  
2121 regulate the practice of medicine.

2122 (b) All courts shall take judicial notice of the Compact and  
2123 the rules in any judicial or administrative proceeding in a member  
2124 state pertaining to the subject matter of the Compact which may  
2125 affect the powers, responsibilities or actions of the Interstate  
2126 Commission.



2127 (c) The Interstate Commission shall be entitled to receive  
2128 all service of process in any such proceeding, and shall have  
2129 standing to intervene in the proceeding for all purposes. Failure  
2130 to provide service of process to the Interstate Commission shall  
2131 render a judgment or order void as to the Interstate Commission,  
2132 the Compact, or promulgated rules.

2133 **SECTION 17**

2134 **Enforcement of Interstate Compact**

2135 (a) The Interstate Commission, in the reasonable exercise of  
2136 its discretion, shall enforce the provisions and rules of the  
2137 Compact.

2138 (b) The Interstate Commission may, by majority vote of the  
2139 Commissioners, initiate legal action in the United States District  
2140 Court for the District of Columbia, or, at the discretion of the  
2141 Interstate Commission, in the federal district where the  
2142 Interstate Commission has its principal offices, to enforce  
2143 compliance with the provisions of the Compact, and its promulgated  
2144 rules and bylaws, against a member state in default. The relief  
2145 sought may include both injunctive relief and damages. In the  
2146 event judicial enforcement is necessary, the prevailing party  
2147 shall be awarded all costs of such litigation including reasonable  
2148 attorney's fees.

2149 (c) The remedies herein shall not be the exclusive remedies  
2150 of the Interstate Commission. The Interstate Commission may avail



2151 itself of any other remedies available under state law or the  
2152 regulation of a profession.

2153 **SECTION 18**

2154 **Default Procedures**

2155 (a) The grounds for default include, but are not limited to,  
2156 failure of a member state to perform such obligations or  
2157 responsibilities imposed upon it by the Compact, or the rules and  
2158 bylaws of the Interstate Commission promulgated under the Compact.

2159 (b) If the Interstate Commission determines that a member  
2160 state has defaulted in the performance of its obligations or  
2161 responsibilities under the Compact, or the bylaws or promulgated  
2162 rules, the Interstate Commission shall:

2163 (1) Provide written notice to the defaulting state and  
2164 other member states, of the nature of the default, the means of  
2165 curing the default, and any action taken by the Interstate  
2166 Commission. The Interstate Commission shall specify the  
2167 conditions by which the defaulting state must cure its default;  
2168 and

2169 (2) Provide remedial training and specific technical  
2170 assistance regarding the default.

2171 (c) If the defaulting state fails to cure the default, the  
2172 defaulting state shall be terminated from the Compact upon an  
2173 affirmative vote of a majority of the Commissioners and all  
2174 rights, privileges, and benefits conferred by the Compact shall  
2175 terminate on the effective date of termination. A cure of the





2176 default does not relieve the offending state of obligations or  
2177 liabilities incurred during the period of the default.

2178 (d) Termination of membership in the Compact shall be  
2179 imposed only after all other means of securing compliance have  
2180 been exhausted. Notice of intent to terminate shall be given by  
2181 the Interstate Commission to the Governor, the majority and  
2182 minority leaders of the defaulting state's legislature, and each  
2183 of the member states.

2184 (e) The Interstate Commission shall establish rules and  
2185 procedures to address licenses and physicians that are materially  
2186 impacted by the termination of a member state, or the withdrawal  
2187 of a member state.

2188 (f) The member state which has been terminated is  
2189 responsible for all dues, obligations, and liabilities incurred  
2190 through the effective date of termination including obligations,  
2191 the performance of which extends beyond the effective date of  
2192 termination.

2193 (g) The Interstate Commission shall not bear any costs  
2194 relating to any state that has been found to be in default or  
2195 which has been terminated from the Compact, unless otherwise  
2196 mutually agreed upon in writing between the Interstate Commission  
2197 and the defaulting state.

2198 (h) The defaulting state may appeal the action of the  
2199 Interstate Commission by petitioning the United States District  
2200 Court for the District of Columbia or the federal district where



2201 the Interstate Commission has its principal offices. The  
2202 prevailing party shall be awarded all costs of such litigation  
2203 including reasonable attorney's fees.

2204 **SECTION 19**

2205 **Dispute Resolution**

2206 (a) The Interstate Commission shall attempt, upon the  
2207 request of a member state, to resolve disputes which are subject  
2208 to the Compact and which may arise among member states or member  
2209 boards.

2210 (b) The Interstate Commission shall promulgate rules  
2211 providing for both mediation and binding dispute resolution as  
2212 appropriate.

2213 **SECTION 20**

2214 **Member States, Effective Date and Amendment**

2215 (a) Any state is eligible to become a member state of the  
2216 Compact.

2217 (b) The Compact shall become effective and binding upon  
2218 legislative enactment of the Compact into law by no less than  
2219 seven (7) states. Thereafter, it shall become effective and  
2220 binding on a state upon enactment of the Compact into law by that  
2221 state.

2222 (c) The governors of nonmember states, or their designees,  
2223 shall be invited to participate in the activities of the  
2224 Interstate Commission on a nonvoting basis prior to adoption of  
2225 the Compact by all states.



2226 (d) The Interstate Commission may propose amendments to the  
2227 Compact for enactment by the member states. No amendment shall  
2228 become effective and binding upon the Interstate Commission and  
2229 the member states unless and until it is enacted into law by  
2230 unanimous consent of the member states.

2231 **SECTION 21**

2232 **Withdrawal**

2233 (a) Once effective, the Compact shall continue in force and  
2234 remain binding upon each and every member state; provided that a  
2235 member state may withdraw from the Compact by specifically  
2236 repealing the statute which enacted the Compact into law.

2237 (b) Withdrawal from the Compact shall be by the enactment of  
2238 a statute repealing the same, but shall not take effect until one  
2239 (1) year after the effective date of such statute and until  
2240 written notice of the withdrawal has been given by the withdrawing  
2241 state to the Governor of each other member state.

2242 (c) The withdrawing state shall immediately notify the  
2243 chairperson of the Interstate Commission in writing upon the  
2244 introduction of legislation repealing the Compact in the  
2245 withdrawing state.

2246 (d) The Interstate Commission shall notify the other member  
2247 states of the withdrawing state's intent to withdraw within sixty  
2248 (60) days of its receipt of notice provided under subsection (c).

2249 (e) The withdrawing state is responsible for all dues,  
2250 obligations and liabilities incurred through the effective date of



2251 withdrawal, including obligations, the performance of which extend  
2252 beyond the effective date of withdrawal.

2253 (f) Reinstatement following withdrawal of a member state  
2254 shall occur upon the withdrawing state reenacting the Compact or  
2255 upon such later date as determined by the Interstate Commission.

2256 (g) The Interstate Commission is authorized to develop rules  
2257 to address the impact of the withdrawal of a member state on  
2258 licenses granted in other member states to physicians who  
2259 designated the withdrawing member state as the state of principal  
2260 license.

2261 **SECTION 22**

2262 **Dissolution**

2263 (a) The Compact shall dissolve effective upon the date of  
2264 the withdrawal or default of the member state which reduces the  
2265 membership in the Compact to one (1) member state.

2266 (b) Upon the dissolution of the Compact, the Compact becomes  
2267 null and void and shall be of no further force or effect, and the  
2268 business and affairs of the Interstate Commission shall be  
2269 concluded and surplus funds shall be distributed in accordance  
2270 with the bylaws.

2271 **SECTION 23**

2272 **Severability and Construction**

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



2275 unenforceable, the remaining provisions of the Compact shall be  
2276 enforceable.

2277 (b) The provisions of the Compact shall be liberally  
2278 construed to effectuate its purposes.

2279 (c) Nothing in the Compact shall be construed to prohibit  
2280 the applicability of other interstate compacts to which the states  
2281 are members.

## 2282 **SECTION 24**

### 2283 **Binding Effect of Compact and Other Laws**

2284 (a) Nothing herein prevents the enforcement of any other law  
2285 of a member state that is not inconsistent with the Compact.

2286 (b) All laws in a member state in conflict with the Compact  
2287 are superseded to the extent of the conflict.

2288 (c) All lawful actions of the Interstate Commission,  
2289 including all rules and bylaws promulgated by the Commission, are  
2290 binding upon the member states.

2291 (d) All agreements between the Interstate Commission and the  
2292 member states are binding in accordance with their terms.

2293 (e) In the event any provision of the Compact exceeds the  
2294 constitutional limits imposed on the legislature of any member  
2295 state, such provision shall be ineffective to the extent of the  
2296 conflict with the constitutional provision in question in that  
2297 member state.

2298 **SECTION 19.** Section 73-27-13, Mississippi Code of 1972, is  
2299 amended as follows:



2300           73-27-13. (1) The State Board of Medical Licensure may  
2301 refuse to issue, suspend, revoke or otherwise restrict any license  
2302 provided for in this chapter, with the advice of the advisory  
2303 committee, based upon the following grounds:

2304           (a) Habitual personal use of narcotic drugs, or any  
2305 other drug having addiction-forming or addiction-sustaining  
2306 liability.

2307           (b) Habitual use of intoxicating liquors, or any  
2308 beverage, to an extent which affects professional competency.

2309           (c) Administering, dispensing or prescribing any  
2310 narcotic drug, or any other drug having addiction-forming or  
2311 addiction-sustaining liability otherwise than in the course of  
2312 legitimate professional practice.

2313           (d) Conviction of violation of any federal or state law  
2314 regulating the possession, distribution or use of any narcotic  
2315 drug or any drug considered a controlled substance under state or  
2316 federal law.

2317           (e) Performing any medical diagnosis or treatment  
2318 outside the scope of podiatry as defined in Section 73-27-1.

2319           (f) Conviction of a \* \* \* disqualifying crime as  
2320 provided in the Fresh Start Act.

2321           (g) Obtaining or attempting to obtain a license by  
2322 fraud or deception.

2323           (h) Unprofessional conduct, which includes, but is not  
2324 limited to:



2325 (i) Practicing medicine under a false or assumed  
2326 name or impersonating another practitioner, living or dead.

2327 (ii) Knowingly performing any act which in any way  
2328 assists an unlicensed person to practice podiatry.

2329 (iii) Making or willfully causing to be made any  
2330 flamboyant claims concerning the licensee's professional  
2331 excellence.

2332 (iv) Being guilty of any dishonorable or unethical  
2333 conduct likely to deceive, defraud or harm the public.

2334 (v) Obtaining a fee as personal compensation or  
2335 gain from a person on fraudulent representation a disease or  
2336 injury condition generally considered incurable by competent  
2337 medical authority in the light of current scientific knowledge and  
2338 practice can be cured or offering, undertaking, attempting or  
2339 agreeing to cure or treat the same by a secret method, which he  
2340 refuses to divulge to the board upon request.

2341 (vi) Use of any false, fraudulent or forged  
2342 statement or document, or the use of any fraudulent, deceitful,  
2343 dishonest or immoral practice in connection with any of the  
2344 licensing requirements, including the signing in his professional  
2345 capacity any certificate that is known to be false at the time he  
2346 makes or signs such certificate.

2347 (vii) Failing to identify a podiatrist's school of  
2348 practice in all professional uses of his name by use of his earned  
2349 degree or a description of his school of practice.



2350 (i) The refusal of a licensing authority of another  
2351 state to issue or renew a license, permit or certificate to  
2352 practice podiatry in that state or the revocation, suspension or  
2353 other restriction imposed on a license, permit or certificate  
2354 issued by such licensing authority which prevents or restricts  
2355 practice in that state.

2356 (j) Violation(s) of the provisions of Sections 41-121-1  
2357 through 41-121-9 relating to deceptive advertisement by health  
2358 care practitioners. This paragraph shall stand repealed on July  
2359 1, 2025.

2360 (2) Upon the nonissuance, suspension or revocation of a  
2361 license to practice podiatry, the board may, in its discretion and  
2362 with the advice of the advisory committee, reissue a license after  
2363 a lapse of six (6) months. No advertising shall be permitted  
2364 except regular professional cards.

2365 (3) In its investigation of whether the license of a  
2366 podiatrist should be suspended, revoked or otherwise restricted,  
2367 the board may inspect patient records in accordance with the  
2368 provisions of Section 73-25-28.

2369 (4) In addition to the grounds specified in subsection (1)  
2370 of this section, the board shall be authorized to suspend the  
2371 license of any licensee for being out of compliance with an order  
2372 for support, as defined in Section 93-11-153. The procedure for  
2373 suspension of a license for being out of compliance with an order  
2374 for support, and the procedure for the reissuance or reinstatement





2375 of a license suspended for that purpose, and the payment of any  
2376 fees for the reissuance or reinstatement of a license suspended  
2377 for that purpose, shall be governed by Section 93-11-157 or  
2378 93-11-163, as the case may be. If there is any conflict between  
2379 any provision of Section 93-11-157 or 93-11-163 and any provision  
2380 of this chapter, the provisions of Section 93-11-157 or 93-11-163,  
2381 as the case may be, shall control.

2382         **SECTION 20.** Section 73-29-13, Mississippi Code of 1972, is  
2383 amended as follows:

2384         73-29-13. A person is qualified to receive a license as an  
2385 examiner:

2386             (1) Who is at least twenty-one (21) years of age;

2387             (2) Who is a citizen of the United States;

2388             (3) Who establishes that he is a person of honesty,  
2389 truthfulness, integrity, and moral fitness;

2390             (4) Who has not been convicted of a \* \* \* disqualifying  
2391 crime as provided in the Fresh Start Act;

2392             (5) Who holds a baccalaureate degree from a college or  
2393 university accredited by the American Association of Collegiate  
2394 Registrars and Admissions Officers or, in lieu thereof, has five  
2395 (5) consecutive years of active investigative experience  
2396 immediately preceding his application;

2397             (6) Who is a graduate of a polygraph examiners course  
2398 approved by the board and has satisfactorily completed not less  
2399 than six (6) months of internship training, provided that if the



2400 applicant is not a graduate of an approved polygraph examiners  
2401 course, satisfactory completion of not less than twelve (12)  
2402 months of internship training may satisfy this subdivision; and

2403 (7) Prior to the issuance of a license, the applicant  
2404 must furnish to the board evidence of a surety bond or insurance  
2405 policy. Said surety bond or insurance policy shall be in the sum  
2406 of Five Thousand Dollars (\$5,000.00) and shall be conditioned that  
2407 the obligor therein will pay to the extent of the face amount of  
2408 such surety bond or insurance policy all judgments which may be  
2409 recovered against the licensee by reason of any wrongful or  
2410 illegal acts committed by him in the course of his examinations.

2411 **SECTION 21.** Section 73-29-31, Mississippi Code of 1972, is  
2412 amended as follows:

2413 73-29-31. (1) The board may refuse to issue or may suspend  
2414 or revoke a license on any one or more of the following grounds:

2415 (a) For failing to inform a subject to be examined as  
2416 to the nature of the examination;

2417 (b) For failing to inform a subject to be examined that  
2418 his participation in the examination is voluntary;

2419 (c) Material misstatement in the application for  
2420 original license or in the application for any renewal license  
2421 under this chapter;

2422 (d) Willful disregard or violation of this chapter or  
2423 of any regulation or rule issued pursuant thereto, including, but



2424 not limited to, willfully making a false report concerning an  
2425 examination for polygraph examination purposes;

2426 (e) If the holder of any license has been adjudged  
2427 guilty of the commission of a \* \* \* disqualifying crime as  
2428 provided in the Fresh Start Act;

2429 (f) Making any willful misrepresentation or false  
2430 promises or causing to be printed any false or misleading  
2431 advertisement for the purpose of directly or indirectly obtaining  
2432 business or trainees;

2433 (g) Having demonstrated unworthiness or incompetency to  
2434 act as a polygraph examiner as defined by this chapter;

2435 (h) Allowing one's license under this chapter to be  
2436 used by any unlicensed person in violation of the provisions of  
2437 this chapter;

2438 (i) Willfully aiding or abetting another in the  
2439 violation of this chapter or any regulation or rule issued  
2440 pursuant thereto;

2441 (j) Where the license holder has been adjudged by a  
2442 court of competent jurisdiction as habitual drunkard, mentally  
2443 incompetent, or in need of a conservator;

2444 (k) Failing, within a reasonable time, to provide  
2445 information requested by the secretary as the result of a formal  
2446 complaint to the board which would indicate a violation of this  
2447 chapter;



2448 (1) Failing to inform the subject of the results of the  
2449 examination if so requested; or

2450 (m) With regard to any polygraph examiner employed for  
2451 a fee and not employed by a governmental law enforcement agency or  
2452 the Mississippi Department of Corrections:

2453 (i) Requiring a subject, prior to taking the  
2454 examination or as a condition of receiving the results of the  
2455 examination, to waive any rights or causes of action he may have  
2456 or which may accrue in favor of the subject arising out of or  
2457 resulting from the administration of the examination; except the  
2458 examiner may require, prior to the examination or as a condition  
2459 of receiving the results of the examination, a subject to waive  
2460 any rights or causes of action that may accrue against the  
2461 examiner as a result of any use made of the results of the  
2462 examination by the person who employed the examiner;

2463 (ii) Requiring a subject to acknowledge that his  
2464 examination is not done for purposes of employment when, in fact,  
2465 the results of the examination are to be submitted to an employer  
2466 or an agent of an employer; or

2467 (iii) Reporting the results of an examination to  
2468 any person not authorized to receive the results of the  
2469 examination except for the person who employed the examiner,  
2470 unless authorized in writing by the subject.

2471 (2) In addition to the grounds specified in subsection (1)  
2472 of this section, the board shall be authorized to suspend the



2473 license of any licensee for being out of compliance with an order  
2474 for support, as defined in Section 93-11-153. The procedure for  
2475 suspension of a license for being out of compliance with an order  
2476 for support, and the procedure for the reissuance or reinstatement  
2477 of a license suspended for that purpose, and the payment of any  
2478 fees for the reissuance or reinstatement of a license suspended  
2479 for that purpose, shall be governed by Section 93-11-157 or  
2480 93-11-163, as the case may be. If there is any conflict between  
2481 any provision of Section 93-11-157 or 93-11-163 and any provision  
2482 of this chapter, the provisions of Section 93-11-157 or 93-11-163,  
2483 as the case may be, shall control.

2484       **SECTION 22.** Section 73-31-21, Mississippi Code of 1972, is  
2485 amended as follows:

2486       73-31-21. (1) The board, by an affirmative vote of at least  
2487 four (4) of its seven (7) members, shall withhold, deny, revoke or  
2488 suspend any license issued or applied for in accordance with the  
2489 provisions of this chapter, or otherwise discipline a licensed  
2490 psychologist, upon proof that the applicant or licensed  
2491 psychologist:

2492           (a) Has violated the current code of ethics of the  
2493 American Psychological Association or other codes of ethical  
2494 standards adopted by the board; or

2495           (b) Has been convicted of a \* \* \* disqualifying crime  
2496 as provided in the Fresh Start Act, the record of conviction being  
2497 conclusive evidence thereof; or



2498                   (c) Is using any substance or any alcoholic beverage to  
2499 an extent or in a manner dangerous to any other person or the  
2500 public, or to an extent that the use impairs his or her ability to  
2501 perform the work of a professional psychologist with safety to the  
2502 public; or

2503                   (d) Has impersonated another person holding a  
2504 psychologist license or allowed another person to use his or her  
2505 license; or

2506                   (e) Has used fraud or deception in applying for a  
2507 license or in taking an examination provided for in this chapter;  
2508 or

2509                   (f) Has accepted commissions or rebates or other forms  
2510 of remuneration for referring clients to other professional  
2511 persons; or

2512                   (g) Has performed psychological services outside of the  
2513 area of his or her training, experience or competence; or

2514                   (h) Has allowed his or her name or license issued under  
2515 this chapter to be used in connection with any person or persons  
2516 who perform psychological services outside of the area of their  
2517 training, experience or competence; or

2518                   (i) Is legally adjudicated mentally incompetent, the  
2519 record of that adjudication being conclusive evidence thereof; or

2520                   (j) Has willfully or negligently violated any of the  
2521 provisions of this chapter. The board may recover from any person



2522 disciplined under this chapter, the costs of investigation,  
2523 prosecution, and adjudication of the disciplinary action.

2524 (2) Notice shall be effected by registered mail or personal  
2525 service setting forth the particular reasons for the proposed  
2526 action and fixing a date not less than thirty (30) days nor more  
2527 than sixty (60) days from the date of the mailing or that service,  
2528 at which time the applicant or licensee shall be given an  
2529 opportunity for a prompt and fair hearing. For the purpose of the  
2530 hearing, the board, acting by and through its executive secretary,  
2531 may subpoena persons and papers on its own behalf and on behalf of  
2532 the applicant or licensee, may administer oaths and may take  
2533 testimony. That testimony, when properly transcribed, together  
2534 with the papers and exhibits, shall be admissible in evidence for  
2535 or against the applicant or licensee. At the hearing, the  
2536 applicant or licensee may appear by counsel and personally in his  
2537 or her own behalf. Any person sworn and examined by a witness in  
2538 the hearing shall not be held to answer criminally, nor shall any  
2539 papers or documents produced by the witness be competent evidence  
2540 in any criminal proceedings against the witness other than for  
2541 perjury in delivering his or her evidence. On the basis of any  
2542 such hearing, or upon default of applicant or licensee, the board  
2543 shall make a determination specifying its findings of fact and  
2544 conclusions of law. A copy of that determination shall be sent by  
2545 registered mail or served personally upon the applicant or  
2546 licensee. The decision of the board denying, revoking or



2547 suspending the license shall become final thirty (30) days after  
2548 so mailed or served, unless within that period the applicant or  
2549 licensee appeals the decision to the chancery court, under the  
2550 provisions hereof, and the proceedings in chancery shall be  
2551 conducted as other matters coming before the court. All  
2552 proceedings and evidence, together with exhibits, presented at the  
2553 hearing before the board shall be admissible in evidence in court  
2554 in the appeal.

2555 (3) The board may subpoena persons and papers on its own  
2556 behalf and on behalf of the respondent, may administer oaths and  
2557 may compel the testimony of witnesses. It may issue commissions  
2558 to take testimony, and testimony so taken and sworn to shall be  
2559 admissible in evidence for and against the respondent. The board  
2560 shall be entitled to the assistance of the chancery court or the  
2561 chancellor in vacation, which, on petition by the board, shall  
2562 issue ancillary subpoenas and petitions and may punish as for  
2563 contempt of court in the event of noncompliance therewith.

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





2572 circuit court of the county in which that license was recorded to  
2573 cancel that record.

2574 (5) Nothing in this section shall be construed as limiting  
2575 or revoking the authority of any court or of any licensing or  
2576 registering officer or board, other than the Mississippi Board of  
2577 Psychology, to suspend, revoke and reinstate licenses and to  
2578 cancel registrations under the provisions of Section 41-29-311.

2579 (6) Suspension by the board of the license of a psychologist  
2580 shall be for a period not exceeding one (1) year. At the end of  
2581 this period the board shall reevaluate the suspension, and shall  
2582 either reinstate or revoke the license. A person whose license  
2583 has been revoked under the provisions of this section may reapply  
2584 for a license after more than two (2) years have elapsed from the  
2585 date that the denial or revocation is legally effective.

2586 (7) In addition to the reasons specified in subsection (1)  
2587 of this section, the board shall be authorized to suspend the  
2588 license of any licensee for being out of compliance with an order  
2589 for support, as defined in Section 93-11-153. The procedure for  
2590 suspension of a license for being out of compliance with an order  
2591 for support, and the procedure for the reissuance or reinstatement  
2592 of a license suspended for that purpose, and the payment of any  
2593 fees for the reissuance or reinstatement of a license suspended  
2594 for that purpose, shall be governed by Section 93-11-157. Actions  
2595 taken by the board in suspending a license when required by  
2596 Section 93-11-157 or 93-11-163 are not actions from which an



2597 appeal may be taken under this section. Any appeal of a license  
2598 suspension that is required by Section 93-11-157 or 93-11-163  
2599 shall be taken in accordance with the appeal procedure specified  
2600 in Section 93-11-157 or 93-11-163, as the case may be, rather than  
2601 the procedure specified in this section. If there is any conflict  
2602 between any provision of Section 93-11-157 or 93-11-163 and any  
2603 provision of this chapter, the provisions of Section 93-11-157 or  
2604 93-11-163, as the case may be, shall control.

2605 (8) The board may issue a nondisciplinary, educational  
2606 letter to licensees as provided in Section 73-31-7(2)(g). The  
2607 board may also direct a psychologist to obtain a formal assessment  
2608 of ability to practice safely if there is reason to believe there  
2609 may be impairment due to substance abuse or mental incapacity.  
2610 Licensees who may be impaired, but who are able to practice  
2611 safely, may be required by the board to seek appropriate treatment  
2612 and/or supervision. That action by the board in itself will not  
2613 be considered disciplinary.

2614 **SECTION 23.** Section 73-34-109, Mississippi Code of 1972, is  
2615 amended as follows:

2616 73-34-109. (1) An appraisal management company applying for  
2617 registration in this state shall not:

2618 (a) Be owned, in whole or in part, directly or  
2619 indirectly, by any person who has had an appraiser license or  
2620 certificate in this state or in any other state, refused, denied,  
2621 cancelled, surrendered in lieu of revocation, or revoked; or



2622 (b) Be owned by more than ten percent (10%) by a person  
2623 who \* \* \* has been convicted of a disqualifying crime as provided  
2624 in the Fresh Start Act.

2625 (2) (a) For purposes of subsection (1)(b) to qualify for  
2626 initial registration and every third annual renewed registration  
2627 thereafter as an appraisal management company, each individual  
2628 owner of more than ten percent (10%) of an appraisal management  
2629 company must have successfully been cleared for registration  
2630 through an investigation that shall consist of a \* \* \*  
2631 verification that the owner is not guilty of or in violation of  
2632 any statutory ground for denial of registration as set forth in  
2633 this chapter. If no individual owns more than ten percent (10%)  
2634 of the appraisal management company, then an investigation of an  
2635 owner is not required, but in such instances, the controlling  
2636 person designated by the appraisal management company shall be  
2637 subject to the requirements of this subsection. If following the  
2638 initial registration, any individual becomes either an owner of  
2639 more than ten percent (10%) of the appraisal management company or  
2640 the designated controlling person of the appraisal management  
2641 company, then each such person shall be subject to the  
2642 requirements of this subsection at the appraisal management  
2643 company's next annual renewal. To assist the board in conducting  
2644 its registration investigation, each individual owner of more than  
2645 ten percent (10%) of an appraisal management company shall undergo  
2646 a fingerprint-based criminal history records check of the



2647 Mississippi central criminal database and the Federal Bureau of  
2648 Investigation criminal history database. Each applicant shall  
2649 submit a full set of the applicant's fingerprints, in a form and  
2650 manner prescribed by the board, which shall be forwarded to the  
2651 Mississippi Department of Public Safety (department) and the  
2652 Federal Bureau of Investigation Identification Division for this  
2653 purpose.

2654 (b) Any state or national criminal history records  
2655 information obtained by the board that is not already a matter of  
2656 public record shall be deemed nonpublic and confidential  
2657 information restricted to the exclusive use of the board, its  
2658 members, officers, investigators, agents and attorneys in  
2659 evaluating the applicant's eligibility or disqualification for  
2660 registration, and shall be exempt from the Mississippi Public  
2661 Records Act, Section 25-61-1 et seq. Except upon written consent  
2662 of the applicant, or by order of a court of competent  
2663 jurisdiction, or when introduced into evidence in a hearing before  
2664 the board to determine registration, no such information or  
2665 records related thereto shall be released or otherwise disclosed  
2666 by the board to any other person or agency.

2667 (c) The board shall provide to the department the  
2668 fingerprints of the applicant, any additional information that may  
2669 be required by the department, a form signed by the applicant  
2670 consenting to the check of the criminal records and to the use of



2671 the fingerprints and other identifying information required by the  
2672 state or national repositories.

2673 (d) The board shall charge and collect from the  
2674 applicant, in addition to all other applicable fees and costs,  
2675 such amount as may be incurred by the board in requesting and  
2676 obtaining state and national criminal history records information  
2677 on the applicant.

2678 **SECTION 24.** Section 73-39-77, Mississippi Code of 1972, is  
2679 amended as follows:

2680 73-39-77. (1) Upon a written complaint sworn to by any  
2681 person, the board, in its sole discretion, may, after a hearing,  
2682 revoke, suspend or limit for a certain time a license, impose an  
2683 administrative fine not to exceed One Thousand Dollars (\$1,000.00)  
2684 for each separate offense, or otherwise discipline any licensed  
2685 veterinarian for any of the following reasons:

2686 (a) The employment of fraud, misrepresentation or  
2687 deception in obtaining a license.

2688 (b) The inability to practice veterinary medicine with  
2689 reasonable skill and safety because of a physical or mental  
2690 disability, including deterioration of mental capacity, loss of  
2691 motor skills or abuse of drugs or alcohol of sufficient degree to  
2692 diminish the person's ability to deliver competent patient care.

2693 (c) The use of advertising or solicitation that is  
2694 false or misleading.



2695 (d) Conviction of the following in any federal court or  
2696 in the courts of this state or any other jurisdiction, regardless  
2697 of whether the sentence is deferred:

2698 (i) Any \* \* \* disqualifying crime as provided in  
2699 the Fresh Start Act;

2700 (ii) Any crime involving cruelty, abuse or neglect  
2701 of animals, including bestiality;

2702 \* \* \*

2703 ( \* \* \* iii) Any crime involving unlawful sexual  
2704 contact, child abuse, the use or threatened use of a weapon, the  
2705 infliction of injury, indecent exposure, perjury, false reporting,  
2706 criminal impersonation, forgery and any other crime involving a  
2707 lack of truthfulness, veracity or honesty, intimidation of a  
2708 victim or witness, larceny, or alcohol or drugs.

2709 For the purposes of this paragraph, a plea of guilty or a  
2710 plea of nolo contendere accepted by the court shall be considered  
2711 as a conviction.

2712 (e) Incompetence, gross negligence or other malpractice  
2713 in the practice of veterinary medicine.

2714 (f) Aiding the unlawful practice of veterinary  
2715 medicine.

2716 (g) Fraud or dishonesty in the application or reporting  
2717 of any test for disease in animals.



2718           (h) Failure to report, as required by law, or making  
2719 false or misleading report of, any contagious or infectious  
2720 disease.

2721           (i) Failure to keep accurate patient records.

2722           (j) Dishonesty or gross negligence in the performance  
2723 of food safety inspections or in the issuance of any health or  
2724 inspection certificates.

2725           (k) Failure to keep veterinary premises and equipment,  
2726 including practice vehicles, in a clean and sanitary condition.

2727           (l) Failure to permit the board or its agents to enter  
2728 and inspect veterinary premises and equipment, including practice  
2729 vehicles, as set by rules promulgated by the board.

2730           (m) Revocation, suspension or limitation of a license  
2731 to practice veterinary medicine by another state, territory or  
2732 district of the United States.

2733           (n) Loss or suspension of accreditation by any federal  
2734 or state agency.

2735           (o) Unprofessional conduct as defined in regulations  
2736 adopted by the board.

2737           (p) The dispensing, distribution, prescription or  
2738 administration of any veterinary prescription drug, or the  
2739 extralabel use of any drug in the absence of a  
2740 veterinarian-client-patient relationship.

2741           (q) Violations of state or federal drug laws.

2742           (r) Violations of any order of the board.



2743 (s) Violations of this chapter or of the rules  
2744 promulgated under this chapter.

2745 (t) Violation(s) of the provisions of Sections 41-121-1  
2746 through 41-121-9 relating to deceptive advertisement by health  
2747 care practitioners. This paragraph shall stand repealed on July  
2748 1, 2025.

2749 (2) A certified copy of any judgment of conviction or  
2750 finding of guilt by a court of competent jurisdiction or by a  
2751 governmental agency, or agency authorized to issue licenses or  
2752 permits, including the United States Department of Agriculture,  
2753 Animal and Plant Health Inspection Service, the Mississippi Board  
2754 of Animal Health and the Mississippi Board of Health, of a  
2755 veterinarian or veterinary technician of any matters listed in  
2756 this section shall be admissible in evidence in any hearing held  
2757 by the board to discipline such veterinarian or technician and  
2758 shall constitute prima facie evidence of the commission of any  
2759 such act.

2760 **SECTION 25.** Section 73-42-9, Mississippi Code of 1972, is  
2761 amended as follows:

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





2767 individual, signed by the applicant under penalty of perjury and  
2768 must state or contain:

2769 (a) The name of the applicant and the address of the  
2770 applicant's principal place of business;

2771 (b) The name of the applicant's business or employer,  
2772 if applicable;

2773 (c) Any business or occupation engaged in by the  
2774 applicant for the five (5) years next preceding the date of  
2775 submission of the application;

2776 (d) A description of the applicant's:

2777 (i) Formal training as an athlete agent;

2778 (ii) Practical experience as an athlete agent; and

2779 (iii) Educational background relating to the  
2780 applicant's activities as an athlete agent;

2781 (e) The names and addresses of three (3) individuals  
2782 not related to the applicant who are willing to serve as  
2783 references;

2784 (f) The name, sport and last known team for each  
2785 individual for whom the applicant provided services as an athlete  
2786 agent during the five (5) years next preceding the date of  
2787 submission of the application;

2788 (g) The names and addresses of all persons who are:

2789 (i) With respect to the athlete agent's business  
2790 if it is not a corporation, the partners, officers, associates,  
2791 individuals or profit-sharers; and



2792 (ii) With respect to a company or corporation  
2793 employing the athlete agent, the officers, directors and any  
2794 shareholder of the corporation or member with a five percent (5%)  
2795 or greater interest;

2796 (h) Whether the applicant or any other person named  
2797 pursuant to paragraph (g) has been convicted of a crime that, if  
2798 committed in this state, would be a \* \* \* disqualifying crime as  
2799 provided in the Fresh Start Act, and identify the crime;

2800 (i) Whether there has been any administrative or  
2801 judicial determination that the applicant or any other person  
2802 named pursuant to paragraph (g) has made a false, misleading,  
2803 deceptive or fraudulent representation;

2804 (j) Any instance in which the conduct of the applicant  
2805 or any other person named pursuant to paragraph (g) resulted in  
2806 the imposition of a sanction, suspension or declaration of  
2807 ineligibility to participate in an interscholastic or  
2808 intercollegiate athletic event on a student-athlete or educational  
2809 institution;

2810 (k) Any sanction, suspension or disciplinary action  
2811 taken against the applicant or any other person named pursuant to  
2812 paragraph (g) arising out of occupational or professional conduct;

2813 (l) Whether there has been any denial of an application  
2814 for, suspension or revocation of, or refusal to renew, the  
2815 certification, registration or licensure of the applicant or any



2816 other person named pursuant to paragraph (g) as an athlete agent  
2817 in any state;

2818 (m) Any pending litigation against the applicant in the  
2819 applicant's capacity as an agent;

2820 (n) A list of all other states in which the applicant  
2821 is currently licensed or registered as an athlete agent and a copy  
2822 of each state's license or registration, as applicable; and

2823 (o) Consent to submit to a criminal background check  
2824 before being issued a certificate of registration. Any fees  
2825 connected with the background check shall be assessed to the  
2826 applicant.

2827 (2) An individual who has submitted an application for, and  
2828 received a certificate of, registration or licensure as an athlete  
2829 agent in another state, may submit a copy of the application and a  
2830 valid certificate of registration or licensure from the other  
2831 state in lieu of submitting an application in the form prescribed  
2832 pursuant to subsection (1), along with the information requested  
2833 in paragraphs (l), (m), (n) and (o) of subsection (1). The  
2834 Secretary of State shall accept the application and the  
2835 certificate from the other state as an application for  
2836 registration in this state if the application to the other state:

2837 (a) Was submitted in the other state within the six (6)  
2838 months next preceding the submission of the application in this  
2839 state and the applicant certifies the information contained in the  
2840 application is current;



2841 (b) Contains information substantially similar to or  
2842 more comprehensive than that required in an application submitted  
2843 in this state; and

2844 (c) Was signed by the applicant under penalty of  
2845 perjury.

2846 (3) An athlete agent must notify the Secretary of State  
2847 within thirty (30) days whenever the information contained in any  
2848 application for registration as an athlete agent in this state  
2849 changes in a material way or is, or becomes, inaccurate or  
2850 incomplete in any respect. Events requiring notice shall include,  
2851 but are not limited to, the following:

2852 (a) Change in address of the athlete agent's principal  
2853 place of business;

2854 (b) Conviction of a \* \* \* disqualifying crime as  
2855 provided in the Fresh Start Act by the athlete agent;

2856 (c) Denial, suspension, refusal to renew, or revocation  
2857 of a registration or license of the athlete agent as an athlete  
2858 agent in any state; or

2859 (d) Sanction, suspension or other disciplinary action  
2860 taken against the athlete agent arising out of occupational or  
2861 professional conduct.

2862 **SECTION 26.** Section 73-42-11, Mississippi Code of 1972, is  
2863 amended as follows:

2864 73-42-11. (1) Except as otherwise provided in subsection  
2865 (3), the Secretary of State shall issue a certificate of



2866 registration to an individual who complies with Section  
2867 73-42-9(1).

2868 (2) Except as otherwise provided in subsection (3), the  
2869 Secretary of State shall issue a certificate of registration to an  
2870 individual whose application has been accepted under Section  
2871 73-42-9(2).

2872 (3) The Secretary of State may refuse to issue a certificate  
2873 of registration if he determines that the applicant has engaged in  
2874 conduct that has a significant adverse effect on the applicant's  
2875 fitness to serve as an athlete agent. In making the  
2876 determination, the Secretary of State may consider whether the  
2877 applicant has:

2878 (a) Been convicted of a crime in another state that, if  
2879 committed in this state, would be a \* \* \* disqualifying crime as  
2880 provided in the Fresh Start Act;

2881 (b) Made a materially false, misleading, deceptive or  
2882 fraudulent representation as an athlete agent or in the  
2883 application;

2884 (c) Engaged in conduct that would disqualify the  
2885 applicant from serving in a fiduciary capacity;

2886 (d) Engaged in conduct prohibited by Section 73-42-27;

2887 (e) Had a registration, licensure or certification as  
2888 an athlete agent suspended, revoked, or denied or been refused  
2889 renewal of registration, licensure or certification in any state;



2890 (f) Engaged in conduct or failed to engage in conduct  
2891 the consequence of which was that a sanction, suspension or  
2892 declaration of ineligibility to participate in an interscholastic  
2893 or intercollegiate athletic event was imposed on a student-athlete  
2894 or educational institution; or

2895 (g) Engaged in conduct that significantly adversely  
2896 reflects on the applicant's trustworthiness or credibility.

2897 (4) In making a determination under subsection (3), the  
2898 Secretary of State shall consider:

2899 (a) How recently the conduct occurred;

2900 (b) The nature of the conduct and the context in which  
2901 it occurred; and

2902 (c) Any other relevant conduct of the applicant.

2903 (5) An athlete agent may apply to renew a registration by  
2904 submitting an application for renewal in a form prescribed by the  
2905 Secretary of State. An application filed under this section is a  
2906 public record. The application for renewal must be signed by the  
2907 applicant under penalty of perjury and must contain current  
2908 information on all matters required in an original registration.

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



2915 renewal from the other state as an application for renewal in this  
2916 state if the application to the other state:

2917 (a) Was submitted in the other state within the last  
2918 six (6) months and the applicant certifies the information  
2919 contained in the application for renewal is current;

2920 (b) Contains information substantially similar to or  
2921 more comprehensive than that required in an application for  
2922 renewal submitted in this state; and

2923 (c) Was signed by the applicant under penalty of  
2924 perjury.

2925 (7) Except as provided in Section 33-1-39, a certificate of  
2926 registration or a renewal of a registration is valid for two (2)  
2927 years.

2928 **SECTION 27.** Section 73-53-8, Mississippi Code of 1972, is  
2929 amended as follows:

2930 73-53-8. (1) There is created the Board of Examiners for  
2931 Social Workers and Marriage and Family Therapists to license and  
2932 regulate social workers and marriage and family therapists. The  
2933 board shall be composed of ten (10) members, six (6) of which  
2934 shall be social workers and four (4) of which shall be marriage  
2935 and family therapists.

2936 (2) Of the social worker members of the board, two (2) must  
2937 be licensed social workers, and four (4) must be licensed master  
2938 social workers or licensed certified social workers or a  
2939 combination thereof. The marriage and family therapist members of



2940 the board must be licensed marriage and family therapists. For at  
2941 least two (2) years immediately preceding his or her appointment,  
2942 each marriage and family therapist appointee must have been  
2943 actively engaged as a marriage and family therapist in rendering  
2944 professional services in marriage and family therapy, or in the  
2945 education and training of master's, doctoral or post-doctoral  
2946 students of marriage and family therapy, or in marriage and family  
2947 therapy research, and during the two (2) years preceding his or  
2948 her appointment, must have spent the majority of the time devoted  
2949 to that activity in this state. The initial marriage and family  
2950 therapist appointees shall be deemed to be and shall become  
2951 licensed practicing marriage and family therapists immediately  
2952 upon their appointment and qualification as members of the board.  
2953 All subsequent marriage and family therapist appointees to the  
2954 board must be licensed marriage and family therapists before their  
2955 appointment.

2956 (3) The Governor shall appoint six (6) members of the board,  
2957 four (4) of which shall be social workers and two (2) of which  
2958 shall be marriage and family therapists, and the Lieutenant  
2959 Governor shall appoint four (4) members of the board, two (2) of  
2960 which shall be social workers and two (2) of which shall be  
2961 marriage and family therapists. Social worker members of the  
2962 board shall be appointed from nominations submitted by the  
2963 Mississippi Chapter of the National Association of Social Workers,  
2964 and marriage and family therapist members of the board shall be





2965 appointed from nominations submitted by the Mississippi  
2966 Association for Marriage and Family Therapy. All appointments  
2967 shall be made with the advice and consent of the Senate.

2968 (4) The initial appointments to the board shall be made as  
2969 follows: The Governor shall appoint one (1) social worker member  
2970 for a term that expires on June 30, 1999, one (1) social worker  
2971 member for a term that expires on June 30, 2001, two (2) social  
2972 worker members for terms that expire on June 30, 2002, one (1)  
2973 marriage and family therapist member for a term that expires on  
2974 June 30, 1998, and one (1) marriage and family therapist member  
2975 for a term that expires on June 30, 2000. The Lieutenant Governor  
2976 shall appoint one (1) social worker member for a term that expires  
2977 on June 30, 1998, one (1) social worker member for a term that  
2978 expires on June 30, 2000, one (1) marriage and family therapist  
2979 member for a term that expires on June 30, 1999, and one (1)  
2980 marriage and family therapist member of the board for a term that  
2981 expires on June 30, 2001. After the expiration of the initial  
2982 terms, all subsequent appointments shall be made by the original  
2983 appointing authorities for terms of four (4) years from the  
2984 expiration date of the previous term. Upon the expiration of his  
2985 or her term of office, a board member shall continue to serve  
2986 until his or her successor has been appointed and has qualified.  
2987 No person may be appointed more than once to fill an unexpired  
2988 term or more than two (2) consecutive full terms.



2989           (5) Any vacancy on the board before the expiration of a term  
2990 shall be filled by appointment of the original appointing  
2991 authority for the remainder of the unexpired term. Appointments  
2992 to fill vacancies shall be made from nominations submitted by the  
2993 appropriate organization as specified in subsection (2) of this  
2994 section for the position being filled.

2995           (6) The appointing authorities shall give due regard to  
2996 geographic distribution, race and sex in making all appointments  
2997 to the board.

2998           (7) The board shall select one (1) of its members to serve  
2999 as chairman during the term of his or her appointment to the  
3000 board. No person may serve as chairman for more than four (4)  
3001 years. The board may remove any member of the board or the  
3002 chairman from his or her position as chairman for (a) malfeasance  
3003 in office, or (b) conviction of a \* \* \* disqualifying crime as  
3004 provided in the Fresh Start Act while in office, or (c) failure to  
3005 attend three (3) consecutive board meetings. However, no member  
3006 may be removed until after a public hearing of the charges against  
3007 him or her, and at least thirty (30) days' prior written notice to  
3008 the accused member of the charges against him or her and of the  
3009 date fixed for such hearing. No board member shall participate in  
3010 any matter before the board in which he has a pecuniary interest,  
3011 personal bias or other similar conflict of interest.

3012           (8) Board members shall receive no compensation for their  
3013 services, but shall be reimbursed for their actual and necessary



3014 expenses incurred in the performance of official board business as  
3015 provided in Section 25-3-41.

3016 (9) Four (4) social worker members and three (3) marriage  
3017 and family therapist members of the board shall constitute a  
3018 quorum of the board. In making its decisions and taking actions  
3019 affecting the members of one (1) of the professions regulated by  
3020 the board, the board shall consider the recommendations of the  
3021 board members who are members of that profession. If the board is  
3022 unable to have a quorum present at a regularly scheduled meeting  
3023 location, the board may allow other members to participate in the  
3024 meeting by telephone or other electronic means. In the case of an  
3025 administrative hearing, when recusals from the process are  
3026 necessary, a quorum may consist of a simple majority of six (6)  
3027 members.

3028 (10) The principal office of the board shall be in the City  
3029 of Jackson, but the board may act and exercise all of its powers  
3030 at any other place. The board shall adopt an official seal, which  
3031 shall be judicially noticed and which shall be affixed to all  
3032 licenses issued by the board.

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



3038 salary of the executive director, subject to the approval of the  
3039 State Personnel Board.

3040 (12) The board, by a majority vote, from time to time, may  
3041 make such provisions as it deems appropriate to authorize the  
3042 performance by any board member or members, employee or other  
3043 agent of the board of any function given the board in this chapter  
3044 or Sections 73-54-1 through 73-54-39.

3045 **SECTION 28.** Section 73-55-19, Mississippi Code of 1972, is  
3046 amended as follows:

3047 73-55-19. (1) Any person licensed under this chapter may  
3048 have his license revoked or suspended for a fixed period to be  
3049 determined by the board for any of the following causes:

3050 (a) Being convicted of an offense involving \* \* \* a  
3051 disqualifying crime as provided in the Fresh Start Act. The  
3052 record of such conviction, or certified copy thereof from the  
3053 clerk of the court where such conviction occurred or by the judge  
3054 of that court, shall be sufficient evidence to warrant revocation  
3055 or suspension.

3056 (b) By securing a license under this chapter through  
3057 fraud or deceit.

3058 (c) For unethical conduct or for gross ignorance or  
3059 inefficiency in the conduct of his practice.

3060 (d) For knowingly practicing while suffering with a  
3061 contagious or infectious disease.



3062 (e) For the use of a false name or alias in the  
3063 practice of his profession.

3064 (f) For violating any of the provisions of this  
3065 chapter.

3066 (2) Any person, whose license is sought to be revoked or  
3067 suspended under the provisions of this chapter, shall be given  
3068 thirty (30) days' notice, in writing, enumerating the charges and  
3069 specifying a date for public hearing thereon. The hearing shall  
3070 be held in the county where the person's business is conducted.  
3071 The board may issue subpoenas, compel the attendance and testimony  
3072 of witnesses, and place them under oath, the same as any court of  
3073 competent jurisdiction where the hearing takes place.

3074 (3) At all hearings the board may designate in writing one  
3075 or more persons deemed competent by the board to conduct the  
3076 hearing as trial examiner or trial committee, with the decision to  
3077 be rendered in accordance with the provisions of subsection (4) of  
3078 this section.

3079 (4) After a hearing has been completed the trial examiner or  
3080 trial committee who conducted the hearing shall proceed to  
3081 consider the case and, as soon as practicable, shall render a  
3082 decision. In any case, the decision must be rendered within sixty  
3083 (60) days after the hearing. The decision shall contain:

3084 (a) The findings of fact made by the trial examiner or  
3085 trial committee;



3086 (b) Conclusions of law reached by the trial examiner or  
3087 trial committee; and

3088 (c) The order based upon these findings of fact and  
3089 conclusions of law.

3090 (5) From any revocation or suspension, the person charged  
3091 may, within thirty (30) days thereof, appeal to the chancery court  
3092 of the county where the hearing was held.

3093 (6) Notice of appeals shall be filed in the office of the  
3094 clerk of the court, who shall issue a writ of certiorari directed  
3095 to the board, commanding it within ten (10) days after service  
3096 thereof to certify to such court its entire record in the matter  
3097 in which the appeal has been taken. The appeal shall thereupon be  
3098 heard in the due course by said court without a jury, and the  
3099 court shall review the record and make its determination of the  
3100 cause between the parties.

3101 (7) If there is an appeal, such appeal may, in the  
3102 discretion of and on motion to the chancery court, act as a  
3103 supersedeas. The chancery court shall dispose of the appeal and  
3104 enter its decision promptly. The hearing on the appeal may, in  
3105 the discretion of the chancellor, be tried in vacation.

3106 (8) Any person taking an appeal shall post a satisfactory  
3107 bond in the amount of Two Hundred Dollars (\$200.00) for payment of  
3108 any costs which may be adjudged against him.

3109 (9) In addition to the reasons specified in subsection (1)  
3110 of this section, the board shall be authorized to suspend the



3111 license of any licensee for being out of compliance with an order  
3112 for support, as defined in Section 93-11-153. The procedure for  
3113 suspension of a license for being out of compliance with an order  
3114 for support, and the procedure for the reissuance or reinstatement  
3115 of a license suspended for that purpose, and the payment of any  
3116 fees for the reissuance or reinstatement of a license suspended  
3117 for that purpose, shall be governed by Section 93-11-157 or  
3118 93-11-163, as the case may be. Actions taken by the board in  
3119 suspending a license when required by Section 93-11-157 or  
3120 93-11-163 are not actions from which an appeal may be taken under  
3121 this section. Any appeal of a license suspension that is required  
3122 by Section 93-11-157 or 93-11-163 shall be taken in accordance  
3123 with the appeal procedure specified in Section 93-11-157 or  
3124 93-11-163, as the case may be, rather than the procedure specified  
3125 in this section. If there is any conflict between any provision  
3126 of Section 93-11-157 or 93-11-163 and any provision of this  
3127 chapter, the provisions of Section 93-11-157 or 93-11-163, as the  
3128 case may be, shall control.

3129       **SECTION 29.** Section 73-65-13, Mississippi Code of 1972, is  
3130 amended as follows:

3131       73-65-13. (1) The board may deny any application, or  
3132 suspend or revoke any license held or applied for under the  
3133 provisions of Section 73-65-7 if the person:



3134 (a) Is found guilty of fraud, deceit, or  
3135 misrepresentation in procuring or attempting to procure a license  
3136 to practice art therapy;

3137 (b) Is adjudicated mentally incompetent;

3138 (c) Is found guilty of a \* \* \* disqualifying crime as  
3139 provided in the Fresh Start Act;

3140 (d) Is found guilty of unprofessional or unethical  
3141 conduct in this or any other jurisdiction;

3142 (e) Has been using any controlled substance or  
3143 alcoholic beverage to an extent or in a manner dangerous to the  
3144 person, any other person, or the public, or to an extent that the  
3145 use impairs the ability to perform as a licensed professional art  
3146 therapist;

3147 (f) Has violated any provision of this chapter; or

3148 (g) Willfully or negligently divulges a professional  
3149 confidence.

3150 (2) A certified copy of the record of conviction shall be  
3151 conclusive evidence of the conviction.

3152 (3) Disciplinary proceedings may be initiated upon the  
3153 receipt by the board of a sworn complaint by any person, including  
3154 members of the board.

3155 **SECTION 30.** Section 73-71-33, Mississippi Code of 1972, is  
3156 amended as follows:

3157 73-71-33. The following acts constitute grounds for which  
3158 the board may initiate disciplinary actions:





3159           (a) Attempting to obtain, or renewing a license to  
3160 practice acupuncture by bribery or misinterpretation;

3161           (b) Having a license to practice acupuncture revoked,  
3162 suspended, or otherwise acted against, including the denial of  
3163 licensure by the licensing authority of another state or territory  
3164 for reasons that would preclude licensure in this state;

3165           (c) Being convicted or found guilty, regardless of  
3166 adjudication, in any jurisdiction of a \* \* \* disqualifying crime  
3167 as provided in the Fresh Start Act or a crime that directly  
3168 relates to acupuncture. For the purposes of this paragraph, a  
3169 plea of guilty or a plea of nolo contendere accepted by the court  
3170 shall be considered as a conviction;

3171           (d) Advertising, practicing, or attempting to practice  
3172 under a name other than one's own;

3173           (e) The use of advertising or solicitation that is  
3174 false or misleading;

3175           (f) Aiding, assisting, procuring, employing or  
3176 advertising an unlicensed person to practice acupuncture contrary  
3177 to this chapter or a rule of the board;

3178           (g) Failing to perform any statutory or legal  
3179 obligation placed upon an acupuncture practitioner;

3180           (h) Making or filing a report that the licensee knows  
3181 to be false, intentionally or negligently failing to file a report  
3182 required by state or federal law, willfully impeding or  
3183 obstructing that filing or inducing another person to do so.



3184 Those reports shall include only those that are signed in the  
3185 capacity of an acupuncture practitioner;

3186 (i) Exercising coercion, intimidation or undue  
3187 influence in entering into sexual relations with a patient, or  
3188 continuing the patient-practitioner relationship with a patient  
3189 with whom the licensee has sexual relations, if those sexual  
3190 relations cause the licensee to perform services incompetently.  
3191 This paragraph shall not apply to sexual relations between  
3192 acupuncture practitioners and their spouses;

3193 (j) Making deceptive, untrue or fraudulent  
3194 misrepresentations in the practice of acupuncture;

3195 (k) Soliciting patients, either personally or through  
3196 an agent, through the use of fraud, intimidation or undue  
3197 influence, or a form of overreaching conduct;

3198 (l) Failing to keep written medical records justifying  
3199 the course of treatment of the patient;

3200 (m) Exercising undue influence on the patient to  
3201 exploit the patient for financial gain of the licensee or of a  
3202 third party;

3203 (n) Being unable to practice acupuncture with  
3204 reasonable skill and safety to patients by reason of illness or  
3205 intemperate use of alcohol, drugs, narcotics, chemicals, or any  
3206 other type of material or as a result of any mental or physical  
3207 condition;



3208           (o) Malpractice or the failure to practice acupuncture  
3209 to that level of care, skill and treatment that is recognized by a  
3210 reasonably prudent similar practitioner of acupuncture as being  
3211 acceptable under similar conditions and circumstances;

3212           (p) Practicing or offering to practice beyond the scope  
3213 permitted by law or accepting or performing professional  
3214 responsibilities that the licensee knows or has reason to know  
3215 that he or she is not qualified by training, experience or  
3216 certification to perform;

3217           (q) Delegating professional responsibilities to a  
3218 person when the licensee delegating those responsibilities knows,  
3219 or has reason to know, that the person is not qualified by  
3220 training, experience or licensure to perform them;

3221           (r) Violating any provision of this chapter, a rule of  
3222 the board, or a lawful order of the board previously entered in a  
3223 disciplinary hearing or failing to comply with a lawfully issued  
3224 subpoena of the board;

3225           (s) Conspiring with another to commit an act, or  
3226 committing an act, that coerces, intimidates or precludes another  
3227 licensee from lawfully advertising or providing his or her  
3228 services;

3229           (t) Fraud or deceit, or gross negligence, incompetence  
3230 or misconduct in the operation of a course of study;



3231 (u) Failing to comply with state, county or municipal  
3232 regulations or reporting requirements relating to public health  
3233 and the control of contagious and infectious disease;

3234 (v) Failing to comply with any rule of the board  
3235 relating to health and safety, including, but not limited to,  
3236 sterilization of equipment and the disposal of potentially  
3237 infectious materials;

3238 (w) Incompetence, gross negligence or other malpractice  
3239 in the practice of acupuncture;

3240 (x) Aiding the unlawful practice of acupuncture;

3241 (y) Fraud or dishonesty in the application or reporting  
3242 of any test for disease;

3243 (z) Failure to report, as required by law, or making  
3244 false or misleading report of, any contagious or infectious  
3245 disease;

3246 (aa) Failure to keep accurate patient records; or

3247 (bb) Failure to permit the board or its agents to enter  
3248 and inspect acupuncture premises and equipment as set by rules  
3249 promulgated by the board.

3250 **SECTION 31.** Section 73-73-7, Mississippi Code of 1972, is  
3251 amended as follows:

3252 73-73-7. (1) Beginning on July 1, 2012, the board and  
3253 Interior Design Advisory Committee shall receive applications for  
3254 certification as a Mississippi Certified Interior Designer on  
3255 forms prescribed and furnished by the board and IDAC.



3256 (2) Upon receipt of an application, the board, upon the  
3257 recommendation of IDAC, may approve the application, provided the  
3258 applicant meets one (1) of the following requirements:

3259 (a) The applicant passed the IDQE as administered by  
3260 NCIDQ before January 1, 2012;

3261 (b) The applicant has a degree in interior design from  
3262 a program accredited by the CIDA, a degree in architecture from a  
3263 program accredited by the National Architectural Accreditation  
3264 Board (NAAB), or a four-year degree in interior design from a  
3265 college or university approved by the regulatory board.

3266 Additionally, the applicant must have passed the IDQE as  
3267 administered by NCIDQ or its approved successor;

3268 (c) The applicant is a licensed architect in the State  
3269 of Mississippi who has passed the IDQE as administered by NCIDQ or  
3270 its approved successor; or

3271 (d) The applicant is a licensed engineer in the State  
3272 of Mississippi who has passed the IDQE as administered by NCIDQ or  
3273 its approved successor.

3274 (3) The applicant must exhibit to the regulatory board and  
3275 IDAC the applicant's good standing in the profession \* \* \*.  
3276 Except as otherwise provided in this subsection, any of the  
3277 following acts shall preclude an applicant's eligibility as a  
3278 candidate for certification:

3279 (a) Conviction by any court for commission of any \* \* \*  
3280 disqualifying crime as provided in the Fresh Start Act.



3281 (b) Conviction by any court of a misdemeanor involving  
3282 fraud, deceit or misrepresentation.

3283 (c) Misstatement or misrepresentation of fact by the  
3284 applicant in connection with the applicant's application for  
3285 certification in this state or another jurisdiction.

3286 (d) Violation of any of the rules of conduct required  
3287 of applicants or interior designers as adopted by the board.

3288 If the board determines that the applicant has shown clear  
3289 and convincing evidence of rehabilitation and reform, the board  
3290 may certify an applicant otherwise precluded from consideration  
3291 because of an act prohibited under this subsection. A decision to  
3292 certify an applicant notwithstanding the applicant's violation of  
3293 an act prohibited under this subsection is in the sole discretion  
3294 of the board and upon such terms, conditions and evidence as the  
3295 board may require.

3296 (4) The board and IDAC may require that the applicant appear  
3297 before the board for a personal interview.

3298 (5) The board, upon the recommendation of IDAC, may adopt or  
3299 develop alternate routes of eligibility and examination  
3300 requirements based on standards as set forth by NCIDQ or its  
3301 approved successor.

3302 (6) Any application submitted to the board and IDAC may be  
3303 denied for any violation of the provisions of this chapter.

3304 **SECTION 32.** Section 73-75-19, Mississippi Code of 1972, is  
3305 amended as follows:



3306           73-75-19.   **License denial, suspension, or revocation.**   (1)  
3307   The board, by an affirmative vote of at least three (3) of its  
3308   five (5) members, shall withhold, deny, revoke or suspend any  
3309   license issued or applied for in accordance with the provisions of  
3310   this chapter, or otherwise discipline a licensed behavior analyst  
3311   or licensed assistant behavior analyst upon finding that the  
3312   applicant or licensee:

3313           (a)   Has violated the current Behavior Analyst  
3314   Certification Board Professional Disciplinary and Ethical  
3315   Standards, the Behavior Analyst Certification Board Guidelines for  
3316   Responsible Conduct for Behavior Analysts, or other codes of  
3317   ethical standards adopted by the board, or has lost or failed to  
3318   renew certification by the Behavior Analyst Certification Board;  
3319   or

3320           (b)   Has been convicted of a \* \* \* disqualifying crime  
3321   as provided in the Fresh Start Act, the record of conviction being  
3322   conclusive evidence thereof; or

3323           (c)   Is using any narcotic or any alcoholic beverage to  
3324   an extent or in a manner dangerous to any other person or the  
3325   public, or to an extent that such use impairs his ability to  
3326   perform the work of a licensed behavior analyst or licensed  
3327   assistant behavior analyst; or

3328           (d)   Has impersonated another person holding a license  
3329   issued under this chapter or allowed another person to use his  
3330   license; or



3331 (e) Has used fraud or deception in applying for a  
3332 license provided for in this chapter; or

3333 (f) Has accepted commissions or rebates or other forms  
3334 of remuneration for referring clients to other professional  
3335 persons; or

3336 (g) Has allowed his name or license issued under this  
3337 chapter to be used in connection with any person or persons who  
3338 perform applied behavior analysis services outside the area of  
3339 their training, experience or competence; or

3340 (h) Is legally adjudicated mentally incompetent, the  
3341 record of such adjudication being conclusive evidence thereof; or

3342 (i) Has willfully or negligently violated any of the  
3343 provisions of this chapter.

3344 (2) The board may recover from any person disciplined under  
3345 this chapter the costs of investigation, prosecution, and  
3346 adjudication of the disciplinary action.

3347 (3) Notice shall be effected by registered mail or personal  
3348 service setting forth the particular reasons for the proposed  
3349 action and fixing a date not less than thirty (30) days nor more  
3350 than sixty (60) days from the date of such mailing or such  
3351 service, at which time the applicant or licensee shall be given an  
3352 opportunity for a prompt and fair hearing. For the purpose of  
3353 such hearing the board, acting by and through its executive  
3354 secretary, may exercise all authority granted to conduct  
3355 investigations and hearings pursuant to Section 73-75-9(2) (a) and





3356 (b). At such hearing the applicant or licensee may appear by  
3357 counsel and personally on his own behalf. On the basis of any  
3358 such hearing, or upon default of applicant or licensee, the board  
3359 shall make a determination specifying its findings of fact and  
3360 conclusions of law. A copy of such determination shall be sent by  
3361 registered mail or served personally upon the applicant or  
3362 licensee. The decision of the board denying, revoking or  
3363 suspending the license shall become final thirty (30) days after  
3364 so mailed or served unless within that period the licensee appeals  
3365 the decision to the Chancery Court of Madison or Rankin Counties,  
3366 pursuant to the provisions hereof, and the proceedings in chancery  
3367 shall be conducted as other matters coming before the court. All  
3368 proceedings and evidence, together with exhibits, presented at  
3369 such hearing before the board in the event of appeal, shall be  
3370 admissible in evidence in the court.

3371 (4) Nothing in this subsection shall be interpreted to  
3372 prohibit the board from immediately suspending any license prior  
3373 to a hearing under subsection (3) of this section, when in its  
3374 sole discretion the suspension is required for the instruction,  
3375 safety or well-being of any member of the public.

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



3381 The board may make public its order and judgments in such manner  
3382 and form as it deems proper.

3383 (6) Suspension by the board of a license issued under this  
3384 chapter shall be for a period not to exceed one (1) year. At the  
3385 end of this period the board shall reevaluate the suspension, and  
3386 shall either reinstate or revoke the license. A person whose  
3387 license has been revoked under the provisions of this section may  
3388 reapply for license after more than two (2) years have elapsed  
3389 from the date such revocation is legally effective.

3390 (7) In addition to the reasons specified in subsection (1)  
3391 of this section, the board shall be authorized to suspend the  
3392 license of any licensee for being out of compliance with an order  
3393 for support, in compliance with the procedures set forth in  
3394 Sections 93-11-151 through 93-11-163.

3395 **SECTION 33.** Section 75-76-35, Mississippi Code of 1972, is  
3396 amended as follows:

3397 75-76-35. (1) The Legislature hereby declares that the  
3398 exclusion or ejection of certain persons from licensed gaming  
3399 establishments is necessary to effectuate the policies of this  
3400 chapter and to maintain effectively the strict regulation of  
3401 licensed gaming.

3402 (2) The commission may by regulation provide for the  
3403 establishment of a list of persons who are to be excluded or  
3404 ejected from any licensed gaming establishment. The list may  
3405 include any person whose presence in the establishment is



3406 determined by the commission or the executive director to pose a  
3407 threat to the interests of this state or to licensed gaming, or  
3408 both.

3409 (3) In making that determination, the commission and the  
3410 executive director may consider any:

3411 (a) Prior conviction of a crime which is a \* \* \*  
3412 disqualifying crime as provided in the Fresh Start Act or a  
3413 violation of the gaming laws of any state;

3414 (b) Violation or conspiracy to violate the provisions  
3415 of this chapter relating to:

3416 (i) The failure to disclose an interest in a  
3417 gaming establishment for which the person must obtain a license;  
3418 or

3419 (ii) Willful evasion of fees or taxes;

3420 (c) Notorious or unsavory reputation which would  
3421 adversely affect public confidence and trust that the gaming  
3422 industry is free from criminal or corruptive elements; or

3423 (d) Written order of a governmental agency which  
3424 authorizes the exclusion or ejection of the person from an  
3425 establishment at which gaming is conducted.

3426 (4) Race, color, creed, national origin or ancestry, or sex  
3427 shall not be grounds for placing the name of a person upon the  
3428 list.

3429 **SECTION 34.** Section 75-76-131, Mississippi Code of 1972, is  
3430 amended as follows:



3431 75-76-131. (1) The executive director shall:

3432 (a) Ascertain and keep himself informed of the  
3433 identity, prior activities and present location of all gaming  
3434 employees in the State of Mississippi; and

3435 (b) Maintain confidential records of such information.

3436 (2) No person may be employed as a gaming employee unless he  
3437 is the holder of a work permit issued by the commission.

3438 (3) A work permit issued to a gaming employee must have  
3439 clearly imprinted thereon a statement that it is valid for gaming  
3440 purposes only.

3441 (4) Application for a work permit is to be made to the  
3442 executive director and may be granted or denied for any cause  
3443 deemed reasonable by the commission. Whenever the executive  
3444 director denies such an application, he shall include in the  
3445 notice of the denial a statement of the facts upon which he relied  
3446 in denying the application.

3447 (5) Any person whose application for a work permit has been  
3448 denied by the executive director may, not later than sixty (60)  
3449 days after receiving notice of the denial or objection, apply to  
3450 the commission for a hearing before a hearing examiner. A failure  
3451 of a person whose application has been denied to apply for a  
3452 hearing within sixty (60) days or his failure to appear at a  
3453 hearing conducted pursuant to this section shall be deemed to be  
3454 an admission that the denial or objection is well founded and  
3455 precludes administrative or judicial review. At the hearing, the



3456 hearing examiner appointed by the commission shall take any  
3457 testimony deemed necessary. After the hearing the hearing  
3458 examiner shall within thirty (30) days after the date of the  
3459 hearing announce his decision sustaining or reversing the denial  
3460 of the work permit or the objection to the issuance of a work  
3461 permit. The executive director may refuse to issue a work permit  
3462 if the applicant has:

3463           (a) Failed to disclose, misstated or otherwise  
3464 attempted to mislead the commission with respect to any material  
3465 fact contained in the application for the issuance or renewal of a  
3466 work permit;

3467           (b) Knowingly failed to comply with the provisions of  
3468 this chapter or the regulations of the commission at a place of  
3469 previous employment;

3470           (c) Committed, attempted or conspired to commit any  
3471 crime of \* \* \* embezzlement or larceny or any violation of any law  
3472 pertaining to gaming, or any crime which is inimical to the  
3473 declared policy of this state concerning gaming;

3474           (d) Been identified in the published reports of any  
3475 federal or state legislative or executive body as being a member  
3476 or associate of organized crime, or as being of notorious and  
3477 unsavory reputation;

3478           (e) Been placed and remains in the constructive custody  
3479 of any federal, state or municipal law enforcement authority;



3480 (f) Had a work permit revoked or committed any act  
3481 which is a ground for the revocation of a work permit or would  
3482 have been a ground for revoking his work permit if he had then  
3483 held a work permit; or

3484 (g) For any other reasonable cause.

3485 The executive director shall refuse to issue a work permit if  
3486 the applicant has committed, attempted or conspired to commit a  
3487 crime which is a \* \* \* disqualifying crime as provided in the  
3488 Fresh Start Act in this state or an offense in another state or  
3489 jurisdiction which would be a \* \* \* disqualifying crime as  
3490 provided in the Fresh Start Act if committed in this state.

3491 (6) Any applicant aggrieved by the decision of the hearing  
3492 examiner may, within fifteen (15) days after the announcement of  
3493 the decision, apply in writing to the commission for review of the  
3494 decision. Review is limited to the record of the proceedings  
3495 before the hearing examiner. The commission may sustain or  
3496 reverse the hearing examiner's decision. The commission may  
3497 decline to review the hearing examiner's decision, in which case  
3498 the hearing examiner's decision becomes the final decision of the  
3499 commission. The decision of the commission is subject to judicial  
3500 review.

3501 (7) All records acquired or compiled by the commission  
3502 relating to any application made pursuant to this section and all  
3503 lists of persons to whom work permits have been issued or denied  
3504 and all records of the names or identity of persons engaged in the



3505 gaming industry in this state are confidential and must not be  
3506 disclosed except in the proper administration of this chapter or  
3507 to an authorized law enforcement agency. Any record of the  
3508 commission which shows that the applicant has been convicted of a  
3509 disqualifying crime in another state must show whether the crime  
3510 was a misdemeanor, gross misdemeanor, felony or other class of  
3511 crime as classified by the state in which the crime was committed.  
3512 In a disclosure of the conviction, reference to the classification  
3513 of the crime must be based on the classification in the state  
3514 where it was committed.

3515 (8) A work permit expires unless renewed within ten (10)  
3516 days after a change of place of employment or if the holder  
3517 thereof is not employed as a gaming employee within the  
3518 jurisdiction of the issuing authority for more than ninety (90)  
3519 days.

3520 (9) Notice of any objection to or denial of a work permit by  
3521 the executive director as provided pursuant to this section is  
3522 sufficient if it is mailed to the applicant's last known address  
3523 as indicated on the application for a work permit. The date of  
3524 mailing may be proven by a certificate signed by the executive  
3525 director or his designee that specifies the time the notice was  
3526 mailed. The notice is presumed to have been received by the  
3527 applicant five (5) days after it is deposited with the United  
3528 States Postal Service with the postage thereon prepaid.



3529           **SECTION 35.** Section 83-7-207, Mississippi Code of 1972, is  
3530 amended as follows:

3531           83-7-207. (1) The commissioner may suspend, revoke or  
3532 refuse to renew the license of a viatical settlement provider,  
3533 viatical settlement representative or viatical settlement broker  
3534 if the commissioner finds that:

3535                   (a) There was any material misrepresentation in the  
3536 application for the license;

3537                   (b) The licensee or any officer, partner or key  
3538 management personnel has been convicted of fraudulent or dishonest  
3539 practices, is subject to a final administrative action or is  
3540 otherwise shown to be untrustworthy or incompetent;

3541                   (c) The viatical settlement provider demonstrates a  
3542 pattern of unreasonable payments to viators;

3543                   (d) The licensee has been found guilty of, or has  
3544 pleaded guilty or nolo contendere to, any \* \* \* disqualifying  
3545 crime as provided in the Fresh Start;

3546                   (e) The viatical settlement provider has failed to  
3547 honor contractual obligations set out in a viatical settlement  
3548 contract;

3549                   (f) The licensee no longer meets the requirements for  
3550 initial licensure;

3551                   (g) The viatical settlement provider has assigned,  
3552 transferred or pledged a viaticated policy to a person other than





3553 a viatical settlement provider licensed in this state or a  
3554 financing entity; or

3555 (h) The licensee has violated any provisions of  
3556 Sections 83-7-201 through 83-7-223.

3557 (2) Before the commissioner shall deny a license application  
3558 or suspend, revoke or refuse to renew the license of a viatical  
3559 settlement provider, viatical settlement broker or viatical  
3560 settlement representative, the commissioner shall conduct a  
3561 hearing in accordance with Section 25-43-1.101 et seq.

3562 **SECTION 36.** Section 83-39-15, Mississippi Code of 1972, is  
3563 amended as follows:

3564 83-39-15. (1) The department may deny, suspend, revoke or  
3565 refuse to renew, as may be appropriate, a license to engage in the  
3566 business of professional bail agent, soliciting bail agent, or  
3567 bail enforcement agent for any of the following reasons:

3568 (a) Any cause for which the issuance of the license  
3569 would have been refused had it then existed and been known to the  
3570 department.

3571 (b) Failure to post a qualification bond in the  
3572 required amount with the department during the period the person  
3573 is engaged in the business within this state or, if the bond has  
3574 been posted, the forfeiture or cancellation of the bond.

3575 (c) Material misstatement, misrepresentation or fraud  
3576 in obtaining the license.



3577 (d) Willful failure to comply with, or willful  
3578 violation of, any provision of this chapter or of any proper  
3579 order, rule or regulation of the department or any court of this  
3580 state.

3581 (e) Conviction of \* \* \* a disqualifying crime as  
3582 provided in the Fresh Start Act.

3583 (f) Default in payment to the court should any bond  
3584 issued by such bail agent be forfeited by order of the court.

3585 (g) Being elected or employed as a law enforcement or  
3586 judicial official.

3587 (h) Engaging in the practice of law.

3588 (i) Writing a bond in violation of Section  
3589 83-39-3(2)(b)(i) and (ii).

3590 (j) Giving legal advice or a legal opinion in any form.

3591 (k) Acting as or impersonating a bail agent without a  
3592 license.

3593 (l) Use of any other trade name than what is submitted  
3594 on a license application to the department.

3595 (m) Issuing a bail bond that contains information  
3596 intended to mislead a court about the proper delivery by personal  
3597 service or certified mail of a writ of scire facias, judgment nisi  
3598 or final judgment.

3599 (2) In addition to the grounds specified in subsection (1)  
3600 of this section, the department shall be authorized to suspend the  
3601 license, registration or permit of any person for being out of



3602 compliance with an order for support, as defined in Section  
3603 93-11-153. The procedure for suspension of a license,  
3604 registration or permit for being out of compliance with an order  
3605 for support, and the procedure for the reissuance or reinstatement  
3606 of a license, registration or permit suspended for that purpose,  
3607 and the payment of any fees for the reissuance or reinstatement of  
3608 a license, registration or permit suspended for that purpose,  
3609 shall be governed by Section 93-11-157 or 93-11-163, as the case  
3610 may be. If there is any conflict between any provision of Section  
3611 93-11-157 or 93-11-163 and any provision of this chapter, the  
3612 provisions of Section 93-11-157 or 93-11-163, as the case may be,  
3613 shall control.

3614 (3) In addition to the sanctions provided in this section,  
3615 the department may assess an administrative fine in an amount not  
3616 to exceed One Thousand Dollars (\$1,000.00) per violation. Such  
3617 administrative fines shall be in addition to any criminal  
3618 penalties assessed under Section 99-5-1.

3619 **SECTION 37.** Section 9-13-109, Mississippi Code of 1972, is  
3620 amended as follows:

3621 9-13-109. Every applicant for certification shall have  
3622 reached the age of majority \* \* \* and be a resident citizen of the  
3623 State of Mississippi. Further, every applicant shall meet the  
3624 criteria established by the board for certification or shall meet  
3625 the requirements of Section 9-13-109.



3626           **SECTION 38.** Section 21-27-131, Mississippi Code of 1972, is  
3627 amended as follows:

3628           21-27-131. No person may drive or operate motor vehicles for  
3629 hire in any city or town in this state unless he shall first have  
3630 been licensed so to do as follows: he shall make application to  
3631 the mayor of such municipality in writing, accompanied by a  
3632 statement of some reputable citizen thereof, that the applicant is  
3633 over the age of eighteen (18) years, an experienced driver, \* \* \*  
3634 and physically and mentally capacitated to drive and operate such  
3635 motor vehicle. The mayor shall place such application before the  
3636 board of aldermen, or other governing authorities, whereupon  
3637 inquiry may be made by such governing authorities into the \* \* \*  
3638 mental and physical fitness of the applicant. If the permit shall  
3639 be granted the applicant shall receive a certificate of such  
3640 permit, signed by the mayor, together with an identification  
3641 badge, and the name of the municipality thereon, and which shall  
3642 be worn so that the same will be displayed while engaged in or  
3643 about such occupation. The governing authorities of the  
3644 municipality may require the applicant to give a reasonable bond,  
3645 of not more than Five Hundred Dollars (\$500.00), to guarantee the  
3646 faithful observance of the law as well as the rules and  
3647 regulations which may be prescribed by the said municipality, and  
3648 they may also require a reasonable fee, for such permit and badge.  
3649 In the event the governing authority of such municipality refuse  
3650 to grant such permit to an applicant, an appeal may be taken to



3651 the circuit court, in the manner provided by law for appealing  
3652 from other orders of the governing authorities of municipalities,  
3653 and the questions to be tried upon appeal will be as to the age  
3654 and experience and the moral, mental and physical fitness of the  
3655 said applicant to pursue such vocation in such municipality.

3656 **SECTION 39.** Section 21-27-151, Mississippi Code of 1972, is  
3657 amended as follows:

3658 21-27-151. No person may drive or operate any bus of a  
3659 transportation system for the transportation of passengers within  
3660 any city or town in this state, where the operation of such bus is  
3661 subject to regulation by the authorities of such city or town  
3662 under Section 21-27-121, unless he shall first have been licensed  
3663 so to do as follows: he shall make application to the mayor of  
3664 such municipality in writing, accompanied by a statement of some  
3665 reputable citizen thereof, that the applicant is over the age of  
3666 eighteen (18) years, an experienced driver, \* \* \* and physically  
3667 and mentally capacitated to drive and operate such motor vehicle.  
3668 The mayor shall place such application before the board of  
3669 aldermen, or other governing authorities, whereupon inquiry may be  
3670 made by such governing authorities into the \* \* \* and mental and  
3671 physical fitness of the applicant. If the permit shall be granted  
3672 the applicant shall receive a license, signed by the mayor,  
3673 together with a metallic badge, which shall have a number and the  
3674 name of the municipality thereon, and which shall be worn so that  
3675 the same will be displayed while engaged in or about such



3676 occupation. The governing authorities of the municipality may  
3677 require the applicant to give a reasonable bond, of not more than  
3678 Five Hundred Dollars (\$500.00), to guarantee the faithful  
3679 observance of the law as well as the rules and regulations which  
3680 may be prescribed by the said municipality, and they may also  
3681 require a reasonable fee, not to exceed Five Dollars (\$5.00) for  
3682 such license, which said license fee shall be paid into the  
3683 general fund of such municipality. In the event the governing  
3684 authority of such municipality refuse to grant such license to an  
3685 applicant, an appeal may be taken to the circuit court, in the  
3686 manner provided by law for appealing from other orders of the  
3687 governing authorities of municipalities, and the questions to be  
3688 tried upon appeal will be as to the age and experience and  
3689 the \* \* \* mental and physical fitness of the said applicant to  
3690 pursue such vocation in such municipality.

3691 **SECTION 40.** Section 27-109-5, Mississippi Code of 1972, is  
3692 amended as follows:

3693 27-109-5. (1) Any person who the tax commission determines  
3694 is qualified to receive a license or is found suitable under the  
3695 provisions of this chapter, having due consideration for the  
3696 proper protection of the health, safety, morals, good order and  
3697 general welfare of the inhabitants of the State of Mississippi and  
3698 the declared policy of this state, may be issued a state privilege  
3699 license for the operation of a cruise vessel. The burden of



3700 proving his qualification to receive any license or be found  
3701 suitable is on the applicant.

3702 (2) An application to receive a license shall not be granted  
3703 unless the commission is satisfied that the applicant is:

3704 (a) A person of \* \* \* honesty and integrity;

3705 (b) A person whose prior activities, criminal record,  
3706 if any, reputation, habits and associations do not pose a threat  
3707 to the public interest of this state or to the effective  
3708 regulation and control of cruise vessels, or create or enhance the  
3709 dangers of unsuitable, unfair or illegal practices, methods and  
3710 activities in the operation of cruise vessels or the carrying on  
3711 of the business and financial arrangements incidental thereto; and  
3712 (c) In all other respects qualified to be licensed or  
3713 found suitable consistently with the declared policy of the state.

3714 (3) A license to operate a cruise vessel shall not be  
3715 granted unless the applicant has satisfied the commission that:

3716 (a) He has adequate business probity, competence and  
3717 experience, in the operation of cruise vessels or generally; and

3718 (b) The proposed financing of the entire operation is:

3719 (i) Adequate for the nature of the proposed  
3720 operation; and

3721 (ii) From a suitable source. Any lender or other  
3722 source of money or credit which the commission finds does not meet  
3723 the standards set forth in subsection (2) may be deemed  
3724 unsuitable.



3725           **SECTION 41.** Section 37-3-2, Mississippi Code of 1972, is  
3726 amended as follows:

3727           37-3-2. (1) There is established within the State  
3728 Department of Education the Commission on Teacher and  
3729 Administrator Education, Certification and Licensure and  
3730 Development. It shall be the purpose and duty of the commission  
3731 to make recommendations to the State Board of Education regarding  
3732 standards for the certification and licensure and continuing  
3733 professional development of those who teach or perform tasks of an  
3734 educational nature in the public schools of Mississippi.

3735           (2) (a) The commission shall be composed of fifteen (15)  
3736 qualified members. The membership of the commission shall be  
3737 composed of the following members to be appointed, three (3) from  
3738 each of the four (4) congressional districts, as such districts  
3739 existed on January 1, 2011, in accordance with the population  
3740 calculations determined by the 2010 federal decennial census,  
3741 including: four (4) classroom teachers; three (3) school  
3742 administrators; one (1) representative of schools of education of  
3743 public institutions of higher learning located within the state to  
3744 be recommended by the Board of Trustees of State Institutions of  
3745 Higher Learning; one (1) representative from the schools of  
3746 education of independent institutions of higher learning to be  
3747 recommended by the Board of the Mississippi Association of  
3748 Independent Colleges; one (1) representative from public community  
3749 and junior colleges located within the state to be recommended by





3750 the Mississippi Community College Board; one (1) local school  
3751 board member; and four (4) laypersons. Three (3) members of the  
3752 commission, at the sole discretion of the State Board of  
3753 Education, shall be appointed from the state at large.

3754 (b) All appointments shall be made by the State Board  
3755 of Education after consultation with the State Superintendent of  
3756 Public Education. The first appointments by the State Board of  
3757 Education shall be made as follows: five (5) members shall be  
3758 appointed for a term of one (1) year; five (5) members shall be  
3759 appointed for a term of two (2) years; and five (5) members shall  
3760 be appointed for a term of three (3) years. Thereafter, all  
3761 members shall be appointed for a term of four (4) years.

3762 (3) The State Board of Education when making appointments  
3763 shall designate a chairman. The commission shall meet at least  
3764 once every two (2) months or more often if needed. Members of the  
3765 commission shall be compensated at a rate of per diem as  
3766 authorized by Section 25-3-69 and be reimbursed for actual and  
3767 necessary expenses as authorized by Section 25-3-41.

3768 (4) (a) An appropriate staff member of the State Department  
3769 of Education shall be designated and assigned by the State  
3770 Superintendent of Public Education to serve as executive secretary  
3771 and coordinator for the commission. No less than two (2) other  
3772 appropriate staff members of the State Department of Education  
3773 shall be designated and assigned by the State Superintendent of  
3774 Public Education to serve on the staff of the commission.



3775           (b) An Office of Educator Misconduct Evaluations shall  
3776 be established within the State Department of Education to assist  
3777 the commission in responding to infractions and violations, and in  
3778 conducting hearings and enforcing the provisions of subsections  
3779 (11), (12), (13), (14) and (15) of this section, and violations of  
3780 the Mississippi Educator Code of Ethics.

3781           (5) It shall be the duty of the commission to:

3782           (a) Set standards and criteria, subject to the approval  
3783 of the State Board of Education, for all educator preparation  
3784 programs in the state;

3785           (b) Recommend to the State Board of Education each year  
3786 approval or disapproval of each educator preparation program in  
3787 the state, subject to a process and schedule determined by the  
3788 State Board of Education;

3789           (c) Establish, subject to the approval of the State  
3790 Board of Education, standards for initial teacher certification  
3791 and licensure in all fields;

3792           (d) Establish, subject to the approval of the State  
3793 Board of Education, standards for the renewal of teacher licenses  
3794 in all fields;

3795           (e) Review and evaluate objective measures of teacher  
3796 performance, such as test scores, which may form part of the  
3797 licensure process, and to make recommendations for their use;

3798           (f) Review all existing requirements for certification  
3799 and licensure;



3800 (g) Consult with groups whose work may be affected by  
3801 the commission's decisions;

3802 (h) Prepare reports from time to time on current  
3803 practices and issues in the general area of teacher education and  
3804 certification and licensure;

3805 (i) Hold hearings concerning standards for teachers'  
3806 and administrators' education and certification and licensure with  
3807 approval of the State Board of Education;

3808 (j) Hire expert consultants with approval of the State  
3809 Board of Education;

3810 (k) Set up ad hoc committees to advise on specific  
3811 areas;

3812 (l) Perform such other functions as may fall within  
3813 their general charge and which may be delegated to them by the  
3814 State Board of Education; and

3815 (m) Establish standards, subject to the approval of the  
3816 State Board of Education, for supplemental endorsements, provided  
3817 that the standards allow teachers as many options as possible to  
3818 receive a supplemental endorsement, including, but not limited to,  
3819 the option of taking additional coursework or earning at least the  
3820 minimum qualifying score or higher on the required licensure  
3821 subject assessment relevant to the endorsement area for which the  
3822 licensure is sought. The subject assessment option shall not  
3823 apply to certain subject areas, including, but not limited to,  
3824 Early/Primary Education PreK-3, Elementary Education, or Special



3825 Education, except by special approval by the State Board of  
3826 Education.

3827           (6)   (a)   **Standard License - Approved Program Route.**   An  
3828 educator entering the school system of Mississippi for the first  
3829 time and meeting all requirements as established by the State  
3830 Board of Education shall be granted a standard five-year license.  
3831 Persons who possess two (2) years of classroom experience as an  
3832 assistant teacher or who have taught for one (1) year in an  
3833 accredited public or private school shall be allowed to fulfill  
3834 student teaching requirements under the supervision of a qualified  
3835 participating teacher approved by an accredited college of  
3836 education. The local school district in which the assistant  
3837 teacher is employed shall compensate such assistant teachers at  
3838 the required salary level during the period of time such  
3839 individual is completing student teaching requirements.

3840 Applicants for a standard license shall submit to the department:

- 3841                       (i)   An application on a department form;
- 3842                       (ii)   An official transcript of completion of a  
3843 teacher education program approved by the department or a  
3844 nationally accredited program, subject to the following:  
3845 Licensure to teach in Mississippi prekindergarten through  
3846 kindergarten classrooms shall require completion of a teacher  
3847 education program or a Bachelor of Science degree with child  
3848 development emphasis from a program accredited by the American  
3849 Association of Family and Consumer Sciences (AAFCS) or by the



3850 National Association for Education of Young Children (NAEYC) or by  
3851 the National Council for Accreditation of Teacher Education  
3852 (NCATE). Licensure to teach in Mississippi kindergarten, for  
3853 those applicants who have completed a teacher education program,  
3854 and in Grade 1 through Grade 4 shall require the completion of an  
3855 interdisciplinary program of studies. Licenses for Grades 4  
3856 through 8 shall require the completion of an interdisciplinary  
3857 program of studies with two (2) or more areas of concentration.  
3858 Licensure to teach in Mississippi Grades 7 through 12 shall  
3859 require a major in an academic field other than education, or a  
3860 combination of disciplines other than education. Students  
3861 preparing to teach a subject shall complete a major in the  
3862 respective subject discipline. All applicants for standard  
3863 licensure shall demonstrate that such person's college preparation  
3864 in those fields was in accordance with the standards set forth by  
3865 the National Council for Accreditation of Teacher Education  
3866 (NCATE) or the National Association of State Directors of Teacher  
3867 Education and Certification (NASDTEC) or, for those applicants who  
3868 have a Bachelor of Science degree with child development emphasis,  
3869 the American Association of Family and Consumer Sciences (AAFCS).  
3870 Effective July 1, 2016, for initial elementary education  
3871 licensure, a teacher candidate must earn a passing score on a  
3872 rigorous test of scientifically research-based reading instruction  
3873 and intervention and data-based decision-making principles as  
3874 approved by the State Board of Education;



3875 (iii) A copy of test scores evidencing  
3876 satisfactory completion of nationally administered examinations of  
3877 achievement, such as the Educational Testing Service's teacher  
3878 testing examinations;

3879 (iv) Any other document required by the State  
3880 Board of Education; and

3881 (v) From and after July 1, 2020, no teacher  
3882 candidate shall be licensed to teach in Mississippi who did not  
3883 meet the following criteria for entrance into an approved teacher  
3884 education program:

3885 1. An ACT Score of twenty-one (21) (or SAT  
3886 equivalent); or

3887 2. Achieve a qualifying passing score on the  
3888 Praxis Core Academic Skills for Educators examination as  
3889 established by the State Board of Education; or

3890 3. A minimum GPA of 3.0 on coursework prior  
3891 to admission to an approved teacher education program.

3892 (b) (i) **Standard License - Nontraditional Teaching**  
3893 **Route.** From and after July 1, 2020, no teacher candidate shall be  
3894 licensed to teach in Mississippi under the alternate route who did  
3895 not meet the following criteria:

3896 1. An ACT Score of twenty-one (21) (or SAT  
3897 equivalent); or



3898                   2. Achieve a qualifying passing score on the  
3899 Praxis Core Academic Skills for Educators examination as  
3900 established by the State Board of Education; or

3901                   3. A minimum GPA of 3.0 on coursework prior  
3902 to admission to an approved teacher education program.

3903                   (ii) Beginning July 1, 2020, an individual who has  
3904 attained a passing score on the Praxis Core Academic Skills for  
3905 Educators or an ACT Score of twenty-one (21) (or SAT equivalent)  
3906 or a minimum GPA of 3.0 on coursework prior to admission to an  
3907 approved teacher education program and a passing score on the  
3908 Praxis Subject Assessment in the requested area of endorsement may  
3909 apply for admission to the Teach Mississippi Institute (TMI)  
3910 program to teach students in Grades 7 through 12 if the individual  
3911 meets the requirements of this paragraph (b). The State Board of  
3912 Education shall adopt rules requiring that teacher preparation  
3913 institutions which provide the Teach Mississippi Institute (TMI)  
3914 program for the preparation of nontraditional teachers shall meet  
3915 the standards and comply with the provisions of this paragraph.

3916                   1. The Teach Mississippi Institute (TMI)  
3917 shall include an intensive eight-week, nine-semester-hour summer  
3918 program or a curriculum of study in which the student matriculates  
3919 in the fall or spring semester, which shall include, but not be  
3920 limited to, instruction in education, effective teaching  
3921 strategies, classroom management, state curriculum requirements,  
3922 planning and instruction, instructional methods and pedagogy,



3923 using test results to improve instruction, and a one (1) semester  
3924 three-hour supervised internship to be completed while the teacher  
3925 is employed as a full-time teacher intern in a local school  
3926 district. The TMI shall be implemented on a pilot program basis,  
3927 with courses to be offered at up to four (4) locations in the  
3928 state, with one (1) TMI site to be located in each of the three  
3929 (3) Mississippi Supreme Court districts.

3930                   2. The school sponsoring the teacher intern  
3931 shall enter into a written agreement with the institution  
3932 providing the Teach Mississippi Institute (TMI) program, under  
3933 terms and conditions as agreed upon by the contracting parties,  
3934 providing that the school district shall provide teacher interns  
3935 seeking a nontraditional provisional teaching license with a  
3936 one-year classroom teaching experience. The teacher intern shall  
3937 successfully complete the one (1) semester three-hour intensive  
3938 internship in the school district during the semester immediately  
3939 following successful completion of the TMI and prior to the end of  
3940 the one-year classroom teaching experience.

3941                   3. Upon completion of the nine-semester-hour  
3942 TMI or the fall or spring semester option, the individual shall  
3943 submit his transcript to the commission for provisional licensure  
3944 of the intern teacher, and the intern teacher shall be issued a  
3945 provisional teaching license by the commission, which will allow  
3946 the individual to legally serve as a teacher while the person  
3947 completes a nontraditional teacher preparation internship program.





3948                   4. During the semester of internship in the  
3949 school district, the teacher preparation institution shall monitor  
3950 the performance of the intern teacher. The school district that  
3951 employs the provisional teacher shall supervise the provisional  
3952 teacher during the teacher's intern year of employment under a  
3953 nontraditional provisional license, and shall, in consultation  
3954 with the teacher intern's mentor at the school district of  
3955 employment, submit to the commission a comprehensive evaluation of  
3956 the teacher's performance sixty (60) days prior to the expiration  
3957 of the nontraditional provisional license. If the comprehensive  
3958 evaluation establishes that the provisional teacher intern's  
3959 performance fails to meet the standards of the approved  
3960 nontraditional teacher preparation internship program, the  
3961 individual shall not be approved for a standard license.

3962                   5. An individual issued a provisional  
3963 teaching license under this nontraditional route shall  
3964 successfully complete, at a minimum, a one-year beginning teacher  
3965 mentoring and induction program administered by the employing  
3966 school district with the assistance of the State Department of  
3967 Education.

3968                   6. Upon successful completion of the TMI and  
3969 the internship provisional license period, applicants for a  
3970 Standard License - Nontraditional Route shall submit to the  
3971 commission a transcript of successful completion of the twelve  
3972 (12) semester hours required in the internship program, and the



3973 employing school district shall submit to the commission a  
3974 recommendation for standard licensure of the intern. If the  
3975 school district recommends licensure, the applicant shall be  
3976 issued a Standard License - Nontraditional Route which shall be  
3977 valid for a five-year period and be renewable.

3978                   7. At the discretion of the teacher  
3979 preparation institution, the individual shall be allowed to credit  
3980 the twelve (12) semester hours earned in the nontraditional  
3981 teacher internship program toward the graduate hours required for  
3982 a Master of Arts in Teacher (MAT) Degree.

3983                   8. The local school district in which the  
3984 nontraditional teacher intern or provisional licensee is employed  
3985 shall compensate such teacher interns at Step 1 of the required  
3986 salary level during the period of time such individual is  
3987 completing teacher internship requirements and shall compensate  
3988 such Standard License - Nontraditional Route teachers at Step 3 of  
3989 the required salary level when they complete license requirements.

3990                   (iii) Implementation of the TMI program provided  
3991 for under this paragraph (b) shall be contingent upon the  
3992 availability of funds appropriated specifically for such purpose  
3993 by the Legislature. Such implementation of the TMI program may  
3994 not be deemed to prohibit the State Board of Education from  
3995 developing and implementing additional alternative route teacher  
3996 licensure programs, as deemed appropriate by the board. The



3997 emergency certification program in effect prior to July 1, 2002,  
3998 shall remain in effect.

3999 (iv) A Standard License - Approved Program Route  
4000 shall be issued for a five-year period, and may be renewed.  
4001 Recognizing teaching as a profession, a hiring preference shall be  
4002 granted to persons holding a Standard License - Approved Program  
4003 Route or Standard License - Nontraditional Teaching Route over  
4004 persons holding any other license.

4005 (c) **Special License - Expert Citizen.** In order to  
4006 allow a school district to offer specialized or technical courses,  
4007 the State Department of Education, in accordance with rules and  
4008 regulations established by the State Board of Education, may grant  
4009 a five-year expert citizen-teacher license to local business or  
4010 other professional personnel to teach in a public school or  
4011 nonpublic school accredited or approved by the state. Such person  
4012 shall be required to have a high school diploma, an  
4013 industry-recognized certification related to the subject area in  
4014 which they are teaching and a minimum of five (5) years of  
4015 relevant experience but shall not be required to hold an associate  
4016 or bachelor's degree, provided that he or she possesses the  
4017 minimum qualifications required for his or her profession, and may  
4018 begin teaching upon his employment by the local school board and  
4019 licensure by the Mississippi Department of Education. If a school  
4020 board hires a career technical education pathway instructor who  
4021 does not have an industry certification in his or her area of



4022 expertise but does have the required experience, the school board  
4023 shall spread their decision on the minutes at their next meeting  
4024 and provide a detailed explanation for why they hired the  
4025 instructor. Such instructor shall present the minutes of the  
4026 school board to the State Department of Education when he or she  
4027 applies for an expert citizen license. The board shall adopt  
4028 rules and regulations to administer the expert citizen-teacher  
4029 license. A Special License - Expert Citizen may be renewed in  
4030 accordance with the established rules and regulations of the State  
4031 Department of Education.

4032 (d) **Special License - Nonrenewable.** The State Board of  
4033 Education is authorized to establish rules and regulations to  
4034 allow those educators not meeting requirements in paragraph (a),  
4035 (b) or (c) of this subsection (6) to be licensed for a period of  
4036 not more than three (3) years, except by special approval of the  
4037 State Board of Education.

4038 (e) **Nonlicensed Teaching Personnel.** A nonlicensed  
4039 person may teach for a maximum of three (3) periods per teaching  
4040 day in a public school district or a nonpublic school  
4041 accredited/approved by the state. Such person shall submit to the  
4042 department a transcript or record of his education and experience  
4043 which substantiates his preparation for the subject to be taught  
4044 and shall meet other qualifications specified by the commission  
4045 and approved by the State Board of Education. In no case shall  
4046 any local school board hire nonlicensed personnel as authorized



4047 under this paragraph in excess of five percent (5%) of the total  
4048 number of licensed personnel in any single school.

4049 (f) **Special License - Transitional Bilingual Education.**

4050 Beginning July 1, 2003, the commission shall grant special  
4051 licenses to teachers of transitional bilingual education who  
4052 possess such qualifications as are prescribed in this section.  
4053 Teachers of transitional bilingual education shall be compensated  
4054 by local school boards at not less than one (1) step on the  
4055 regular salary schedule applicable to permanent teachers licensed  
4056 under this section. The commission shall grant special licenses  
4057 to teachers of transitional bilingual education who present the  
4058 commission with satisfactory evidence that they (i) possess a  
4059 speaking and reading ability in a language, other than English, in  
4060 which bilingual education is offered and communicative skills in  
4061 English; (ii) are in good health \* \* \*; (iii) possess a bachelor's  
4062 degree or an associate's degree in teacher education from an  
4063 accredited institution of higher education; (iv) meet such  
4064 requirements as to courses of study, semester hours therein,  
4065 experience and training as may be required by the commission; and  
4066 (v) are legally present in the United States and possess legal  
4067 authorization for employment. A teacher of transitional bilingual  
4068 education serving under a special license shall be under an  
4069 exemption from standard licensure if he achieves the requisite  
4070 qualifications therefor. Two (2) years of service by a teacher of  
4071 transitional bilingual education under such an exemption shall be



4072 credited to the teacher in acquiring a Standard Educator License.  
4073 Nothing in this paragraph shall be deemed to prohibit a local  
4074 school board from employing a teacher licensed in an appropriate  
4075 field as approved by the State Department of Education to teach in  
4076 a program in transitional bilingual education.

4077 (g) In the event any school district meets the highest  
4078 accreditation standards as defined by the State Board of Education  
4079 in the accountability system, the State Board of Education, in its  
4080 discretion, may exempt such school district from any restrictions  
4081 in paragraph (e) relating to the employment of nonlicensed  
4082 teaching personnel.

4083 (h) **Highly Qualified Teachers.** Beginning July 1, 2006,  
4084 any teacher from any state meeting the federal definition of  
4085 highly qualified, as described in the No Child Left Behind Act,  
4086 must be granted a standard five-year license by the State  
4087 Department of Education.

4088 (7) **Administrator License.** The State Board of Education is  
4089 authorized to establish rules and regulations and to administer  
4090 the licensure process of the school administrators in the State of  
4091 Mississippi. There will be four (4) categories of administrator  
4092 licensure with exceptions only through special approval of the  
4093 State Board of Education.

4094 (a) **Administrator License - Nonpracticing.** Those  
4095 educators holding administrative endorsement but having no



4096 administrative experience or not serving in an administrative  
4097 position on January 15, 1997.

4098           (b) **Administrator License - Entry Level.** Those  
4099 educators holding administrative endorsement and having met the  
4100 department's qualifications to be eligible for employment in a  
4101 Mississippi school district. Administrator License - Entry Level  
4102 shall be issued for a five-year period and shall be nonrenewable.

4103           (c) **Standard Administrator License - Career Level.** An  
4104 administrator who has met all the requirements of the department  
4105 for standard administrator licensure.

4106           (d) **Administrator License - Nontraditional Route.** The  
4107 board may establish a nontraditional route for licensing  
4108 administrative personnel. Such nontraditional route for  
4109 administrative licensure shall be available for persons holding,  
4110 but not limited to, a master of business administration degree, a  
4111 master of public administration degree, a master of public  
4112 planning and policy degree or a doctor of jurisprudence degree  
4113 from an accredited college or university, with five (5) years of  
4114 administrative or supervisory experience. Successful completion  
4115 of the requirements of alternate route licensure for  
4116 administrators shall qualify the person for a standard  
4117 administrator license.

4118           Individuals seeking school administrator licensure under  
4119 paragraph (b), (c) or (d) shall successfully complete a training  
4120 program and an assessment process prescribed by the State Board of



4121 Education. All applicants for school administrator licensure  
4122 shall meet all requirements prescribed by the department under  
4123 paragraph (b), (c) or (d), and the cost of the assessment process  
4124 required shall be paid by the applicant.

4125 (8) **Reciprocity.** The department shall grant a standard  
4126 five-year license to any individual who possesses a valid standard  
4127 license from another state, or another country or political  
4128 subdivision thereof, within a period of twenty-one (21) days from  
4129 the date of a completed application. The issuance of a license by  
4130 reciprocity to a military-trained applicant, military spouse or  
4131 person who establishes residence in this state shall be subject to  
4132 the provisions of Section 73-50-1 or 73-50-2, as applicable.

4133 (9) **Renewal and Reinstatement of Licenses.** The State Board  
4134 of Education is authorized to establish rules and regulations for  
4135 the renewal and reinstatement of educator and administrator  
4136 licenses. Effective May 15, 1997, the valid standard license held  
4137 by an educator shall be extended five (5) years beyond the  
4138 expiration date of the license in order to afford the educator  
4139 adequate time to fulfill new renewal requirements established  
4140 pursuant to this subsection. An educator completing a master of  
4141 education, educational specialist or doctor of education degree in  
4142 May 1997 for the purpose of upgrading the educator's license to a  
4143 higher class shall be given this extension of five (5) years plus  
4144 five (5) additional years for completion of a higher degree. For  
4145 all license types with a current valid expiration date of June 30,





4146 2021, the State Department of Education shall grant a one-year  
4147 extension to June 30, 2022. Beginning July 1, 2022, and  
4148 thereafter, applicants for licensure renewal shall meet all  
4149 requirements in effect on the date that the complete application  
4150 is received by the State Department of Education.

4151 (10) All controversies involving the issuance, revocation,  
4152 suspension or any change whatsoever in the licensure of an  
4153 educator required to hold a license shall be initially heard in a  
4154 hearing de novo, by the commission or by a subcommittee  
4155 established by the commission and composed of commission members,  
4156 or by a hearing officer retained and appointed by the commission,  
4157 for the purpose of holding hearings. Any complaint seeking the  
4158 denial of issuance, revocation or suspension of a license shall be  
4159 by sworn affidavit filed with the Commission on Teacher and  
4160 Administrator Education, Certification and Licensure and  
4161 Development. The decision thereon by the commission, its  
4162 subcommittee or hearing officer, shall be final, unless the  
4163 aggrieved party shall appeal to the State Board of Education,  
4164 within ten (10) days, of the decision of the commission, its  
4165 subcommittee or hearing officer. An appeal to the State Board of  
4166 Education shall be perfected upon filing a notice of the appeal  
4167 and by the prepayment of the costs of the preparation of the  
4168 record of proceedings by the commission, its subcommittee or  
4169 hearing officer. An appeal shall be on the record previously made  
4170 before the commission, its subcommittee or hearing officer, unless



4171 otherwise provided by rules and regulations adopted by the board.  
4172 The decision of the commission, its subcommittee or hearing  
4173 officer shall not be disturbed on appeal if supported by  
4174 substantial evidence, was not arbitrary or capricious, within the  
4175 authority of the commission, and did not violate some statutory or  
4176 constitutional right. The State Board of Education in its  
4177 authority may reverse, or remand with instructions, the decision  
4178 of the commission, its subcommittee or hearing officer. The  
4179 decision of the State Board of Education shall be final.

4180 (11) (a) The State Board of Education, acting through the  
4181 commission, may deny an application for any teacher or  
4182 administrator license for one or more of the following:

4183 (i) Lack of qualifications which are prescribed by  
4184 law or regulations adopted by the State Board of Education;

4185 (ii) The applicant has a physical, emotional or  
4186 mental disability that renders the applicant unfit to perform the  
4187 duties authorized by the license, as certified by a licensed  
4188 psychologist or psychiatrist;

4189 (iii) The applicant is actively addicted to or  
4190 actively dependent on alcohol or other habit-forming drugs or is a  
4191 habitual user of narcotics, barbiturates, amphetamines,  
4192 hallucinogens or other drugs having similar effect, at the time of  
4193 application for a license;

4194 (iv) Fraud or deceit committed by the applicant in  
4195 securing or attempting to secure such certification and license;



4196 (v) Failing or refusing to furnish reasonable  
4197 evidence of identification;

4198 (vi) The applicant has been convicted, has pled  
4199 guilty or entered a plea of nolo contendere to a \* \* \*  
4200 disqualifying crime as provided in the Fresh Start Act. For  
4201 purposes of this subparagraph (vi) of this paragraph (a), a  
4202 "guilty plea" includes a plea of guilty, entry of a plea of nolo  
4203 contendere, or entry of an order granting pretrial or judicial  
4204 diversion;

4205 (vii) The applicant or licensee is on probation or  
4206 post-release supervision for a \* \* \* disqualifying crime as  
4207 provided in the Fresh Start Act. However, this disqualification  
4208 expires upon the end of the probationary or post-release  
4209 supervision period.

4210 (b) The State Board of Education, acting through the  
4211 commission, shall deny an application for any teacher or  
4212 administrator license, or immediately revoke the current teacher  
4213 or administrator license, for one or more of the following:

4214 (i) If the applicant or licensee has been  
4215 convicted, has pled guilty or entered a plea of nolo contendere to  
4216 a sex offense as defined by federal or state law. For purposes of  
4217 this subparagraph (i) of this paragraph (b), a "guilty plea"  
4218 includes a plea of guilty, entry of a plea of nolo contendere, or  
4219 entry of an order granting pretrial or judicial diversion;



4220 (ii) The applicant or licensee is on probation or  
4221 post-release supervision for a sex offense conviction, as defined  
4222 by federal or state law;

4223 (iii) The license holder has fondled a student as  
4224 described in Section 97-5-23, or had any type of sexual  
4225 involvement with a student as described in Section 97-3-95; or

4226 (iv) The license holder has failed to report  
4227 sexual involvement of a school employee with a student as required  
4228 by Section 97-5-24.

4229 (12) The State Board of Education, acting through the  
4230 commission, may revoke, suspend or refuse to renew any teacher or  
4231 administrator license for specified periods of time or may place  
4232 on probation, reprimand a licensee, or take other disciplinary  
4233 action with regard to any license issued under this chapter for  
4234 one or more of the following:

4235 (a) Breach of contract or abandonment of employment may  
4236 result in the suspension of the license for one (1) school year as  
4237 provided in Section 37-9-57;

4238 (b) Obtaining a license by fraudulent means shall  
4239 result in immediate suspension and continued suspension for one  
4240 (1) year after correction is made;

4241 (c) Suspension or revocation of a certificate or  
4242 license by another state shall result in immediate suspension or  
4243 revocation and shall continue until records in the prior state  
4244 have been cleared;



4245           (d) The license holder has been convicted, has pled  
4246 guilty or entered a plea of nolo contendere to a \* \* \*  
4247 disqualifying crime as provided in the Fresh Start Act. For  
4248 purposes of this paragraph, a "guilty plea" includes a plea of  
4249 guilty, entry of a plea of nolo contendere, or entry of an order  
4250 granting pretrial or judicial diversion;

4251           (e) The license holder knowingly and willfully  
4252 committing any of the acts affecting validity of mandatory uniform  
4253 test results as provided in Section 37-16-4(1);

4254           (f) The license holder has engaged in unethical conduct  
4255 relating to an educator/student relationship as identified by the  
4256 State Board of Education in its rules;

4257           (g) The license holder served as superintendent or  
4258 principal in a school district during the time preceding and/or  
4259 that resulted in the Governor declaring a state of emergency and  
4260 the State Board of Education appointing a conservator;

4261           (h) The license holder submitted a false certification  
4262 to the State Department of Education that a statewide test was  
4263 administered in strict accordance with the Requirements of the  
4264 Mississippi Statewide Assessment System; or

4265           (i) The license holder has failed to comply with the  
4266 Procedures for Reporting Infractions as promulgated by the  
4267 commission and approved by the State Board of Education pursuant  
4268 to subsection (15) of this section.



4269           For purposes of this subsection, probation shall be defined  
4270 as a length of time determined by the commission, its subcommittee  
4271 or hearing officer, and based on the severity of the offense in  
4272 which the license holder shall meet certain requirements as  
4273 prescribed by the commission, its subcommittee or hearing officer.  
4274 Failure to complete the requirements in the time specified shall  
4275 result in immediate suspension of the license for one (1) year.

4276           (13) (a) Dismissal or suspension of a licensed employee by  
4277 a local school board pursuant to Section 37-9-59 may result in the  
4278 suspension or revocation of a license for a length of time which  
4279 shall be determined by the commission and based upon the severity  
4280 of the offense.

4281           (b) Any offense committed or attempted in any other  
4282 state shall result in the same penalty as if committed or  
4283 attempted in this state.

4284           (c) A person may voluntarily surrender a license. The  
4285 surrender of such license may result in the commission  
4286 recommending any of the above penalties without the necessity of a  
4287 hearing. However, any such license which has voluntarily been  
4288 surrendered by a licensed employee may only be reinstated by a  
4289 majority vote of all members of the commission present at the  
4290 meeting called for such purpose.

4291           (14) (a) A person whose license has been suspended or  
4292 surrendered on any grounds except criminal grounds may petition  
4293 for reinstatement of the license after one (1) year from the date



4294 of suspension or surrender, or after one-half (1/2) of the  
4295 suspended or surrendered time has lapsed, whichever is greater. A  
4296 person whose license has been suspended or revoked on any grounds  
4297 or violations under subsection (12) of this section may be  
4298 reinstated automatically or approved for a reinstatement hearing,  
4299 upon submission of a written request to the commission. A license  
4300 suspended, revoked or surrendered \* \* \* because of a disqualifying  
4301 crime as provided in the Fresh Start Act may be reinstated upon  
4302 petition to the commission filed after expiration of the sentence  
4303 and parole or probationary period imposed upon conviction. A  
4304 revoked, suspended or surrendered license may be reinstated upon  
4305 satisfactory showing of evidence of rehabilitation. The  
4306 commission shall require all who petition for reinstatement to  
4307 furnish evidence satisfactory to the commission of \* \* \* good  
4308 mental, emotional and physical health and such other evidence as  
4309 the commission may deem necessary to establish the petitioner's  
4310 rehabilitation and fitness to perform the duties authorized by the  
4311 license.

4312 (b) A person whose license expires while under  
4313 investigation by the Office of Educator Misconduct for an alleged  
4314 violation may not be reinstated without a hearing before the  
4315 commission if required based on the results of the investigation.

4316 (15) Reporting procedures and hearing procedures for dealing  
4317 with infractions under this section shall be promulgated by the  
4318 commission, subject to the approval of the State Board of



4319 Education. The revocation or suspension of a license shall be  
4320 effected at the time indicated on the notice of suspension or  
4321 revocation. The commission shall immediately notify the  
4322 superintendent of the school district or school board where the  
4323 teacher or administrator is employed of any disciplinary action  
4324 and also notify the teacher or administrator of such revocation or  
4325 suspension and shall maintain records of action taken. The State  
4326 Board of Education may reverse or remand with instructions any  
4327 decision of the commission, its subcommittee or hearing officer  
4328 regarding a petition for reinstatement of a license, and any such  
4329 decision of the State Board of Education shall be final.

4330 (16) An appeal from the action of the State Board of  
4331 Education in denying an application, revoking or suspending a  
4332 license or otherwise disciplining any person under the provisions  
4333 of this section shall be filed in the Chancery Court of the First  
4334 Judicial District of Hinds County, Mississippi, on the record  
4335 made, including a verbatim transcript of the testimony at the  
4336 hearing. The appeal shall be filed within thirty (30) days after  
4337 notification of the action of the board is mailed or served and  
4338 the proceedings in chancery court shall be conducted as other  
4339 matters coming before the court. The appeal shall be perfected  
4340 upon filing notice of the appeal and by the prepayment of all  
4341 costs, including the cost of preparation of the record of the  
4342 proceedings by the State Board of Education, and the filing of a  
4343 bond in the sum of Two Hundred Dollars (\$200.00) conditioned that





4344 if the action of the board be affirmed by the chancery court, the  
4345 applicant or license holder shall pay the costs of the appeal and  
4346 the action of the chancery court.

4347 (17) All such programs, rules, regulations, standards and  
4348 criteria recommended or authorized by the commission shall become  
4349 effective upon approval by the State Board of Education as  
4350 designated by appropriate orders entered upon the minutes thereof.

4351 (18) The granting of a license shall not be deemed a  
4352 property right nor a guarantee of employment in any public school  
4353 district. A license is a privilege indicating minimal eligibility  
4354 for teaching in the public school districts of Mississippi. This  
4355 section shall in no way alter or abridge the authority of local  
4356 school districts to require greater qualifications or standards of  
4357 performance as a prerequisite of initial or continued employment  
4358 in such districts.

4359 (19) In addition to the reasons specified in subsections  
4360 (12) and (13) of this section, the board shall be authorized to  
4361 suspend the license of any licensee for being out of compliance  
4362 with an order for support, as defined in Section 93-11-153. The  
4363 procedure for suspension of a license for being out of compliance  
4364 with an order for support, and the procedure for the reissuance or  
4365 reinstatement of a license suspended for that purpose, and the  
4366 payment of any fees for the reissuance or reinstatement of a  
4367 license suspended for that purpose, shall be governed by Section  
4368 93-11-157 or 93-11-163, as the case may be. Actions taken by the



4369 board in suspending a license when required by Section 93-11-157  
4370 or 93-11-163 are not actions from which an appeal may be taken  
4371 under this section. Any appeal of a license suspension that is  
4372 required by Section 93-11-157 or 93-11-163 shall be taken in  
4373 accordance with the appeal procedure specified in Section  
4374 93-11-157 or 93-11-163, as the case may be, rather than the  
4375 procedure specified in this section. If there is any conflict  
4376 between any provision of Section 93-11-157 or 93-11-163 and any  
4377 provision of this chapter, the provisions of Section 93-11-157 or  
4378 93-11-163, as the case may be, shall control.

4379 (20) The Department of Education shall grant and renew all  
4380 licenses and certifications of teachers and administrators within  
4381 twenty-one (21) days from the date of a completed application if  
4382 the applicant has otherwise met all established requirements for  
4383 the license or certification.

4384 **SECTION 42.** Section 41-29-303, Mississippi Code of 1972, is  
4385 amended as follows:

4386 41-29-303. No license shall be issued under Section  
4387 41-29-301 \* \* \* until the applicant therefor has furnished proof  
4388 satisfactory to the State Board of Pharmacy that the applicant  
4389 is \* \* \* properly equipped as to land, buildings, and  
4390 paraphernalia to carry on the business described in his  
4391 application. No license shall be granted to any person who has  
4392 within five (5) years been convicted of a willful violation of any  
4393 law of the United States, or of any state, relating to opium, coca



4394 leaves, or other narcotic drugs, or to any person who is a  
4395 narcotic drug addict. The state board of pharmacy may suspend or  
4396 revoke any license for cause.

4397 **SECTION 43.** Section 51-5-3, Mississippi Code of 1972, is  
4398 amended as follows:

4399 51-5-3. In order to be licensed as a water well contractor  
4400 in the State of Mississippi, the applicant must be qualified as  
4401 set out below:

4402 (a) Be at least twenty-one (21) years of age;

4403 \* \* \*

4404 ( \* \* \*b) Demonstrate to the satisfaction of the  
4405 commission a reasonable knowledge of this chapter and the rules  
4406 and regulations adopted by the commission under the provisions of  
4407 this chapter;

4408 ( \* \* \*c) Possess the necessary drilling equipment, or  
4409 present to the commission sufficient evidence to show that he has  
4410 access to the use of such equipment at any time he needs it; and

4411 ( \* \* \*d) Have not less than three (3) years'  
4412 experience in the work for which he is applying for a license.

4413 **SECTION 44.** Section 67-3-19, Mississippi Code of 1972, is  
4414 amended as follows:

4415 67-3-19. Where application is made for a permit to engage in  
4416 the business of a retailer of light wine, light spirit product or  
4417 beer, the applicant shall show in his application that he  
4418 possesses the following qualifications:



4419           (a) Applicant must be a person at least twenty-one (21)  
4420 years of age \* \* \* and a resident of the State of Mississippi.

4421           (b) Applicant shall not have been convicted of a \* \* \*  
4422 disqualifying crime as provided in the Fresh Start Act, or of  
4423 pandering or of keeping or maintaining a house of prostitution, or  
4424 have been convicted within two (2) years of the date of his  
4425 application of any violation of the laws of this state or the laws  
4426 of the United States relating to alcoholic liquor.

4427           (c) Applicant shall not have had revoked, except for a  
4428 violation of Section 67-3-52, within two (2) years next preceding  
4429 his application, any license or permit issued to him pursuant to  
4430 the laws of this state, or any other state, to sell alcoholic  
4431 liquor of any kind.

4432           (d) Applicant shall be the owner of the premises for  
4433 which the permit is sought or the holder of an existing lease  
4434 thereon.

4435           (e) Applicant shall not be residentially domiciled with  
4436 any person whose permit has been revoked for cause, except for a  
4437 violation of Section 67-3-52, within two (2) years next preceding  
4438 the date of the present application for a permit.

4439           (f) The applicant has not had any license or permit to  
4440 sell beer, light spirit product or light wine at retail revoked,  
4441 within five (5) years next preceding his application, due to a  
4442 violation of Section 67-3-52.



4443           (g) Applicant shall not employ any person whose permit  
4444 has been revoked when such person owned or operated the business  
4445 on the premises for which a permit is sought or allow such person  
4446 to have any financial interest in the business of the applicant,  
4447 until such person is qualified to obtain a permit in his own name.

4448           (h) The applicant is not indebted to the State of  
4449 Mississippi for any taxes.

4450           (i) If applicant is a partnership, all members of the  
4451 partnership must be qualified to obtain a permit. Each member of  
4452 the partnership must be a resident of the State of Mississippi.

4453           (j) If applicant is a corporation, all officers and  
4454 directors thereof, and any stockholder owning more than five  
4455 percent (5%) of the stock of such corporation, and the person or  
4456 persons who shall conduct and manage the licensed premises for the  
4457 corporation shall possess all the qualifications required herein  
4458 for any individual permittee. However, the requirements as to  
4459 residence shall not apply to officers, directors and stockholders  
4460 of such corporation.

4461           Any misstatement or concealment of fact in an application  
4462 shall be grounds for denial of the application or for revocation  
4463 of the permit issued thereon.

4464           The commissioner may refuse to issue a permit to an applicant  
4465 for a place that is frequented by known criminals, prostitutes, or  
4466 other law violators or troublemakers who disturb the peace and  
4467 quietude of the community and frequently require the assistance of



4468 peace officers to apprehend such law violators or to restore  
4469 order. The burden of proof of establishing the foregoing shall  
4470 rest upon the commissioner.

4471 **SECTION 45.** Section 73-2-7, Mississippi Code of 1972, is  
4472 amended as follows:

4473 73-2-7. In order to qualify for a license as a landscape  
4474 architect, an applicant must:

4475 (a) Submit evidence of his \* \* \* integrity to the  
4476 examining board.

4477 (b) Have received a degree in landscape architecture  
4478 from a college or university having a minimum four-year curriculum  
4479 in landscape architecture approved by the board or have completed  
4480 seven (7) years of work in the practice of landscape architecture  
4481 of a grade and character suitable to the board. Graduation in a  
4482 curriculum other than landscape architecture from a college or  
4483 university shall be equivalent to two (2) years' experience of the  
4484 seven (7) specified above in this section, except that no  
4485 applicant shall receive credit for more than two (2) years'  
4486 experience for any scholastic training.

4487 (c) Pass such written examination as required in  
4488 Section 73-2-9.

4489 Each application or filing made under this section shall  
4490 include the social security number(s) of the applicant in  
4491 accordance with Section 93-11-64, Mississippi Code of 1972.



4492           **SECTION 46.** Section 73-3-2, Mississippi Code of 1972, is  
4493 amended as follows:

4494           73-3-2. (1) **Power to admit persons to practice.** The power  
4495 to admit persons to practice as attorneys in the courts of this  
4496 state is vested exclusively in the Supreme Court of Mississippi.

4497           (2) **Qualifications.** (a) Each applicant for admission to  
4498 the bar, in order to be eligible for examination for admission,  
4499 shall be at least twenty-one (21) years of age \* \* \* and shall  
4500 present to the Board of Bar Admissions satisfactory evidence:

4501                         (i) That he has successfully completed, or is  
4502 within sixty (60) days of completion of, a general course of study  
4503 of law in a law school which is provisionally or fully approved by  
4504 the section on legal education and admission to the bar of the  
4505 American Bar Association, and that such applicant has received, or  
4506 will receive within sixty (60) days, a diploma or certificate from  
4507 such school evidencing the satisfactory completion of such course,  
4508 but in no event shall any applicant under this paragraph be  
4509 admitted to the bar until such applicant actually receives such  
4510 diploma or certificate. However, an applicant who, as of November  
4511 1, 1981, was previously enrolled in a law school in active  
4512 existence in Mississippi for more than ten (10) years prior to the  
4513 date of application shall be eligible for examination for  
4514 admission; provided that such an applicant graduated prior to  
4515 November 1, 1984;



4516                   (ii) That he has notified the Board of Bar  
4517 Admissions in writing of an intention to pursue a general course  
4518 of study of law under the supervision of a Mississippi lawyer  
4519 prior to July 1, 1979, and in fact began study prior to July 1,  
4520 1979, and who completed the required course of study prior to  
4521 November 1, 1984, in accordance with Sections 73-3-13(b) and  
4522 73-3-15 as the same exist prior to November 1, 1979; or

4523                   (iii) That in addition to complying with either of  
4524 the above requirements, he has received a bachelor's degree from  
4525 an accredited college or university or that he has received credit  
4526 for the requirements of the first three (3) years of college work  
4527 from a college or university offering an integrated six-year  
4528 prelaw and law course, and has completed his law course at a  
4529 college or university offering such an integrated six-year course.  
4530 However, applicants who have already begun the general course of  
4531 study of law as of November 1, 1979, either in a law school or  
4532 under the supervision of a Mississippi lawyer shall submit proof  
4533 they have successfully completed two (2) full years of college  
4534 work.

4535                   (b) The applicant shall bear the burden of establishing  
4536 his or her qualifications for admission to the satisfaction of the  
4537 Board of Bar Admissions. An applicant denied admission for  
4538 failure to satisfy qualifications for admission shall have the  
4539 right to appeal from the final order of the board to the Chancery





4540 Court of Hinds County, Mississippi, within thirty (30) days of  
4541 entry of such order of denial.

4542       (3) **Creation of Board of Bar Admissions.** There is hereby  
4543 created a board to be known as the "Board of Bar Admissions" which  
4544 shall be appointed by the Supreme Court of Mississippi. The board  
4545 shall consist of nine (9) members, who shall be members in good  
4546 standing of the Mississippi State Bar and shall serve for terms of  
4547 three (3) years. Three (3) members shall be appointed from each  
4548 Supreme Court district, one (1) by each Supreme Court Justice from  
4549 his district, with the original appointments to be as follows:  
4550 Three (3) to be appointed for a term of one (1) year, three (3) to  
4551 be appointed for a term of two (2) years, and three (3) to be  
4552 appointed for a term of three (3) years, one (1) from each  
4553 district to be appointed each year. No member of the Board of Bar  
4554 Admissions may be a member of the Legislature. Vacancies during a  
4555 term shall be filled by the appointing justice or his successor  
4556 for the remainder of the unexpired term.

4557       The board shall promulgate the necessary rules for the  
4558 administration of their duties, subject to the approval of the  
4559 Chief Justice of the Supreme Court.

4560       (4) **Written examination as prerequisite to admission.** Every  
4561 person desiring admission to the bar, shall be required to take  
4562 and pass a written bar examination in a manner satisfactory to the  
4563 Board of Bar Admissions. The Board of Bar Admissions shall  
4564 conduct not less than two (2) bar examinations each year.



4565           (5) **Oath and compensation of board members.** The members of  
4566 the Board of Bar Admissions shall take and subscribe an oath to be  
4567 administered by one (1) of the judges of the Supreme Court to  
4568 faithfully and impartially discharge the duties of the office.  
4569 The members shall receive compensation as established by the  
4570 Supreme Court for preparing, giving and grading the examination  
4571 plus all reasonable and necessary travel expenses incurred in the  
4572 performance of their duties under the provisions of this section.

4573           (6) **Procedure for applicants who have failed.** Any applicant  
4574 who fails the examination shall be allowed to take the next  
4575 scheduled examination. A failing applicant may request in writing  
4576 from the board, within thirty (30) days after the results of the  
4577 examination have been made public, copies of his answers and model  
4578 answers used in grading the examination, at his expense. If a  
4579 uniform, standardized examination is administered, the board shall  
4580 only be required to provide the examination grade and such other  
4581 information concerning the applicant's examination results which  
4582 are available to the board. Any failing applicant shall have a  
4583 right to a review of his failure by the board. The board shall  
4584 enter an order on its minutes, prior to the administration of the  
4585 next bar examination, either granting or denying the applicant's  
4586 review, and shall notify the applicant of such order. The  
4587 applicant shall have the right to appeal from this order to the  
4588 Chancery Court of Hinds County, Mississippi, within thirty (30)  
4589 days of entry of such order.



4590           (7) **Fees.** The board shall set and collect the fees for  
4591 examination and for admission to the bar. The fees for  
4592 examination shall be based upon the annual cost of administering  
4593 the examinations. The fees for admission shall be based upon the  
4594 cost of conducting an investigation of the applicant and the  
4595 administrative costs of sustaining the board, which shall include,  
4596 but shall not be limited to:

- 4597                   (a) Expenses and travel for board members;
- 4598                   (b) Office facilities, supplies and equipment; and
- 4599                   (c) Clerical assistance.

4600           All fees collected by the board shall be paid to the State  
4601 Treasurer, who shall issue receipts therefor and who shall deposit  
4602 such funds in the State Treasury in a special fund to the credit  
4603 of said board. All such funds shall be expended only in  
4604 accordance with the provisions of Chapter 496, Laws of 1962, as  
4605 amended, being Section 27-103-1 et seq., Mississippi Code of 1972.

4606           (8) The board, upon finding the applicant qualified for  
4607 admission, shall issue to the applicant a certificate of  
4608 admission. The applicant shall file the certificate and a  
4609 petition for admission in the Chancery Court of Hinds County,  
4610 Mississippi, or in the chancery court in the county of his  
4611 residence, or, in the case of an applicant who is a nonresident of  
4612 the State of Mississippi, in the chancery court of a county in  
4613 which the applicant intends to practice. The chancery court  
4614 shall, in termtime or in vacation, enter on the minutes of that



4615 court an order granting to the applicant license to practice in  
4616 all courts in this state, upon taking by the applicant in the  
4617 presence of the court, the oath prescribed by law, Section  
4618 73-3-35, Mississippi Code of 1972.

4619 (9) Each application or filing made under this section shall  
4620 include the social security number(s) of the applicant in  
4621 accordance with Section 93-11-64, Mississippi Code of 1972.

4622 **SECTION 47.** Section 73-3-25, Mississippi Code of 1972, is  
4623 amended as follows:

4624 73-3-25. Any lawyer from another state whose requirements  
4625 for admission to the bar are equivalent to those of this state,  
4626 who has practiced not less than five (5) years in a state where he  
4627 was then admitted may be admitted to \* \* \* practice in this state  
4628 upon taking and passing such examination as to his knowledge of  
4629 law as may be prescribed by rules adopted by the Board of Bar  
4630 Admissions and approved by the Supreme Court and upon complying  
4631 with the other requirements as set out in the laws and rules  
4632 governing admission to the bar. Provided, however, the laws of  
4633 the state from which the applicant comes grant similar privileges  
4634 to the applicants from this state.

4635 Any lawyer from another state desiring to be admitted to  
4636 practice in Mississippi must make application to the Board of Bar  
4637 Admissions. Such applicant shall present to the bar evidence of  
4638 his good standing in the state from which he came, including a  
4639 certificate from the clerk of the highest appellate court of the



4640 state from which he came, and from two (2) members of the bar of  
4641 such state, certifying to his qualifications \* \* \* and good  
4642 standing \* \* \*, and may require the submission of additional  
4643 evidence by the applicant. Upon satisfactory proof of the  
4644 applicant's qualifications and upon the applicant's compliance  
4645 with the requirements of this section, the board shall issue a  
4646 certificate of admission to the applicant, as prescribed in  
4647 Section 73-3-2(8). Each such applicant shall pay an application  
4648 fee prescribed by the Board of Bar Admissions according to Section  
4649 73-3-2(7).

4650 **SECTION 48.** Section 73-4-17, Mississippi Code of 1972, is  
4651 amended as follows:

4652 73-4-17. There shall be two (2) classes of auctioneers'  
4653 licenses, which shall be auctioneer and auction firm. All  
4654 applicants for a license under this chapter shall possess the  
4655 following minimum qualifications:

4656 (a) Applicants shall have attained the age of eighteen  
4657 (18) years by the issuance date of the license.

4658 (b) Applicants shall have obtained at a minimum a high  
4659 school diploma or G.E.D. equivalent and shall be graduates of an  
4660 auctioneering school approved by the commission.

4661 (c) Each applicant for a license under this chapter  
4662 shall demonstrate to the commission that he is \* \* \* worthy of  
4663 public trust through background information to be provided on his  
4664 application form and two (2) letters of reference from persons not



4665 related to the applicant who have known the applicant at least  
4666 three (3) years. The commission may require additional  
4667 information or a personal interview with the applicant to  
4668 determine if such applicant should be granted a license.

4669 (d) Each applicant for a license under this chapter  
4670 shall take and successfully complete an examination as prescribed  
4671 by the commission. The examination shall include questions on  
4672 ethics, reading comprehension, writing, spelling, elementary  
4673 arithmetic, elementary principals of land economics, general  
4674 knowledge of bulk sales law, contracts of sale, agency, leases,  
4675 brokerage, knowledge of various goods commonly sold at auction,  
4676 ability to call bids, knowledge of sale preparation and proper  
4677 sale advertising and sale summary, and knowledge of the provisions  
4678 of this chapter and the commission's rules and regulations. There  
4679 shall be separate examinations for auctioneer and auction firm  
4680 each based upon relevant subject matter appropriate to the license  
4681 classification as set forth herein. Examinations shall be  
4682 administered at least once a year and may be administered  
4683 quarterly at the commission's discretion provided there are at  
4684 least twenty-five (25) examinees. The commission shall ensure  
4685 that the various forms of the test remain secure.

4686 (e) In order to defray the cost of administration of  
4687 the examinations, applicants for the examination shall pay fees as  
4688 follows:

4689 (i) Auctioneer.....\$100.00.



4690 (ii) Auction firm.....\$100.00.

4691 (f) Each applicant desiring to sit for the examination  
4692 for any license required under this chapter shall be required to  
4693 furnish to the commission at least thirty (30) days prior to the  
4694 examination evidence of a surety bond in the following minimum  
4695 amounts:

4696 (i) Auctioneer.....\$10,000.00.

4697 (ii) Auction firm.....\$10,000.00.

4698 (g) In addition to the bond required herein, applicants  
4699 for the auction firm license shall furnish the commission with all  
4700 relevant information concerning the premises to be licensed, to  
4701 include location, whether the premises are owned or leased, and an  
4702 affidavit that the proposed use of the premises as an auction firm  
4703 does not violate zoning or any other use restrictions. A separate  
4704 license shall be required for each business location of the owner  
4705 of multiple auction galleries.

4706 (h) Except as provided in Section 33-1-39, all licenses  
4707 granted pursuant to this chapter shall be for a term of two (2)  
4708 years and shall expire on the first day of March at the end of  
4709 such two-year term. The biennial license fees shall be set from  
4710 time to time by the commission with a maximum fee of Two Hundred  
4711 Dollars (\$200.00). License fees shall not be prorated for any  
4712 portion of a year but shall be paid for the entire biennial period  
4713 regardless of the date of the application. Individuals failing to  
4714 submit license renewal fees on or before March 1 of the year for



4715 renewal shall be required to successfully pass the next  
4716 administration of the examination in order to renew a license.

4717 (i) Each application or filing made under this section  
4718 shall include the social security number(s) of the applicant in  
4719 accordance with Section 93-11-64, Mississippi Code of 1972.

4720 (j) A licensee shall keep such books, accounts and  
4721 records as will enable the commission to determine whether such  
4722 licensee is in compliance with the provisions of this chapter, and  
4723 rules and regulations made pursuant thereto, and any other law,  
4724 rule and regulation applicable to the conduct of such business.  
4725 The commission and its employees or representatives shall have the  
4726 right to enter and make inspections of any place where the auction  
4727 business is carried on and inspect and copy any record pertaining  
4728 to the auction business under this chapter. The commission may  
4729 conduct or cause to be conducted an examination or audit of the  
4730 books and records of any licensee at any time the commission deems  
4731 proper, the cost of the examination or audit to be borne by the  
4732 licensee. The refusal of access to the books and records shall be  
4733 cause for the revocation of its license.

4734 **SECTION 49.** Section 73-5-1, Mississippi Code of 1972, is  
4735 amended as follows:

4736 73-5-1. The State Board of Barber Examiners is continued and  
4737 reconstituted as follows: The Board of Barber Examiners shall  
4738 consist of five (5) members, to be appointed by the Governor, with  
4739 the advice and consent of the Senate, one (1) member to be





4740 appointed from each of the congressional districts as existing on  
4741 January 1, 1991. Each member shall be a practical barber and a  
4742 qualified elector of this state. He shall have been engaged in  
4743 the practice of barbering in the State of Mississippi for at least  
4744 five (5) years immediately before the time of his  
4745 appointment \* \* \*. From and after July 1, 1983, the appointments  
4746 to the board shall be made in the manner hereinafter provided, and  
4747 the present members of the State Board of Barber Examiners whose  
4748 terms have not expired by July 1, 1983, shall continue to serve  
4749 until their successors have been appointed and qualified. The  
4750 Governor shall appoint, with the advice and consent of the Senate,  
4751 five (5) members from the congressional districts as follows: The  
4752 member from the First Congressional District shall be appointed  
4753 for a term of two (2) years to commence on July 1, 1983; the  
4754 member from the Second Congressional District shall be appointed  
4755 for a term of four (4) years to commence on July 1, 1984; the  
4756 member from the Third Congressional District shall be appointed  
4757 for a term of two (2) years to commence on July 1, 1983; the  
4758 member from the Fourth Congressional District shall be appointed  
4759 for a term of four (4) years to commence on July 1, 1984; and the  
4760 member from the Fifth Congressional District shall be appointed  
4761 for a term of one (1) year to commence on July 1, 1983. The  
4762 members of the board as constituted on July 1, 2002, whose terms  
4763 have not expired shall serve the balance of their terms, after  
4764 which time the membership of the board shall be appointed as



4765 follows: There shall be appointed one (1) member of the board  
4766 from each of the four (4) Mississippi congressional districts as  
4767 they currently exist, and one (1) from the state at large, and the  
4768 Governor shall make appointments from the congressional district  
4769 having the smallest number of board members until the membership  
4770 includes one (1) member from each district as required. From and  
4771 after July 1, 2002, no member of the board who is connected in any  
4772 way with any barbering school shall participate in the  
4773 administration of examinations of barber applicants. From and  
4774 after July 1, 2004, no member of the board shall be connected in  
4775 any way with any school in which barbering is taught.

4776 All members of the board shall be appointed by the Governor,  
4777 with the advice and consent of the Senate, for terms of four (4)  
4778 years each from the expiration date of the previous term, until  
4779 their successors have been appointed and qualified. No member of  
4780 the board shall hold any elected office. Appointments made to  
4781 fill a vacancy of a term shall be made by the Governor within  
4782 sixty (60) days after the vacancy occurs.

4783 The Governor may remove any one or more members of the board  
4784 for just cause. Members appointed to fill vacancies caused by  
4785 death, resignation or removal of any member or members shall serve  
4786 only for the unexpired term of their predecessors. Any member who  
4787 does not attend two (2) consecutive meetings of the board for  
4788 reasons other than illness of the member shall be subject to  
4789 removal by the Governor. The president of the board shall notify



4790 the Governor in writing when any such member has failed to attend  
4791 two (2) consecutive regular meetings.

4792         **SECTION 50.** Section 73-5-11, Mississippi Code of 1972, is  
4793 amended as follows:

4794         73-5-11. (1) To be eligible for enrollment at a barbering  
4795 school approved by the Board of Barber Examiners, a person shall  
4796 have a high school education or its equivalent, and/or shall have  
4797 satisfactorily passed the ability-to-benefit examinations approved  
4798 by the U.S. Department of Education.

4799         (2) Any person is qualified to receive a certificate of  
4800 registration to practice barbering:

4801                 (a) Who is qualified under the provisions of this  
4802 chapter;

4803                 (b) Who is of \* \* \* temperate habits;

4804                 (c) Who has completed not less than fifteen hundred  
4805 (1500) hours at a barbering school approved by the State Board of  
4806 Barber Examiners; and

4807                 (d) Who has passed a satisfactory examination conducted  
4808 by the board of examiners to determine his fitness to practice  
4809 barbering.

4810         (3) A temporary permit to practice barbering until the next  
4811 examination is given may be issued to a student who has completed  
4812 not less than fifteen hundred (1500) hours at a barbering school  
4813 approved by the Board of Barber Examiners. In no event shall a  
4814 person be allowed to practice barbering on a temporary permit



4815 beyond the date the next examination is given, except because of  
4816 personal illness.

4817           **SECTION 51.** Section 73-5-21, Mississippi Code of 1972, is  
4818 amended as follows:

4819           73-5-21. Any person possessed of the following  
4820 qualifications shall, upon payment of the required fee, receive a  
4821 certificate of registration as a registered barber:

4822                   (a) Is at least eighteen (18) years old;

4823                   (b) Is of \* \* \* temperate habits; and

4824                   (c) Either has a license or certificate of registration  
4825 as a practicing barber in another state or country that has  
4826 substantially the same requirements for licensing or registration  
4827 of barbers as are contained in this chapter, or can prove by sworn  
4828 affidavits that he has lawfully practiced as a barber in another  
4829 state or country for at least five (5) years immediately before  
4830 making application in this state, or can show to the satisfaction  
4831 of the board that he had held a rating in a branch of the military  
4832 service for two (2) or more years that required him to perform the  
4833 duties of a barber. The issuance of a certificate of registration  
4834 by reciprocity to a military-trained applicant, military spouse or  
4835 person who establishes residence in this state shall be subject to  
4836 the provisions of Section 73-50-1 or 73-50-2, as applicable.

4837           In addition to the above, the board may require the applicant  
4838 to successfully demonstrate sufficient knowledge of the Barber Law  
4839 of the State of Mississippi, as well as sufficient practical skill



4840 by requiring the applicant to take a practical examination  
4841 approved by the board.

4842           **SECTION 52.** Section 73-6-13, Mississippi Code of 1972, is  
4843 amended as follows:

4844           73-6-13. (1) Any adult \* \* \* who has (a) graduated from a  
4845 school or college of chiropractic recognized by the State Board of  
4846 Chiropractic Examiners, preceded by the successful completion of  
4847 at least two (2) academic years at an accredited institution of  
4848 higher learning, or accredited junior college, and (b)  
4849 successfully completed parts 1, 2, 3 and 4 and the physical  
4850 modality section of the examination prepared by the National Board  
4851 of Chiropractic Examiners, shall be entitled to take the  
4852 examination for a license to practice chiropractic in Mississippi.  
4853 The State Board of Chiropractic Examiners shall keep on file a  
4854 list of schools or colleges of chiropractic which are so  
4855 recognized. No chiropractic school shall be approved unless it is  
4856 recognized and approved by the Council on Chiropractic Education,  
4857 its successor or an equivalent accrediting agency, offers an  
4858 accredited course of study of not less than four (4) academic  
4859 years of at least nine (9) months in length, and requires its  
4860 graduates to receive not less than forty (40) clock hours of  
4861 instruction in the operation of x-ray machinery and not less than  
4862 forty (40) clock hours of instruction in x-ray interpretation and  
4863 diagnosis.



4864           (2) Except as otherwise provided in this section, the State  
4865 Board of Health shall prescribe rules and regulations for the  
4866 operation and use of x-ray machines.

4867           (3) The examination to practice chiropractic used by the  
4868 board shall consist of testing on the statutes and the rules and  
4869 regulations regarding the practice of chiropractic in the State of  
4870 Mississippi.

4871           (4) Reciprocity privileges for a chiropractor from another  
4872 state shall be granted at the board's option on an individual  
4873 basis and by a majority vote of the State Board of Chiropractic  
4874 Examiners to an adult \* \* \* who (a) is currently an active  
4875 competent practitioner for at least eight (8) years and holds an  
4876 active chiropractic license in another state with no disciplinary  
4877 proceeding or unresolved complaint pending anywhere at the time a  
4878 license is to be issued by this state, (b) demonstrates having  
4879 obtained licensure as a chiropractor in another state under the  
4880 same education requirements which were equivalent to the education  
4881 requirements in this state to obtain a chiropractic license at the  
4882 time the applicant obtained the license in the other state, (c)  
4883 satisfactorily passes the examination administered by the State  
4884 Board of Chiropractic Examiners, and (d) meets the requirements of  
4885 Section 73-6-1(3) pertaining to therapeutic modalities. The  
4886 issuance of a license by reciprocity to a military-trained  
4887 applicant, military spouse or person who establishes residence in



4888 this state shall be subject to the provisions of Section 73-50-1  
4889 or 73-50-2, as applicable.

4890 **SECTION 53.** Section 73-9-23, Mississippi Code of 1972, is  
4891 amended as follows:

4892 73-9-23. (1) No person who desires to practice dentistry or  
4893 dental hygiene in the State of Mississippi shall be licensed until  
4894 that person has passed an examination by the board. Applicants  
4895 for examination shall apply in writing to the board for an  
4896 examination at least thirty (30) days before the examination and  
4897 shall upon application pay a nonrefundable fee as elsewhere  
4898 provided in this chapter.

4899 (2) An applicant for licensure by examination as a dentist  
4900 who is a graduate of a dental school accredited by the Commission  
4901 on Dental Accreditation of the American Dental Association (ADA),  
4902 or its successor commission, shall:

4903 (a) Be \* \* \* possessed of a high school education, and  
4904 have attained the age of twenty-one (21) years;

4905 (b) Exhibit with the application a diploma or  
4906 certificate of graduation from the ADA accredited dental school;  
4907 and

4908 (c) Have successfully completed Parts I and II of the  
4909 National Board Examinations of the Joint Commission on National  
4910 Dental Examinations, or its successor commission, unless the  
4911 applicant graduated from an accredited dental school before 1960.



4912           (3) An applicant for licensure by examination as a dentist  
4913 who is a graduate of a non-ADA accredited foreign country dental  
4914 school shall:

4915                   (a) \* \* \* Have attained the age of twenty-one (21)  
4916 years;

4917                   (b) Be proficient in oral and written communications in  
4918 the English language;

4919                   (c) Have completed not less than six (6) academic years  
4920 of postsecondary study and graduated from a foreign dental school  
4921 that is recognized by the licensure authorities in that country;

4922                   (d) Have been licensed as a dentist or admitted to the  
4923 practice of dentistry in the foreign country in which the  
4924 applicant received foreign dental school training;

4925                   (e) Present documentation of having completed at least  
4926 two (2) or more years of full-time postdoctoral dental education  
4927 in a dental school accredited by the Commission on Dental  
4928 Accreditation of the American Dental Association, or its successor  
4929 commission, and has been certified by the dean of the accredited  
4930 dental school as having achieved the same level of didactic and  
4931 clinical competence as expected of a graduate of the school; and

4932                   (f) Have successfully completed Parts I and II of the  
4933 National Board Examinations of the Joint Commission on National  
4934 Dental Examinations, or its successor commission, unless the  
4935 applicant graduated from an approved dental school before 1960.





4936 (4) An applicant for licensure by examination as a dental  
4937 hygienist who is a graduate of a dental hygiene school accredited  
4938 by the Commission on Dental Accreditation of the American Dental  
4939 Association (ADA), or its successor commission, shall:

4940 (a) Be \* \* \* possessed of a high school education and  
4941 have attained the age of eighteen (18) years;

4942 (b) Exhibit with the application a diploma or  
4943 certificate of graduation from the ADA accredited dental hygiene  
4944 school; and

4945 (c) Have successfully completed the National Board  
4946 Dental Hygiene Examinations of the Joint Commission on National  
4947 Dental Examinations, or its successor commission.

4948 (5) An applicant for licensure by examination as a dental  
4949 hygienist who is a graduate of a non-ADA accredited foreign  
4950 country dental hygiene school shall:

4951 (a) \* \* \* Have attained the age of eighteen (18) years;

4952 (b) Be proficient in oral and written communications in  
4953 the English language;

4954 (c) Have completed not less than two (2) academic years  
4955 of postsecondary study and graduated from a foreign dental hygiene  
4956 school that is recognized by the licensure authorities in that  
4957 country;

4958 (d) Have been licensed as a dental hygienist or  
4959 admitted to the practice of dental hygiene in the foreign country



4960 in which the applicant received foreign dental hygiene school  
4961 training;

4962 (e) Present documentation of having completed at least  
4963 one or more years of full-time postgraduate clinical education in  
4964 a dental hygiene school accredited by the Commission on Dental  
4965 Accreditation of the American Dental Association, or its successor  
4966 commission, and has been certified by the dean of the accredited  
4967 dental hygiene school as having achieved the same level of  
4968 didactic and clinical competence as expected of a graduate of the  
4969 school; and

4970 (f) Have successfully completed the National Board  
4971 Dental Hygiene Examinations of the Joint Commission on National  
4972 Dental Examinations, or its successor commission.

4973 (6) Applications shall be made in the form and content as  
4974 required in this section and as shall be prescribed by the board,  
4975 and each applicant shall submit upon request such proof as the  
4976 board may require as to age \* \* \* and qualifications.

4977 Applications must be signed by two (2) citizens of the state of  
4978 which the applicant is a resident \* \* \*. All applicants for  
4979 licensure shall submit an endorsement from all states in which he  
4980 or she is currently licensed or has ever been licensed to practice  
4981 dentistry or dental hygiene. The board may disallow the licensure  
4982 examination to any applicant who has been found guilty of any of  
4983 the grounds for disciplinary action as enumerated in Section  
4984 73-9-61.



4985           (7) Examination shall be as elsewhere provided in this  
4986 chapter and the board may by its rules and regulations prescribe  
4987 reasonable professional standards for oral, written, clinical and  
4988 other examinations given to applicants, and, if deemed necessary  
4989 by the board, include a requirement that licensure examinations of  
4990 applicants be conducted utilizing live human subjects. Each  
4991 applicant shall appear before the board and be examined to  
4992 determine his or her learning and skill in dentistry or dental  
4993 hygiene. If found by the members of the board conducting the  
4994 examination to possess sufficient learning and skill  
4995 therein \* \* \*, the board shall, as early as practicable, grant to  
4996 the person a license to practice dentistry or dental hygiene, as  
4997 the case may be, which shall be signed by each member of the board  
4998 who attended the examination and approved the issuance of a  
4999 license.

5000           (8) The Board of Dental Examiners may, at its own  
5001 discretion, accept certification of a licensure applicant, either  
5002 dentist or dental hygienist, by the National Board Examinations of  
5003 the Joint Commission on National Dental Examinations, or its  
5004 successor commission, in lieu of the written examination.  
5005 However, in all such instances the board shall retain the right to  
5006 administer such further written and practical examinations and  
5007 demonstrations as it deems necessary.



5008 (9) Each application or filing made under this section shall  
5009 include the social security number(s) of the applicant in  
5010 accordance with Section 93-11-64.

5011 **SECTION 54.** Section 73-11-51, Mississippi Code of 1972, is  
5012 amended as follows:

5013 73-11-51. (1) No person shall engage in the business or  
5014 practice of funeral service, including embalming, and/or funeral  
5015 directing or hold himself out as transacting or practicing or  
5016 being entitled to transact or practice funeral service, including  
5017 embalming, and/or funeral directing in this state unless duly  
5018 licensed under the provisions of this chapter.

5019 (2) The board is authorized and empowered to examine  
5020 applicants for licenses for the practice of funeral service and  
5021 funeral directing and shall issue the proper license to those  
5022 persons who successfully pass the applicable examination and  
5023 otherwise comply with the provisions of this chapter.

5024 (3) To be licensed for the practice of funeral directing  
5025 under this chapter, a person must furnish satisfactory evidence to  
5026 the board that he or she:

5027 (a) Is at least eighteen (18) years of age;

5028 (b) Has a high school diploma or the equivalent  
5029 thereof;

5030 (c) Has served as a resident trainee for not less than  
5031 twelve (12) months under the supervision of a person licensed for



5032 the practice of funeral service or funeral directing in this  
5033 state; and

5034 (d) Has successfully passed a written and/or oral  
5035 examination as prepared or approved by the board \* \* \*.

5036 \* \* \*

5037 (4) To be licensed for the practice of funeral service under  
5038 this chapter, a person must furnish satisfactory evidence to the  
5039 board that he or she:

5040 (a) Is at least eighteen (18) years of age;

5041 (b) Has a high school diploma or the equivalent  
5042 thereof;

5043 (c) Has successfully completed twelve (12) months or  
5044 more of academic and professional instruction from an institution  
5045 accredited by the United States Department of Education for  
5046 funeral service education and have a certificate of completion  
5047 from an institution accredited by the American Board of Funeral  
5048 Service Education or any other successor recognized by the United  
5049 States Department of Education for funeral service education;

5050 (d) Has served as a resident trainee for not less than  
5051 twelve (12) months, either before or after graduation from an  
5052 accredited institution mentioned above, under the supervision of a  
5053 person licensed for the practice of funeral service in this state  
5054 and in an establishment licensed in this state; and



5055 (e) Has successfully passed the National Conference of  
5056 Funeral Examiners examination and/or such other examination as  
5057 approved by the board \* \* \*.

5058 \* \* \*

5059 (5) All applications for examination and license for the  
5060 practice of funeral service or funeral directing shall be upon  
5061 forms furnished by the board and shall be accompanied by an  
5062 examination fee, a licensing fee and a nonrefundable application  
5063 fee in amounts fixed by the board in accordance with Section  
5064 73-11-56. The fee for an initial license, however, may be  
5065 prorated in proportion to the period of time from the date of  
5066 issuance to the date of biennial license renewal prescribed in  
5067 subsection (8) of this section. All applications for examination  
5068 shall be filed with the board office at least sixty (60) days  
5069 before the date of examination. A candidate shall be deemed to  
5070 have abandoned the application for examination if he does not  
5071 appear on the scheduled date of examination unless such failure to  
5072 appear has been approved by the board.

5073 (6) The practice of funeral service or funeral directing  
5074 must be engaged in at a licensed funeral establishment, at least  
5075 one (1) of which is listed as the licensee's place of business;  
5076 and no person, partnership, corporation, association or other  
5077 organization shall open or maintain a funeral establishment at  
5078 which to engage in or conduct or hold himself or itself out as  
5079 engaging in the practice of funeral service or funeral directing



5080 until such establishment has complied with the licensing  
5081 requirements of this chapter. A license for the practice of  
5082 funeral service or funeral directing shall be used only at  
5083 licensed funeral establishments; however, this provision shall not  
5084 prevent a person licensed for the practice of funeral service or  
5085 funeral directing from conducting a funeral service at a church, a  
5086 residence, public hall, lodge room or cemetery chapel, if such  
5087 person maintains a fixed licensed funeral establishment of his own  
5088 or is in the employ of or an agent of a licensed funeral  
5089 establishment.

5090 (7) Any person holding a valid, unrevoked and unexpired  
5091 nonreciprocal license in another state or territory having  
5092 requirements greater than or equal to those of this state as  
5093 determined by the board may apply for a license to practice in  
5094 this state by filing with the board a certified statement from the  
5095 secretary of the licensing board of the state or territory in  
5096 which the applicant holds his license certifying to his  
5097 qualifications and good standing with that board. He/she must  
5098 also successfully pass a written and/or oral examination on the  
5099 Mississippi Funeral Service licensing law and rules and  
5100 regulations as prepared or approved by the board, and must pay a  
5101 nonrefundable application fee set by the board. If the board  
5102 finds that the applicant has fulfilled aforesaid requirements and  
5103 has fulfilled substantially similar requirements of those required  
5104 for a Mississippi licensee, the board shall grant such license



5105 upon receipt of a fee in an amount equal to the renewal fee set by  
5106 the board for a license for the practice of funeral service or  
5107 funeral directing, as the case may be, in this state. The board  
5108 may issue a temporary funeral service or funeral directing work  
5109 permit before a license is granted, before the next regular  
5110 meeting of the board, if the applicant for a reciprocal license  
5111 has complied with all requirements, rules and regulations of the  
5112 board. The temporary permit will expire at the next regular  
5113 meeting of the board. The issuance of a license or temporary  
5114 permit by reciprocity to a military-trained applicant, military  
5115 spouse or person who establishes residence in this state shall be  
5116 subject to the provisions of Section 73-50-1 or 73-50-2, as  
5117 applicable.

5118 (8) (a) Except as provided in Section 33-1-39, any person  
5119 holding a license for the practice of funeral service or funeral  
5120 directing may have the same renewed for a period of two (2) years  
5121 by making and filing with the board an application on or before  
5122 the due date. Payment of the renewal fee shall be in an amount  
5123 set by the board in accordance with Section 73-11-56. The board  
5124 shall mail the notice of renewal and the due date for the payment  
5125 of the renewal fee to the last-known address of each licensee at  
5126 least thirty (30) days before that date. It is the responsibility  
5127 of the licensee to notify the board in writing of any change of  
5128 address. An application will be considered late if the  
5129 application and proper fees are not in the board's office or





5130 postmarked by the due date. Failure of a license holder to  
5131 receive the notice of renewal shall not exempt or excuse a license  
5132 holder from the requirement of renewing the license on or before  
5133 the license expiration date.

5134 (b) If the renewal fee is not paid on or postmarked by  
5135 the due date, the license of such person shall by operation of law  
5136 automatically expire and become void without further action of the  
5137 board. The board may reinstate such license if application for  
5138 licensure is made within a period of five (5) years, upon payment  
5139 of the renewal fee for the current year, all renewal fees in  
5140 arrears, and a reinstatement fee. After a period of five (5)  
5141 years, the licensee must make application, pay the current renewal  
5142 fee, all fees in arrears, and pass a written and/or oral  
5143 examination as prepared or approved by the board.

5144 (9) No license shall be assignable or valid for any person  
5145 other than the original licensee.

5146 (10) The board may, in its discretion, if there is a major  
5147 disaster or emergency where human death is likely to occur,  
5148 temporarily authorize the practice of funeral directing and  
5149 funeral service by persons licensed to practice in another state  
5150 but not licensed to practice in this state. Only persons licensed  
5151 in this state, however, may sign death certificates.

5152 (11) Any funeral service technology or mortuary science  
5153 program accredited by the American Board of Funeral Service  
5154 Education in the State of Mississippi, as well as students



5155 enrolled in such a program, shall be exempt from licensing under  
5156 this chapter when embalming or otherwise preparing a deceased  
5157 human body for disposition as part of a student practicum  
5158 experience, when the student is directly supervised by an  
5159 instructor or preceptor who holds a current funeral service  
5160 license. This exemption shall apply to practicum experiences  
5161 performed at an accredited institution of funeral service  
5162 technology or mortuary science program or at a duly licensed  
5163 funeral establishment or commercial mortuary service. Nothing in  
5164 this subsection shall be construed to allow any funeral service  
5165 technology or mortuary science program, or those students enrolled  
5166 in such a program, to engage in practicum experiences for  
5167 remuneration.

5168 (12) Each application or filing made under this section  
5169 shall include the social security number(s) of the applicant in  
5170 accordance with Section 93-11-64.

5171 **SECTION 55.** Section 73-13-23, Mississippi Code of 1972, is  
5172 amended as follows:

5173 73-13-23. (1) (a) The following shall be considered as  
5174 minimum evidence satisfactory to the board that the applicant is  
5175 qualified for licensure as a professional engineer:

5176 Graduation in an engineering curriculum of four (4) years or  
5177 more from a school or college approved by the board as of  
5178 satisfactory standing or graduation in an engineering, engineering  
5179 technology, or related science curriculum of four (4) scholastic



5180 years from a school or college other than those approved by the  
5181 board plus a graduate degree in an engineering curriculum from a  
5182 school or college wherein the same engineering curriculum at the  
5183 undergraduate level is approved by the board as of satisfactory  
5184 standing; a specific record of four (4) years of qualifying  
5185 engineering experience indicating that the applicant is competent  
5186 to practice engineering (in counting years of experience, the  
5187 board at its discretion may give credit not in excess of three (3)  
5188 years for satisfactory graduate study in engineering), and the  
5189 successful passing of examinations in engineering as prescribed by  
5190 the board.

5191 (b) In considering the qualifications of applicants,  
5192 engineering teaching may be construed as engineering experience.

5193 (c) The mere execution, as a contractor, of work  
5194 designed by a professional engineer, or the supervision of the  
5195 construction of such work as a foreman or superintendent shall not  
5196 be deemed to be the practice of engineering.

5197 (d) Any person having the necessary qualifications  
5198 prescribed in Sections 73-13-1 through 73-13-45 to entitle him to  
5199 licensure shall be eligible for such licensure although he may not  
5200 be practicing his profession at the time of making his  
5201 application.

5202 (e) No person shall be eligible for licensure as a  
5203 professional engineer who \* \* \* presents claims in support of his  
5204 application which contain major discrepancies.



5205           (2) The following shall be considered as minimum evidence  
5206 satisfactory to the board that the applicant is qualified for  
5207 enrollment as an engineer intern:

5208           (a) Graduation in an engineering curriculum of four (4)  
5209 scholastic years or more from a school or college approved by the  
5210 board as of satisfactory standing or graduation in an engineering,  
5211 engineering technology, or related science curriculum of four (4)  
5212 scholastic years from a school or college other than those  
5213 approved by the board plus a graduate degree in an engineering  
5214 curriculum from a school or college wherein that same engineering  
5215 curriculum at the undergraduate level is approved by the board as  
5216 of satisfactory standing; and

5217           (b) Successfully passing a written examination in the  
5218 fundamental engineering subjects.

5219           **SECTION 56.** Section 73-13-77, Mississippi Code of 1972, is  
5220 amended as follows:

5221           73-13-77. (1) The following shall be considered as minimum  
5222 evidence satisfactory to the board that the applicant is qualified  
5223 for licensure as a professional surveyor:

5224           (a) (i) A bachelor's degree in geomatics, surveying or  
5225 surveying technology approved by the board consisting of a minimum  
5226 of one hundred twenty (120) semester hours, or the equivalent, in  
5227 surveying curriculum subjects and a specific record of four (4)  
5228 years of qualifying surveying experience; or



5229                   (ii) A bachelor's degree in a related science  
5230 curriculum defined by board rule, consisting of sixty-two (62)  
5231 semester hours in surveying curriculum subjects as defined by  
5232 board rule, and a specific record of five (5) years of qualifying  
5233 surveying experience; or

5234                   (iii) A bachelor's degree in a related science  
5235 curriculum defined by board rule, and a specific record of six (6)  
5236 years of qualifying surveying experience; or

5237                   (iv) An associate degree, or its equivalent, in a  
5238 curriculum approved by the board consisting of sixty-two (62)  
5239 semester hours in surveying curriculum subjects as defined by  
5240 board rule, and a specific record of seven (7) years or more of  
5241 qualifying surveying experience; or

5242                   (v) A high school diploma, or its equivalent, and  
5243 a specific record of twelve (12) years or more of qualifying  
5244 surveying experience; and

5245                   (b) Successfully passing examinations in surveying  
5246 prescribed by the board.

5247           (2) The following shall be considered as minimum evidence  
5248 satisfactory to the board that the applicant is qualified for  
5249 enrollment as a surveyor intern:

5250                   (a) (i) A bachelor's degree in geomatics, surveying or  
5251 surveying technology approved by the board consisting of a minimum  
5252 of one hundred twenty (120) semester hours, or the equivalent, in  
5253 surveying curriculum subjects; or



5254 (ii) A bachelor's degree in a related science  
5255 curriculum defined by board rule consisting of sixty-two (62)  
5256 semester hours in surveying curriculum subjects as defined by  
5257 board rule; or

5258 (iii) A bachelor's degree in a related science  
5259 curriculum defined by board rule; or

5260 (iv) An associate degree, or its equivalent, in a  
5261 curriculum approved by the board consisting of sixty-two (62)  
5262 semester hours in surveying curriculum subjects as defined by  
5263 board rule; or

5264 (v) A high school diploma, or its equivalent, and  
5265 a specific record of eight (8) years or more of qualifying  
5266 surveying experience; and

5267 (b) Successfully passing examinations in surveying  
5268 fundamentals prescribed by the board.

5269 \* \* \*

5270 **SECTION 57.** Section 73-15-19, Mississippi Code of 1972, is  
5271 brought forward as follows:

5272 73-15-19. (1) **Registered nurse applicant qualifications.**

5273 Any applicant for a license to practice as a registered nurse  
5274 shall submit to the board:

5275 (a) An attested written application on a Board of  
5276 Nursing form;

5277 (b) Written official evidence of completion of a  
5278 nursing program approved by the Board of Trustees of State



5279 Institutions of Higher Learning, or one approved by a legal  
5280 accrediting agency of another state, territory or possession of  
5281 the United States, the District of Columbia, or a foreign country  
5282 which is satisfactory to this board;

5283 (c) Evidence of competence in English related to  
5284 nursing, provided the first language is not English;

5285 (d) Any other official records required by the board.

5286 In addition to the requirements specified in paragraphs (a)  
5287 through (d) of this subsection, in order to qualify for a license  
5288 to practice as a registered nurse, an applicant must have  
5289 successfully been cleared for licensure through an investigation  
5290 that shall consist of a determination as to good moral character  
5291 and verification that the prospective licensee is not guilty of or  
5292 in violation of any statutory ground for denial of licensure as  
5293 set forth in Section 73-15-29 or guilty of any offense specified  
5294 in Section 73-15-33. To assist the board in conducting its  
5295 licensure investigation, all applicants shall undergo a  
5296 fingerprint-based criminal history records check of the  
5297 Mississippi central criminal database and the Federal Bureau of  
5298 Investigation criminal history database. Each applicant shall  
5299 submit a full set of his or her fingerprints in a form and manner  
5300 prescribed by the board, which shall be forwarded to the  
5301 Mississippi Department of Public Safety (department) and the  
5302 Federal Bureau of Investigation Identification Division for this  
5303 purpose.



5304 Any and all state or national criminal history records  
5305 information obtained by the board that is not already a matter of  
5306 public record shall be deemed nonpublic and confidential  
5307 information restricted to the exclusive use of the board, its  
5308 members, officers, investigators, agents and attorneys in  
5309 evaluating the applicant's eligibility or disqualification for  
5310 licensure, and shall be exempt from the Mississippi Public Records  
5311 Act of 1983. Except when introduced into evidence in a hearing  
5312 before the board to determine licensure, no such information or  
5313 records related thereto shall, except with the written consent of  
5314 the applicant or by order of a court of competent jurisdiction, be  
5315 released or otherwise disclosed by the board to any other person  
5316 or agency.

5317 The board shall provide to the department the fingerprints of  
5318 the applicant, any additional information that may be required by  
5319 the department, and a form signed by the applicant consenting to  
5320 the check of the criminal records and to the use of the  
5321 fingerprints and other identifying information required by the  
5322 state or national repositories.

5323 The board shall charge and collect from the applicant, in  
5324 addition to all other applicable fees and costs, such amount as  
5325 may be incurred by the board in requesting and obtaining state and  
5326 national criminal history records information on the applicant.

5327 The board may, in its discretion, refuse to accept the  
5328 application of any person who has been convicted of a criminal





5329 offense under any provision of Title 97 of the Mississippi Code of  
5330 1972, as now or hereafter amended, or any provision of this  
5331 article.

5332           (2) **Licensure by examination.** (a) Upon the board being  
5333 satisfied that an applicant for a license as a registered nurse  
5334 has met the qualifications set forth in subsection (1) of this  
5335 section, the board shall proceed to examine such applicant in such  
5336 subjects as the board shall, in its discretion, determine. The  
5337 subjects in which applicants shall be examined shall be in  
5338 conformity with curricula in schools of nursing approved by the  
5339 Board of Trustees of State Institutions of Higher Learning, or one  
5340 approved by a legal accrediting agency of another state, territory  
5341 or possession of the United States, the District of Columbia, or a  
5342 foreign country which is satisfactory to the board.

5343           (b) The applicant shall be required to pass the written  
5344 examination as selected by the board.

5345           (c) Upon successful completion of such examination, the  
5346 board shall issue to the applicant a license to practice as a  
5347 registered nurse.

5348           (d) The board may use any part or all of the state  
5349 board test pool examination for registered nurse licensure, its  
5350 successor examination, or any other nationally standardized  
5351 examination identified by the board in its rules. The passing  
5352 score shall be established by the board in its rules.



5353           (3)   **Licensure by endorsement.**   The board may issue a license  
5354 to practice nursing as a registered nurse without examination to  
5355 an applicant who has been duly licensed as a registered nurse  
5356 under the laws of another state, territory or possession of the  
5357 United States, the District of Columbia, or a foreign country if,  
5358 in the opinion of the board, the applicant meets the  
5359 qualifications required of licensed registered nurses in this  
5360 state and has previously achieved the passing score or scores on  
5361 the licensing examination required by this state, at the time of  
5362 his or her graduation.   The issuance of a license by endorsement  
5363 to a military-trained applicant, military spouse or person who  
5364 establishes residence in this state shall be subject to the  
5365 provisions of Section 73-50-1 or 73-50-2, as applicable.

5366           (4)   **Requirements for rewriting the examination.**   The board  
5367 shall establish in its rules the requirements for rewriting the  
5368 examination for those persons failing the examination on the first  
5369 writing or subsequent rewriting.

5370           (5)   **Fee.**   The applicant applying for a license by  
5371 examination or by endorsement to practice as a registered nurse  
5372 shall pay a fee not to exceed One Hundred Dollars (\$100.00) to the  
5373 board.

5374           (6)   **Temporary permit.**   (a)   The board may issue a temporary  
5375 permit to practice nursing to a graduate of an approved school of  
5376 nursing pending the results of the examination in Mississippi, and  
5377 to a qualified applicant from another state, territory or



5378 possession of the United States, or District of Columbia, or  
5379 pending licensure procedures as provided for elsewhere in this  
5380 article. The fee shall not exceed Twenty-five Dollars (\$25.00).

5381 (b) The board may issue a temporary permit for a period  
5382 of ninety (90) days to a registered nurse who is currently  
5383 licensed in another state, territory or possession of the United  
5384 States or the District of Columbia and who is an applicant for  
5385 licensure by endorsement. Such permit is not renewable except by  
5386 board action. The issuance of a temporary permit to a  
5387 military-trained applicant, military spouse or person who  
5388 establishes residence in this state shall be subject to the  
5389 provisions of Section 73-50-1 or 73-50-2, as applicable.

5390 (c) The board may issue a temporary permit to a  
5391 graduate of an approved school of nursing pending the results of  
5392 the first licensing examination scheduled after application. Such  
5393 permit is not renewable except by board action.

5394 (d) The board may issue a temporary permit for a period  
5395 of thirty (30) days to any registered nurse during the time  
5396 enrolled in a nursing reorientation program. This time period may  
5397 be extended by board action. The fee shall not exceed Twenty-five  
5398 Dollars (\$25.00).

5399 (e) The board may adopt such regulations as are  
5400 necessary to limit the practice of persons to whom temporary  
5401 permits are issued.



5402           (7) **Temporary license.** The board may issue a temporary  
5403 license to practice nursing at a youth camp licensed by the State  
5404 Board of Health to nonresident registered nurses and retired  
5405 resident registered nurses under the provisions of Section  
5406 75-74-8.

5407           (8) **Title and abbreviation.** Any person who holds a license  
5408 or holds the privilege to practice as a registered nurse in this  
5409 state shall have the right to use the title "registered nurse" and  
5410 the abbreviation "R.N." No other person shall assume such title  
5411 or use such abbreviation, or any words, letters, signs or devices  
5412 to indicate that the person using the same is a registered nurse.

5413           (9) **Registered nurses licensed under a previous law.** Any  
5414 person holding a license to practice nursing as a registered nurse  
5415 issued by this board which is valid on July 1, 1981, shall  
5416 thereafter be deemed to be licensed as a registered nurse under  
5417 the provisions of this article upon payment of the fee provided in  
5418 Section 73-15-27.

5419           (10) Each application or filing made under this section  
5420 shall include the social security number(s) of the applicant in  
5421 accordance with Section 93-11-64.

5422           **SECTION 58.** Section 73-15-21, Mississippi Code of 1972, is  
5423 brought forward as follows:

5424           73-15-21. (1) **Licensed practical nurse applicant**  
5425 **qualifications.** Any applicant for a license to practice practical  
5426 nursing as a licensed practical nurse shall submit to the board:



5427                   (a) An attested written application on a Board of  
5428 Nursing form;

5429                   (b) A diploma from an approved high school or the  
5430 equivalent thereof, as determined by the appropriate educational  
5431 agency;

5432                   (c) Written official evidence of completion of a  
5433 practical nursing program approved by the State Department of  
5434 Education through its Division of Vocational Education, or one  
5435 approved by a legal accrediting agency of another state, territory  
5436 or possession of the United States, the District of Columbia, or a  
5437 foreign country which is satisfactory to this board;

5438                   (d) Evidence of competence in English related to  
5439 nursing, provided the first language is not English;

5440                   (e) Any other official records required by the board.

5441           In addition to the requirements specified in paragraphs (a)  
5442 through (e) of this subsection, in order to qualify for a license  
5443 to practice practical nursing as a licensed practical nurse, an  
5444 applicant must have successfully been cleared for licensure  
5445 through an investigation that shall consist of a determination as  
5446 to good moral character and verification that the prospective  
5447 licensee is not guilty of or in violation of any statutory ground  
5448 for denial of licensure as set forth in Section 73-15-29 or guilty  
5449 of any offense specified in Section 73-15-33. To assist the board  
5450 in conducting its licensure investigation, all applicants shall  
5451 undergo a fingerprint-based criminal history records check of the



5452 Mississippi central criminal database and the Federal Bureau of  
5453 Investigation criminal history database. Each applicant shall  
5454 submit a full set of his or her fingerprints in a form and manner  
5455 prescribed by the board, which shall be forwarded to the  
5456 Mississippi Department of Public Safety (department) and the  
5457 Federal Bureau of Investigation Identification Division for this  
5458 purpose.

5459 Any and all state or national criminal history records  
5460 information obtained by the board that is not already a matter of  
5461 public record shall be deemed nonpublic and confidential  
5462 information restricted to the exclusive use of the board, its  
5463 members, officers, investigators, agents and attorneys in  
5464 evaluating the applicant's eligibility or disqualification for  
5465 licensure, and shall be exempt from the Mississippi Public Records  
5466 Act of 1983. Except when introduced into evidence in a hearing  
5467 before the board to determine licensure, no such information or  
5468 records related thereto shall, except with the written consent of  
5469 the applicant or by order of a court of competent jurisdiction, be  
5470 released or otherwise disclosed by the board to any other person  
5471 or agency.

5472 The board shall provide to the department the fingerprints of  
5473 the applicant, any additional information that may be required by  
5474 the department, and a form signed by the applicant consenting to  
5475 the check of the criminal records and to the use of the



5476 fingerprints and other identifying information required by the  
5477 state or national repositories.

5478         The board shall charge and collect from the applicant, in  
5479 addition to all other applicable fees and costs, such amount as  
5480 may be incurred by the board in requesting and obtaining state and  
5481 national criminal history records information on the applicant.

5482         The board may, in its discretion, refuse to accept the  
5483 application of any person who has been convicted of a criminal  
5484 offense under any provision of Title 97 of the Mississippi Code of  
5485 1972, as now or hereafter amended, or any provision of this  
5486 article.

5487         (2) **Licensure by examination.** (a) Upon the board being  
5488 satisfied that an applicant for a license as a practical nurse has  
5489 met the qualifications set forth in subsection (1) of this  
5490 section, the board shall proceed to examine such applicant in such  
5491 subjects as the board shall, in its discretion, determine. The  
5492 subjects in which applicants shall be examined shall be in  
5493 conformity with curricula in schools of practical nursing approved  
5494 by the State Department of Education.

5495         (b) The applicant shall be required to pass the written  
5496 examination selected by the board.

5497         (c) Upon successful completion of such examination, the  
5498 board shall issue to the applicant a license to practice as a  
5499 licensed practical nurse.



5500 (d) The board may use any part or all of the state  
5501 board test pool examination for practical nurse licensure, its  
5502 successor examination, or any other nationally standardized  
5503 examination identified by the board in its rules. The passing  
5504 score shall be established by the board in its rules.

5505 (3) **Licensure by endorsement.** The board may issue a license  
5506 to practice practical nursing as a licensed practical nurse  
5507 without examination to an applicant who has been duly licensed as  
5508 a licensed practical nurse under the laws of another state,  
5509 territory or possession of the United States, the District of  
5510 Columbia, or a foreign country if, in the opinion of the board,  
5511 the applicant meets the qualifications required of licensed  
5512 practical nurses in this state and has previously achieved the  
5513 passing score or scores on the licensing examination required by  
5514 this state at the time of his or her graduation. The issuance of  
5515 a license by endorsement to a military-trained applicant, military  
5516 spouse or person who establishes residence in this state shall be  
5517 subject to the provisions of Section 73-50-1 or 73-50-2, as  
5518 applicable.

5519 (4) **Licensure by equivalent amount of theory and clinical**  
5520 **experience.** In the discretion of the board, former students of a  
5521 state-accredited school preparing students to become registered  
5522 nurses may be granted permission to take the examination for  
5523 licensure to practice as a licensed practical nurse, provided the  
5524 applicant's record or transcript indicates the former student





5525 completed an equivalent amount of theory and clinical experiences  
5526 as required of a graduate of a practical nursing program, and  
5527 provided the school attended was, at the time of the student's  
5528 attendance, an accredited school of nursing.

5529 (5) **Requirements for rewriting the examination.** The board  
5530 shall establish in its rules the requirements for rewriting the  
5531 examination for those persons failing the examination on the first  
5532 writing or subsequent writing.

5533 (6) **Fee.** The applicant applying for a license by  
5534 examination or by endorsement to practice as a licensed practical  
5535 nurse shall pay a fee not to exceed Sixty Dollars (\$60.00) to the  
5536 board.

5537 (7) **Temporary permit.** (a) The board may issue a temporary  
5538 permit to practice practical nursing to a graduate of an approved  
5539 school of practical nursing pending the results of the examination  
5540 in Mississippi, and to a qualified applicant from another state,  
5541 territory or possession of the United States, or the District of  
5542 Columbia, pending licensing procedures as provided for elsewhere  
5543 in this article. The fee shall not exceed Twenty-five Dollars  
5544 (\$25.00).

5545 (b) The board may issue a temporary permit for a period  
5546 of ninety (90) days to a licensed practical nurse who is currently  
5547 licensed in another state, territory or possession of the United  
5548 States or the District of Columbia and who is an applicant for  
5549 licensure by endorsement. Such permit is not renewable except by



5550 board action. The issuance of a temporary permit to a  
5551 military-trained applicant, military spouse or person who  
5552 establishes residence in this state shall be subject to the  
5553 provisions of Section 73-50-1 or 73-50-2, as applicable.

5554 (c) The board may issue a temporary permit to a  
5555 graduate of an approved practical nursing education program or an  
5556 equivalent program satisfactory to the board pending the results  
5557 of the first licensing examination scheduled after application.  
5558 Such permit is not renewable except by board action.

5559 (d) The board may issue a temporary permit for a period  
5560 of thirty (30) days to any licensed practical nurse during the  
5561 time enrolled in a nursing reorientation program. This time  
5562 period may be extended by board action. The fee shall not exceed  
5563 Twenty-five Dollars (\$25.00).

5564 (e) The board may adopt such regulations as are  
5565 necessary to limit the practice of persons to whom temporary  
5566 permits are issued.

5567 (8) **Title and abbreviation.** Any person who holds a license  
5568 or holds the privilege to practice as a licensed practical nurse  
5569 in this state shall have the right to use the title "licensed  
5570 practical nurse" and the abbreviation "L.P.N." No other person  
5571 shall assume such title or use such abbreviation, or any words,  
5572 letters, signs or devices to indicate that a person using the same  
5573 is a licensed practical nurse.



5574 (9) **Licensed practical nurses licensed under a previous law.**

5575 Any person holding a license to practice nursing as a practical  
5576 nurse issued by this board which is valid on July 1, 1981, shall  
5577 thereafter be deemed to be licensed as a practical nurse under the  
5578 provisions of this article upon payment of the fee prescribed in  
5579 Section 73-15-27.

5580 (10) Each application or filing made under this section  
5581 shall include the social security number(s) of the applicant in  
5582 accordance with Section 93-11-64.

5583 **SECTION 59.** Section 73-17-9, Mississippi Code of 1972, is  
5584 amended as follows:

5585 73-17-9. It shall be the function and duty of the board to:

5586 (a) Develop, impose, and enforce standards which must  
5587 be met by individuals in order to receive a license as a nursing  
5588 home administrator, which standards shall be designed to \* \* \*  
5589 ensure that nursing home administrators will be individuals who  
5590 are \* \* \* suitable, and who, by training or experience in the  
5591 field of institutional administration, are qualified to serve as  
5592 nursing home administrators;

5593 (b) Develop and apply appropriate techniques, including  
5594 examinations and investigations, for determining whether an  
5595 individual meets such standards;

5596 (c) Issue licenses to individuals determined, after the  
5597 application of such techniques, to meet such standards, and revoke  
5598 or suspend licenses previously issued by the board in any case



5599 where the individual holding any such license is determined  
5600 substantially to have failed to conform to the requirements of  
5601 such standards;

5602 (d) Establish and carry out procedures designed  
5603 to \* \* \* ensure that individuals licensed as nursing home  
5604 administrators will, during any period that they serve as such,  
5605 comply with the requirements of such standards;

5606 (e) Receive, investigate, and take appropriate action  
5607 with respect to any charge or complaint filed with the board to  
5608 the effect that any individual licensed as a nursing home  
5609 administrator has failed to comply with the requirements of such  
5610 standards;

5611 (f) Conduct a continuing study and investigation of  
5612 nursing homes and administrators of nursing homes within the state  
5613 with a view to the improvement of the standards imposed for the  
5614 licensing of such administrators and of procedures and methods for  
5615 the enforcement of such standards with respect to administrators  
5616 of nursing homes who have been licensed as such; and

5617 (g) To devise and implement an educational program  
5618 designed to increase the professional proficiency of nursing home  
5619 administrators and to assist otherwise qualified individuals to  
5620 prepare for careers in nursing home administration.

5621 **SECTION 60.** Section 73-17-11, Mississippi Code of 1972, is  
5622 amended as follows:



5623           73-17-11. (1) From and after July 1, 2011, in order to be  
5624 eligible to be licensed as a nursing home administrator, an  
5625 individual must submit evidence satisfactory to the board that he  
5626 or she:

5627                   (a) Is at least twenty-one (21) years of age;

5628                   (b) \* \* \* Has not been convicted of a disqualifying  
5629 crime as provided in the Fresh Start Act, including evidence of a  
5630 criminal background check within the last six (6) months, under  
5631 Section 43-11-13 and Section G.407.3 of the Minimum Standards for  
5632 Institutions for the Aged or Infirm;

5633                   (c) Is in good health;

5634                   (d) Has satisfied at least one (1) of the following  
5635 requirements for education and experience:

5636                           (i) Has sixty-four (64) hours of college work from  
5637 an accredited institution and has worked in a supervisory capacity  
5638 in a Mississippi-licensed nursing home for a minimum of two (2)  
5639 years immediately before making application for the  
5640 Administrator-in-Training Program established by board rule;

5641                           (ii) Has an associate degree from an accredited  
5642 institution and has worked in a supervisory capacity in a  
5643 Mississippi-licensed nursing home for a minimum of two (2) years  
5644 immediately before making application for the  
5645 Administrator-in-Training Program established by board rule;

5646                           (iii) Has a bachelor's degree in any other field  
5647 of study from an accredited institution before making application



5648 for the Administrator-in-Training Program established by board  
5649 rule; or

5650 (iv) Has a bachelor's degree in health care  
5651 administration or a health care related field or business from an  
5652 accredited institution before making application for the  
5653 Administrator-in-Training Program established by board rule;

5654 (e) Has (i) completed a nursing home  
5655 Administrator-in-Training Program and successfully completed the  
5656 National Association of Long-Term Care Administrator Board (NAB)  
5657 examination, or (ii) completed an Administrator-in-Training  
5658 Program in Long-Term Care Administration from an academic  
5659 institution during which time the institution held National  
5660 Association of Long-Term Care Administrator Board (NAB) Program  
5661 Approval through the academic approval process, to the  
5662 satisfaction of the board;

5663 (f) Has successfully passed the National Association of  
5664 Long-Term Care Administrator Board (NAB) examination and the  
5665 Mississippi State Board of Nursing Home Administrators examination  
5666 to test his or her proficiency and basic knowledge in the area of  
5667 nursing home administration. The board may establish the  
5668 frequency of the offering of those examinations and the contents  
5669 thereof; and

5670 (g) Has met all of the requirements established by  
5671 federal law.



5672           (2) The board is authorized to conduct a criminal history  
5673 records check on applicants for licensure. In order to determine  
5674 the applicant's suitability for licensing, the applicant shall be  
5675 fingerprinted. The board shall submit the fingerprints to the  
5676 Department of Public Safety for a check of the state criminal  
5677 records and forward to the Federal Bureau of Investigation for a  
5678 check of the national criminal records. The Department of Public  
5679 Safety shall disseminate the results of the state check and the  
5680 national check to the board for a suitability determination. The  
5681 applicant shall not be charged any of the costs of requesting and  
5682 obtaining the state and national criminal history records  
5683 information on the applicant.

5684           (3) Reciprocity shall be extended to individuals holding  
5685 licenses as nursing home administrators in other states, upon  
5686 proper application and a finding on the part of the board that:

5687                   (a) The applicant possesses the basic qualifications  
5688 listed in this chapter and in the rules and regulations adopted  
5689 under federal law;

5690                   (b) The applicant has met all of the requirements  
5691 established by federal law; and

5692                   (c) The standards for licensure in the other states are  
5693 at least the substantial equivalent of those in this state,  
5694 including education and experience, and the applicant has passed  
5695 both the National Association of Long-Term Care Administrator  
5696 Board (NAB) and the state exams.



5697           The issuance of a license by reciprocity to a  
5698 military-trained applicant, military spouse or person who  
5699 establishes residence in this state shall be subject to the  
5700 provisions of Section 73-50-1 or 73-50-2, as applicable.

5701           (4) The board may prescribe appropriate fees for the taking  
5702 of those examinations and for the issuance of licenses. Those  
5703 fees shall be not more than the cost of the examinations and Five  
5704 Hundred Fifty Dollars (\$550.00) for the issuance of a license.  
5705 However, the fee for an initial license may be prorated in  
5706 proportion to the period of time from the date of issuance and the  
5707 date of biennial license renewal prescribed in subsection (5).  
5708 All licenses issued under this chapter shall be for a maximum  
5709 period of two (2) years.

5710           (5) Except as provided in Section 33-1-39, the board may  
5711 renew licenses biennially upon the payment of a fee to be  
5712 established by the board, which shall be not more than Five  
5713 Hundred Fifty Dollars (\$550.00), plus any administrative costs for  
5714 late payment.

5715           (6) Any person who is not licensed under this chapter on  
5716 July 1, 2011, who makes application with the board on or before  
5717 June 30, 2012, may qualify for a license under this chapter  
5718 provided that on or before January 31, 2014, he or she  
5719 demonstrates to the satisfaction of the board that he or she (a)  
5720 meets the eligibility requirements for a nursing home  
5721 administrator's license prescribed in this section as those





5722 requirements existed on June 30, 2011; (b) has successfully  
5723 completed the Administrator-in-Training Program requirements  
5724 existing on June 30, 2011; and (c) has paid all required fees for  
5725 licensure.

5726 (7) Current licensure by the Department of Mental Health  
5727 under Section 41-4-7(r) as a mental health/intellectual disability  
5728 program administrator shall exempt the licensee from the  
5729 requirement of licensure as a nursing home administrator if the  
5730 licensee is employed in the state mental health system as  
5731 Administrator of Intermediate Care Facility or Facilities for  
5732 Persons with Intellectual Disabilities (ICF/ID) no larger than  
5733 sixteen (16) beds.

5734 (8) Any member of the Legislature who serves on the Public  
5735 Health and/or Medicaid Committee who is a licensed nursing home  
5736 administrator shall be exempt from continuing education  
5737 requirements for license renewal.

5738 **SECTION 61.** Section 73-19-17, Mississippi Code of 1972, is  
5739 amended as follows:

5740 73-19-17. Any person over the age of twenty-one (21)  
5741 years \* \* \* who has graduated from a reputable school or college  
5742 of optometry, shall be entitled to stand for the examination for  
5743 license to practice optometry in Mississippi. The examining Board  
5744 of Optometry shall keep on file a list of schools or colleges of  
5745 optometry which are recognized by said board. The examination to  
5746 practice optometry shall consist of tests in practical,



5747 theoretical and physiological optics, in theoretical and practical  
5748 optometry and in anatomy and physiology of the eye and in  
5749 pathology as applied to optometry. The State Board of Optometry  
5750 shall not examine or certify any optometrist in any therapeutic  
5751 procedures unless the optometrist has successfully completed the  
5752 proper didactic education and supervised clinical training taught  
5753 by an institution accredited by a regional or professional  
5754 accreditation organization that is recognized or approved by the  
5755 Council on Postsecondary Accreditation of the United States  
5756 Department of Education, or its successor, and approved by the  
5757 State Board of Optometry with the advice and consultation of the  
5758 designated members of the State Board of Medical Licensure and the  
5759 State Board of Pharmacy.

5760           **SECTION 62.** Section 73-21-85, Mississippi Code of 1972, is  
5761 amended as follows:

5762           73-21-85. (1) To obtain a license to engage in the practice  
5763 of pharmacy by examination, or by score transfer, the applicant  
5764 shall:

5765                   (a) Have submitted a written application on the form  
5766 prescribed by the board;

5767           \* \* \*

5768                   ( \* \* \*b) Have graduated from a school or college of  
5769 pharmacy accredited by the American Council of Pharmaceutical  
5770 Education and have been granted a pharmacy degree therefrom;



5771 ( \* \* \*c) Have successfully passed an examination  
5772 approved by the board;

5773 ( \* \* \*d) Have paid all fees specified by the board for  
5774 examination, not to exceed the cost to the board of administering  
5775 the examination;

5776 ( \* \* \*e) Have paid all fees specified by the board for  
5777 licensure; and

5778 ( \* \* \*f) Have submitted evidence of externship and/or  
5779 internship as specified by the board.

5780 (2) To obtain a license to engage in the practice of  
5781 pharmacy, a foreign pharmacy graduate applicant shall obtain the  
5782 National Association of Boards of Pharmacy's Foreign Pharmacy  
5783 Graduate Examination Committee's certification, which shall  
5784 include, but not be limited to, successfully passing the Foreign  
5785 Pharmacy Graduate Equivalency Examination and attaining a total  
5786 score of at least five hundred fifty (550) on the Test of English  
5787 as a Foreign Language (TOEFL), and shall:

5788 (a) Have submitted a written application on the form  
5789 prescribed by the board;

5790 \* \* \*

5791 ( \* \* \*b) Have graduated and been granted a pharmacy  
5792 degree from a college or school of pharmacy recognized and  
5793 approved by the National Association of Boards of Pharmacy's  
5794 Foreign Pharmacy Graduate Examination Committee;



5795 ( \* \* \*c) Have paid all fees specified by the board for  
5796 examination, not to exceed the cost to the board of administering  
5797 the examination;

5798 ( \* \* \*d) Have successfully passed an examination  
5799 approved by the board;

5800 ( \* \* \*e) Have completed the number of internship hours  
5801 as set forth by regulations of the board; and

5802 ( \* \* \*f) Have paid all fees specified by the board for  
5803 licensure.

5804 (3) Each application or filing made under this section shall  
5805 include the social security number(s) of the applicant in  
5806 accordance with Section 93-11-64.

5807 (4) \* \* \* The board shall conduct a criminal history records  
5808 check on all applicants for a license. In order to determine the  
5809 applicant's suitability for licensing, the applicant shall be  
5810 fingerprinted. The board shall submit the fingerprints to the  
5811 Department of Public Safety for a check of the state criminal  
5812 records and forward to the Federal Bureau of Investigation for a  
5813 check of the national criminal records. The Department of Public  
5814 Safety shall disseminate the results of the state check and the  
5815 national check to the board for a suitability determination. The  
5816 board shall be authorized to collect from the applicant the amount  
5817 of the fee that the Department of Public Safety charges the board  
5818 for the fingerprinting, whether manual or electronic, and the  
5819 state and national criminal history records checks.



5820           (5) \* \* \* The board, upon request of the Dean of the  
5821 University of Mississippi School of Pharmacy, shall be authorized  
5822 to conduct a criminal history records check on all applicants for  
5823 enrollment into the School of Pharmacy. In order to determine the  
5824 applicant's suitability for enrollment and licensing, the  
5825 applicant shall be fingerprinted. The board shall submit the  
5826 fingerprints to the Department of Public Safety for a check of the  
5827 state criminal records and forward to the Federal Bureau of  
5828 Investigation for a check of the national criminal records. The  
5829 Department of Public Safety shall disseminate the results of the  
5830 state check and the national check to the board for a suitability  
5831 determination and the board shall forward the results to the Dean  
5832 of the School of Pharmacy. The board shall be authorized to  
5833 collect from the applicant the amount of the fee that the  
5834 Department of Public Safety charges the board for the  
5835 fingerprinting, whether manual or electronic, and the state and  
5836 national criminal history records checks.

5837           **SECTION 63.** Section 73-21-87, Mississippi Code of 1972, is  
5838 amended as follows:

5839           73-21-87. (1) To obtain a license to engage in the practice  
5840 of pharmacy by reciprocity or license transfer, the applicant  
5841 shall:

5842                   (a) Have submitted a written application on the form  
5843 prescribed by the board;

5844           \* \* \*



5845 ( \* \* \*b) Have possessed at the time of initial  
5846 licensure as a pharmacist such other qualifications necessary to  
5847 have been eligible for licensure at that time in that state;

5848 ( \* \* \*c) Have presented to the board proof that any  
5849 license or licenses granted to the applicant by any other states  
5850 have not been suspended, revoked, cancelled or otherwise  
5851 restricted for any reason except nonrenewal or the failure to  
5852 obtain required continuing education credits; and

5853 ( \* \* \*d) Have paid all fees specified by the board for  
5854 licensure.

5855 (2) No applicant shall be eligible for licensure by  
5856 reciprocity or license transfer unless the state in which the  
5857 applicant was initially licensed also grants a reciprocal license  
5858 or transfer license to pharmacists licensed by this state under  
5859 like circumstances and conditions.

5860 (3) The issuance of a license by reciprocity to a  
5861 military-trained applicant, military spouse or person who  
5862 establishes residence in this state shall be subject to the  
5863 provisions of Section 73-50-1 or 73-50-2, as applicable.

5864 (4) Each application or filing made under this section shall  
5865 include the social security number(s) of the applicant in  
5866 accordance with Section 93-11-64.

5867 **SECTION 64.** Section 73-21-111, Mississippi Code of 1972, is  
5868 amended as follows:



5869           73-21-111. (1) The board shall make, adopt, amend and  
5870 repeal, from time to time, such rules and regulations for the  
5871 regulation of supportive personnel as may be deemed necessary by  
5872 the board.

5873           (2) Every person who acts or serves as a pharmacy technician  
5874 in a pharmacy that is located in this state and permitted by the  
5875 board shall obtain a registration from the board. To obtain a  
5876 pharmacy technician registration the applicant must:

5877                   (a) Have submitted a written application on a form(s)  
5878 prescribed by the board; and

5879           \* \* \*

5880                   ( \* \* \*b) Have paid the initial registration fee not to  
5881 exceed One Hundred Dollars (\$100.00).

5882           (3) Each pharmacy technician shall renew his or her  
5883 registration annually. To renew his or her registration, a  
5884 technician must:

5885                   (a) Submit an application on a form prescribed by the  
5886 board; and

5887                   (b) Pay a renewal fee not to exceed One Hundred Dollars  
5888 (\$100.00) for each annual registration period. The board may add  
5889 a surcharge of not more than Five Dollars (\$5.00) to the  
5890 registration renewal fee to assist in funding a program that  
5891 assists impaired pharmacists, pharmacy students and pharmacy  
5892 technicians.



5893 (4) \* \* \* The board shall conduct a criminal history records  
5894 check on all applicants for a license. In order to determine the  
5895 applicant's suitability for licensing, the applicant shall be  
5896 fingerprinted. The board shall submit the fingerprints to the  
5897 Department of Public Safety for a check of the state criminal  
5898 records and forward to the Federal Bureau of Investigation for a  
5899 check of the national criminal records. The Department of Public  
5900 Safety shall disseminate the results of the state check and the  
5901 national check to the board for a suitability determination. The  
5902 board shall be authorized to collect from the applicant the amount  
5903 of the fee that the Department of Public Safety charges the board  
5904 for the fingerprinting, whether manual or electronic, and the  
5905 state and national criminal history records checks.

5906 **SECTION 65.** Section 73-23-47, Mississippi Code of 1972, is  
5907 amended as follows:

5908 73-23-47. (1) Any person who desires to be licensed under  
5909 this chapter must: (a) \* \* \* have graduated from a physical  
5910 therapy or physical therapist assistant program, as the case may  
5911 be, accredited by an agency recognized by the United States  
5912 Department of Education, Office on Postsecondary Education; and  
5913 ( \* \* \* b) pay a nonrefundable examination fee as set by the board;  
5914 ( \* \* \* c) pay an application fee, no part of which shall be  
5915 refunded; ( \* \* \* d) be examined for licensure by the board; and  
5916 meet the requirements established by the rules of the board. The  
5917 licensure examination for physical therapists and for physical





5918 therapist assistants shall be selected by the board and may also  
5919 include an oral examination or practical examination or both at  
5920 the discretion of the board.

5921 (2) Any person who desires to exercise the privilege to  
5922 practice under the Physical Therapy Licensure Compact must  
5923 complete the terms and provisions of the compact as prescribed in  
5924 Section 73-23-101.

5925 (3) Each application or filing made under this section shall  
5926 include the social security number(s) of the applicant in  
5927 accordance with Section 93-11-64.

5928 **SECTION 66.** Section 73-23-51, Mississippi Code of 1972, is  
5929 amended as follows:

5930 73-23-51. (1) The board may license as a physical therapist  
5931 or as a physical therapist assistant, and furnish a certificate of  
5932 licensure without examination to, any applicant who presents  
5933 evidence, satisfactory to the board, of having passed an  
5934 examination before a similar lawfully authorized examining agency  
5935 or board in physical therapy of another state or the District of  
5936 Columbia, if the standards for registration in physical therapy or  
5937 for licensure as a physical therapist assistant in such other  
5938 state or district are determined by the board to be as high as  
5939 those of this state. The issuance of a license by reciprocity to  
5940 a military-trained applicant, military spouse or person who  
5941 establishes residence in this state shall be subject to the  
5942 provisions of Section 73-50-1 or 73-50-2, as applicable.



5943           (2) Any person who has been trained as a physical therapist  
5944 in a foreign country and desires to be licensed under this chapter  
5945 and who: (a) \* \* \* holds a diploma from an educational program  
5946 for physical therapists approved by the board; ( \* \* \*b) submits  
5947 documentary evidence to the board that he has completed a course  
5948 of professional instruction substantially equivalent to that  
5949 obtained by an applicant for licensure; ( \* \* \*c) demonstrates  
5950 satisfactory proof of proficiency in the English language; and  
5951 ( \* \* \*d) meets other requirements established by rules of the  
5952 board, may make application on a form furnished by the board for  
5953 examination as a foreign-trained physical therapist. At the time  
5954 of making such application, the applicant shall pay the fee  
5955 prescribed by the board, no portion of which shall be returned.

5956           Any person who desires to be licensed under this subsection  
5957 shall take an examination approved by the board and shall obtain a  
5958 permanent license. If this requirement is not met, the license of  
5959 the foreign-trained therapist may be revoked.

5960           **SECTION 67.** Section 73-24-19, Mississippi Code of 1972, is  
5961 amended as follows:

5962           73-24-19. (1) An applicant applying for a license as an  
5963 occupational therapist or as an occupational therapy assistant  
5964 shall file a written application on forms provided by the board,  
5965 showing to the satisfaction of the board that he or she meets the  
5966 following requirements:

5967           \* \* \*



5968           ( \* \* \*a) Has been awarded a degree from an education  
5969 program in occupational therapy recognized by the board, with a  
5970 concentration of instruction in basic human sciences, the human  
5971 development process, occupational tasks and activities, the  
5972 health-illness-health continuum, and occupational therapy theory  
5973 and practice:

5974                   (i) For an occupational therapist, such program  
5975 shall be accredited by the Accreditation Council for Occupational  
5976 Therapy Education of the American Occupational Therapy Association  
5977 or the board-recognized accrediting body;

5978                   (ii) For an occupational therapy assistant, such a  
5979 program shall be accredited by the Accreditation Council for  
5980 Occupational Therapy Education of the American Occupational  
5981 Therapy Association or the board-recognized accrediting body;

5982           ( \* \* \*b) Has successfully completed a period of  
5983 supervised fieldwork experience at a recognized educational  
5984 institution or a training program approved by the educational  
5985 institution where he or she met the academic requirements:

5986                   (i) For an occupational therapist, the required  
5987 supervised fieldwork experience shall meet current national  
5988 standards that are published annually by the board;

5989                   (ii) For an occupational therapy assistant, the  
5990 required supervised fieldwork experience shall meet national  
5991 standards that are published annually by the board.



5992           (2) The board shall approve an examination for occupational  
5993 therapists and an examination for occupational therapy assistants  
5994 that will be used as the examination for licensure.

5995           (3) Any person applying for licensure shall, in addition to  
5996 demonstrating his or her eligibility in accordance with the  
5997 requirements of this section, make application to the board for  
5998 review of proof of his or her eligibility for certification by the  
5999 National Board for Certification in Occupational Therapy, Inc.

6000 (NBCOT), or its successor organization, on a form and in such a  
6001 manner as the board shall prescribe. The application shall be  
6002 accompanied by the fee fixed in accordance with the provisions of  
6003 Section 73-24-29. The board shall establish standards for  
6004 acceptable performance on the examination. A person who fails an  
6005 examination may apply for reexamination upon payment of the  
6006 prescribed fee.

6007           (4) Applicants for licensure shall be examined at a time and  
6008 place and under such supervision as the board may require. The  
6009 board shall give reasonable public notice of these examinations in  
6010 accordance with its rules and regulations.

6011           (5) An applicant may be licensed as an occupational  
6012 therapist if he or she: (a) has practiced as an occupational  
6013 therapy assistant for four (4) years, (b) has completed the  
6014 requirements of a period of six (6) months of supervised fieldwork  
6015 experience at a recognized educational institution or a training  
6016 program approved by a recognized accredited educational



6017 institution before January 1, 1988, and (c) has passed the  
6018 examination for occupational therapists.

6019 (6) An applicant applying for a compact privilege to  
6020 practice as an occupational therapist or as an occupational  
6021 therapy assistant must meet the requirements set out in the  
6022 Occupational Therapy Licensure Compact provided for in Section  
6023 73-24-51.

6024 (7) Each application or filing made under this section shall  
6025 include the social security number(s) of the applicant in  
6026 accordance with Section 93-11-64.

6027 **SECTION 68.** Section 73-24-21, Mississippi Code of 1972, is  
6028 amended as follows:

6029 73-24-21. (1) The board shall grant a license to any person  
6030 certified prior to July 1, 1988, as an Occupational Therapist  
6031 Registered (OTR) or a Certified Occupational Therapy Assistant  
6032 (COTA) by the American Occupational Therapy Association (AOTA).  
6033 The board may waive the examination, education or experience  
6034 requirements and grant a license to any person certified by AOTA  
6035 after July 1, 1988, if the board determines the requirements for  
6036 such certification are equivalent to the requirements for  
6037 licensure in this article.

6038 (2) The board may waive the examination, education or  
6039 experience requirements and grant a license to any applicant who  
6040 shall present proof of current licensure as an occupational  
6041 therapist or occupational therapy assistant in another state, the



6042 District of Columbia or territory of the United States which  
6043 requires standards for licensure considered by the board to be  
6044 equivalent to the requirements for licensure of this article. The  
6045 issuance of a license by reciprocity to a military-trained  
6046 applicant, military spouse or person who establishes residence in  
6047 this state shall be subject to the provisions of Section 73-50-1  
6048 or 73-50-2, as applicable.

6049 (3) Foreign-trained occupational therapists and occupational  
6050 therapy assistants shall satisfy the examination requirements of  
6051 Section 73-24-19. The board shall require foreign-trained  
6052 applicants to furnish proof of \* \* \* completion of educational and  
6053 supervised fieldwork requirements substantially equal to those  
6054 contained in Section 73-24-19 before taking the examination.

6055 **SECTION 69.** Section 73-25-3, Mississippi Code of 1972, is  
6056 amended as follows:

6057 73-25-3. Every person who desires to obtain a license to  
6058 practice medicine must apply therefor, in writing, to the State  
6059 Board of Medical Licensure at least ten (10) days before the date  
6060 of the examination and must be examined by the board according to  
6061 the methods deemed by it to be the most practical and expeditious  
6062 to test the applicants' qualifications. If the applicant is found  
6063 by the board, upon examination, to possess sufficient learning in  
6064 those branches \* \* \*, the board shall issue him a license to  
6065 practice medicine; however, no applicant shall be granted a  
6066 license unless the applicant holds a diploma from a reputable



6067 medical college or college of osteopathic medicine that requires a  
6068 four-year course of at least thirty-two (32) weeks for each  
6069 session, or its equivalent.

6070 To qualify for a Mississippi medical license, an applicant  
6071 must have successfully been cleared for licensure through an  
6072 investigation that shall consist of a \* \* \* verification that the  
6073 prospective licensee is not guilty of or in violation of any  
6074 statutory ground for denial of licensure as set forth in Sections  
6075 73-25-29 and 73-25-83. To assist the board in conducting its  
6076 licensure investigation, all applicants shall undergo a  
6077 fingerprint-based criminal history records check of the  
6078 Mississippi central criminal database and the Federal Bureau of  
6079 Investigation criminal history database. Each applicant shall  
6080 submit a full set of the applicant's fingerprints in a form and  
6081 manner prescribed by the board, which shall be forwarded to the  
6082 Mississippi Department of Public Safety (department) and the  
6083 Federal Bureau of Investigation Identification Division for this  
6084 purpose.

6085 Any and all state or national criminal history records  
6086 information obtained by the board that is not already a matter of  
6087 public record shall be deemed nonpublic and confidential  
6088 information restricted to the exclusive use of the board, its  
6089 members, officers, investigators, agents and attorneys in  
6090 evaluating the applicant's eligibility or disqualification for  
6091 licensure, and shall be exempt from the Mississippi Public Records



6092 Act of 1983. Except when introduced into evidence in a hearing  
6093 before the board to determine licensure, no such information or  
6094 records related thereto shall, except with the written consent of  
6095 the applicant or by order of a court of competent jurisdiction, be  
6096 released or otherwise disclosed by the board to any other person  
6097 or agency.

6098 The board shall provide to the department the fingerprints of  
6099 the applicant, any additional information that may be required by  
6100 the department, and a form signed by the applicant consenting to  
6101 the check of the criminal records and to the use of the  
6102 fingerprints and other identifying information required by the  
6103 state or national repositories.

6104 The board shall charge and collect from the applicant, in  
6105 addition to all other applicable fees and costs, such amount as  
6106 may be incurred by the board in requesting and obtaining state and  
6107 national criminal history records information on the applicant.

6108 This section shall not apply to applicants for a special  
6109 volunteer medical license authorized under Section 73-25-18.

6110 **SECTION 70.** Section 73-25-14, Mississippi Code of 1972, is  
6111 amended as follows:

6112 73-25-14. (1) Except as provided in Section 33-1-39, the  
6113 license of every person licensed to practice medicine or  
6114 osteopathy in the State of Mississippi shall be renewed annually.

6115 On or before May 1 of each year, the State Board of Medical  
6116 Licensure shall mail a notice of renewal of license to every





6117 physician or osteopath to whom a license was issued or renewed  
6118 during the current licensing year. The notice shall provide  
6119 instructions for obtaining and submitting applications for  
6120 renewal. The State Board of Medical Licensure is authorized to  
6121 make applications for renewal available via electronic means. The  
6122 applicant shall obtain and complete the application and submit it  
6123 to the board in the manner prescribed by the board in the notice  
6124 before June 30 with the renewal fee of an amount established by  
6125 the board, but not to exceed Three Hundred Dollars (\$300.00), a  
6126 portion of which fee shall be used to support a program to aid  
6127 impaired physicians and osteopaths. The payment of the annual  
6128 license renewal fee shall be optional with all physicians over the  
6129 age of seventy (70) years. Upon receipt of the application and  
6130 fee, the board shall verify the accuracy of the application and  
6131 issue to applicant a certificate of renewal for the ensuing year,  
6132 beginning July 1 and expiring June 30 of the succeeding calendar  
6133 year. That renewal shall render the holder thereof a legal  
6134 practitioner as stated on the renewal form.

6135 (2) Any physician or osteopath practicing in Mississippi who  
6136 allows his or her license to lapse by failing to renew the license  
6137 as provided in subsection (1) may be reinstated by the board on  
6138 satisfactory explanation for the failure to renew, by completion  
6139 of a reinstatement form, and upon payment of the renewal fee for  
6140 the current year, and shall be assessed a fine of Twenty-five  
6141 Dollars (\$25.00) plus an additional fine of Five Dollars (\$5.00)



6142 for each month thereafter that the license renewal remains  
6143 delinquent.

6144 (3) Any physician or osteopath not practicing in Mississippi  
6145 who allows his or her license to lapse by failing to renew the  
6146 license as provided in subsection (1) may be reinstated by the  
6147 board on satisfactory explanation for the failure to renew, by  
6148 completion of a reinstatement form and upon payment of the  
6149 arrearages for the previous five (5) years and the renewal fee for  
6150 the current year.

6151 (4) Any physician or osteopath who allows his or her license  
6152 to lapse shall be notified by the board within thirty (30) days of  
6153 that lapse.

6154 (5) Any person practicing as a licensed physician or  
6155 osteopath during the time his or her license has lapsed shall be  
6156 considered an illegal practitioner and shall be subject to  
6157 penalties provided for violation of the Medical Practice Act, if  
6158 he or she had not submitted the required reinstatement form and  
6159 fee within fifteen (15) days after notification by the board of  
6160 the lapse.

6161 (6) Any physician or osteopath practicing in the State of  
6162 Mississippi whose license has lapsed and is deemed an illegal  
6163 practitioner under subsection (5) of this section may petition the  
6164 board for reinstatement of his or her license on a retroactive  
6165 basis, if the physician or osteopath was unable to meet the June  
6166 30 deadline due to extraordinary or other legitimate reasons, and



6167 retroactive reinstatement of licensure shall be granted or may be  
6168 denied by the board only for good cause. Failure to advise the  
6169 board of change of address shall not be considered a basis of  
6170 reinstatement.

6171 (7) None of the fees or fines provided for in this section  
6172 shall be applicable to the renewal of a special volunteer medical  
6173 license authorized under Section 73-25-18.

6174 (8) Fees collected under the provisions of this section  
6175 shall be used by the board to defray expenses of administering the  
6176 licensure provisions of the Medical Practice Act (Title 73,  
6177 Chapter 25, Mississippi Code of 1972) and to support a program to  
6178 aid impaired physicians and osteopaths in an amount determined by  
6179 the board.

6180 (9) In order for a physician or osteopath whose medical  
6181 license has been expired for five (5) years or more to qualify for  
6182 reinstatement of license, the physician or osteopath must have  
6183 successfully been cleared for reinstatement through an  
6184 investigation that shall consist of a \* \* \* verification that the  
6185 prospective licensee is not guilty of or in violation of any  
6186 statutory ground for denial of licensure as set forth in Sections  
6187 73-25-29 and 73-25-83. To assist the board in conducting its  
6188 licensure investigation, all applicants shall undergo a  
6189 fingerprint-based criminal history records check of the  
6190 Mississippi central criminal database and the Federal Bureau of  
6191 Investigation criminal history database. Each applicant shall



6192 submit a full set of the applicant's fingerprints in a form and  
6193 manner prescribed by the board, which shall be forwarded to the  
6194 Mississippi Department of Public Safety (department) and the  
6195 Federal Bureau of Investigation Identification Division for this  
6196 purpose.

6197 Any and all state or national criminal history records  
6198 information obtained by the board that is not already a matter of  
6199 public record shall be deemed nonpublic and confidential  
6200 information restricted to the exclusive use of the board, its  
6201 members, officers, investigators, agents and attorneys in  
6202 evaluating the applicant's eligibility or disqualification for  
6203 licensure, and shall be exempt from the Mississippi Public Records  
6204 Act of 1983. Except when introduced into evidence in a hearing  
6205 before the board to determine licensure, no such information or  
6206 records related thereto shall, except with the written consent of  
6207 the applicant or by order of a court of competent jurisdiction, be  
6208 released or otherwise disclosed by the board to any other person  
6209 or agency.

6210 The board shall provide to the department the fingerprints of  
6211 the applicant, any additional information that may be required by  
6212 the department, and a form signed by the applicant consenting to  
6213 the check of the criminal records and to the use of the  
6214 fingerprints and other identifying information required by the  
6215 state or national repositories.



6216           The board shall charge and collect from the applicant, in  
6217 addition to all other applicable fees and costs, such amount as  
6218 may be incurred by the board in requesting and obtaining state and  
6219 national criminal history records information on the applicant.

6220           **SECTION 71.** Section 73-25-32, Mississippi Code of 1972, is  
6221 amended as follows:

6222           73-25-32. (1) A person whose license to practice medicine  
6223 or osteopathy has been revoked or suspended may petition the  
6224 Mississippi State Board of Medical Licensure to reinstate this  
6225 license after a period of not less than one (1) year has elapsed  
6226 from the date of the revocation or suspension. The procedure for  
6227 the reinstatement of a license that is suspended for being out of  
6228 compliance with an order for support, as defined in Section  
6229 93-11-153, shall be governed by Section 93-11-157 or 93-11-163, as  
6230 the case may be.

6231           (2) The petition shall be accompanied by two (2) or more  
6232 verified recommendations from physicians or osteopaths licensed by  
6233 the Board of Medical Licensure to which the petition is addressed  
6234 and by two (2) or more recommendations from citizens each having  
6235 personal knowledge of the activities of the petitioner since the  
6236 disciplinary penalty was imposed and such facts as may be required  
6237 by the Board of Medical Licensure.

6238           The petition may be heard at the next regular meeting of the  
6239 Board of Medical Licensure but not earlier than thirty (30) days  
6240 after the petition was filed. No petition shall be considered



6241 while the petitioner is under sentence for any criminal offense,  
6242 including any period during which he is under probation or parole.  
6243 The hearing may be continued from time to time as the Board of  
6244 Medical Licensure finds necessary.

6245 (3) In determining whether the disciplinary penalty should  
6246 be set aside and the terms and conditions, if any, that should be  
6247 imposed if the disciplinary penalty is set aside, the Board of  
6248 Medical Licensure may investigate and consider all activities of  
6249 the petitioner since the disciplinary action was taken against  
6250 him, the offense for which he was disciplined, his activity during  
6251 the time his certificate was in good standing, his general  
6252 reputation for truth \* \* \* and professional ability \* \* \*; and it  
6253 may require the petitioner to pass an oral examination.

6254 (4) The investigation shall require the petitioner to  
6255 undergo a fingerprint-based criminal history records check of the  
6256 Mississippi central criminal database and the Federal Bureau of  
6257 Investigation criminal history database. Each petitioner shall  
6258 submit a full set of the petitioner's fingerprints in a form and  
6259 manner prescribed by the board, which shall be forwarded to the  
6260 Mississippi Department of Public Safety (department) and the  
6261 Federal Bureau of Investigation Identification Division for this  
6262 purpose.

6263 Any and all state or national criminal history records  
6264 information obtained by the board that is not already a matter of  
6265 public record shall be deemed nonpublic and confidential



6266 information restricted to the exclusive use of the board, its  
6267 members, officers, investigators, agents and attorneys in  
6268 evaluating the applicant's eligibility or disqualification for  
6269 licensure, and shall be exempt from the Mississippi Public Records  
6270 Act of 1983. Except when introduced into evidence in a hearing  
6271 before the board to determine licensure, no such information or  
6272 records related thereto shall, except with the written consent of  
6273 the applicant or by order of a court of competent jurisdiction, be  
6274 released or otherwise disclosed by the board to any other person  
6275 or agency.

6276         The board shall provide to the department the fingerprints of  
6277 the petitioner, any additional information that may be required by  
6278 the department, and a form signed by the petitioner consenting to  
6279 the check of the criminal records and to the use of the  
6280 fingerprints and other identifying information required by the  
6281 state or national repositories.

6282         The board shall charge and collect from the petitioner, in  
6283 addition to all other applicable fees and costs, such amount as  
6284 may be incurred by the board in requesting and obtaining state and  
6285 national criminal history records information on the applicant.

6286         (5) The Secretary-Treasurer of the Board of Medical  
6287 Licensure shall enter into his records of the case all actions of  
6288 the board in setting aside a disciplinary penalty under this  
6289 section and he shall certify notices to the proper court clerk.



6290 The clerk shall make such changes on his records as may be  
6291 necessary.

6292         **SECTION 72.** Section 73-26-3, Mississippi Code of 1972, is  
6293 amended as follows:

6294             73-26-3. (1) The State Board of Medical Licensure shall  
6295 license and regulate the practice of physician assistants in  
6296 accordance with the provisions of this chapter.

6297             (2) All physician assistants who are employed as physician  
6298 assistants by a Department of Veterans Affairs health care  
6299 facility, a branch of the United States military or the Federal  
6300 Bureau of Prisons, and who are practicing as physician assistants  
6301 in a federal facility in Mississippi on July 1, 2000, and those  
6302 physician assistants who trained in a Mississippi physician  
6303 assistant program and have been continuously practicing as a  
6304 physician assistant in Mississippi since 1976, shall be eligible  
6305 for licensure if they submit an application for licensure to the  
6306 board by December 31, 2000. Physician assistants licensed under  
6307 this subsection will be eligible for license renewal so long as  
6308 they meet standard renewal requirements.

6309             (3) Before December 31, 2004, applicants for physician  
6310 assistant licensure, except those licensed under subsection (2) of  
6311 this section, must be graduates of physician assistant educational  
6312 programs accredited by the Commission on Accreditation of Allied  
6313 Health Educational Programs or its predecessor or successor  
6314 agency, have passed the certification examination administered by





6315 the National Commission on Certification of Physician Assistants  
6316 (NCCPA), have current NCCPA certification, and possess a minimum  
6317 of a baccalaureate degree. Physician assistants meeting these  
6318 licensure requirements will be eligible for license renewal so  
6319 long as they meet standard renewal requirements.

6320 (4) On or after December 31, 2004, applicants for physician  
6321 assistant licensure must meet all of the requirements in  
6322 subsection (3) of this section and, in addition, must have  
6323 obtained a minimum of a master's degree in a health-related or  
6324 science field.

6325 (5) Applicants for licensure who meet all licensure  
6326 requirements except for the master's degree may be granted a  
6327 temporary license by the board so long as they can show proof of  
6328 enrollment in a master's program that will, when completed, meet  
6329 the master's degree requirement. The temporary license will be  
6330 valid for no longer than one (1) year, and may not be renewed.

6331 (6) For new graduate physician assistants and all physician  
6332 assistants receiving initial licenses in the state, except those  
6333 licensed under subsection (2) of this section, supervision shall  
6334 require the on-site presence of a supervising physician for one  
6335 hundred twenty (120) days.

6336 (7) To qualify for a Mississippi physician assistant  
6337 license, an applicant must have successfully been cleared for  
6338 licensure through an investigation that shall consist of a \* \* \*  
6339 verification that the prospective licensee is not guilty of or in



6340 violation of any statutory ground for denial of licensure. To  
6341 assist the board in conducting its licensure investigation, all  
6342 applicants shall undergo a fingerprint-based criminal history  
6343 records check of the Mississippi central criminal database and the  
6344 Federal Bureau of Investigation criminal history database. Each  
6345 applicant shall submit a full set of the applicant's fingerprints  
6346 in a form and manner prescribed by the board, which shall be  
6347 forwarded to the Mississippi Department of Public Safety  
6348 (department) and the Federal Bureau of Investigation  
6349 Identification Division for this purpose.

6350 Any and all state or national criminal history records  
6351 information obtained by the board that is not already a matter of  
6352 public record shall be deemed nonpublic and confidential  
6353 information restricted to the exclusive use of the board, its  
6354 members, officers, investigators, agents and attorneys in  
6355 evaluating the applicant's eligibility or disqualification for  
6356 licensure, and shall be exempt from the Mississippi Public Records  
6357 Act of 1983. Except when introduced into evidence in a hearing  
6358 before the board to determine licensure, no such information or  
6359 records related thereto shall, except with the written consent of  
6360 the applicant or by order of a court of competent jurisdiction, be  
6361 released or otherwise disclosed by the board to any other person  
6362 or agency.

6363 The board shall provide to the department the fingerprints of  
6364 the applicant, any additional information that may be required by



6365 the department, and a form signed by the applicant consenting to  
6366 the check of the criminal records and to the use of the  
6367 fingerprints and other identifying information required by the  
6368 state or national repositories.

6369 The board shall charge and collect from the applicant, in  
6370 addition to all other applicable fees and costs, such amount as  
6371 may be incurred by the board in requesting and obtaining state and  
6372 national criminal history records information on the applicant.

6373 **SECTION 73.** Section 73-27-5, Mississippi Code of 1972, is  
6374 amended as follows:

6375 73-27-5. All applicants for license shall have attained the  
6376 age of twenty-one (21) years, and shall \* \* \* have had at least  
6377 four (4) years high school and be graduates of same; they shall  
6378 have at least one (1) year prepodiatry college education and be  
6379 graduates of some college of podiatry recognized as being in good  
6380 standing by the State Board of Medical Licensure. No college of  
6381 podiatry or chiropody shall be accredited by the board as a  
6382 college of good standing that does not require for graduation a  
6383 course of study of at least four (4) years (eight and one-half  
6384 (8-1/2) months each) and be recognized by the Council on Education  
6385 of the American Podiatry Association. However, all podiatrists  
6386 actively engaged in the practice of podiatry in the State of  
6387 Mississippi, prior to January 1, 1938, whether graduates or not,  
6388 shall, upon furnishing proof thereof by displaying their state  
6389 privilege tax license to the Secretary of the State Board of



6390 Medical Licensure, and upon payment of fee of Ten Dollars and  
6391 Twenty-five Cents (\$10.25), be entitled to a license without an  
6392 examination, and applications for the license shall be filed not  
6393 later than sixty (60) days after February 17, 1938. Upon payment  
6394 of a fee prescribed by the State Board of Medical Licensure, not  
6395 to exceed Five Hundred Dollars (\$500.00), a license without  
6396 examination may be issued to podiatrists of other states  
6397 maintaining equal statutory requirements for the practice of  
6398 podiatry and extending the same reciprocal privileges to this  
6399 state. The State Board of Medical Licensure may affiliate with  
6400 the National Board of Chiropody or Podiatry Licensure in granting  
6401 licenses to practice podiatry in Mississippi, provided the written  
6402 examination covers at least two-thirds (2/3) of the subjects set  
6403 forth in Section 73-27-9. The issuance of a license by  
6404 reciprocity to a military-trained applicant, military spouse or  
6405 person who establishes residence in this state shall be subject to  
6406 the provisions of Section 73-50-1 or 73-50-2, as applicable.

6407 To qualify for a Mississippi podiatry license, an applicant  
6408 must have successfully been cleared for licensure through an  
6409 investigation that shall consist of a \* \* \* verification that the  
6410 prospective licensee is not guilty of or in violation of any  
6411 statutory ground for denial of licensure as set forth in Section  
6412 73-27-13. To assist the board in conducting its licensure  
6413 investigation, all applicants shall undergo a fingerprint-based  
6414 criminal history records check of the Mississippi central criminal



6415 database and the Federal Bureau of Investigation criminal history  
6416 database. Each applicant shall submit a full set of the  
6417 applicant's fingerprints in a form and manner prescribed by the  
6418 board, which shall be forwarded to the Mississippi Department of  
6419 Public Safety (department) and the Federal Bureau of Investigation  
6420 Identification Division for this purpose.

6421 Any and all state or national criminal history records  
6422 information obtained by the board that is not already a matter of  
6423 public record shall be deemed nonpublic and confidential  
6424 information restricted to the exclusive use of the board, its  
6425 members, officers, investigators, agents and attorneys in  
6426 evaluating the applicant's eligibility or disqualification for  
6427 licensure, and shall be exempt from the Mississippi Public Records  
6428 Act of 1983. Except when introduced into evidence in a hearing  
6429 before the board to determine licensure, no such information or  
6430 records related thereto shall, except with the written consent of  
6431 the applicant or by order of a court of competent jurisdiction, be  
6432 released or otherwise disclosed by the board to any other person  
6433 or agency.

6434 The board shall provide to the department the fingerprints of  
6435 the applicant, any additional information that may be required by  
6436 the department, and a form signed by the applicant consenting to  
6437 the check of the criminal records and to the use of the  
6438 fingerprints and other identifying information required by the  
6439 state or national repositories.



6440           The board shall charge and collect from the applicant, in  
6441 addition to all other applicable fees and costs, such amount as  
6442 may be incurred by the board in requesting and obtaining state and  
6443 national criminal history records information on the applicant.

6444           Each application or filing made under this section shall  
6445 include the social security number(s) of the applicant in  
6446 accordance with Section 93-11-64.

6447           **SECTION 74.** Section 73-27-12, Mississippi Code of 1972, is  
6448 amended as follows:

6449           73-27-12. (1) Except as provided in Section 33-1-39, the  
6450 license of every person licensed to practice podiatry in the State  
6451 of Mississippi shall be renewed annually.

6452           On or before May 1 of each year, the board shall mail a  
6453 notice of renewal of license to every podiatrist to whom a license  
6454 was issued or renewed during the current licensing year. The  
6455 notice shall provide instructions for obtaining and submitting  
6456 applications for renewal. The State Board of Medical Licensure is  
6457 authorized to make applications for renewal available via  
6458 electronic means. The applicant shall obtain and complete the  
6459 application and submit it to the board in the manner prescribed by  
6460 the board in the notice before June 30 with the renewal fee of an  
6461 amount established by the board, but not to exceed Three Hundred  
6462 Dollars (\$300.00), a portion of which fee shall be used to support  
6463 a program to aid impaired podiatrists. Upon receipt of the  
6464 application and fee, the board shall verify the accuracy of the



6465 application and issue to applicant a certificate of renewal for  
6466 the ensuing year, beginning July 1 and expiring June 30 of the  
6467 succeeding calendar year. That renewal shall render the holder  
6468 thereof a legal practitioner as stated on the renewal form.

6469 (2) Any podiatrist practicing in Mississippi who allows his  
6470 or her license to lapse by failing to renew the license as  
6471 provided in subsection (1) may be reinstated by the board on  
6472 satisfactory explanation for the failure to renew, by completion  
6473 of a reinstatement form, and upon payment of the renewal fee for  
6474 the current year, and shall be assessed a fine of Twenty-five  
6475 Dollars (\$25.00) plus an additional fine of Five Dollars (\$5.00)  
6476 for each month thereafter that the license renewal remains  
6477 delinquent.

6478 (3) Any podiatrist not practicing in Mississippi who allows  
6479 his or her license to lapse by failing to renew the license as  
6480 provided in subsection (1) may be reinstated by the board on  
6481 satisfactory explanation for the failure to renew, by completion  
6482 of a reinstatement form and upon payment of the arrearages for the  
6483 previous five (5) years and the renewal fee for the current year.

6484 (4) Any podiatrist who allows his or her license to lapse  
6485 shall be notified by the board within thirty (30) days of that  
6486 lapse.

6487 (5) Any person practicing as a licensed podiatrist during  
6488 the time his or her license has lapsed shall be considered an  
6489 illegal practitioner and shall be subject to penalties set forth



6490 in Section 73-27-17, provided that he or she has not submitted the  
6491 required reinstatement form and fee within fifteen (15) days after  
6492 notification by the board of the lapse.

6493 (6) Any podiatrist practicing in the State of Mississippi  
6494 whose license has lapsed and is deemed an illegal practitioner  
6495 under subsection (5) of this section may petition the board for  
6496 reinstatement of his or her license on a retroactive basis, if the  
6497 podiatrist was unable to meet the June 30 deadline due to  
6498 extraordinary or other legitimate reasons, and retroactive  
6499 reinstatement of licensure shall be granted or may be denied by  
6500 the board only for good cause. Failure to advise the board of  
6501 change of address shall not be considered a basis for  
6502 reinstatement.

6503 (7) Fees collected under the provisions of this section  
6504 shall be used by the board to defray expenses of administering the  
6505 licensure provisions of Title 73, Chapter 27, Mississippi Code of  
6506 1972, and to support a program to aid impaired podiatrists in an  
6507 amount determined by the board.

6508 (8) In order for a podiatrist whose podiatric medical  
6509 license has been expired for five (5) years or more to qualify for  
6510 reinstatement of license, the podiatrist must have successfully  
6511 been cleared for reinstatement through an investigation that shall  
6512 consist of a \* \* \* verification that the prospective licensee is  
6513 not guilty of or in violation of any statutory ground for denial  
6514 of licensure as set forth in Section 73-27-13. To assist the





6515 board in conducting its licensure investigation, all applicants  
6516 shall undergo a fingerprint-based criminal history records check  
6517 of the Mississippi central criminal database and the Federal  
6518 Bureau of Investigation criminal history database. Each applicant  
6519 shall submit a full set of the applicant's fingerprints in a form  
6520 and manner prescribed by the board, which shall be forwarded to  
6521 the Mississippi Department of Public Safety (department) and the  
6522 Federal Bureau of Investigation Identification Division for this  
6523 purpose.

6524 Any and all state or national criminal history records  
6525 information obtained by the board that is not already a matter of  
6526 public record shall be deemed nonpublic and confidential  
6527 information restricted to the exclusive use of the board, its  
6528 members, officers, investigators, agents and attorneys in  
6529 evaluating the applicant's eligibility or disqualification for  
6530 licensure, and shall be exempt from the Mississippi Public Records  
6531 Act of 1983. Except when introduced into evidence in a hearing  
6532 before the board to determine licensure, no such information or  
6533 records related thereto shall, except with the written consent of  
6534 the applicant or by order of a court of competent jurisdiction, be  
6535 released or otherwise disclosed by the board to any other person  
6536 or agency.

6537 The board shall provide to the department the fingerprints of  
6538 the applicant, any additional information that may be required by  
6539 the department, and a form signed by the applicant consenting to



6540 the check of the criminal records and to the use of the  
6541 fingerprints and other identifying information required by the  
6542 state or national repositories.

6543 The board shall charge and collect from the applicant, in  
6544 addition to all other applicable fees and costs, such amount as  
6545 may be incurred by the board in requesting and obtaining state and  
6546 national criminal history records information on the applicant.

6547 **SECTION 75.** Section 73-27-16, Mississippi Code of 1972, is  
6548 amended as follows:

6549 73-27-16. (1) A person whose license to practice podiatry  
6550 has been revoked or suspended may petition the Mississippi State  
6551 Board of Medical Licensure to reinstate this license after a  
6552 period of not less than one (1) year has elapsed from the date of  
6553 the revocation or suspension. The procedure for the reinstatement  
6554 of a license that is suspended for being out of compliance with an  
6555 order for support, as defined in Section 93-11-153, shall be  
6556 governed by Section 93-11-157 or 93-11-163, as the case may be.

6557 (2) The petition shall be accompanied by two (2) or more  
6558 verified recommendations from podiatrists licensed by the Board of  
6559 Medical Licensure to which the petition is addressed and by two  
6560 (2) or more recommendations from citizens each having personal  
6561 knowledge of the activities of the petitioner since the  
6562 disciplinary penalty was imposed and such facts as may be required  
6563 by the board.



6564           The petition may be heard at the next regular meeting of the  
6565 Board of Medical Licensure but not earlier than thirty (30) days  
6566 after the petition was filed. No petition shall be considered  
6567 while the petitioner is under sentence for any criminal offense,  
6568 including any period during which he is under probation or parole.  
6569 The hearing may be continued from time to time as the Board of  
6570 Medical Licensure finds necessary. Any final action by the board  
6571 on a petition under this section shall be made with the advice of  
6572 the advisory committee.

6573           (3) In determining whether the disciplinary penalty should  
6574 be set aside and the terms and conditions, if any, which should be  
6575 imposed if the disciplinary penalty is set aside, the Board of  
6576 Medical Licensure may investigate and consider all activities of  
6577 the petitioner since the disciplinary action was taken against  
6578 him, the offense for which he was disciplined, his activity during  
6579 the time his certificate was in good standing, his general  
6580 reputation for truth \* \* \* and professional ability \* \* \*; and it  
6581 may require the petitioner to pass an oral examination.

6582           (4) The Secretary-Treasurer of the Board of Medical  
6583 Licensure shall enter into his records of the case all actions of  
6584 the Board of Medical Licensure in setting aside a disciplinary  
6585 penalty under this section and he shall certify notices to the  
6586 proper court clerk. The clerk shall make such changes on his  
6587 records as may be necessary.



6588           **SECTION 76.** Section 73-29-19, Mississippi Code of 1972, is  
6589 amended as follows:

6590           73-29-19. An applicant who is a polygraph examiner licensed  
6591 under the laws of another state or territory of the United States  
6592 may be issued a license upon payment of a fee of Fifty Dollars  
6593 (\$50.00) and the production of satisfactory proof that:

6594                   (1) He is at least twenty-one (21) years of age;

6595                   (2) He is a citizen of the United States;

6596           \* \* \*

6597                   ( \* \* \*3) The requirements for the licensing of  
6598 polygraph examiners in such particular state or territory of the  
6599 United States were, at the date of the applicant's licensing  
6600 therein, substantially equivalent to the requirements now in force  
6601 in this state;

6602                   ( \* \* \*4) The applicant had lawfully engaged in the  
6603 administration of polygraph examinations under the laws of such  
6604 state or territory for at least two (2) years prior to his  
6605 application for license hereunder;

6606                   ( \* \* \*5) Such other state or territory grants similar  
6607 reciprocity to license holders of this state; and

6608                   ( \* \* \*6) He has complied with Section 73-29-17.

6609           The issuance of a license by reciprocity to a  
6610 military-trained applicant, military spouse or person who  
6611 establishes residence in this state shall be subject to the  
6612 provisions of Section 73-50-1 or 73-50-2, as applicable.



6613           **SECTION 77.** Section 73-30-9, Mississippi Code of 1972, is  
6614 amended as follows:

6615           73-30-9. (1) The board shall issue a license as a  
6616 provisional licensed professional counselor, without regard to  
6617 race, religion, sex or national origin, to each applicant who  
6618 furnishes satisfactory evidence of the following:

6619                   (a) The applicant has completed an application on a  
6620 form prescribed by the board accompanied by a nonrefundable  
6621 application fee of Fifty Dollars (\$50.00).

6622                   (b) The applicant is at least twenty-one (21) years of  
6623 age.

6624           \* \* \*

6625                   ( \* \* \* c) The applicant is a citizen of the United  
6626 States, or has an immigration document to verify legal alien work  
6627 status in the United States. The immigration document must be  
6628 current and issued by the United States Immigration Bureau.

6629                   ( \* \* \* d) The applicant is not in violation of any of  
6630 the provisions of this article and the rules and regulations  
6631 adopted hereunder.

6632                   ( \* \* \* e) The applicant shall have a minimum acceptable  
6633 graduate semester hour or acceptable quarter-hour master's degree  
6634 as determined by the board primarily in counseling or a related  
6635 counseling field from a regionally or nationally accredited  
6636 college or university program in counselor education or a related



6637 counseling program subject to board approval. All applicants  
6638 shall provide official transcripts of all graduate work.

6639 ( \* \* \*f) The applicant must pass the examination  
6640 approved by the board, as set forth in Section 73-30-7(5).

6641 ( \* \* \*g) A provisional license issued under this  
6642 section shall require that the individual confine one's practice  
6643 to a board-approved site and accrue counseling experience under  
6644 the supervision of a board-qualified supervisor.

6645 ( \* \* \*h) The limited license shall be renewable for  
6646 not more than four (4) years, with a nonrefundable license fee in  
6647 the amount provided in Section 73-30-29. Licensees may appeal to  
6648 the board for an extension of the renewal period.

6649 ( \* \* \*i) Each applicant for licensure shall apply to  
6650 undergo a fingerprint-based criminal history records check of the  
6651 Mississippi central criminal database and the Federal Bureau of  
6652 Investigation criminal history database. Each applicant shall  
6653 submit a full set of the applicant's fingerprints in a form and  
6654 manner prescribed by the board, which shall be forwarded to the  
6655 Mississippi Department of Public Safety and the Federal Bureau of  
6656 Investigation Identification Division for this purpose.

6657 (2) The board shall issue a license or the privilege to  
6658 practice as a licensed professional counselor, without regard to  
6659 race, religion, sex or national origin, to each applicant who  
6660 furnishes satisfactory evidence of the following:



6661 (a) The applicant has completed an application on a  
6662 form prescribed by the board accompanied by a nonrefundable full  
6663 application fee of Fifty Dollars (\$50.00).

6664 (b) The applicant is at least twenty-one (21) years of  
6665 age.

6666 \* \* \*

6667 ( \* \* \*c) The applicant is a citizen of the United  
6668 States, or has an immigration document to verify legal alien work  
6669 status in the United States. The immigration document must be  
6670 current and issued by the United States Immigration Bureau.

6671 ( \* \* \*d) The applicant is not in violation of any of  
6672 the provisions of this article and the rules and regulations  
6673 adopted hereunder.

6674 ( \* \* \*e) The applicant shall have a minimum acceptable  
6675 graduate semester hour or acceptable quarter-hour master's degree  
6676 as determined by the board primarily in counseling or a related  
6677 counseling field from a regionally or nationally accredited  
6678 college or university program in counselor education or a related  
6679 counseling program subject to board approval. All applicants  
6680 shall provide official transcripts of all graduate work.

6681 ( \* \* \*f) The applicant for licensure must pass the  
6682 examination approved by the board, as set forth in Section  
6683 73-30-7(5).

6684 ( \* \* \*g) The applicant has had post graduate  
6685 supervised experience in professional counseling acceptable to the



6686 board. Applicant shall submit verification of supervised  
6687 experience.

6688 Each application or filing made under this section shall  
6689 include the social security number(s) of the applicant in  
6690 accordance with Section 93-11-64.

6691 ( \* \* \*h) The board shall require each first-time  
6692 applicant for licensure or the initial privilege to practice and  
6693 may require applicants for license renewal to undergo a  
6694 fingerprint-based criminal history records check of the  
6695 Mississippi central criminal database and the Federal Bureau of  
6696 Investigation criminal history database. Each applicant for  
6697 licensure and each renewal applicant as required by the board  
6698 shall apply to undergo a fingerprint-based criminal history  
6699 records check of the Mississippi central criminal database and the  
6700 Federal Bureau of Investigation criminal history database. Each  
6701 applicant shall submit a full set of the applicant's fingerprints  
6702 in a form and manner prescribed by the board, which shall be  
6703 forwarded to the Mississippi Department of Public Safety and the  
6704 Federal Bureau of Investigation Identification Division for this  
6705 purpose.

6706 (3) The board shall administer the privilege to practice in  
6707 accordance with the Professional Counseling Compact.

6708 **SECTION 78.** Section 73-31-13, Mississippi Code of 1972, is  
6709 amended as follows:





6710           73-31-13. The board shall issue a license as a psychologist  
6711 to each applicant who files an application upon a form and in the  
6712 manner as the board prescribes, accompanied by the fee as is  
6713 required by this chapter; and who furnishes evidence satisfactory  
6714 to the board that he or she:

6715           (a) Is at least twenty-one (21) years of age; and

6716           (b) \* \* \* Has not been convicted of a disqualifying  
6717 crime as provided in the Fresh Start Act. Applicants shall  
6718 undergo a fingerprint-based criminal history records check of the  
6719 Mississippi central criminal database and the Federal Bureau of  
6720 Investigation criminal history database. Each applicant shall  
6721 submit a full set of the applicant's fingerprints in a form and  
6722 manner prescribed by the board, which shall be forwarded to the  
6723 Mississippi Department of Public Safety (department) and the  
6724 Federal Bureau of Investigation Identification Division for this  
6725 purpose; and

6726           (c) Is not in violation of any of the provisions of  
6727 this chapter and the rules and regulations adopted under this  
6728 chapter, and is not currently under investigation by another  
6729 licensure board; and

6730           (d) Holds a doctoral degree in psychology from an  
6731 institution of higher education that is: regionally accredited by  
6732 an accrediting body recognized by the United States Department of  
6733 Education, or authorized by Provincial statute or Royal Charter to  
6734 grant doctoral degrees. From a program accredited by the American



6735 Psychological Association, or the Canadian Psychological  
6736 Association, and from a program that requires at least one (1)  
6737 year of continuous, full-time residence at the educational  
6738 institution granting the doctoral degree. For graduates from  
6739 newly established programs seeking accreditation or in areas where  
6740 no accreditation exists, applicants for licensure shall have  
6741 completed a doctoral program in psychology that meets recognized  
6742 acceptable professional standards as determined by the board. For  
6743 applicants graduating from doctoral level psychology training  
6744 programs outside of the United States of America or Canada,  
6745 applicants for licensure shall have completed a doctoral program  
6746 in psychology that meets recognized acceptable professional  
6747 standards as determined by the board; and

6748           (e) Has completed a supervised internship from a  
6749 program accredited by the American Psychological Association or  
6750 the Canadian Psychological Association that meet the standards of  
6751 training as defined by the board. The internship shall be  
6752 comprised of at least one thousand eight hundred (1,800) hours of  
6753 actual work, to include direct service, training and supervisory  
6754 time; and

6755           (f) Demonstrates professional knowledge by passing  
6756 written (as used in this paragraph, the term "written" means  
6757 either paper and pencil or computer-administered or computerized  
6758 testing) and oral examinations in psychology prescribed by the  
6759 board; except that upon examination of credentials, the board may,



6760 by unanimous consent, consider these credentials adequate evidence  
6761 of professional knowledge.

6762       Upon investigation of the application and other evidence  
6763 submitted, the board shall, not less than thirty (30) days before  
6764 the examination, notify each applicant that the application and  
6765 evidence submitted is satisfactory and accepted or unsatisfactory  
6766 and rejected; if rejected, the notice shall state the reasons for  
6767 the rejection.

6768       The place of examination shall be designated in advance by  
6769 the board, and the examination shall be given at such time and  
6770 place and under such supervision as the board may determine. The  
6771 examination used by the board shall consist of written tests and  
6772 oral tests, and shall fairly test the applicant's knowledge and  
6773 application thereof in those areas deemed relevant by the  
6774 board. All examinations serve the purpose of verifying that a  
6775 candidate for licensure has acquired a basic core of knowledge in  
6776 the discipline of psychology and can apply that knowledge to the  
6777 problems confronted in the practice of psychology within the  
6778 applicant's area of practice.

6779       The board shall evaluate the results from both the written  
6780 and oral examinations. The passing scores for the written and  
6781 oral examinations shall be established by the board in its rules  
6782 and regulations. If an applicant fails to receive a passing score  
6783 on the entire examination, he or she may reapply and shall be  
6784 allowed to take a later examination. An applicant who has failed



6785 two (2) successive examinations by the board may not reapply until  
6786 after two (2) years from the date of the last examination failed.  
6787 The board shall keep the written examination scores, and an  
6788 accurate transcript of the questions and answers relating to the  
6789 oral examinations, and the grade assigned to each answer thereof,  
6790 as part of its records for at least two (2) years after the date  
6791 of examination.

6792 Each application or filing made under this section shall  
6793 include the social security number(s) of the applicant in  
6794 accordance with Section 93-11-64.

6795 **SECTION 79.** Section 73-33-1, Mississippi Code of 1972, is  
6796 amended as follows:

6797 73-33-1. (1) Any person residing or having a place for the  
6798 regular transaction of business in the State of Mississippi \* \* \*,  
6799 and who shall have received from the State Board of Public  
6800 Accountancy a license certifying his qualifications as a certified  
6801 public accountant as hereinafter provided, shall be styled or  
6802 known as a certified public accountant, and it shall be unlawful  
6803 for any other person or persons to assume such title or use any  
6804 letters, abbreviations or words to indicate that such person using  
6805 same is a certified public accountant, unless such person  
6806 qualifies for a practice privilege under Section 73-33-17, or at  
6807 the discretion of the board, such person has been granted use of  
6808 the title of "certified public accountant retired" by the  
6809 Mississippi State Board of Public Accountancy or has received a



6810 reciprocal certified public accountant license from the State  
6811 Board of Public Accountancy.

6812 (2) A certified public accountant practicing public  
6813 accounting under a Mississippi license must be associated and  
6814 registered with a certified public accountant firm.

6815 (3) The State Board of Public Accountancy shall grant and  
6816 renew permits to practice as a CPA firm to applicants that  
6817 demonstrate their qualifications in accordance with this section.

6818 (a) The following shall hold a permit issued under this  
6819 section: any firm with an office in this state that practices  
6820 public accountancy or that uses the title "CPA" or "CPA firm," and  
6821 any firm that does not have an office in this state but performs  
6822 the services described in Section 73-33-17(4) for a client having  
6823 its home office in this state.

6824 (b) A firm that does not have an office in this state  
6825 may perform a review of a financial statement to be performed in  
6826 accordance with Statements on Standards for Accounting and Review  
6827 Services, or a compilation as defined in Section 73-33-2(d), for a  
6828 client having its home office in this state and may use the title  
6829 "CPA" and "CPA firm" without a permit issued under this section  
6830 only if such firm has the qualifications described in subsection  
6831 (4), complies with the peer review requirements set forth by board  
6832 rule, and performs such services through an individual with  
6833 practice privileges under Section 73-33-17.



6834           (c) A firm that is not subject to the requirements of  
6835 paragraph (a) or (b) of this subsection may perform other  
6836 professional services within the practice of public accountancy  
6837 while using the title "CPA" and "CPA firm" in this state without a  
6838 permit issued under this section only if such firm performs such  
6839 services through an individual with practice privileges under  
6840 Section 73-33-17 and such firm can lawfully do so in the state  
6841 where the individuals with practice privileges have their  
6842 principal place of business.

6843           (4) In order to obtain and maintain a firm permit, a  
6844 certified public accountant firm shall be required to show the  
6845 following:

6846           (a) It is wholly owned by natural persons and not owned  
6847 in whole or in part by business entities; and

6848           (b) A simple majority of the ownership of the firm in  
6849 terms of financial interests and/or voting rights hold certified  
6850 public accountant licenses in any state; however, the individuals  
6851 whose principal place of business is in Mississippi and who  
6852 perform professional services in this state shall hold a  
6853 Mississippi certified public accountant license, and that  
6854 individuals who qualify for practice privileges under Section  
6855 73-33-17 who perform services for which a firm permit is required  
6856 under Section 73-33-17(4) shall not be required to obtain a  
6857 certificate pursuant to Section 73-33-3 or 73-33-9.



6858 (5) Any certified public accountant firm may include  
6859 nonlicensee owners, provided that:

6860 (a) The firm designates a licensee of this state who is  
6861 responsible for the proper registration of the firm and identifies  
6862 that individual to the board; or in the case of a firm without a  
6863 Mississippi office which must have a permit pursuant to subsection  
6864 (3) (a), the firm designates a licensee of another state who meets  
6865 the requirements provided in Section 73-33-17;

6866 (b) All nonlicensee owners are active individual  
6867 participants in the certified public accountant firm or affiliated  
6868 entities; and

6869 (c) The firm complies with such other requirements as  
6870 the board may impose by rule.

6871 (6) Unless exempt from the firm permit requirement under  
6872 Section 73-33-1(3), no person or persons shall engage in the  
6873 practice of public accounting as defined herein as a partnership,  
6874 joint venture or professional corporation, sole proprietor, or  
6875 other business organization allowed by law, unless and until each  
6876 business organization or office thereof located inside the State  
6877 of Mississippi has registered with and been issued a firm permit  
6878 by the State Board of Public Accountancy.

6879 **SECTION 80.** Section 73-38-9, Mississippi Code of 1972, is  
6880 amended as follows:

6881 73-38-9. (1) To be eligible for licensure by the board as a  
6882 speech-language pathologist or audiologist and to be eligible for



6883 registration as a speech-language pathology aide or audiology  
6884 aide, a person shall:

6885 \* \* \*

6886 ( \* \* \*a) ( \* \* \*i) For speech-language pathologists  
6887 or audiologists, possess at least a master's degree or its  
6888 equivalent in the area of speech-language pathology or audiology,  
6889 as the case may be, from an educational institution recognized by  
6890 the board;

6891 ( \* \* \*ii) For speech-language pathology aide or  
6892 audiology aide, the board shall set minimum educational standards  
6893 which shall be less than a bachelor's degree;

6894 ( \* \* \*b) For speech-language pathologists and  
6895 audiologists, submit evidence of the completion of the  
6896 educational, clinical experience and employment requirements,  
6897 which requirements shall be based on appropriate national  
6898 standards and prescribed by the rules and regulations adopted  
6899 pursuant to this article;

6900 ( \* \* \*c) For speech-language pathologists and  
6901 audiologists licensure applicants, pass an examination approved by  
6902 the board. This examination may be taken either before or after  
6903 the completion of the employment requirement specified pursuant to  
6904 paragraph (c) of this subsection;

6905 ( \* \* \*d) For speech-language pathology aides and  
6906 audiology aides, no examination shall be required.





6907           (2) To be eligible for the privilege to practice, applicants  
6908 must meet the requirements set out in the Audiology and  
6909 Speech-Language Pathology Interstate Compact.

6910           **SECTION 81.** Section 73-39-67, Mississippi Code of 1972, is  
6911 amended as follows:

6912           73-39-67. (1) To obtain a license to practice veterinary  
6913 medicine, a person shall file a written application and  
6914 application fee with the board. The application shall show that  
6915 the applicant is a graduate of an accredited college of veterinary  
6916 medicine or has the educational equivalence as set by the board.  
6917 The application shall also show \* \* \* any other information and  
6918 proof as the board may require.

6919           (2) If the board determines that the applicant possesses the  
6920 proper qualifications, it shall admit the applicant to the next  
6921 examination, or if the applicant is eligible for license by  
6922 endorsement, the board may grant him a license. If an applicant  
6923 is found not qualified to take the examination or for a license by  
6924 endorsement, the board shall notify the applicant in writing  
6925 within thirty (30) days of its finding and the grounds for its  
6926 findings. An applicant found unqualified may request a hearing  
6927 before the board.

6928           (3) The board may grant a temporary license to an applicant  
6929 to practice veterinary medicine until the scheduled state board  
6930 examination, if the applicant pays the application fee, provides  
6931 sufficient evidence that he meets the qualifications for



6932 licensure, and provides evidence that he resides in the State of  
6933 Mississippi. The board may grant a second temporary permit, but  
6934 the board may not grant more than two (2) temporary permits to any  
6935 one (1) person.

6936 (4) A person licensed by the board shall display the license  
6937 in the facility in which the licensee practices.

6938 **SECTION 82.** Section 73-39-71, Mississippi Code of 1972, is  
6939 amended as follows:

6940 73-39-71. (1) The board may issue a license by endorsement  
6941 to an applicant who furnishes satisfactory proof that he is a  
6942 graduate of an accredited college of veterinary medicine or the  
6943 educational equivalence. The applicant must also show that  
6944 he \* \* \* is licensed to practice veterinary medicine in at least  
6945 one (1) state, territory or district of the United States and has  
6946 practiced veterinary medicine in one or more of those states  
6947 without disciplinary action by any state or federal agency for at  
6948 least the three (3) years immediately before filing the  
6949 application.

6950 (2) The board may examine any person qualifying for  
6951 licensing under this section.

6952 (3) The issuance of a license by endorsement to a  
6953 military-trained applicant, military spouse or person who  
6954 establishes residence in this state shall be subject to the  
6955 provisions of Section 73-50-1 or 73-50-2, as applicable.



6956           **SECTION 83.** Section 73-53-13, Mississippi Code of 1972, is  
6957 amended as follows:

6958           73-53-13. The board shall issue the appropriate license to  
6959 applicants who meet the qualifications of this section.

6960                   (a) A license as a "licensed social worker" shall be  
6961 issued to an applicant who demonstrates to the satisfaction of the  
6962 board that he or she meets the following qualifications:

6963                           (i) Has a baccalaureate degree in social work from  
6964 a college or university accredited by the Council on Social Work  
6965 Education or Southern Association of Colleges and Schools and has  
6966 satisfactorily completed the Association for Social Work Boards  
6967 (ASWB) examination for this license; or

6968                           (ii) Has a comparable license or registration from  
6969 another state or territory of the United States of America that  
6970 imposes qualifications substantially similar to those of this  
6971 chapter.

6972                   (b) A license as a "licensed master's social worker"  
6973 shall be issued to an applicant who demonstrates to the  
6974 satisfaction of the board that he or she meets the following  
6975 qualifications:

6976                           (i) Has a doctorate or master's degree from a  
6977 school of social work accredited by the Council on Social Work  
6978 Education; and

6979                           (ii) Has satisfactorily completed the ASWB  
6980 examination for this license; or



6981                   (iii) Has a comparable license or registration  
6982 from another state or territory of the United States of America  
6983 that imposes qualifications substantially similar to those of this  
6984 chapter.

6985                   (c) A license as a "licensed certified social worker"  
6986 shall be issued to an applicant who demonstrates to the  
6987 satisfaction of the board that he or she meets the following  
6988 qualifications:

6989                   (i) Is licensed under this section as a "master's  
6990 social worker"; and

6991                   (ii) Has twenty-four (24) months of professional  
6992 supervision and clinical or macro social work practice experience  
6993 acceptable to the board, under appropriate supervision; and

6994                   (iii) Has satisfactorily completed the ASWB  
6995 examination for this license; or

6996                   (iv) Has a comparable license or registration from  
6997 another state or territory of the United States of America that  
6998 imposes qualifications substantially similar to those of this  
6999 chapter.

7000                   (d) In addition to the above qualifications, an  
7001 applicant for any of the above licenses must prove to the board's  
7002 satisfaction:

7003                   (i) Age of at least twenty-one (21) years, and

7004                   \* \* \*



7005 ( \* \* \*ii) United States of America citizenship or  
7006 status as a legal resident alien, and

7007 ( \* \* \*iii) Absence of conviction of a \* \* \*  
7008 disqualifying crime as provided in the Fresh Start Act.

7009 Conviction, as used in this subparagraph, includes a deferred  
7010 conviction, deferred prosecution, deferred sentence, finding or  
7011 verdict of guilt, an admission of guilty, or a plea of nolo  
7012 contendere, and

7013 ( \* \* \*iv) That the applicant has not been  
7014 declared mentally incompetent by any court, and if any such decree  
7015 has ever been rendered, that the decree has since been changed,  
7016 and

7017 ( \* \* \*y) Freedom from dependency on alcohol or  
7018 drugs, and

7019 ( \* \* \*vi) Complete criminal history records  
7020 check, including a fingerprint and an acceptable sex offender  
7021 check, by appropriate governmental authorities as prescribed by  
7022 the board.

7023 (e) Only individuals licensed as "certified social  
7024 workers" shall be permitted to call themselves "clinical social  
7025 workers."

7026 The issuance of a license by reciprocity to a  
7027 military-trained applicant, military spouse or person who  
7028 establishes residence in this state shall be subject to the  
7029 provisions of Section 73-50-1 or 73-50-2, as applicable.



7030 Each application or filing made under this section shall  
7031 include the social security number(s) of the applicant in  
7032 accordance with Section 93-11-64.

7033 **SECTION 84.** Section 73-54-13, Mississippi Code of 1972, is  
7034 amended as follows:

7035 73-54-13. Each person desiring to obtain a license as  
7036 a marriage and family therapist or marriage and family therapy  
7037 associate shall make application thereof to the board in such  
7038 manner as the board prescribes and with required application fees  
7039 and shall furnish evidence satisfactory to the board that he or  
7040 she:

7041 \* \* \*

7042 ( \* \* \*a) Has not engaged or is not engaged in any  
7043 practice or conduct which would be a ground for refusing to issue  
7044 a license under Section 73-54-29 or Section 73-53-17;

7045 ( \* \* \*b) Is qualified for licensure pursuant to the  
7046 requirements of this chapter; and

7047 ( \* \* \*c) Is at least twenty-one (21) years of age.

7048 **SECTION 85.** Section 73-63-27, Mississippi Code of 1972, is  
7049 amended as follows:

7050 73-63-27. (1) (a) Except as provided in subsections (2)  
7051 and (3) of this section, the following shall be considered as  
7052 minimum evidence satisfactory to the board that the applicant is  
7053 qualified for registration as a registered professional geologist:



7054 (i) Graduation from a course of study in geology  
7055 satisfactory to the board from an accredited college or  
7056 university, or from a program accredited by an organization  
7057 recognized by the board, of four (4) or more years and which  
7058 includes at least thirty (30) semester or forty-five (45) quarter  
7059 hours of credit, with a major in geology or a geological  
7060 specialty;

7061 (ii) Demonstration through a specific record of a  
7062 minimum of four (4) years of qualifying experience, after  
7063 completion of the academic requirements, in geology or a specialty  
7064 indicating that the applicant is competent to practice geology or  
7065 a specialty. The board may require the experience be gained under  
7066 the supervision of a geologist registered in this state or any  
7067 other state with at least as stringent geologic registration  
7068 requirements, or under the supervision of others who, in the  
7069 opinion of the board, are qualified to have responsible charge of  
7070 geological work;

7071 (iii) Successful passage of at least one (1)  
7072 examination in geology as determined and prescribed by the board;  
7073 and

7074 (iv) Other requirements as may be established in  
7075 rules and regulations by the board.

7076 (b) In addition to the qualifications named in  
7077 paragraph (a) of this subsection, applicants for registration as a  
7078 registered professional geologist shall include with their



7079 application at least three (3) letters of reference from  
7080 geologists having personal knowledge of the applicant's geologic  
7081 experience.

7082 (c) The board may give credit for a master's degree in  
7083 the geological sciences or in a specialty as one (1) year of  
7084 professional experience and an earned doctorate degree in the  
7085 geological sciences or in a specialty as two (2) years of  
7086 professional experience. The board shall not give more than two  
7087 (2) years of professional experience credit for the completion of  
7088 all graduate degrees.

7089 (d) The board may give credit for geological research  
7090 or teaching of persons studying geology or a specialty at an  
7091 accredited college or university level as qualifying experience,  
7092 if the research or teaching, in the opinion of the board, is  
7093 comparable to experience obtained in the practice of geology or a  
7094 specialty.

7095 (e) The board may adopt qualifications which, in its  
7096 judgment, are equivalent to the educational and experience  
7097 requirements in subsection (1)(a) of this section.

7098 \* \* \*

7099 (2) Before December 31, 1998, any applicant who applies for  
7100 registration or enrollment shall be considered qualified, without  
7101 written examination, if the applicant possesses the qualifications  
7102 prescribed in subsection (1) or (3) of this section, as the case  
7103 may be.





7104 (3) An applicant who applies for registration before July 1,  
7105 1998, shall be qualified without written examination, if the  
7106 applicant possesses the following qualifications:

7107 (a) A bachelor's degree from an accredited college or  
7108 university in civil engineering with a minimum of fifteen (15)  
7109 semester hours or an equivalent number of quarter hours of credit  
7110 in geology or a geologically-related course, as determined by the  
7111 board;

7112 (b) A certificate of registration as a professional  
7113 engineer in the State of Mississippi; and

7114 (c) A minimum of ten (10) years of qualifying  
7115 experience in geotechnical or geological engineering work  
7116 demonstrated by a specific record.

7117 If the board determines after review of the academic and  
7118 experience qualifications required by this subsection that the  
7119 applicant is competent to practice geology, the board may issue a  
7120 certificate of registration under this chapter.

7121 (4) Applicants for enrollment as a geologist-in-training  
7122 shall meet the qualifications for a registered professional  
7123 geologist, except the requirement for four (4) years of  
7124 experience.

7125 (5) The board may adopt requirements for the issuance of  
7126 temporary registrations. Qualifications for temporary  
7127 registrations shall be consistent with those required under this  
7128 chapter.



7129           (6) Upon written request of an applicant, the board may  
7130 waive, on a case-by-case basis, any requirement for registration  
7131 or enrollment, except payment of the applicable fees. The request  
7132 shall state the reasons a waiver should be granted. The  
7133 requirements waived and the basis for that waiver shall be  
7134 recorded in the applicant's record and in the proceedings of the  
7135 board, and any waiver may be subject to repeal or suspension as  
7136 determined by the board.

7137           **SECTION 86.** Section 73-67-21, Mississippi Code of 1972, is  
7138 amended as follows:

7139           73-67-21. (1) It shall be the responsibility of a massage  
7140 therapy establishment to verify the current license of any and all  
7141 persons practicing massage therapy at the location of or on behalf  
7142 of the establishment. Failure to comply is subject to penalty  
7143 assessed by the board of not less than Five Hundred Dollars  
7144 (\$500.00) and not more than One Thousand Dollars (\$1,000.00) per  
7145 offense.

7146           (2) No person may advertise massage or practice massage for  
7147 compensation in this state unless he is licensed as a massage  
7148 therapist by the board. No person may use the title of or  
7149 represent himself to be a massage therapist or use any other  
7150 title, abbreviations, letters, figures, signs or devices that  
7151 indicate that the person is a massage therapist unless he is  
7152 licensed to practice massage therapy under the provisions of this  
7153 chapter. A current massage therapy license issued by the board



7154 shall at all times be prominently displayed in any place where  
7155 massage therapy is being practiced.

7156 (3) The following are requirements for licensure:

7157 (a) An applicant must be eighteen (18) years of age, or  
7158 older, on the date the application is submitted.

7159 (b) An application must provide proof of high school  
7160 graduate equivalency.

7161 (c) An applicant must be of legal status not only to  
7162 receive a license, but also to work in the State of Mississippi  
7163 with that license.

7164 (d) An applicant must supply proof of current  
7165 certification in cardiopulmonary resuscitation (CPR) and first aid  
7166 of at least eight (8) hours of training, including practical  
7167 testing, and supply documentation of familiarity with the  
7168 Americans with Disabilities Act.

7169 (e) All required fees for licensure must be submitted  
7170 by the applicant.

7171 (f) Any and all requirements regarding \* \* \*  
7172 competency, as provided for in this chapter and in accepted codes  
7173 of ethics, shall be met.

7174 (g) An applicant must have completed an approved course  
7175 on communicable diseases, including HIV/AIDS information and  
7176 prevention.

7177 (h) The applicant's official and certified  
7178 transcript(s) from the applicant's massage therapy school. The



7179 transcript must verify that the applicant has completed a  
7180 board-approved training program of no less than the minimum  
7181 requirement for massage therapy instruction and student clinic,  
7182 with a minimum grade requirement of "C" or better in every course  
7183 of instruction, as stated for school requirements.

7184 (4) The following pre-act practitioners are exempt from  
7185 having to take any examination for licensure, but must fulfill all  
7186 other requirements as stated in this chapter, except for the  
7187 requirements in subsection (3) (h) of this section:

7188 (a) Those having more than three hundred (300)  
7189 documented, board-accepted hours of massage therapy education  
7190 before January 1, 2001.

7191 (b) Those having more than five (5) years of  
7192 professional massage therapy experience and a minimum of one  
7193 hundred fifty (150) hours of approved massage therapy education.

7194 (c) Those having no formal training, but who have  
7195 successfully passed the National Certification Examination for  
7196 Therapeutic Massage and Bodywork.

7197 (d) All grandfathering exemption allowances as stated  
7198 in this subsection (4) shall end on July 1, 2002, for nonstudents,  
7199 and on June 1, 2003, for students who were enrolled in a part-time  
7200 massage school curriculum on July 1, 2001. Individuals may apply  
7201 for a license until the grandfathering exemption ends, but may not  
7202 practice massage beyond the allowed grace period as provided for  
7203 in Section 73-67-37 unless a valid massage therapy license or



7204 provisional permit is obtained. Except as provided in subsection  
7205 (5) of this section, all other pre-act practitioners and anyone  
7206 not practicing massage therapy before January 1, 2001, must take  
7207 and pass the licensure examination and follow the requirements in  
7208 this chapter to practice massage therapy for compensation in  
7209 Mississippi.

7210 (e) Students enrolled in a massage therapy curriculum  
7211 of at least five hundred (500) hours on July 1, 2001, who complete  
7212 graduation from the same curriculum.

7213 (5) Any person who has practiced massage therapy for a  
7214 period of more than twenty-five (25) years before March 14, 2005,  
7215 who is employed as a massage therapist by a YMCA or YWCA  
7216 authorized and existing as a nonprofit corporation under the laws  
7217 of this state on March 14, 2005, is exempt from having to take any  
7218 examination for licensure, but must fulfill all other requirements  
7219 as stated in this chapter, except for the requirements in  
7220 subsection (3)(b), (d), (g) and (h) of this section. Persons  
7221 exempt under this subsection may apply for a massage therapy  
7222 license until January 1, 2006, but may not practice massage  
7223 therapy after January 1, 2006, unless a valid license is obtained.

7224 (6) Certificates of registration issued by the board before  
7225 July 1, 2008, shall remain valid as licenses until the next  
7226 renewal period.

7227 (7) An applicant must have successfully been cleared for  
7228 licensure through an investigation that shall consist of a \* \* \*



7229 verification that the prospective licensee is not guilty of or in  
7230 violation of any statutory ground for denial of licensure as set  
7231 forth in Section 73-67-27.

7232 (a) To assist the board in conducting its licensure  
7233 investigation, all applicants shall undergo a fingerprint-based  
7234 criminal history records check of the Mississippi central criminal  
7235 database and the Federal Bureau of Investigation criminal history  
7236 database. Each applicant shall submit a full set of the  
7237 applicant's fingerprints in a form and manner prescribed by the  
7238 board, which shall be forwarded to the Mississippi Department of  
7239 Public Safety (department) and the Federal Bureau of Investigation  
7240 Identification Division for this purpose.

7241 (b) Any and all state or national criminal history  
7242 records information obtained by the board that is not already a  
7243 matter of public record shall be deemed nonpublic and confidential  
7244 information restricted to the exclusive use of the board, its  
7245 members, officers, investigators, agents and attorneys in  
7246 evaluating the applicant's eligibility or disqualification for  
7247 licensure, and shall be exempt from the Mississippi Public Records  
7248 Act of 1983. Except when introduced into evidence in a hearing  
7249 before the board to determine licensure, no such information or  
7250 records related thereto shall, except with the written consent of  
7251 the applicant or by order of a court of competent jurisdiction, be  
7252 released or otherwise disclosed by the board to any other person  
7253 or agency.



7254 (c) The board shall provide to the department the  
7255 fingerprints of the applicant, any additional information that may  
7256 be required by the department, and a form signed by the applicant  
7257 consenting to the check of the criminal records and to the use of  
7258 the fingerprints and other identifying information required by the  
7259 state or national repositories.

7260 (d) The board shall charge and collect from the  
7261 applicant, in addition to all other applicable fees and costs,  
7262 such amount as may be incurred by the board in requesting and  
7263 obtaining state and national criminal history records information  
7264 on the applicant.

7265 **SECTION 87.** Section 73-71-19, Mississippi Code of 1972, is  
7266 amended as follows:

7267 73-71-19. (1) No person shall be licensed to practice  
7268 acupuncture unless he or she has passed an examination and/or has  
7269 been found to have the necessary qualifications as prescribed in  
7270 the regulations adopted by the board.

7271 (2) Before any applicant is eligible for an examination or  
7272 qualification, he or she shall furnish satisfactory proof that he  
7273 or she:

7274 (a) Is a citizen or permanent resident of the United  
7275 States;

7276 (b) Has demonstrated proficiency in the English  
7277 language;

7278 (c) Is at least twenty-one (21) years of age;



7279 \* \* \*

7280 ( \* \* \*d) Has completed a program of acupuncture and  
7281 has received a certificate or diploma from an institute approved  
7282 by the board, according to the provisions of this chapter;

7283 ( \* \* \*e) Has completed a clinical internship training  
7284 as approved by the board; and

7285 ( \* \* \*f) Has received training in cardiopulmonary  
7286 resuscitation (CPR).

7287 (3) The board may hold an examination at least once a year,  
7288 and all applicants shall be notified in writing of the date and  
7289 time of all examinations. The board may use a NCCAOM examination  
7290 if it deems that national examination to be sufficient to qualify  
7291 a practitioner for licensure in this state. In no case shall the  
7292 state's own examination be less rigorous than the nationally  
7293 recognized examination.

7294 (4) In addition to the written examination, if the  
7295 nationally recognized examination does not provide a suitable  
7296 practical examination comparable to board standards, the board  
7297 shall examine each applicant in the practical application of  
7298 Oriental medical diagnostic and treatment techniques in a manner  
7299 and by methods that reveal the applicant's skill and knowledge.

7300 (5) The board shall require all qualified applicants to be  
7301 examined in the following subjects:

7302 (a) Anatomy and physiology;

7303 (b) Pathology;





7304 (c) Diagnosis;

7305 (d) Hygiene, sanitation and sterilization techniques;

7306 (e) All major acupuncture principles, practices and

7307 techniques; and

7308 (f) Clean Needle Technique Exam.

7309 (6) To assist the board in conducting its licensure

7310 investigation, all applicants shall undergo a fingerprint-based

7311 criminal history records check of the Mississippi central criminal

7312 database and the Federal Bureau of Investigation criminal history

7313 database. Each applicant shall submit a full set of the

7314 applicant's fingerprints in a form and manner prescribed by the

7315 board, which shall be forwarded to the Mississippi Department of

7316 Public Safety (department) and the Federal Bureau of Investigation

7317 Identification Division for this purpose. Any and all state or

7318 national criminal history records information obtained by the

7319 board that is not already a matter of public record shall be

7320 deemed nonpublic and confidential information restricted to the

7321 exclusive use of the board, its members, officers, investigators,

7322 agents and attorneys in evaluating the applicant's eligibility or

7323 disqualification for licensure, and shall be exempt from the

7324 Mississippi Public Records Act of 1983. Except when introduced

7325 into evidence in a hearing before the board to determine

7326 licensure, no such information or records related thereto shall,

7327 except with the written consent of the applicant or by order of a

7328 court of competent jurisdiction, be released or otherwise



7329 disclosed by the board to any other person or agency. The board  
7330 shall provide to the department the fingerprints of the applicant,  
7331 any additional information that may be required by the department,  
7332 and a form signed by the applicant consenting to the check of the  
7333 criminal records and to the use of the fingerprints and other  
7334 identifying information required by the state or national  
7335 repositories. The board shall charge and collect from the  
7336 applicant, in addition to all other applicable fees and costs,  
7337 such amount as may be incurred by the board in requesting and  
7338 obtaining state and national criminal history records information  
7339 on the applicant.

7340 (7) The board shall issue a license to every applicant whose  
7341 application has been filed with and approved by the board and who  
7342 has paid the required fees and who either:

7343 (a) Has passed the board's written examination and  
7344 practical examination, with a score of not less than seventy  
7345 percent (70%) on each examination; or

7346 (b) Has achieved a passing score on a board approved  
7347 nationally recognized examination, which examination includes a  
7348 written and practical portion, as determined by the board; or

7349 (c) Has received certification from a board approved  
7350 national certification process; or

7351 (d) Has achieved a passing score on a board approved  
7352 nationally recognized written examination and has passed the



7353 board's practical examination with a score of not less than  
7354 seventy percent (70%).

7355 (8) The board shall keep a record of all examinations held,  
7356 together with the names and addresses of all persons taking  
7357 examinations, and the examination results. Within forty-five (45)  
7358 days after the examination, the board shall give written notice of  
7359 the results of the examination to each applicant.

7360 **SECTION 88.** Section 75-27-305, Mississippi Code of 1972, is  
7361 amended as follows:

7362 75-27-305. (1) A citizen of the United States or a person  
7363 who has declared his or her intention of becoming such a citizen,  
7364 who is a resident of the State of Mississippi, not less than  
7365 twenty-one (21) years of age, \* \* \* who has the ability to weigh  
7366 accurately and to make correct weight certificates, and who has  
7367 received from the commissioner a license as a bonded weighmaster,  
7368 shall be styled and authorized to act as a bonded weighmaster.

7369 (2) The commissioner may adopt rules and regulations for  
7370 determining the qualifications of the applicant for license as a  
7371 bonded weighmaster. The commissioner may pass upon the  
7372 qualifications of the applicant upon the basis of the information  
7373 supplied in the application, may examine such applicant orally or  
7374 in writing, or both, for the purpose of determining his or her  
7375 qualifications. The commissioner shall grant licenses to such  
7376 applicants as may be found to possess the qualifications required



7377 herein. The commissioner shall keep a record of all such  
7378 applications and of all licenses issued thereon.

7379 **SECTION 89.** Section 75-57-49, Mississippi Code of 1972, is  
7380 amended as follows:

7381 75-57-49. (1) Before any person shall be granted a permit  
7382 to, or shall engage in or continue in the business of the  
7383 distributing, either wholesale or retail, installing, altering,  
7384 extending, changing or repairing of any liquefied compressed gas  
7385 system, appliance or container, or in the business of distributing  
7386 and selling liquefied compressed gas, either at wholesale or  
7387 retail, whether from trucks or other vessels, in cylinders or in  
7388 any other manner, such person shall satisfy the State Liquefied  
7389 Compressed Gas Board that he or she is \* \* \* competent to transact  
7390 business so as to safeguard the interest of the public, and is  
7391 financially responsible; and this provision as to financial  
7392 responsibility shall be met by such person by filing with the  
7393 State Liquefied Compressed Gas Board evidence that he or she has  
7394 in force such of the hereinafter listed insurance policies on  
7395 standard contract forms and written by an insurance company, or  
7396 companies, qualified to do business in the State of Mississippi,  
7397 as the State Liquefied Compressed Gas Board shall require, based  
7398 upon those activities listed above in which such person is  
7399 engaged, to wit:

7400 **ANY PERSON THAT ENGAGES IN FILLING CYLINDERS AND MOTOR FUEL**  
7401 **TANKS WITH LIQUEFIED COMPRESSED GAS ON THEIR PREMISES OR ANY**



7402 **PERSON WHO IS IN THE BUSINESS OF INSTALLING LC GAS CARBURETION OR**

7403 **APPLIANCES:**

7404		Limits of Liability	
7405		Each	
7406		Occasion	Aggregate
7407	Manufacturers and Contractors		
7408	Public Liability	\$100,000	\$300,000
7409	Products Liability	\$100,000	\$300,000
7410	Workers' Compensation and		
7411	Employers' Liability		
7412	Insurance	State Statute	

7413 **ANY PERSON THAT ENGAGES IN ANY PHASE OF THE LIQUEFIED**

7414 **COMPRESSED GAS BUSINESS OTHER THAN CYLINDER-FILLING LOCATIONS:**

7415		Limits of Liability		
7416		Bodily Injury		Property
7417		Each	Each	Damage Each
7418		Person	Accident	Accident
7419	Automobile Public Liability	\$500,000	\$1,000,000	\$1,000,000
7420		Each		
7421		Occasion	Aggregate	
7422	Manufacturers and Contractors			
7423	Public Liability	\$1,000,000	\$1,000,000	
7424	Products Liability	\$1,000,000	\$1,000,000	
7425	Workers' Compensation and			
7426	Employers' Liability			



7427 Insurance State Statute

7428 (2) The State Liquefied Compressed Gas Board shall not  
7429 require insurance coverage as specified above unless the hazard of  
7430 liquefied compressed gases is involved.

7431 (3) No policy issued under the provisions of this chapter  
7432 may be cancelled before thirty (30) days from the date of receipt  
7433 by the Commissioner of Insurance of written notice of intention to  
7434 cancel the policy.

7435 (4) It is expressly provided, however, that in lieu of  
7436 filing with the State Liquefied Compressed Gas Board evidence that  
7437 such insurance, as outlined above, is in force, any such person  
7438 may file with the State Liquefied Compressed Gas Board a good and  
7439 sufficient surety bond executed by a surety company licensed to do  
7440 business in this state in the amount of One Million Dollars  
7441 (\$1,000,000.00), which such bond shall be payable to the State of  
7442 Mississippi and shall be conditioned to guarantee the payment of  
7443 all damages which proximately result from any act of negligence on  
7444 the part of such person, or their agents or employees, while  
7445 engaged in any of the activities herein specified. In lieu of the  
7446 surety bond, any such person may execute and file a good and  
7447 sufficient personal bond in the amount and conditioned as  
7448 specified above, which such personal bond shall be secured by  
7449 bonds or other obligations of the State of Mississippi or the  
7450 United States government, of equal value.



7451 (5) Upon compliance with the provisions of this section,  
7452 where such compliance is required, and upon compliance with all  
7453 other provisions of this chapter, the State Liquefied Compressed  
7454 Gas Board shall issue to such dealer a permit to engage in such  
7455 business, but not before. All such permits shall be valid until  
7456 voluntarily surrendered, or until suspended, revoked or cancelled  
7457 by the State Liquefied Compressed Gas Board, the Commissioner of  
7458 Insurance or the chancery or circuit court. All permits issued  
7459 under the provisions of Chapter 170, Laws of 1940, as amended, or  
7460 Chapter 265, Laws of 1946, shall remain in full force and effect  
7461 until the expiration date thereof at which time they must be  
7462 renewed under the terms and conditions of this chapter.

7463 **SECTION 90.** Section 75-60-31, Mississippi Code of 1972, is  
7464 amended as follows:

7465 75-60-31. No agent permit shall be issued pursuant to  
7466 Section 75-60-25 to any person found by the Commission on  
7467 Proprietary School and College Registration \* \* \* to have been  
7468 convicted of a disqualifying crime as provided in the Fresh Start  
7469 Act.

7470 **SECTION 91.** Section 75-60-33, Mississippi Code of 1972, is  
7471 amended as follows:

7472 75-60-33. Any agent permit issued may be revoked by the  
7473 Commission on Proprietary School and College Registration if the  
7474 holder of the permit solicits or enrolls students through fraud,  
7475 deception or misrepresentation \* \* \*.



7476           The Commission on Proprietary School and College Registration  
7477 shall hold informal conferences pursuant to Section 75-60-19 with  
7478 an agent believed to be in violation of one or more of the above  
7479 conditions. If these conferences fail to eliminate the agent's  
7480 objectionable practices or procedures, the commission shall hold a  
7481 public hearing. A record of such proceedings shall be taken and  
7482 appeals to the commission shall be upon such record, except as may  
7483 be provided by rules and regulations to be adopted by the  
7484 commission. Nothing said or done in the informal conferences  
7485 shall be disclosed by the staff of the commission nor be used as  
7486 evidence in any subsequent proceedings.

7487           **SECTION 92.** Section 75-76-67, Mississippi Code of 1972, is  
7488 amended as follows:

7489           75-76-67. (1) Any person who the commission determines is  
7490 qualified to receive a license or be found suitable under the  
7491 provisions of this chapter, having due consideration for the  
7492 proper protection of the health, safety, morals, good order and  
7493 general welfare of the inhabitants of the State of Mississippi and  
7494 the declared policy of this state, may be issued a state gaming  
7495 license or found suitable. The burden of proving his  
7496 qualification to receive any license or be found suitable is on  
7497 the applicant.

7498           (2) An application to receive a license or be found suitable  
7499 shall not be granted unless the commission is satisfied that the  
7500 applicant is:





7501           (a) A person of \* \* \* honesty and integrity;

7502           (b) A person whose prior activities, criminal record,  
7503 if any, reputation, habits and associations do not pose a threat  
7504 to the public interest of this state or to the effective  
7505 regulation and control of gaming, or create or enhance the dangers  
7506 of unsuitable, unfair or illegal practices, methods and activities  
7507 in the conduct of gaming or the carrying on of the business and  
7508 financial arrangements incidental thereto; and

7509           (c) In all other respects qualified to be licensed or  
7510 found suitable consistent with the declared laws of the state.

7511           (3) No person shall be granted a license or found suitable  
7512 under the provisions of this chapter who has been convicted of  
7513 a \* \* \* disqualifying crime as provided in the Fresh Start Act in  
7514 any court of this state, another state, or the United States; and  
7515 no person shall be granted a license or found suitable hereunder  
7516 who has been convicted of a \* \* \* disqualifying crime as provided  
7517 in the Fresh Start Act in any court of another state or the United  
7518 States which, if committed in this state, would be a \* \* \*  
7519 disqualifying crime; and no person shall be granted a license or  
7520 found suitable under the provisions of this chapter who has been  
7521 convicted of a misdemeanor in any court of this state or of  
7522 another state, when such conviction was for gambling, sale of  
7523 alcoholic beverages to minors, prostitution, or procuring or  
7524 inducing individuals to engage in prostitution.



7525           (4) A license to operate a gaming establishment shall not be  
7526 granted unless the applicant has satisfied the commission that:

7527                   (a) He has adequate business probity, competence and  
7528 experience, in gaming or generally; and

7529                   (b) The proposed financing of the entire operation is:

7530                           (i) Adequate for the nature of the proposed  
7531 operation; and

7532                           (ii) From a suitable source. Any lender or other  
7533 source of money or credit which the commission finds does not meet  
7534 the standards set forth in subsection (2) may be deemed  
7535 unsuitable.

7536           (5) An application to receive a license or be found suitable  
7537 constitutes a request for a determination of the applicant's  
7538 general \* \* \* integrity and ability to participate or engage in,  
7539 or be associated with gaming. Any written or oral statement made  
7540 in the course of an official proceeding of the commission or the  
7541 executive director or any witness testifying under oath which is  
7542 relevant to the purpose of the proceeding is absolutely privileged  
7543 and does not impose liability for defamation or constitute a  
7544 ground for recovery in any civil action.

7545           (6) The commission may, in its discretion, grant a license  
7546 to a corporation which has complied with the provisions of this  
7547 chapter.



7548           (7) The commission may, in its discretion, grant a license  
7549 to a limited partnership which has complied with the provisions of  
7550 this chapter.

7551           (8) No limited partnership, except one whose sole limited  
7552 partner is a publicly traded corporation which has registered with  
7553 the commission, or business trust or organization or other  
7554 association of a quasi-corporate character is eligible to receive  
7555 or hold any license under this chapter unless all persons having  
7556 any direct or indirect interest therein of any nature whatsoever,  
7557 whether financial, administrative, policymaking or supervisory,  
7558 are individually qualified to be licensed under the provisions of  
7559 this chapter.

7560           (9) The commission may, by regulation, limit the number of  
7561 persons who may be financially interested and the nature of their  
7562 interest in any corporation or other organization or association  
7563 licensed under this chapter, and may establish such other  
7564 qualifications of licenses as the commission, in its discretion,  
7565 deems to be in the public interest and consistent with the  
7566 declared policy of the state.

7567           **SECTION 93.** Section 81-18-9, Mississippi Code of 1972, is  
7568 amended as follows:

7569           81-18-9. (1) Applicants for a license shall apply in a form  
7570 as prescribed by the commissioner. Each such form shall contain  
7571 content as set forth by rule, regulation, instruction or procedure  
7572 of the commissioner and may be changed or updated as necessary by



7573 the commissioner in order to carry out the purposes of this  
7574 chapter.

7575 (2) The mortgage broker and mortgage lender application  
7576 through the Nationwide Mortgage Licensing System and Registry  
7577 shall include, but is not limited to, the following:

7578 (a) The legal name, residence and business address of  
7579 the applicant and, if applicable, the legal name, residence and  
7580 business address of every principal and executive officer,  
7581 together with the résumé of the applicant and of every principal  
7582 and executive officer of the applicant. In addition, an  
7583 independent credit report obtained from a consumer-reporting  
7584 agency described in Section 603(p) of the Fair Credit Reporting  
7585 Act and information related to any administrative, civil or  
7586 criminal findings by any governmental jurisdiction of every  
7587 principal and executive officer.

7588 (b) The legal name of the mortgage broker or mortgage  
7589 lender in addition to the name under which the applicant will  
7590 conduct business in the state, neither of which may be already  
7591 assigned to a licensed mortgage broker or mortgage lender.

7592 (c) The complete address of the applicant's principal  
7593 place of business, branch office(s) and any other locations at  
7594 which the applicant will engage in any business activity covered  
7595 by this chapter. All locations shall be within the United States  
7596 of America or a territory of the United States of America,  
7597 including Puerto Rico and the U.S. Virgin Islands.



7598 (d) A copy of the certificate of incorporation, if a  
7599 Mississippi corporation.

7600 (e) Documentation satisfactory to the department as to  
7601 a certificate of existence of authority to transact business  
7602 lawfully in Mississippi from the Mississippi Secretary of State's  
7603 office, if a limited liability company, partnership, trust or any  
7604 other group of persons, however organized. This paragraph does  
7605 not pertain to applicants organized as an individual or as a sole  
7606 proprietorship.

7607 (f) If a foreign entity, a copy of a certificate of  
7608 authority to conduct business in Mississippi and the address of  
7609 the principal place of business of the foreign entity.

7610 (g) Documentation of a minimum of two (2) years'  
7611 experience directly related to mortgage activities by a person  
7612 named as the qualifying individual of the company. The qualifying  
7613 individual shall be primarily responsible for the operations of  
7614 the licensed mortgage broker or mortgage lender. Only one (1)  
7615 qualifying individual shall be named for Mississippi and this  
7616 person shall be the qualifying individual for only one (1)  
7617 licensee. Evidence of experience shall include, where applicable:

7618 (i) Copies of business licenses issued by  
7619 governmental agencies.

7620 (ii) Employment history of the person filing the  
7621 application for at least two (2) years before the date of the  
7622 filing of an application, including, but not limited to, job



7623 descriptions, length of employment, names, addresses and phone  
7624 numbers for past employers.

7625 (iii) Any other data and pertinent information as  
7626 the department may require with respect to the applicant, its  
7627 directors, principals, trustees, officers, members, contractors or  
7628 agents. A résumé alone shall not be sufficient proof of  
7629 employment history.

7630 (3) The mortgage broker and mortgage lender applications  
7631 shall be filed on the Nationwide Mortgage Licensing System and  
7632 Registry together with the following:

7633 (a) The license fee specified in Section 81-18-15;

7634 (b) An original or certified copy of a surety bond in  
7635 favor of the State of Mississippi for the use, benefit and  
7636 indemnity of any person who suffers any damage or loss as a result  
7637 of the company's breach of contract or of any obligation arising  
7638 therefrom or any violation of law;

7639 (c) A set of fingerprints from any local law  
7640 enforcement agency from the following applicants:

7641 (i) All persons operating as a sole proprietorship  
7642 that plan to conduct a mortgage-brokering or lending business in  
7643 the State of Mississippi;

7644 (ii) Partners in a partnership or principal owners  
7645 of a limited liability company that own at least ten percent (10%)  
7646 of the voting shares of the company;



7647 (iii) Any shareholders owning ten percent (10%) or  
7648 more of the outstanding shares of the corporation;

7649 (iv) All executive officers of the applicant;

7650 (v) All loan originators; and

7651 (vi) The named qualifying individual of the  
7652 company as required in Section 81-18-9(2)(g). The applicant shall  
7653 name only one (1) individual as the qualifying individual for the  
7654 State of Mississippi; and

7655 (d) At least one (1) employee shall be licensed as a  
7656 loan originator at a licensed location.

7657 (4) In connection with an application for licensing as a  
7658 mortgage broker or lender under this chapter, the required  
7659 stockholders, owners, directors and executive officers of the  
7660 applicant shall, at a minimum, furnish to the Nationwide Mortgage  
7661 Licensing System and Registry information concerning the  
7662 individual's identity, including:

7663 (a) Fingerprints from any local law enforcement agency  
7664 for submission to the Federal Bureau of Investigation and any  
7665 governmental entity authorized to receive that information for a  
7666 state, national and/or international criminal history background  
7667 check; and

7668 (b) Personal history and experience in a form  
7669 prescribed by the Nationwide Mortgage Licensing System and  
7670 Registry, including the submission of authorization for the



7671 Nationwide Mortgage Licensing System and Registry and the  
7672 commissioner to obtain:

7673                   (i) An independent credit report obtained from a  
7674 consumer-reporting agency described in Section 603(p) of the Fair  
7675 Credit Reporting Act; and

7676                   (ii) Information related to any administrative,  
7677 civil or criminal findings by any governmental jurisdiction.

7678           (5) Upon receipt of an application for licensure, the  
7679 department or designated third party shall conduct an  
7680 investigation as it deems necessary to determine that the  
7681 applicant and its officers, directors and principals are of  
7682 good \* \* \* ethical reputation; that the applicant demonstrates  
7683 reasonable financial responsibility; and that the applicant has  
7684 reasonable policies and procedures to receive and process customer  
7685 grievances and inquiries promptly and fairly.

7686           (6) The commissioner shall not license an applicant unless  
7687 he is satisfied that the applicant will operate its mortgage  
7688 activities in compliance with the laws, rules and regulations of  
7689 this state and the United States.

7690           (7) If an applicant satisfies the requirements of this  
7691 chapter for a mortgage broker or mortgage lender license, the  
7692 commissioner shall issue the license unless the commissioner finds  
7693 any of the following:

7694                   (a) The applicant has had a mortgage lender, mortgage  
7695 broker or mortgage servicer license revoked in any governmental





7696 jurisdiction, except that a subsequent formal vacation of the  
7697 revocation shall not be deemed a revocation; or

7698 (b) The applicant or its controlling persons has been  
7699 convicted of, or pled guilty or nolo contendere to, (i) a \* \* \*  
7700 disqualifying crime as provided in the Fresh Start Act; or (ii) at  
7701 any time preceding the date of application if such \* \* \* crime  
7702 involved an act of fraud, dishonesty, a breach of trust, or money  
7703 laundering. However, any pardon or expungement of a conviction  
7704 shall not be a conviction for purposes of this subsection.

7705 (8) Applicants for a mortgage loan originator license shall  
7706 apply in a form as prescribed by the commissioner and shall be  
7707 filed on the Nationwide Mortgage Licensing System and Registry.  
7708 Each such form shall contain content as set forth by rules,  
7709 regulations, instructions or procedures of the commissioner and  
7710 may be changed or updated as necessary by the commissioner in  
7711 order to carry out the purposes of this chapter. The initial  
7712 license of a mortgage loan originator shall be accompanied by a  
7713 fee of Two Hundred Dollars (\$200.00), to be paid to the Nationwide  
7714 Mortgage Licensing System and Registry, and any additional fees as  
7715 required by the Nationwide Mortgage Licensing System and Registry.  
7716 The commissioner shall not issue a mortgage loan originator  
7717 license unless the commissioner makes at a minimum the following  
7718 findings:

7719 (a) The applicant has never had a mortgage loan  
7720 originator license revoked in any governmental jurisdiction,



7721 except that a later formal vacation of that revocation shall not  
7722 be deemed a revocation.

7723 (b) The applicant has not been convicted of, or pled  
7724 guilty or nolo contendere to, (i) a \* \* \* disqualifying crime as  
7725 provided in the Fresh Start Act; or (ii) at any time preceding the  
7726 date of application if such \* \* \* crime involved an act of fraud,  
7727 dishonesty, a breach of trust or money laundering. However, any  
7728 pardon or expungement of a conviction shall not be a conviction  
7729 for purposes of this subsection.

7730 (c) The applicant has demonstrated financial  
7731 responsibility, character and general fitness such as to command  
7732 the confidence of the community and to warrant a determination  
7733 that the mortgage loan originator will operate honestly, fairly  
7734 and efficiently within the purposes of this chapter.

7735 (d) The applicant has completed the prelicensing  
7736 education requirement described in Section 81-18-14(1).

7737 (e) The applicant has passed a written test that meets  
7738 the test requirement described in Section 81-18-14(7).

7739 (f) The applicant has met the surety bond requirement  
7740 as provided in Section 81-18-11.

7741 (g) This individual must work for a Mississippi  
7742 licensed company and work from the location licensed with the  
7743 department. The licensed location that he or she is assigned to  
7744 must be within one hundred twenty-five (125) miles of his or her  
7745 residency. If the licensed loan originator resides and works in



7746 Mississippi, then he or she may work from any licensed location of  
7747 the licensed company within the State of Mississippi. However, an  
7748 owner of a minimum of ten percent (10%) of a licensed company or  
7749 the named qualifying individual on file with the department, who  
7750 is a licensed loan originator with the department, may work from  
7751 any licensed location of the licensed company within the State of  
7752 Mississippi in the capacity of a loan originator as described in  
7753 this chapter.

7754 (9) In order to fulfill the purposes of this chapter, the  
7755 commissioner is authorized to establish relationships or contracts  
7756 with the Nationwide Mortgage Licensing System and Registry or  
7757 other entities designated by the Nationwide Mortgage Licensing  
7758 System and Registry to collect and maintain records and process  
7759 transaction fees or other fees related to licensees or other  
7760 persons subject to this chapter.

7761 (10) In connection with an application for licensing as a  
7762 mortgage loan originator, the applicant shall, at a minimum,  
7763 furnish to the Nationwide Mortgage Licensing System and Registry  
7764 information concerning the applicant's identity, including:

7765 (a) Fingerprints for submission to the Federal Bureau  
7766 of Investigation, and any governmental agency or entity authorized  
7767 to receive that information for a state, national and/or  
7768 international criminal history background check; and

7769 (b) Personal history and experience in a form  
7770 prescribed by the Nationwide Mortgage Licensing System and



7771 Registry, including the submission of authorization for the  
7772 Nationwide Mortgage Licensing System and Registry and the  
7773 commissioner to obtain:

7774                   (i) An independent credit report obtained from a  
7775 consumer-reporting agency described in Section 603(p) of the Fair  
7776 Credit Reporting Act; and

7777                   (ii) Information related to any administrative,  
7778 civil or criminal findings by any governmental jurisdiction.

7779           (11) For the purposes of this section and in order to reduce  
7780 the points of contact which the Federal Bureau of Investigation  
7781 may have to maintain for purposes of subsection (10)(a) and  
7782 (b)(ii) of this section, the commissioner may use the Nationwide  
7783 Mortgage Licensing System and Registry as a channeling agent for  
7784 requesting information from and distributing information to the  
7785 Department of Justice or any governmental agency.

7786           (12) For the purposes of this section and in order to reduce  
7787 the points of contact which the commissioner may have to maintain  
7788 for purposes of subsection (10)(b)(i) and (ii) of this section,  
7789 the commissioner may use the Nationwide Mortgage Licensing System  
7790 and Registry as a channeling agent for requesting and distributing  
7791 information to and from any source so directed by the  
7792 commissioner.

7793           **SECTION 94.** Section 83-17-75, Mississippi Code of 1972, is  
7794 amended as follows:



7795           83-17-75. (1) An insurance producer shall not act as an  
7796 agent of an insurer unless the insurance producer becomes an  
7797 appointed agent of that insurer. An insurance producer who is not  
7798 acting as an agent of an insurer is not required to become  
7799 appointed.

7800           (2) To appoint a producer as its agent, the appointing  
7801 insurer shall file, in a format approved by the commissioner, a  
7802 notice of appointment within fifteen (15) days from the date the  
7803 agency contract is executed or the first insurance application is  
7804 submitted. An insurer may also elect to appoint a producer to all  
7805 or some insurers within the insurer's holding company system or  
7806 group by the filing of a single appointment request.

7807           (3) Upon receipt of the notice of appointment, the  
7808 commissioner shall verify within a reasonable time not to exceed  
7809 thirty (30) days that the insurance producer is eligible for  
7810 appointment. If the insurance producer is determined to be  
7811 ineligible for appointment, the commissioner shall notify the  
7812 insurer within five (5) days of its determination.

7813           (4) An insurer shall pay an appointment fee, in the amount  
7814 and method of payment set forth in Section 83-5-73 for each  
7815 insurance producer appointed by the insurer.

7816           (5) An insurer shall remit, in a manner prescribed by the  
7817 commissioner, a renewal appointment fee in the amount set forth in  
7818 Section 83-5-73.



7819           (6) Before the issuance of a license or certificate of  
7820 authority, the commissioner shall require the company requesting  
7821 appointment of the applicant as producer for the first time to  
7822 furnish a certificate to the commissioner, verified by an  
7823 executive officer or managing general or special agent of such  
7824 company, that the company has duly investigated the \* \* \* record  
7825 of such person and has satisfied itself that such person is \* \* \*  
7826 qualified, fit and trustworthy to act as its producer. The  
7827 Commissioner of Insurance may at any time require any company to  
7828 obtain a credit report on a producer if the commissioner deems  
7829 such request advisable. Should such credit report reflect  
7830 information regarding an offense or violation in relation to which  
7831 the Department of Insurance has taken action, such information  
7832 shall not render the applicant ineligible for a license if  
7833 applicant has complied with the order of the commissioner  
7834 regarding such offense.

7835           **SECTION 95.** Section 83-39-9, Mississippi Code of 1972, is  
7836 amended as follows:

7837           83-39-9. The department upon receipt of the license  
7838 application, the required fee \* \* \* and, in the case of a  
7839 professional bail agent, an approved qualification bond in the  
7840 required amount, shall issue to the applicant a license to do  
7841 business as a professional bail agent, soliciting bail agent or  
7842 bail enforcement agent as the case may be.



7843           No licensed professional bail agent shall have in his employ  
7844 in the bail bond business any person who could not qualify for a  
7845 license under this chapter, nor shall any licensed professional  
7846 bail agent have as a partner or associate in such business any  
7847 person who could not so qualify.

7848           **SECTION 96.** Section 73-34-14, Mississippi Code of 1972, is  
7849 amended as follows:

7850           73-34-14. (1) (a) To qualify for a Mississippi real estate  
7851 appraiser license, an applicant must have successfully been  
7852 cleared for licensure through an investigation that shall consist  
7853 of a determination that the applicant does not possess a  
7854 background which calls into question public trust, as set forth  
7855 below in subsection (2), and verification that the prospective  
7856 licensee is not guilty of or in violation of any statutory ground  
7857 for denial of licensure as set forth in Section 73-34-35.

7858           (b) To assist the board in conducting its licensure  
7859 investigation, on and after January 1, 2015, all applicants for a  
7860 real estate appraiser license as a licensed real estate appraiser  
7861 (license), licensed certified residential real estate appraiser  
7862 (certification), or a licensed certified general real estate  
7863 appraiser (certification), and all applicants for renewal of any  
7864 real estate appraiser license or certification shall undergo a  
7865 fingerprint-based criminal history records check of the  
7866 Mississippi central criminal database and the Federal Bureau of  
7867 Investigation criminal history database. Each applicant shall



7868 submit a full set of the applicant's fingerprints in a form and  
7869 manner prescribed by the board, which shall be forwarded to the  
7870 Mississippi Department of Public Safety (department) and the  
7871 Federal Bureau of Investigation Identification Division for this  
7872 purpose.

7873 (c) Any and all state or national criminal history  
7874 records information obtained by the board that is not already a  
7875 matter of public record shall be deemed nonpublic and confidential  
7876 information restricted to the exclusive use of the board, its  
7877 members, officers, investigators, agents and attorneys in  
7878 evaluating the applicant's eligibility or disqualification for  
7879 licensure, and shall be exempt from the Mississippi Public Records  
7880 Act of 1983. Except when introduced into evidence in a hearing  
7881 before the board to determine licensure, no such information or  
7882 records related thereto shall, except with the written consent of  
7883 the applicant or by order of a court of competent jurisdiction, be  
7884 released or otherwise disclosed by the board to any other person  
7885 or agency.

7886 (d) The board shall provide to the department the  
7887 fingerprints of the applicant, any additional information that may  
7888 be required by the department, and a form signed by the applicant  
7889 consenting to the check of the criminal records and to the use of  
7890 the fingerprints and other identifying information required by the  
7891 state or national repositories.





7892           (e) The board shall charge and collect from the  
7893 applicant, in addition to all other applicable fees and costs,  
7894 such amount as may be incurred by the board in requesting and  
7895 obtaining state and national criminal history records information  
7896 on the applicant.

7897           (2) (a) The board must ensure that applicants for a real  
7898 estate appraiser license or certification do not possess a  
7899 background that could call into question public trust. An  
7900 applicant found by the board to possess a background which calls  
7901 into question the applicant's ability to maintain public trust  
7902 shall not be issued a real estate appraiser license or  
7903 certification.

7904           (b) The board shall not issue a real estate appraiser  
7905 license or certification if:

7906                   (i) The applicant has had an appraiser license or  
7907 certification revoked in any governmental jurisdiction within the  
7908 five (5) year period immediately preceding the date of the  
7909 application;

7910                   (ii) The applicant has been convicted of, or pled  
7911 guilty or nolo contendere to, a \* \* \* disqualifying crime as  
7912 provided in the Fresh Start Act:

7913                               1. During the five-year period immediately  
7914 preceding the date of the application for licensing or  
7915 certification; or



7916                                   2. At any time preceding the date of the  
7917 application, if such felony involved an act of fraud, dishonesty,  
7918 or a breach of trust, or money laundering.

7919                                   (iii) The applicant has failed to demonstrate  
7920 character and general fitness such as to command the confidence of  
7921 the community and to warrant a determination that the appraiser  
7922 will operate honestly, fairly and efficiently within the purpose  
7923 of these criteria.

7924                                   (c) The board shall evaluate and consider, by rules and  
7925 regulations, additional background issues, including, but not  
7926 limited to, those required by the Appraiser Qualifications Board  
7927 of the Appraisal Foundation in compliance with federal  
7928 requirements, prior to issuing (or taking disciplinary action  
7929 against) a real estate appraiser.

7930                                   (d) The board shall adopt rules and regulations  
7931 necessary to implement, administer and enforce the provisions of  
7932 this section.

7933                                   **SECTION 97.** Section 73-35-10, Mississippi Code of 1972, is  
7934 amended as follows:

7935                                   73-35-10. (1) (a) To qualify for a Mississippi real estate  
7936 broker's license or a Mississippi resident license as a real  
7937 estate salesperson, or a nonresident's license in Mississippi, an  
7938 applicant must have successfully been cleared for licensure  
7939 through an investigation that shall consist of a determination  
7940 that the applicant does not possess a background which calls into



7941 question public trust, as set forth below in subsection (2), and  
7942 verification that the prospective licensee is not guilty of or in  
7943 violation of any statutory ground for denial of licensure as set  
7944 forth in Section 73-35-21.

7945           (b) To assist the commission in conducting its  
7946 licensure investigation, from and after July 1, 2016, all  
7947 applicants for a Mississippi real estate broker's license, or a  
7948 Mississippi resident license as a real estate salesperson, or a  
7949 nonresident's license in Mississippi, and all applicants for  
7950 renewal of any real estate license shall undergo a  
7951 fingerprint-based criminal history records check of the  
7952 Mississippi central criminal database and the Federal Bureau of  
7953 Investigation criminal history database. Each applicant shall  
7954 submit a full set of the applicant's fingerprints in a form and  
7955 manner prescribed by the commission, which shall be forwarded to  
7956 the Mississippi Department of Public Safety (department) and the  
7957 Federal Bureau of Investigation Identification Division for this  
7958 purpose.

7959           (c) Any and all state or national criminal history  
7960 records information obtained by the commission that is not already  
7961 a matter of public record shall be deemed nonpublic and  
7962 confidential information restricted to the exclusive use of the  
7963 commission, its members, officers, investigators, agents and  
7964 attorneys in evaluating the applicant's eligibility or  
7965 disqualification for licensure, and shall be exempt from the



7966 Mississippi Public Records Act of 1983. Except when introduced  
7967 into evidence in a hearing before the commission to determine  
7968 licensure, no such information or records related thereto shall,  
7969 except with the written consent of the applicant or by order of a  
7970 court of competent jurisdiction, be released or otherwise  
7971 disclosed by the commission to any other person or agency.

7972 (d) The commission shall provide to the department the  
7973 fingerprints of the applicant, any additional information that may  
7974 be required by the department, and a form signed by the applicant  
7975 consenting to the check of the criminal records and to the use of  
7976 the fingerprints and other identifying information required by the  
7977 state or national repositories.

7978 (e) The commission shall charge and collect from the  
7979 applicant, in addition to all other applicable fees and costs,  
7980 such amount as may be incurred by the commission in requesting and  
7981 obtaining state and national criminal history records information  
7982 on the applicant.

7983 (2) (a) The commission must ensure that applicants for real  
7984 estate licenses do not possess a background that could call into  
7985 question public trust. An applicant found by the commission to  
7986 possess a background which calls into question the applicant's  
7987 ability to maintain public trust shall not be issued a real estate  
7988 license.

7989 (b) The commission shall not issue a real estate  
7990 license if:



7991 (i) The applicant has had a real estate license  
7992 revoked in any governmental jurisdiction within the five-year  
7993 period immediately preceding the date of the application;

7994 (ii) The applicant has been convicted of, or pled  
7995 guilty or nolo contendere to, a \* \* \* disqualifying crime as  
7996 provided in the Fresh Start Act:

7997 1. During the five-year period immediately  
7998 preceding the date of the application for licensing; or

7999 2. At any time preceding the date of the  
8000 application, if such felony involved an act of fraud, dishonesty  
8001 or a breach of trust, or money laundering.

8002 (c) The commission shall adopt rules and regulations  
8003 necessary to implement, administer and enforce the provisions of  
8004 this section.

8005 (d) The requirement of a criminal background check  
8006 provided in this section shall not apply to persons who have held  
8007 a broker's or salesperson's license in this state for at least  
8008 twenty-five (25) years and who are older than seventy (70) years  
8009 of age.

8010 **SECTION 98.** Section 73-69-7, Mississippi Code of 1972, is  
8011 amended as follows:

8012 73-69-7. (1) The State Fire Marshal shall administer and  
8013 enforce the provisions of this chapter and shall have the  
8014 authority to promulgate and adopt such rules and regulations as  
8015 may be necessary for such proper administration and enforcement.



8016 The Electronic Protection Advisory Licensing Board created in  
8017 Section 73-69-21 shall advise the State Fire Marshal with respect  
8018 to the rules and regulations of the provisions of this chapter.  
8019 The State Fire Marshal shall have the authority to approve written  
8020 training programs or acceptable equivalents for meeting the  
8021 training requirements of this licensing law. The State Fire  
8022 Marshal may also accept, as such an equivalent, licensure of a  
8023 company or person by a jurisdiction outside this state, which has  
8024 standards and requirements of practice which substantially conform  
8025 to the provisions of this chapter. The State Fire Marshal shall  
8026 also establish continuing education requirements.

8027 (2) Application for a Class A license. In order to engage  
8028 in alarm contracting, a company shall apply for and obtain a Class  
8029 A license for each operating location doing business in the state.  
8030 A Class A license shall authorize a company to engage in any type  
8031 of alarm contracting. An applicant for a Class A license shall  
8032 submit the following to the State Fire Marshal:

8033 (a) Documentation that the company is an entity duly  
8034 authorized to conduct business within this state.

8035 (b) Documentation that the company holds a general  
8036 liability and errors and omissions insurance policy, or a surety  
8037 bond, in an amount not less than Three Hundred Thousand Dollars  
8038 (\$300,000.00).



8039 (c) Documentation that the company carries a current  
8040 and valid workers' compensation insurance policy as required by  
8041 state law.

8042 (d) The name of the person who will serve as the  
8043 designated agent of the company.

8044 (e) For a company applying for a Class A license,  
8045 evidence that the company has at least one (1) employee who holds  
8046 a Class B license at each of its operating locations.

8047 (f) A statement that no officer or principal has been  
8048 convicted of a \* \* \* disqualifying crime as provided in the Fresh  
8049 Start Act, has received a first-time offender pardon for a \* \* \*  
8050 disqualifying crime as provided in the Fresh Start Act, or has  
8051 entered a plea of guilty or nolo contendere to a \* \* \*  
8052 disqualifying crime as provided in the Fresh Start Act.

8053 (g) The application fee authorized by this chapter.

8054 (h) Documentation that the company is located within  
8055 the physical boundaries of the state.

8056 (i) Beginning on July 1, 2014, in order to assist the  
8057 Office of the State Fire Marshal in determining an applicant's  
8058 suitability for a license under this chapter, a Class A applicant,  
8059 upon request from the State Fire Marshal, shall submit a set of  
8060 fingerprints for all officers and principals with the submission  
8061 of an application for license or at such time as deemed necessary  
8062 by the State Fire Marshal. The Office of the State Fire Marshal  
8063 shall forward the fingerprints to the Department of Public Safety



8064 for the purpose of conducting a criminal history record check. If  
8065 no disqualifying record is identified at the state level, the  
8066 fingerprints shall be forwarded by the Department of Public Safety  
8067 to the Federal Bureau of Investigation for a national criminal  
8068 history record check. Fees related to the criminal history record  
8069 check shall be paid by the applicant to the State Fire Marshal and  
8070 the monies from such fees shall be deposited in the special fund  
8071 in the State Treasury designated as the Electronic Protection  
8072 Licensing Fund.

8073 (j) The name of each company providing monitoring  
8074 services.

8075 (3) If the action by the State Fire Marshal is to nonrenew  
8076 or to deny an application for license, the State Fire Marshal  
8077 shall notify the applicant or licensee and advise, in writing, the  
8078 applicant or licensee of the reason for the denial or nonrenewal  
8079 of the applicant's or licensee's license. The applicant or  
8080 licensee may make written demand upon the State Fire Marshal  
8081 within ten (10) days for a hearing before the State Fire Marshal  
8082 to determine the reasonableness of the State Fire Marshal's  
8083 action. The hearing shall be held within thirty (30) days.

8084 **SECTION 99.** Section 73-69-11, Mississippi Code of 1972, is  
8085 amended as follows:

8086 73-69-11. (1) Any person employed by an alarm contracting  
8087 company shall hold an individual license issued by the State Fire  
8088 Marshal. Such license shall authorize its holder to engage in





8089 alarm contracting, only to the extent of the terms as further  
8090 provided in this chapter.

8091 (2) Such application shall be accompanied by:

8092 (a) Two (2) suitable photographs of the applicant  
8093 acceptable to the State Fire Marshal. The State Fire Marshal  
8094 shall keep one (1) photograph on file and shall make the other  
8095 photograph a part of any license subsequently issued to the  
8096 applicant.

8097 (b) Documentation that the applicant meets educational  
8098 requirements applicable to the type of license for which he is  
8099 applying, as follows:

8100 (i) For a Class B license: a minimum of  
8101 Electronic Security Association, Level 2 A and Level 2 B Burglar  
8102 Alarm training course or the Electronic Security Association, Fire  
8103 Alarm Installation Methods and Advanced Intrusion Systems training  
8104 courses, or equivalent training approved by the State Fire  
8105 Marshal, and documentation proving residency within a radius of  
8106 one hundred fifty (150) miles of the office to which he is  
8107 assigned.

8108 (ii) For a Class C license: a minimum of  
8109 Electronic Security Association Level 1 Certified Alarm/Security  
8110 Technician training course, or equivalent training approved by the  
8111 State Fire Marshal.

8112 (iii) For a Class D license: a minimum of  
8113 Electronic Security Association, Understanding Electronic Security



8114 Systems training course, or equivalent training approved by the  
8115 State Fire Marshal.

8116 (iv) For a Class H license: application by a  
8117 Class B or Class C license holder that they will provide direct  
8118 supervision of the Class H licensee.

8119 (c) (i) A statement by the applicant that he has not  
8120 been convicted of a \* \* \* disqualifying crime as provided in the  
8121 Fresh Start Act, received a first-time offender pardon for a \* \* \*  
8122 disqualifying crime as provided in the Fresh Start Act, or entered  
8123 a plea of guilty or nolo contendere to a \* \* \* disqualifying crime  
8124 as provided in the Fresh Start Act. \* \* \*

8125 (ii) A conviction or a plea of guilty or nolo  
8126 contendere to a \* \* \* disqualifying crime as provided in the Fresh  
8127 Start or receipt of a first-time offender pardon shall not  
8128 constitute an automatic disqualification as otherwise required  
8129 pursuant to subparagraph (i) if ten (10) or more years have  
8130 elapsed between the date of application and the successful  
8131 completion or service of any sentence, deferred adjudication or  
8132 period of probation or parole.

8133 (iii) Subparagraph (ii) shall not apply to any  
8134 person convicted of a felony crime of violence or a sex offense as  
8135 defined within the Mississippi Criminal Code.

8136 (d) The State Fire Marshal shall have the authority to  
8137 conduct criminal history verification on a local, state or  
8138 national level. Beginning on July 1, 2014, in order to assist the



8139 Office of the State Fire Marshal in determining an applicant's  
8140 suitability for a license under this chapter, an applicant shall  
8141 submit a set of fingerprints with the submission of an application  
8142 for license. The Office of the State Fire Marshal shall forward  
8143 the fingerprints to the Department of Public Safety for the  
8144 purpose of conducting a criminal history record check. If no  
8145 disqualifying record is identified at the state level, the  
8146 fingerprints shall be forwarded by the Department of Public Safety  
8147 to the Federal Bureau of Investigation for a national criminal  
8148 history record check. Fees related to the criminal history record  
8149 check shall be paid by the applicant to the State Fire Marshal and  
8150 the monies from such fees shall be deposited in the special fund  
8151 in the State Treasury designated as the Electronic Protection  
8152 Licensing Fund.

8153 (e) The application fee authorized by this chapter.

8154 (3) The State Fire Marshal shall have the authority to  
8155 determine if information submitted by an applicant is in a form  
8156 acceptable to him. The State Fire Marshal shall verify or have  
8157 another entity verify information submitted by each applicant.

8158 (4) If the State Fire Marshal finds that an applicant has  
8159 met the applicable requirements of the alarm licensing law, he  
8160 shall issue the appropriate type of license to the applicant upon  
8161 payment of the license fee authorized by this chapter.

8162 (5) Each individual license holder shall maintain his  
8163 license on his person while engaging in any type of alarm



8164 contracting as applicable. Each such license holder shall present  
8165 his license for inspection upon demand by an employee of the  
8166 Office of the State Fire Marshal or a law enforcement officer.

8167 (6) Each individual license holder shall notify the State  
8168 Fire Marshal, on a form specified and provided by the State Fire  
8169 Marshal, within ten (10) days of the following:

8170 (a) Any change in business or home address.

8171 (b) Any separation from an employer or change in  
8172 employer.

8173 (c) Any conviction for a \* \* \* disqualifying crime as  
8174 provided in the Fresh Start Act.

8175 (7) No individual licensed under this chapter shall contract  
8176 for his services as an independent contractor or agent without  
8177 applying for and being issued a Class A license per Section  
8178 73-69-9. No alarm contracting company shall contract for the  
8179 independent services of a holder of an individual license under  
8180 this section.

8181 (8) The State Fire Marshal may enter into reciprocal  
8182 agreements with other states for mutual recognition of individual  
8183 license holders, if the State Fire Marshal has established the  
8184 criteria for acceptance of reciprocal agreements by rule or  
8185 regulation. The issuance of a license by reciprocity to a  
8186 military-trained applicant, military spouse or person who  
8187 establishes residence in this state shall be subject to the  
8188 provisions of Section 73-50-1 or 73-50-2, as applicable.



8189           (9) If the action by the State Fire Marshal is to nonrenew  
8190 or to deny an application for license, the State Fire Marshal  
8191 shall notify the applicant or licensee and advise, in writing, the  
8192 applicant or licensee of the reason for the denial or nonrenewal  
8193 of the applicant's or licensee's license. The applicant or  
8194 licensee may make written demand upon the State Fire Marshal  
8195 within ten (10) days for a hearing before the State Fire Marshal  
8196 to determine the reasonableness of the State Fire Marshal's  
8197 action. The hearing shall be held within thirty (30) days.

8198           **SECTION 100.** Section 75-15-11, Mississippi Code of 1972, is  
8199 amended as follows:

8200           75-15-11. Each application for a license shall be  
8201 accompanied by:

8202           (a) Certified financial statements, reasonably  
8203 satisfactory to the commissioner, showing that the applicant has a  
8204 net worth of at least Twenty-five Thousand Dollars (\$25,000.00)  
8205 plus Fifteen Thousand Dollars (\$15,000.00) for each location in  
8206 excess of one (1) at which the applicant proposes to conduct money  
8207 transmissions in this state, computed according to generally  
8208 accepted accounting principles, but in no event shall the net  
8209 worth be required to be in excess of Two Hundred Fifty Thousand  
8210 Dollars (\$250,000.00).

8211           (b) A surety bond issued by a bonding company or  
8212 insurance company authorized to do business in this state, in the  
8213 principal sum of Twenty-five Thousand Dollars (\$25,000.00) or in



8214 an amount equal to outstanding money transmissions in Mississippi,  
8215 whichever is greater, but in no event shall the bond be required  
8216 to be in excess of Five Hundred Thousand Dollars (\$500,000.00).  
8217 However, the commissioner may increase the required amount of the  
8218 bond upon the basis of the impaired financial condition of a  
8219 licensee as evidenced by a reduction in net worth, financial  
8220 losses or other relevant criteria. The bond shall be in form  
8221 satisfactory to the commissioner and shall run to the state for  
8222 the use and benefit of the Department of Banking and Consumer  
8223 Finance and any claimants against the applicant or his agents to  
8224 secure the faithful performance of the obligations of the  
8225 applicant and his agents with respect to the receipt, handling,  
8226 transmission and payment of money in connection with money  
8227 transmissions in Mississippi. The aggregate liability of the  
8228 surety in no event shall exceed the principal sum of the bond.  
8229 The surety on the bond shall have the right to cancel the bond  
8230 upon giving sixty (60) days' notice in writing to the commissioner  
8231 and thereafter shall be relieved of liability for any breach of  
8232 condition occurring after the effective date of the cancellation.  
8233 Any claimants against the applicant or his agents may themselves  
8234 bring suit directly on the bond, or the Attorney General may bring  
8235 suit thereon in behalf of those claimants, either in one (1)  
8236 action or successive actions.

8237 (c) In lieu of the corporate surety bond, the applicant  
8238 may deposit with the State Treasurer bonds or other obligations of



8239 the United States or guaranteed by the United States or bonds or  
8240 other obligations of this state or of any municipal corporation,  
8241 county, or other political subdivision or agency of this state, or  
8242 certificates of deposit of national or state banks doing business  
8243 in Mississippi, having an aggregate market value at least equal to  
8244 that of the corporate surety bond otherwise required. Those bonds  
8245 or obligations or certificates of deposit shall be deposited with  
8246 the State Treasurer to secure the same obligations as would a  
8247 corporate surety bond, but the depositor shall be entitled to  
8248 receive all interest and dividends thereon and shall have the  
8249 right to substitute other bonds or obligations or certificates of  
8250 deposit for those deposited, with the approval of the  
8251 commissioner, and shall be required so to do on order of the  
8252 commissioner made for good cause shown. The State Treasurer shall  
8253 provide for custody of the bonds or obligations or certificates of  
8254 deposits by a qualified trust company or bank located in the State  
8255 of Mississippi or by any Federal Reserve Bank. The compensation,  
8256 if any, of the custodian for acting as such under this section  
8257 shall be paid by the depositing licensee.

8258 (d) Proof of registration as a money service business  
8259 per 31 CFR Section 103.41, if applicable.

8260 (e) A set of fingerprints from any local law  
8261 enforcement agency for each owner of a sole proprietorship,  
8262 partners in a partnership or principal owners of a limited  
8263 liability company that own at least ten percent (10%) of the



8264 voting shares of the company, shareholders owning ten percent  
8265 (10%) or more of the outstanding shares of the corporation, except  
8266 publically traded corporations and their subsidiaries, and any  
8267 other executive officer with significant oversight duties of the  
8268 business. In order to determine the applicant's suitability for  
8269 license, the commissioner shall forward the fingerprints to the  
8270 Department of Public Safety for a state criminal history records  
8271 check, and the fingerprints shall be forwarded by the Department  
8272 of Public Safety to the FBI for a national criminal history  
8273 records check. The department shall not issue a license if it  
8274 finds that the applicant, or any person who is an owner, partner,  
8275 director or executive officer of the applicant, has been convicted  
8276 of: (i) a \* \* \* disqualifying crime as provided in the Fresh  
8277 Start Act; or (ii) a crime that, if committed within the state,  
8278 would constitute a \* \* \* disqualifying crime as provided in the  
8279 Fresh Start Act; or (iii) a misdemeanor of fraud, theft, forgery,  
8280 bribery, embezzlement or making a fraudulent or false statement in  
8281 any jurisdiction. For the purposes of this chapter, a person  
8282 shall be deemed to have been convicted of a crime if the person  
8283 has pleaded guilty to a crime before a court or federal  
8284 magistrate, or plea of nolo contendere, or has been found guilty  
8285 of a crime by the decision or judgment of a court or federal  
8286 magistrate or by the verdict of a jury, irrespective of the  
8287 pronouncement of sentence or the suspension of a sentence, unless  
8288 the person convicted of the crime has received a pardon from the





8289 President of the United States or the Governor or other pardoning  
8290 authority in the jurisdiction where the conviction was obtained.

8291 **SECTION 101.** Section 75-67-323, Mississippi Code of 1972, is  
8292 amended as follows:

8293 75-67-323. (1) To be eligible for a pawnbroker license, an  
8294 applicant shall:

8295 (a) Operate lawfully and fairly within the purposes of  
8296 this article;

8297 (b) Not have been convicted of a \* \* \* disqualifying  
8298 crime as provided in the Fresh Start Act or be active as a  
8299 beneficial owner for someone who has been convicted of a \* \* \*  
8300 disqualifying crime as provided in the Fresh Start Act;

8301 (c) File with the commissioner a bond with good  
8302 security in the penal sum of Ten Thousand Dollars (\$10,000.00),  
8303 payable to the State of Mississippi for the faithful performance  
8304 by the licensee of the duties and obligations pertaining to the  
8305 business so licensed and the prompt payment of any judgment which  
8306 may be recovered against such licensee on account of damages or  
8307 other claim arising directly or collaterally from any violation of  
8308 the provisions of this article; such bond shall not be valid until  
8309 it is approved by the commissioner; such applicant may file, in  
8310 lieu thereof, cash, a certificate of deposit, or government bonds  
8311 in the amount of Ten Thousand Dollars (\$10,000.00); such deposit  
8312 shall be filed with the commissioner and is subject to the same  
8313 terms and conditions as are provided for in the surety bond



8314 required herein; any interest or earnings on such deposits are  
8315 payable to the depositor;

8316 (d) File with the commissioner an application  
8317 accompanied by the initial license fee required in this article;

8318 (e) Submit a set of fingerprints from any local law  
8319 enforcement agency. In order to determine the applicant's  
8320 suitability for license, the commissioner shall forward the  
8321 fingerprints to the Department of Public Safety; and if no  
8322 disqualifying record is identified at the state level, the  
8323 fingerprints shall be forwarded by the Department of Public Safety  
8324 to the FBI for a national criminal history record check.

8325 (2) Every licensee shall post his license in a conspicuous  
8326 place at each place of business.

8327 (3) Every licensee shall post and display a sign which  
8328 measures at least twenty (20) inches by twenty (20) inches in a  
8329 conspicuous place and in easy view of all persons who enter the  
8330 place of business. The sign shall display bold, blocked letters,  
8331 easily readable, with the following information: "This pawnshop  
8332 is licensed and regulated by the Mississippi Department of Banking  
8333 and Consumer Finance. If you encounter any unresolved problem  
8334 with a transaction at this location, you are entitled to  
8335 assistance. Please call or write: Mississippi Department of  
8336 Banking and Consumer Finance, Post Office Drawer 23729, Jackson,  
8337 MS 39225-3729; Phone 1-800-844-2499."



8338 (4) From and after December 1, 2010, each application for an  
8339 initial license shall include evidence of the satisfactory  
8340 completion of at least six (6) hours of approved prelicensing  
8341 education, and each application for renewal shall include evidence  
8342 of the satisfactory completion of at least six (6) hours of  
8343 approved continuing education, by the owners or designated  
8344 representative in pawnbroker transactions. Two (2) of the six (6)  
8345 hours shall consist of instruction on the Mississippi Pawnshop Act  
8346 and shall be approved by the department once the course is  
8347 approved by the Mississippi Pawnbrokers Association or the  
8348 National Pawnbrokers Association.

8349 **SECTION 102.** Section 75-67-421, Mississippi Code of 1972, is  
8350 amended as follows:

8351 75-67-421. (1) To be eligible for a title pledge lender  
8352 license, an applicant shall:

8353 (a) Operate lawfully and fairly within the purposes of  
8354 this article;

8355 (b) Not have been convicted of a \* \* \* disqualifying  
8356 crime as provided in the Fresh Start Act or be active as a  
8357 beneficial owner for someone who has been convicted of a \* \* \*  
8358 disqualifying crime as provided in the Fresh Start Act;

8359 (c) File with the commissioner a bond with good  
8360 security in the penal sum of Fifty Thousand Dollars (\$50,000.00)  
8361 for each location at which the applicant proposes to engage in the  
8362 business of title pledge lending, but in no event shall the



8363 aggregate amount of the bond for all locations per applicant  
8364 exceed Two Hundred Fifty Thousand Dollars (\$250,000.00) and no  
8365 more than Fifty Thousand Dollars (\$50,000.00) shall be payable or  
8366 recoverable on the bond for each location; the bond shall be  
8367 payable to the State of Mississippi for the faithful performance  
8368 by the licensee of the duties and obligations pertaining to the  
8369 business so licensed and the prompt payment of any judgment which  
8370 may be recovered against the licensee on account of damages or  
8371 other claim arising directly or collaterally from any violation of  
8372 the provisions of this article; the bond shall not be valid until  
8373 it is approved by the commissioner; the applicant may file, in  
8374 lieu thereof, cash, a certificate of deposit or government bonds  
8375 in the amount of Twenty-five Thousand Dollars (\$25,000.00) for  
8376 each location at which the applicant proposes to engage in the  
8377 business of title pledge lending, but in no event shall the  
8378 aggregate amount of the cash, certificate of deposit or government  
8379 bonds for all locations per applicant exceed Two Hundred Fifty  
8380 Thousand Dollars (\$250,000.00) and no more than Twenty-five  
8381 Thousand Dollars (\$25,000.00) shall be payable or recoverable on  
8382 the cash, certificate of deposit or government bonds for each  
8383 location; the deposit of the cash, certificate of deposit or  
8384 government bonds shall be filed with the commissioner and is  
8385 subject to the same terms and conditions as are provided for in  
8386 the surety bond required herein; any interest or earnings on such  
8387 deposits are payable to the depositor \* \* \*;



8388           (d) File with the commissioner an application  
8389 accompanied by a set of fingerprints from any local law  
8390 enforcement agency, and the initial license fee required in this  
8391 article. In order to determine the applicant's suitability for  
8392 license, the commissioner shall forward the fingerprints to the  
8393 Department of Public Safety; and if no disqualifying record is  
8394 identified at the state level, the fingerprints shall be forwarded  
8395 by the Department of Public Safety to the FBI for a national  
8396 criminal history record check.

8397           (2) Upon the filing of an application in a form prescribed  
8398 by the commissioner, accompanied by the fee and documents required  
8399 in this article, the department shall investigate to ascertain  
8400 whether the qualifications prescribed by this article have been  
8401 satisfied. If the commissioner finds that the qualifications have  
8402 been satisfied and, if he approves the documents so filed by the  
8403 applicant, he shall issue to the applicant a license to engage in  
8404 the business of title pledge lending in this state.

8405           (3) Complete and file with the commissioner an annual  
8406 renewal application accompanied by the renewal fee required in  
8407 this article.

8408           (4) The license shall be kept conspicuously posted in the  
8409 place of business of the licensee.

8410           **SECTION 103.** Section 75-67-509, Mississippi Code of 1972, is  
8411 amended as follows:



8412           75-67-509. To be eligible for a check casher license, an  
8413 applicant shall:

8414           (a) Operate lawfully and fairly within the purposes of  
8415 this article.

8416           (b) Not have been convicted of a \* \* \* disqualifying  
8417 crime as provided in the Fresh Start Act or be active as a  
8418 beneficial owner for someone who has been convicted of a \* \* \*  
8419 disqualifying crime as provided in the Fresh Start Act.

8420           (c) File with the commissioner a bond with good  
8421 security in the penal sum of Ten Thousand Dollars (\$10,000.00),  
8422 payable to the State of Mississippi for the faithful performance  
8423 by the licensee of the duties and obligations pertaining to the  
8424 business so licensed and the prompt payment of any judgment which  
8425 may be recovered against the licensee on account of charges or  
8426 other claims arising directly or collectively from any violation  
8427 of the provisions of this article. The bond shall not be valid  
8428 until it is approved by the commissioner. The applicant may file,  
8429 in lieu of the bond, cash, a certificate of deposit or government  
8430 bonds in the amount of Ten Thousand Dollars (\$10,000.00). Those  
8431 deposits shall be filed with the commissioner and are subject to  
8432 the same terms and conditions as are provided for in the surety  
8433 bond required in this paragraph. Any interest or earnings on  
8434 those deposits are payable to the depositor.

8435           (d) File with the commissioner an application for a  
8436 license and the initial license fee required in this article. If



8437 applicant's application is approved, a check casher license will  
8438 be issued within thirty (30) days.

8439 (e) Submit a set of fingerprints from any local law  
8440 enforcement agency. In order to determine the applicant's  
8441 suitability for license, the commissioner shall forward the  
8442 fingerprints to the Department of Public Safety; and if no  
8443 disqualifying record is identified at the state level, the  
8444 fingerprints shall be forwarded by the Department of Public Safety  
8445 to the FBI for a national criminal history record check.

8446 (f) Complete and file with the commissioner an annual  
8447 renewal application for a license accompanied by the renewal fee  
8448 required in this article.

8449 **SECTION 104.** Section 75-67-609, Mississippi Code of 1972, is  
8450 amended as follows:

8451 75-67-609. To be eligible for a credit availability license,  
8452 an applicant shall:

8453 (a) Operate lawfully and fairly within the purposes of  
8454 this article.

8455 (b) Not have been convicted in the last ten (10) years  
8456 or be active as a beneficial owner for someone who has been  
8457 convicted in the last ten (10) years of a disqualifying  
8458 crime \* \* \* as provided in the Fresh Start Act.

8459 (c) File with the commissioner a bond with good  
8460 security in the penal sum of Ten Thousand Dollars (\$10,000.00),  
8461 payable to the State of Mississippi, for the faithful performance



8462 by the licensee of the duties and obligations pertaining to the  
8463 business so licensed and the prompt payment of any judgment which  
8464 may be recovered against the licensee on account of charges or  
8465 other claims arising directly or collectively from any violation  
8466 of the provisions of this article. The bond shall not be valid  
8467 until the commissioner approves it. The applicant may file, in  
8468 lieu of the bond, cash, a certificate of deposit or government  
8469 bonds in the amount of Ten Thousand Dollars (\$10,000.00). Those  
8470 deposits shall be filed with the commissioner and are subject to  
8471 the same terms and conditions as are provided for in the surety  
8472 bond required in this paragraph. Any interest or earnings on  
8473 those deposits are payable to the depositor. Applicants applying  
8474 for multiple licenses may submit a single bond for all licenses,  
8475 provided that the total value of the bond is equal to Ten Thousand  
8476 Dollars (\$10,000.00) per license applied for.

8477 (d) File with the commissioner an application for a  
8478 license and the initial license fee required in this article. If  
8479 applicant's application is approved, a credit availability license  
8480 will be issued within thirty (30) days.

8481 (e) File with the commissioner a set of fingerprints  
8482 from any local law enforcement agency for each owner of a sole  
8483 proprietorship, partners in a partnership or principal owners of a  
8484 limited liability company that own at least ten percent (10%) of  
8485 the voting shares of the company, shareholders owning ten percent  
8486 (10%) or more of the outstanding shares of the corporation, except





8487 publically traded corporations and their subsidiaries, and any  
8488 other executive officer with significant oversight duties of the  
8489 business. In order to determine the applicant's suitability for  
8490 license, the commissioner shall forward the fingerprints to the  
8491 Department of Public Safety; and if no disqualifying record is  
8492 identified at the state level, the Department of Public Safety  
8493 shall forward the fingerprints to the FBI for a national criminal  
8494 history record check.

8495 (f) Complete and file with the commissioner an annual  
8496 renewal application for a license accompanied by the renewal fee  
8497 required in this article.

8498 **SECTION 105.** Section 27-115-55, Mississippi Code of 1972, is  
8499 amended as follows:

8500 27-115-55. (1) The Legislature hereby recognizes that to  
8501 conduct a successful lottery, the corporation must develop and  
8502 maintain a statewide network of lottery retailers that will serve  
8503 the public convenience and promote the sale of tickets, while  
8504 ensuring the integrity of the lottery operations, games and  
8505 activities.

8506 (2) To govern the selection of lottery retailers, the board  
8507 shall, by administrative rules and regulations, develop a list of  
8508 objective criteria upon which the selection of lottery retailers  
8509 shall be based. In developing these criteria, the board shall  
8510 consider such factors as the applicant's financial responsibility,  
8511 location and security of the applicant's place of business or



8512 activity, integrity, and reputation; however, the board shall not  
8513 consider political affiliation, activities or monetary  
8514 contributions to political organizations or candidates for any  
8515 public office. The criteria shall include, but not be limited to,  
8516 the following:

8517 (a) The applicant shall be current in payment of all  
8518 taxes, interest and penalties owed to any taxing political  
8519 subdivision where the lottery retailer will sell lottery tickets.

8520 (b) The applicant shall be current in filing all  
8521 applicable tax returns and in payment of all taxes, interest and  
8522 penalties owed to the State of Mississippi, excluding items under  
8523 formal appeal pursuant to applicable statutes, before a license is  
8524 issued and before each renewal.

8525 (c) No person shall be selected as a lottery retailer  
8526 for the sale of lottery tickets who:

8527 (i) Has been convicted of a criminal offense  
8528 related to the security or integrity of the lottery in this or any  
8529 other jurisdiction.

8530 (ii) Has been convicted of any illegal gambling  
8531 activity, false statements, false swearing or perjury in this or  
8532 any other jurisdiction, or convicted of a \* \* \* disqualifying  
8533 crime as provided in the Fresh Start Act.

8534 (iii) Has been found to have violated the  
8535 provisions of this chapter or any administrative rules and  
8536 regulations adopted under this chapter, unless either ten (10)



8537 years have passed since the violation, or the president and the  
8538 board find the violation both minor and unintentional in nature.

8539 (iv) Is a vendor or an employee or agent of any  
8540 vendor doing business with the corporation.

8541 (v) Resides in the same household as an officer or  
8542 board member of the corporation.

8543 (vi) Has made a statement of material fact to the  
8544 corporation, knowing such statement to be false.

8545 **SECTION 106.** Section 37-13-89, Mississippi Code of 1972, is  
8546 amended as follows:

8547 37-13-89. (1) In each school district within the state,  
8548 there shall be employed the number of school attendance officers  
8549 determined by the Office of Compulsory School Attendance  
8550 Enforcement to be necessary to adequately enforce the provisions  
8551 of the Mississippi Compulsory School Attendance Law; however, this  
8552 number shall not exceed one hundred fifty-three (153) school  
8553 attendance officers at any time. From and after July 1, 1998, all  
8554 school attendance officers employed pursuant to this section shall  
8555 be employees of the State Department of Education. The State  
8556 Department of Education shall employ all persons employed as  
8557 school attendance officers by district attorneys before July 1,  
8558 1998, and shall assign them to school attendance responsibilities  
8559 in the school district in which they were employed before July 1,  
8560 1998. The first twelve (12) months of employment for each school



8561 attendance officer shall be the probationary period of state  
8562 service.

8563           (2) (a) The State Department of Education shall obtain  
8564 current criminal records background checks and current child abuse  
8565 registry checks on all persons applying for the position of school  
8566 attendance officer after July 2, 2002. The criminal records  
8567 information and registry checks must be kept on file for any new  
8568 hires. In order to determine an applicant's suitability for  
8569 employment as a school attendance officer, the applicant must be  
8570 fingerprinted. If no disqualifying record is identified at the  
8571 state level, the Department of Public Safety shall forward the  
8572 fingerprints to the Federal Bureau of Investigation (FBI) for a  
8573 national criminal history record check. The applicant shall pay  
8574 the fee, not to exceed Fifty Dollars (\$50.00), for the  
8575 fingerprinting and criminal records background check; however, the  
8576 State Department of Education, in its discretion, may pay the fee  
8577 for the fingerprinting and criminal records background check on  
8578 behalf of any applicant. Under no circumstances may a member of  
8579 the State Board of Education, employee of the State Department of  
8580 Education or any person other than the subject of the criminal  
8581 records background check disseminate information received through  
8582 any such checks except insofar as required to fulfill the purposes  
8583 of this subsection.

8584           (b) If the fingerprinting or criminal records check  
8585 discloses a \* \* \* disqualifying crime as provided in the Fresh



8586 Start Act, the applicant is not eligible to be employed as a  
8587 school attendance officer. Any employment of an applicant pending  
8588 the results of the fingerprinting and criminal records check is  
8589 voidable if the new hire receives a disqualifying criminal records  
8590 check. However, the State Board of Education, in its discretion,  
8591 may allow an applicant aggrieved by an employment decision under  
8592 this subsection to appear before the board, or before a hearing  
8593 officer designated for that purpose, to show mitigating  
8594 circumstances that may exist and allow the new hire to be employed  
8595 as a school attendance officer. The State Board of Education may  
8596 grant waivers for mitigating circumstances, which may include, but  
8597 are not necessarily limited to: (i) age at which the crime was  
8598 committed; (ii) circumstances surrounding the crime; (iii) length  
8599 of time since the conviction and criminal history since the  
8600 conviction; (iv) work history; (v) current employment and  
8601 character references; and (vi) other evidence demonstrating the  
8602 ability of the person to perform the responsibilities of a school  
8603 attendance officer competently and that the person does not pose a  
8604 threat to the health or safety of children.

8605 (c) A member of the State Board of Education or  
8606 employee of the State Department of Education may not be held  
8607 liable in any employment discrimination suit in which an  
8608 allegation of discrimination is made regarding an employment  
8609 decision authorized under this section.



8610           (3) Each school attendance officer shall possess a college  
8611 degree with a major in a behavioral science or a related field or  
8612 shall have no less than three (3) years combined actual experience  
8613 as a school teacher, school administrator, law enforcement officer  
8614 possessing such degree, and/or social worker; however, these  
8615 requirements shall not apply to persons employed as school  
8616 attendance officers before January 1, 1987. School attendance  
8617 officers also shall satisfy any additional requirements that may  
8618 be established by the State Personnel Board for the position of  
8619 school attendance officer.

8620           (4) It shall be the duty of each school attendance officer  
8621 to:

8622                   (a) Cooperate with any public agency to locate and  
8623 identify all compulsory-school-age children who are not attending  
8624 school;

8625                   (b) Cooperate with all courts of competent  
8626 jurisdiction;

8627                   (c) Investigate all cases of nonattendance and unlawful  
8628 absences by compulsory-school-age children not enrolled in a  
8629 nonpublic school;

8630                   (d) Provide appropriate counseling to encourage all  
8631 school-age children to attend school until they have completed  
8632 high school;



8633                   (e) Attempt to secure the provision of social or  
8634 welfare services that may be required to enable any child to  
8635 attend school;

8636                   (f) Contact the home or place of residence of a  
8637 compulsory-school-age child and any other place in which the  
8638 officer is likely to find any compulsory-school-age child when the  
8639 child is absent from school during school hours without a valid  
8640 written excuse from school officials, and when the child is found,  
8641 the officer shall notify the parents and school officials as to  
8642 where the child was physically located;

8643                   (g) Contact promptly the home of each  
8644 compulsory-school-age child in the school district within the  
8645 officer's jurisdiction who is not enrolled in school or is not in  
8646 attendance at public school and is without a valid written excuse  
8647 from school officials; if no valid reason is found for the  
8648 nonenrollment or absence from the school, the school attendance  
8649 officer shall give written notice to the parent, guardian or  
8650 custodian of the requirement for the child's enrollment or  
8651 attendance;

8652                   (h) Collect and maintain information concerning  
8653 absenteeism, dropouts and other attendance-related problems, as  
8654 may be required by law or the Office of Compulsory School  
8655 Attendance Enforcement; and



8656 (i) Perform all other duties relating to compulsory  
8657 school attendance established by the State Department of Education  
8658 or district school attendance supervisor, or both.

8659 (5) While engaged in the performance of his duties, each  
8660 school attendance officer shall carry on his person a badge  
8661 identifying him as a school attendance officer under the Office of  
8662 Compulsory School Attendance Enforcement of the State Department  
8663 of Education and an identification card designed by the State  
8664 Superintendent of Public Education and issued by the school  
8665 attendance officer supervisor. Neither the badge nor the  
8666 identification card shall bear the name of any elected public  
8667 official.

8668 (6) The State Personnel Board shall develop a salary scale  
8669 for school attendance officers as part of the variable  
8670 compensation plan. The various pay ranges of the salary scale  
8671 shall be based upon factors including, but not limited to,  
8672 education, professional certification and licensure, and number of  
8673 years of experience. School attendance officers shall be paid in  
8674 accordance with this salary scale. The minimum salaries under the  
8675 scale shall be no less than the following:

8676 (a) For school attendance officers holding a bachelor's  
8677 degree or any other attendance officer who does not hold such a  
8678 degree, the annual salary shall be based on years of experience as  
8679 a school attendance officer or related field of service or  
8680 employment, no less than as follows:





8681	Years of Experience	Salary
8682	0 - 4 years	\$24,528.29
8683	5 - 8 years	26,485.29
8684	9 - 12 years	28,050.89
8685	13 - 16 years	29,616.49
8686	Over 17 years	31,182.09

8687 (b) For school attendance officers holding a license as  
8688 a social worker, the annual salary shall be based on years of  
8689 experience as a school attendance officer or related field of  
8690 service or employment, no less than as follows:

8691	Years of Experience	Salary
8692	0 - 4 years	\$25,558.29
8693	5 - 8 years	27,927.29
8694	9 - 12 years	29,822.49
8695	13 - 16 years	31,717.69
8696	17 - 20 years	33,612.89
8697	Over 21 years	35,415.39

8698 (c) For school attendance officers holding a master's  
8699 degree in a behavioral science or a related field, the annual  
8700 salary shall be based on years of experience as a school  
8701 attendance officer or related field of service or employment, no  
8702 less than as follows:

8703	Years of Experience	Salary
8704	0 - 4 years	\$26,382.29
8705	5 - 8 years	29,008.79



8706	9 - 12 years	31,109.99
8707	13 - 16 years	33,211.19
8708	17 - 20 years	35,312.39
8709	Over 21 years	37,413.59

8710           (7)   (a)  Each school attendance officer employed by a  
8711 district attorney on June 30, 1998, who became an employee of the  
8712 State Department of Education on July 1, 1998, shall be awarded  
8713 credit for personal leave and major medical leave for his  
8714 continuous service as a school attendance officer under the  
8715 district attorney, and if applicable, the youth or family court or  
8716 a state agency.  The credit for personal leave shall be in an  
8717 amount equal to one-third (1/3) of the maximum personal leave the  
8718 school attendance officer could have accumulated had he been  
8719 credited with such leave under Section 25-3-93 during his  
8720 employment with the district attorney, and if applicable, the  
8721 youth or family court or a state agency.  The credit for major  
8722 medical leave shall be in an amount equal to one-half (1/2) of the  
8723 maximum major medical leave the school attendance officer could  
8724 have accumulated had he been credited with such leave under  
8725 Section 25-3-95 during his employment with the district attorney,  
8726 and if applicable, the youth or family court or a state agency.  
8727 However, if a district attorney who employed a school attendance  
8728 officer on June 30, 1998, certifies, in writing, to the State  
8729 Department of Education that the school attendance officer had  
8730 accumulated, pursuant to a personal leave policy or major medical



8731 leave policy lawfully adopted by the district attorney, a number  
8732 of days of unused personal leave or major medical leave, or both,  
8733 which is greater than the number of days to which the school  
8734 attendance officer is entitled under this paragraph, the State  
8735 Department of Education shall authorize the school attendance  
8736 officer to retain the actual unused personal leave or major  
8737 medical leave, or both, certified by the district attorney,  
8738 subject to the maximum amount of personal leave and major medical  
8739 leave the school attendance officer could have accumulated had he  
8740 been credited with such leave under Sections 25-3-93 and 25-3-95.

8741 (b) For the purpose of determining the accrual rate for  
8742 personal leave under Section 25-3-93 and major medical leave under  
8743 Section 25-3-95, the State Department of Education shall give  
8744 consideration to all continuous service rendered by a school  
8745 attendance officer before July 1, 1998, in addition to the service  
8746 rendered by the school attendance officer as an employee of the  
8747 department.

8748 (c) In order for a school attendance officer to be  
8749 awarded credit for personal leave and major medical leave or to  
8750 retain the actual unused personal leave and major medical leave  
8751 accumulated by him before July 1, 1998, the district attorney who  
8752 employed the school attendance officer must certify, in writing,  
8753 to the State Department of Education the hire date of the school  
8754 attendance officer. For each school attendance officer employed  
8755 by the youth or family court or a state agency before being



8756 designated an employee of the district attorney who has not had a  
8757 break in continuous service, the hire date shall be the date that  
8758 the school attendance officer was hired by the youth or family  
8759 court or state agency. The department shall prescribe the date by  
8760 which the certification must be received by the department and  
8761 shall provide written notice to all district attorneys of the  
8762 certification requirement and the date by which the certification  
8763 must be received.

8764 (8) (a) School attendance officers shall maintain regular  
8765 office hours on a year-round basis; however, during the school  
8766 term, on those days that teachers in all of the school districts  
8767 served by a school attendance officer are not required to report  
8768 to work, the school attendance officer also shall not be required  
8769 to report to work. (For purposes of this subsection, a school  
8770 district's school term is that period of time identified as the  
8771 school term in contracts entered into by the district with  
8772 licensed personnel.) A school attendance officer shall be  
8773 required to report to work on any day recognized as an official  
8774 state holiday if teachers in any school district served by that  
8775 school attendance officer are required to report to work on that  
8776 day, regardless of the school attendance officer's status as an  
8777 employee of the State Department of Education, and compensatory  
8778 leave may not be awarded to the school attendance officer for  
8779 working during that day. However, a school attendance officer may



8780 be allowed by the school attendance officer's supervisor to use  
8781 earned leave on such days.

8782 (b) The State Department of Education annually shall  
8783 designate a period of six (6) consecutive weeks in the summer  
8784 between school years during which school attendance officers shall  
8785 not be required to report to work. A school attendance officer  
8786 who elects to work at any time during that period may not be  
8787 awarded compensatory leave for such work and may not opt to be  
8788 absent from work at any time other than during the six (6) weeks  
8789 designated by the department unless the school attendance officer  
8790 uses personal leave or major medical leave accrued under Section  
8791 25-3-93 or 25-3-95 for such absence.

8792 (9) The State Department of Education shall provide all  
8793 continuing education and training courses that school attendance  
8794 officers are required to complete under state law or rules and  
8795 regulations of the department.

8796 **SECTION 107.** Section 37-9-17, Mississippi Code of 1972, is  
8797 amended as follows:

8798 37-9-17. (1) On or before April 1 of each year, the  
8799 principal of each school shall recommend to the superintendent of  
8800 the local school district the licensed employees or  
8801 noninstructional employees to be employed for the school involved  
8802 except those licensed employees or noninstructional employees who  
8803 have been previously employed and who have a contract valid for  
8804 the ensuing scholastic year. If such recommendations meet with



8805 the approval of the superintendent, the superintendent shall  
8806 recommend the employment of such licensed employees or  
8807 noninstructional employees to the local school board, and, unless  
8808 good reason to the contrary exists, the board shall elect the  
8809 employees so recommended. If, for any reason, the local school  
8810 board shall decline to elect any employee so recommended,  
8811 additional recommendations for the places to be filled shall be  
8812 made by the principal to the superintendent and then by the  
8813 superintendent to the local school board as provided above. The  
8814 school board of any local school district shall be authorized to  
8815 designate a personnel supervisor or another principal employed by  
8816 the school district to recommend to the superintendent licensed  
8817 employees or noninstructional employees; however, this  
8818 authorization shall be restricted to no more than two (2)  
8819 positions for each employment period for each school in the local  
8820 school district. Any noninstructional employee employed upon the  
8821 recommendation of a personnel supervisor or another principal  
8822 employed by the local school district must have been employed by  
8823 the local school district at the time the superintendent was  
8824 elected or appointed to office; a noninstructional employee  
8825 employed under this authorization may not be paid compensation in  
8826 excess of the statewide average compensation for such  
8827 noninstructional position with comparable experience, as  
8828 established by the State Department of Education. The school  
8829 board of any local school district shall be authorized to



8830 designate a personnel supervisor or another principal employed by  
8831 the school district to accept the recommendations of principals or  
8832 their designees for licensed employees or noninstructional  
8833 employees and to transmit approved recommendations to the local  
8834 school board; however, this authorization shall be restricted to  
8835 no more than two (2) positions for each employment period for each  
8836 school in the local school district.

8837         When the licensed employees have been elected as provided in  
8838 the preceding paragraph, the superintendent of the district shall  
8839 enter into a contract with such persons in the manner provided in  
8840 this chapter.

8841         If, at the commencement of the scholastic year, any licensed  
8842 employee shall present to the superintendent a license of a higher  
8843 grade than that specified in such individual's contract, such  
8844 individual may, if funds are available from adequate education  
8845 program funds of the district, or from district funds, be paid  
8846 from such funds the amount to which such higher grade license  
8847 would have entitled the individual, had the license been held at  
8848 the time the contract was executed.

8849         (2) Superintendents/directors of schools under the purview  
8850 of the State Board of Education, the superintendent of the local  
8851 school district and any private firm under contract with the local  
8852 public school district to provide substitute teachers to teach  
8853 during the absence of a regularly employed schoolteacher shall  
8854 require, through the appropriate governmental authority, that



8855 current criminal records background checks and current child abuse  
8856 registry checks are obtained, and that such criminal record  
8857 information and registry checks are on file for any new hires  
8858 applying for employment as a licensed or nonlicensed employee at a  
8859 school and not previously employed in such school under the  
8860 purview of the State Board of Education or at such local school  
8861 district prior to July 1, 2000. In order to determine the  
8862 applicant's suitability for employment, the applicant shall be  
8863 fingerprinted. If no disqualifying record is identified at the  
8864 state level, the fingerprints shall be forwarded by the Department  
8865 of Public Safety to the Federal Bureau of Investigation for a  
8866 national criminal history record check. The fee for such  
8867 fingerprinting and criminal history record check shall be paid by  
8868 the applicant, not to exceed Fifty Dollars (\$50.00); however, the  
8869 State Board of Education, the school board of the local school  
8870 district or a private firm under contract with a local school  
8871 district to provide substitute teachers to teach during the  
8872 temporary absence of the regularly employed schoolteacher, in its  
8873 discretion, may elect to pay the fee for the fingerprinting and  
8874 criminal history record check on behalf of any applicant. Under  
8875 no circumstances shall a member of the State Board of Education,  
8876 superintendent/director of schools under the purview of the State  
8877 Board of Education, local school district superintendent, local  
8878 school board member or any individual other than the subject of  
8879 the criminal history record checks disseminate information





8880 received through any such checks except insofar as required to  
8881 fulfill the purposes of this section. Any nonpublic school which  
8882 is accredited or approved by the State Board of Education may  
8883 avail itself of the procedures provided for herein and shall be  
8884 responsible for the same fee charged in the case of local public  
8885 schools of this state. The determination whether the applicant  
8886 has a disqualifying crime, as set forth in subsection (3) of this  
8887 section, shall be made by the appropriate governmental authority,  
8888 and the appropriate governmental authority shall notify the  
8889 private firm whether a disqualifying crime exists.

8890 (3) If such fingerprinting or criminal record checks  
8891 disclose a \* \* \* disqualifying crime as provided in the Fresh  
8892 Start Act, the new hire shall not be eligible to be employed at  
8893 such school. Any employment contract for a new hire executed by  
8894 the superintendent of the local school district or any employment  
8895 of a new hire by a superintendent/director of a new school under  
8896 the purview of the State Board of Education or by a private firm  
8897 shall be voidable if the new hire receives a disqualifying  
8898 criminal record check. However, the State Board of Education or  
8899 the school board may, in its discretion, allow any applicant  
8900 aggrieved by the employment decision under this section to appear  
8901 before the respective board, or before a hearing officer  
8902 designated for such purpose, to show mitigating circumstances  
8903 which may exist and allow the new hire to be employed at the  
8904 school. The State Board of Education or local school board may



8905 grant waivers for such mitigating circumstances, which shall  
8906 include, but not be limited to: (a) age at which the crime was  
8907 committed; (b) circumstances surrounding the crime; (c) length of  
8908 time since the conviction and criminal history since the  
8909 conviction; (d) work history; (e) current employment and character  
8910 references; (f) other evidence demonstrating the ability of the  
8911 person to perform the employment responsibilities competently and  
8912 that the person does not pose a threat to the health or safety of  
8913 the children at the school.

8914 (4) No local school district, local school district  
8915 employee, member of the State Board of Education or employee of a  
8916 school under the purview of the State Board of Education shall be  
8917 held liable in any employment discrimination suit in which an  
8918 allegation of discrimination is made regarding an employment  
8919 decision authorized under this Section 37-9-17.

8920 (5) The provisions of this section shall be fully applicable  
8921 to licensed employees of the Mississippi School of the Arts (MSA),  
8922 established in Section 37-140-1 et seq.

8923 **SECTION 108.** Section 37-29-232, Mississippi Code of 1972, is  
8924 amended as follows:

8925 37-29-232. (1) For the purposes of this section:

8926 (a) "Health care professional/vocational technical  
8927 academic program" means an academic program in medicine, nursing,  
8928 dentistry, occupational therapy, physical therapy, social  
8929 services, nutrition services, speech therapy, or other



8930 allied-health professional whose purpose is to prepare  
8931 professionals to render patient care services.

8932 (b) "Health care professional/vocational technical  
8933 student" means a student enrolled in a health care  
8934 professional/vocational technical academic program.

8935 (2) The dean or director of the health care  
8936 professional/vocational technical academic program is authorized  
8937 to ensure that criminal history record checks and fingerprinting  
8938 are obtained on their students before the students begin any  
8939 clinical rotation in a licensed health care entity and that the  
8940 criminal history record check information and registry checks are  
8941 on file at the academic institution. In order to determine the  
8942 student's suitability for the clinical rotation, the student shall  
8943 be fingerprinted. If no disqualifying record is identified at the  
8944 state level, the fingerprints shall be forwarded by the Department  
8945 of Public Safety, the Department of Health, or any other legally  
8946 authorized entity to the FBI for a national criminal history  
8947 record check. The fee for the fingerprinting and criminal history  
8948 record check shall be paid by the applicant, not to exceed Fifty  
8949 Dollars (\$50.00); however, the academic institution in which the  
8950 student is enrolled, in its discretion, may elect to pay the fee  
8951 for the fingerprinting and criminal history record check on behalf  
8952 of any applicant. Under no circumstances shall the academic  
8953 institution representative or any individual other than the  
8954 subject of the criminal history record checks disseminate



8955 information received through any such checks except insofar as  
8956 required to fulfill the purposes of this section.

8957 (3) If the fingerprinting or criminal history record checks  
8958 disclose a \* \* \* disqualifying crime as provided in the Fresh  
8959 Start Act, the student shall not be eligible to be admitted to the  
8960 health care professional/vocational technical academic program of  
8961 study. Any preadmission agreement executed by the health care  
8962 professional/vocational technical academic program shall be  
8963 voidable if the student receives a disqualifying criminal history  
8964 record check. However, the administration of the health care  
8965 professional/vocational technical academic program may, in its  
8966 discretion, allow any applicant aggrieved by the admissions  
8967 decision under this section to appear before an appeals committee  
8968 or before a hearing officer designated for that purpose, to show  
8969 mitigating circumstances that may exist and allow the student to  
8970 be admitted to or continue in the program of study. The health  
8971 care professional/vocational technical academic program may grant  
8972 waivers for those mitigating circumstances, which shall include,  
8973 but not be limited to: (a) age at which the crime was committed;  
8974 (b) circumstances surrounding the crime; (c) length of time since  
8975 the conviction and criminal history since the conviction; (d) work  
8976 history; (e) current employment and character references; (f)  
8977 other evidence demonstrating the ability of the student to perform  
8978 the clinical responsibilities competently and that the student  
8979 does not pose a threat to the health or safety of patients in the



8980 licensed health care entities in which they will be conducting  
8981 clinical experiences. The health care professional/vocational  
8982 technical academic program shall provide assurance to the licensed  
8983 health care entity in which the clinical rotation is planned that  
8984 the results of a health care professional/vocational technical  
8985 student's criminal history record check would not prohibit the  
8986 student from being able to conduct his or her clinical activities  
8987 in the facility, institution, or organization. The criminal  
8988 history record check shall be valid for the course of academic  
8989 study, provided that annual disclosure statements are provided to  
8990 the health care professional/vocational technical academic program  
8991 regarding any criminal activity that may have occurred during the  
8992 student's tenure with the health care professional/vocational  
8993 technical academic program. The criminal history record check may  
8994 be repeated at the discretion of the health care  
8995 professional/vocational technical academic program based on  
8996 information obtained during the annual disclosure statements. In  
8997 extenuating circumstances, if a criminal history record check is  
8998 initiated and the results are not available at the time the  
8999 clinical rotation begins, the academic institution in which the  
9000 student is enrolled, at its discretion, may require a signed  
9001 affidavit from the student assuring compliance with this section.  
9002 The affidavit will be considered void within sixty (60) days of  
9003 its signature.



9004 (4) Criminal history record checks that are done as part of  
9005 the requirements for participation in the health care  
9006 professional/vocational technical academic program may not be used  
9007 for any other purpose than those activities associated with their  
9008 program of study. Students who may be employed as health care  
9009 professionals outside of their program of study may be required to  
9010 obtain additional criminal history record checks as part of their  
9011 employment agreement.

9012 (5) No health care professional/vocational technical  
9013 academic program or academic program employee shall be held liable  
9014 in any admissions discrimination suit in which an allegation of  
9015 discrimination is made regarding an admissions decision authorized  
9016 under this section.

9017 **SECTION 109.** Section 73-3-41, Mississippi Code of 1972, is  
9018 amended as follows:

9019 73-3-41. Every person who has been or shall hereafter be  
9020 convicted of \* \* \* a disqualifying crime as provided in the Fresh  
9021 Start Act in a court of this or any other state or a court of the  
9022 United States, manslaughter or a violation of the Internal Revenue  
9023 Code excepted, shall be incapable of obtaining a license to  
9024 practice law. Any court of the State of Mississippi in which a  
9025 licensed attorney shall have been convicted of a \* \* \*  
9026 disqualifying crime as provided in the Fresh Start Act, other than  
9027 manslaughter or a violation of the Internal Revenue Code, shall  
9028 enter an order disbaring the attorney.



9029           **SECTION 110.** Section 73-4-25, Mississippi Code of 1972, is  
9030 amended as follows:

9031           73-4-25. (1) The commission may refuse to issue or renew a  
9032 license, place a licensee on probation or administrative  
9033 supervision, suspend or revoke any license, or may reprimand or  
9034 take any other action in relation to a license, including the  
9035 imposition of a fine not to exceed Five Thousand Dollars  
9036 (\$5,000.00) for each violation upon a licensee, or applicant for  
9037 licensure, under this chapter for any of the following reasons:

9038                   (a) Knowingly filing or causing to be filed a false  
9039 application.

9040                   (b) Failure to enter into a written contract with a  
9041 seller or consignor prior to placing or permitting advertising for  
9042 an auction sale to be placed.

9043                   (c) Failure by the licensee to give the seller or  
9044 consignor a signed receipt for items received for sale at auction,  
9045 either by item or lot number at the time the goods are received,  
9046 unless the goods are to remain in the possession of the seller or  
9047 consignor.

9048                   (d) Failure to give the seller or consignor a statement  
9049 or lot description, selling price, purchaser's identity and the  
9050 net proceeds due to the seller or consignor.

9051                   (e) Failure to place funds received from an auction  
9052 sale in an escrow or trust account, and failure to make timely  
9053 settlement on escrowed funds. Absent a written agreement to the



9054 contrary, five (5) business days shall be deemed timely for  
9055 settlement on personal property.

9056 (f) Permitting an unlicensed auctioneer to call for  
9057 bids in an auction sale.

9058 (g) Having been convicted of or pled guilty to a \* \* \*  
9059 disqualifying crime as provided in the Fresh Start Act in the  
9060 courts of this state or any other state, territory or country.  
9061 Conviction, as used in this paragraph, shall include a deferred  
9062 conviction, deferred prosecution, deferred sentence, finding or  
9063 verdict of guilt, an admission of guilt or a plea of nolo  
9064 contendere.

9065 (h) Any course of intentional, willful or wanton  
9066 conduct by a licensee or such licensee's employees which misleads  
9067 or creates a false impression among the seller, buyer, bidders and  
9068 the auctioneer in the advertising, conducting and closing of an  
9069 auction sale.

9070 (i) A continued and flagrant course of  
9071 misrepresentation or making false promises, either by the  
9072 licensee, an employee of the licensee, or by someone acting on  
9073 behalf of and with the licensee's consent.

9074 (j) Any failure to account for or to pay over within a  
9075 reasonable time funds belonging to another which have come into  
9076 the licensee's possession through an auction sale.

9077 (k) Any false, misleading or untruthful advertising.





9078           (1) Any act of conduct in connection with a sales  
9079 transaction which demonstrates bad faith or dishonesty.

9080           (m) Knowingly using false bidders, cappers or pullers,  
9081 or knowingly making a material false statement or representation.

9082           (n) Commingling the funds or property of a client with  
9083 the licensee's own or failing to maintain and deposit in a trust  
9084 or escrow account in an insured bank or savings and loan  
9085 association located in Mississippi funds received for another  
9086 person through sale at auction.

9087           (o) Failure to give full cooperation to the commission  
9088 and/or its designees, agents or other representatives in the  
9089 performance of official duties of the commission. Such failure to  
9090 cooperate includes, but is not limited to:

9091           (i) Failure to properly make any disclosures or to  
9092 provide documents or information required by this chapter or by  
9093 the commission;

9094           (ii) Not furnishing, in writing, a full and  
9095 complete explanation covering the matter contained in a complaint  
9096 filed with the commission;

9097           (iii) Failure, without good cause, to cooperate  
9098 with any request by the board to appear before it;

9099           (iv) Not providing access, as directed by the  
9100 commission, for its authorized agents or representatives seeking  
9101 to perform reviews, audits or inspections at facilities or places  
9102 utilized by the license holder in the auction business;



9103                   (v) Failure to provide information within the  
9104 specified time allotted and as required by the board and/or its  
9105 representatives or designees;

9106                   (vi) Failure to cooperate with the board or its  
9107 designees or representatives in the investigation of any alleged  
9108 misconduct or willfully interfering with a board investigation.

9109                   (p) A demonstrated lack of financial responsibility.

9110                   (q) Having had a license for the practice of  
9111 auctioneering or the auction business suspended or revoked in any  
9112 jurisdiction, having voluntarily surrendered a license in any  
9113 jurisdiction, having been placed on probation in any jurisdiction,  
9114 having been placed under disciplinary order(s) or other  
9115 restriction in any manner for auctioneering or the auction  
9116 business (a certified copy of the order of suspension, revocation,  
9117 probation or disciplinary action shall be prima facie evidence of  
9118 such action).

9119                   (r) Any violation of this chapter or any violation of a  
9120 rule or regulation duly adopted by the commission.

9121                   (2) In addition to the acts specified in subsection (1) of  
9122 this section, the commission shall be authorized to suspend the  
9123 license of any licensee for being out of compliance with an order  
9124 for support, as defined in Section 93-11-153. The procedure for  
9125 suspension of a license for being out of compliance with an order  
9126 for support, and the procedure for the reissuance or reinstatement  
9127 of a license suspended for that purpose, and the payment of any



9128 fees for the reissuance or reinstatement of a license suspended  
9129 for that purpose, shall be governed by Section 93-11-157 or  
9130 93-11-163. If there is any conflict between any provision of  
9131 Section 93-11-157 or 93-11-163 and any provision of this chapter,  
9132 the provisions of Section 93-11-157 or 93-11-163, as the case may  
9133 be, shall control.

9134         **SECTION 111.** Section 73-5-25, Mississippi Code of 1972, is  
9135 amended as follows:

9136         73-5-25. (1) The Board of Barber Examiners may refuse to  
9137 issue, or may suspend definitely or indefinitely, or revoke any  
9138 certificate of registration or license for any one (1) or a  
9139 combination of the following causes:

9140                 (a) Conviction of a \* \* \* disqualifying crime as  
9141 provided in the Fresh Start Act shown by a certified copy of the  
9142 judgment of court in which such conviction is had, unless upon a  
9143 full and unconditional pardon of such convict, and upon  
9144 satisfactory showing that such convict will in the future conduct  
9145 himself in a law-abiding way.

9146                 (b) Gross malpractice or gross incompetency.

9147                 (c) Continued practice by a person knowingly having an  
9148 infectious or contagious disease.

9149                 (d) Advertising, practicing or attempting to practice  
9150 under a trade name or name other than one's own.



9151 (e) Habitual drunkenness or habitual addiction to the  
9152 use of morphine, cocaine or habit-forming drug, or any other  
9153 illegal controlled substances.

9154 (f) Immoral or unprofessional conduct.

9155 (g) Violation of regulations that may be prescribed as  
9156 provided for in Sections 73-5-7 through 73-5-43.

9157 (2) In addition to the causes specified in subsection (1) of  
9158 this section, the board shall be authorized to suspend the  
9159 certificate of registration of any person for being out of  
9160 compliance with an order for support, as defined in Section  
9161 93-11-153. The procedure for suspension of a certificate for  
9162 being out of compliance with an order for support, and the  
9163 procedure for the reissuance or reinstatement of a certificate  
9164 suspended for that purpose, and the payment of any fees for the  
9165 reissuance or reinstatement of a certificate suspended for that  
9166 purpose, shall be governed by Section 93-11-157 or 93-11-163. If  
9167 there is any conflict between any provision of Section 93-11-157  
9168 or 93-11-163 and any provision of this chapter, the provisions of  
9169 Section 93-11-157 or 93-11-163, as the case may be, shall control.

9170 **SECTION 112.** Section 73-6-19, Mississippi Code of 1972, is  
9171 amended as follows:

9172 73-6-19. (1) The board shall refuse to grant a certificate  
9173 of licensure to any applicant or may cancel, revoke or suspend the  
9174 certificate upon the finding of any of the following facts  
9175 regarding the applicant or licensed practitioner:



- 9176 (a) Failure to comply with the rules and regulations  
9177 adopted by the State Board of Chiropractic Examiners;
- 9178 (b) Violation of any of the provisions of this chapter  
9179 or any of the rules and regulations of the State Board of Health  
9180 pursuant to this chapter with regard to the operation and use of  
9181 x-rays;
- 9182 (c) Fraud or deceit in obtaining a license;
- 9183 (d) Addiction to the use of alcohol, narcotic drugs, or  
9184 anything which would seriously interfere with the competent  
9185 performance of his professional duties;
- 9186 (e) Conviction by a court of competent jurisdiction of  
9187 a \* \* \* disqualifying crime as provided in the Fresh Start Act;
- 9188 (f) Unprofessional and unethical conduct;
- 9189 (g) Contraction of a contagious disease which may be  
9190 carried for a prolonged period;
- 9191 (h) Failure to report to the Mississippi Department of  
9192 Human Services or the county attorney any case wherein there are  
9193 reasonable grounds to believe that a child or vulnerable adult has  
9194 been abused by its parent or person responsible for such person's  
9195 welfare;
- 9196 (i) Advising a patient to use drugs, prescribing or  
9197 providing drugs for a patient, or advising a patient not to use a  
9198 drug prescribed by a licensed physician or dentist;
- 9199 (j) Professional incompetency in the practice of  
9200 chiropractic;



9201                   (k) Having disciplinary action taken by his peers  
9202 within any professional chiropractic association or society;

9203                   (l) Offering to accept or accepting payment for  
9204 services rendered by assignment from any third-party payor after  
9205 offering to accept or accepting whatever the third-party payor  
9206 covers as payment in full, if the effect of the offering or  
9207 acceptance is to eliminate or give the impression of eliminating  
9208 the need for payment by an insured of any required deductions  
9209 applicable in the policy of the insured;

9210                   (m) Associating his practice with any chiropractor who  
9211 does not hold a valid chiropractic license in Mississippi, or  
9212 teach chiropractic manipulation to nonqualified persons under  
9213 Section 73-6-13;

9214                   (n) Failure to make payment on chiropractic student  
9215 loans;

9216                   (o) Failure to follow record keeping requirements  
9217 prescribed in Section 73-6-18;

9218                   (p) If the practitioner is certified to provide animal  
9219 chiropractic treatment, failure to follow guidelines approved by  
9220 the Mississippi Board of Veterinary Medicine; or

9221                   (q) Violation(s) of the provisions of Sections 41-121-1  
9222 through 41-121-9 relating to deceptive advertisement by health  
9223 care practitioners. This paragraph shall stand repealed on July  
9224 1, 2025.



9225           (2) Any holder of such certificate or any applicant therefor  
9226 against whom is preferred any of the designated charges shall be  
9227 furnished a copy of the complaint and shall receive a formal  
9228 hearing in Jackson, Mississippi, before the board, at which time  
9229 he may be represented by counsel and examine witnesses. The board  
9230 is authorized to administer oaths as may be necessary for the  
9231 proper conduct of any such hearing. In addition, the board is  
9232 authorized and empowered to issue subpoenas for the attendance of  
9233 witnesses and the production of books and papers. The process  
9234 issued by the board shall extend to all parts of the state. Where  
9235 in any proceeding before the board any witness shall fail or  
9236 refuse to attend upon subpoena issued by the board, shall refuse  
9237 to testify, or shall refuse to produce any books and papers, the  
9238 production of which is called for by the subpoena, the attendance  
9239 of such witness and the giving of his testimony and the production  
9240 of the books and papers shall be enforced by any court of  
9241 competent jurisdiction of this state in the manner provided for  
9242 the enforcement of attendance and testimony of witnesses in civil  
9243 cases in the courts of this state.

9244           (3) In addition to any other investigators the board  
9245 employs, the board shall appoint one or more licensed  
9246 chiropractors to act for the board in investigating the conduct  
9247 relating to the competency of a chiropractor, whenever  
9248 disciplinary action is being considered for professional  
9249 incompetence and unprofessional conduct.



9250           (4) Whenever the board finds any person unqualified to  
9251 practice chiropractic because of any of the grounds set forth in  
9252 subsection (1) of this section, after a hearing has been conducted  
9253 as prescribed by this section, the board may enter an order  
9254 imposing one or more of the following:

9255                   (a) Deny his application for a license or other  
9256 authorization to practice chiropractic;

9257                   (b) Administer a public or private reprimand;

9258                   (c) Suspend, limit or restrict his license or other  
9259 authorization to practice chiropractic for up to five (5) years;

9260                   (d) Revoke or cancel his license or other authorization  
9261 to practice chiropractic;

9262                   (e) Require him to submit to care, counseling or  
9263 treatment by physicians or chiropractors designated by the board,  
9264 as a condition for initial, continued or renewal of licensure or  
9265 other authorization to practice chiropractic;

9266                   (f) Require him to participate in a program of  
9267 education prescribed by the board; or

9268                   (g) Require him to practice under the direction of a  
9269 chiropractor designated by the board for a specified period of  
9270 time.

9271           (5) Any person whose application for a license or whose  
9272 license to practice chiropractic has been cancelled, revoked or  
9273 suspended by the board within thirty (30) days from the date of  
9274 such final decision shall have the right of a de novo appeal to





9275 the circuit court of his county of residence or the Circuit Court  
9276 of the First Judicial District of Hinds County, Mississippi. If  
9277 there is an appeal, such appeal may, in the discretion of and on  
9278 motion to the circuit court, act as a supersedeas. The circuit  
9279 court shall dispose of the appeal and enter its decision promptly.  
9280 The hearing on the appeal may, in the discretion of the circuit  
9281 judge, be tried in vacation. Either party shall have the right of  
9282 appeal to the Supreme Court as provided by law from any decision  
9283 of the circuit court.

9284 (6) In a proceeding conducted under this section by the  
9285 board for the revocation, suspension or cancellation of a license  
9286 to practice chiropractic, after a hearing has been conducted as  
9287 prescribed by this section, the board shall have the power and  
9288 authority for the grounds stated in subsection (1) of this  
9289 section, with the exception of paragraph (c) thereof, to assess  
9290 and levy upon any person licensed to practice chiropractic in the  
9291 state a monetary penalty in lieu of such revocation, suspension or  
9292 cancellation, as follows:

9293 (a) For the first violation, a monetary penalty of not  
9294 less than Five Hundred Dollars (\$500.00) nor more than One  
9295 Thousand Dollars (\$1,000.00) for each violation.

9296 (b) For the second and each subsequent violation, a  
9297 monetary penalty of not less than One Thousand Dollars (\$1,000.00)  
9298 nor more than Two Thousand Five Hundred Dollars (\$2,500.00) for  
9299 each violation.



9300           The power and authority of the board to assess and levy such  
9301 monetary penalties under this section shall not be affected or  
9302 diminished by any other proceeding, civil or criminal, concerning  
9303 the same violation or violations. A licensee shall have the right  
9304 of appeal from the assessment and levy of a monetary penalty as  
9305 provided in this section to the circuit court under the same  
9306 conditions as a right of appeal is provided for in this section  
9307 for appeals from an adverse ruling, or order, or decision of the  
9308 board. Any monetary penalty assessed and levied under this  
9309 section shall not take effect until after the time for appeal has  
9310 expired, and an appeal of the assessment and levy of such a  
9311 monetary penalty shall act as a supersedeas.

9312           (7) In addition to the grounds specified in subsection (1)  
9313 of this section, the board shall be authorized to suspend the  
9314 license of any licensee for being out of compliance with an order  
9315 for support, as defined in Section 93-11-153. The procedure for  
9316 suspension of a license for being out of compliance with an order  
9317 for support, and the procedure for the reissuance or reinstatement  
9318 of a license suspended for that purpose, and the payment of any  
9319 fees for the reissuance or reinstatement of a license suspended  
9320 for that purpose, shall be governed by Section 93-11-157 or  
9321 93-11-163, as the case may be. Actions taken by the board in  
9322 suspending a license when required by Section 93-11-157 or  
9323 93-11-163 are not actions from which an appeal may be taken under  
9324 this section. Any appeal of a license suspension that is required



9325 by Section 93-11-157 or 93-11-163 shall be taken in accordance  
9326 with the appeal procedure specified in Section 93-11-157 or  
9327 93-11-163, as the case may be, rather than the procedure specified  
9328 in this section. If there is any conflict between any provision  
9329 of Section 93-11-157 or 93-11-163 and any provision of this  
9330 chapter, the provisions of Section 93-11-157 or 93-11-163, as the  
9331 case may be, shall control.

9332         **SECTION 113.** Section 73-7-27, Mississippi Code of 1972, is  
9333 amended as follows:

9334         73-7-27. (1) Any complaint may be filed with the board by a  
9335 member or agent of the board or by any person charging any  
9336 licensee of the board with the commission of any of the offenses  
9337 enumerated in subsection (2) of this section. Such complaint  
9338 shall be in writing, signed by the accuser or accusers, and  
9339 verified under oath, and such complaints shall be investigated as  
9340 set forth in Section 73-7-7. If, after the investigation, the  
9341 board through its administrative review agents determines that  
9342 there is not substantial justification to believe that the accused  
9343 licensee has committed any of the offenses enumerated, it may  
9344 dismiss the complaint or may prepare a formal complaint proceeding  
9345 against the licensee as hereinafter provided. When used with  
9346 reference to any complaint filed against a licensee herein, the  
9347 term "not substantial justification" means a complaint that is  
9348 frivolous, groundless in fact or law, or vexatious, as determined  
9349 by unanimous vote of the board. In the event of a dismissal, the



9350 person filing the accusation and the accused licensee shall be  
9351 given written notice of the board's determination. If the board  
9352 determines there is reasonable cause to believe the accused has  
9353 committed any of those offenses, the secretary of the board shall  
9354 give written notice of such determination to the accused licensee  
9355 and set a day for a hearing as provided in subsection (3) of this  
9356 section.

9357 (2) The board shall have the power to revoke, suspend or  
9358 refuse to issue or renew any license or certificate provided for  
9359 in this chapter, and to fine, place on probation and/or otherwise  
9360 discipline a student or licensee or holder of a certificate, upon  
9361 proof that such person: (a) has not complied with or has violated  
9362 any of the rules and regulations promulgated by the board; (b) has  
9363 not complied with or has violated any of the sections of this  
9364 chapter; (c) has committed fraud or dishonest conduct in the  
9365 taking of the examination herein provided for; (d) has been  
9366 convicted of a \* \* \* disqualifying crime as provided in the Fresh  
9367 Start Act; (e) has committed grossly unprofessional or dishonest  
9368 conduct; (f) is addicted to the excessive use of intoxicating  
9369 liquors or to the use of drugs to such an extent as to render him  
9370 or her unfit to practice in any of the practices or occupations  
9371 set forth in this chapter; (g) has advertised by means of  
9372 knowingly false or deceptive statements; or (h) has failed to  
9373 display the license or certificate issued to him or her as  
9374 provided for in this chapter; or (i) has been convicted of



9375 violating any of the provisions of this chapter. A conviction of  
9376 violating any of the provisions of this chapter shall be grounds  
9377 for automatic suspension of the license or certificate of such  
9378 person.

9379 (3) The board shall not revoke, suspend or refuse to issue  
9380 or renew any license or certificate, or fine, place on probation  
9381 or otherwise discipline any person in a disciplinary matter except  
9382 after a hearing of which the applicant or licensee or holder of  
9383 the certificate affected shall be given at least twenty (20) days'  
9384 notice in writing, specifying the reason or reasons for denying  
9385 the applicant a license or certificate of registration, or in the  
9386 case of any other disciplinary action, the offense or offenses of  
9387 which the licensee or holder of a certificate of registration is  
9388 charged. Such notice may be served by mailing a copy thereof by  
9389 United States first-class certified mail, postage prepaid, to the  
9390 last-known residence or business address of such applicant,  
9391 licensee or holder of a certificate. The hearing on such charges  
9392 shall be at such time and place as the board may prescribe.

9393 (4) At such hearings, all witnesses shall be sworn by a  
9394 member of the board, and stenographic notes of the proceedings  
9395 shall be taken. Any party to the proceedings desiring it shall be  
9396 furnished with a copy of such stenographic notes upon payment to  
9397 the board of such fees as it shall prescribe, not exceeding,  
9398 however, the actual costs of transcription.



9399           (5) The board is hereby authorized and empowered to issue  
9400 subpoenas for the attendance of witnesses and the production of  
9401 books and papers. The process issued by the board shall extend to  
9402 all parts of the state and such process shall be served by any  
9403 person designated by the board for such service. The person  
9404 serving such process shall receive such compensation as may be  
9405 allowed by the board, not to exceed the fee prescribed by law for  
9406 similar services. All witnesses who shall be subpoenaed, and who  
9407 shall appear in any proceedings before the board, shall receive  
9408 the same fees and mileage as allowed by law.

9409           (6) Where in any proceeding before the board any witness  
9410 shall fail or refuse to attend upon subpoena issued by the board,  
9411 shall refuse to testify, or shall refuse to produce any books and  
9412 papers, the production of which is called for by the subpoena, the  
9413 attendance of such witness and the giving of his testimony and the  
9414 production of the books and papers shall be enforced by any court  
9415 of competent jurisdiction of this state, in the same manner as are  
9416 enforced for the attendance and testimony of witnesses in civil  
9417 cases in the courts of this state.

9418           (7) The board shall conduct the hearing in an orderly and  
9419 continuous manner, granting continuances only when the ends of  
9420 justice may be served. The board shall, within sixty (60) days  
9421 after conclusion of the hearing, reduce its decision to writing  
9422 and forward an attested true copy thereof to the last-known  
9423 residence or business address of such applicant, licensee or



9424 holder of a certificate, by way of United States first-class  
9425 certified mail, postage prepaid. Such applicant, licensee, holder  
9426 of a certificate, or person aggrieved shall have the right of  
9427 appeal from an adverse ruling, or order, or decision of the board  
9428 to the Chancery Court of the First Judicial District of Hinds  
9429 County, Mississippi, upon forwarding notice of appeal to the board  
9430 within thirty (30) days after the decision of the board is mailed  
9431 in the manner here contemplated. An appeal will not be allowed in  
9432 the event notice of appeal, together with the appeal bond  
9433 hereinafter required, shall not have been forwarded to the board  
9434 within the thirty-day period. Appeal shall be to the Chancery  
9435 Court of the First Judicial District of Hinds County, Mississippi.  
9436 The appeal shall thereupon be heard in due course by the court  
9437 which shall review the record and make its determination thereon.

9438 (8) The appellant shall, together with the notice of appeal,  
9439 forward to and post with the board a satisfactory bond in the  
9440 amount of Five Hundred Dollars (\$500.00) for the payment of any  
9441 costs which may be adjudged against him.

9442 (9) In the event of an appeal, the court shall dispose of  
9443 the appeal and enter its decision promptly. The hearing on the  
9444 appeal may, in the discretion of the chancellor, be tried in  
9445 vacation. If there is an appeal, such appeal may, in the  
9446 discretion of and on motion to the chancery court, act as a  
9447 supersedeas. However, any fine imposed by the board under the  
9448 provisions of this chapter shall not take effect until after the



9449 time for appeal has expired, and an appeal of the imposition of  
9450 such a fine shall act as a supersedeas.

9451 (10) Any fine imposed by the board upon a licensee or holder  
9452 of a certificate shall be in accordance with the following  
9453 schedule:

9454 (a) For the first violation, a fine of not less than  
9455 Fifty Dollars (\$50.00) nor more than One Hundred Dollars (\$100.00)  
9456 for each violation.

9457 (b) For the second and each subsequent violation, a  
9458 fine of not less than One Hundred Dollars (\$100.00) nor more than  
9459 Four Hundred Dollars (\$400.00) for each violation.

9460 The power and authority of the board to impose such fines  
9461 under this section shall not be affected or diminished by any  
9462 other proceeding, civil or criminal, concerning the same violation  
9463 or violations.

9464 (11) In addition to the reasons specified in subsection (2)  
9465 of this section, the board shall be authorized to suspend the  
9466 license of any licensee for being out of compliance with an order  
9467 for support, as defined in Section 93-11-153. The procedure for  
9468 suspension of a license for being out of compliance with an order  
9469 for support, and the procedure for the reissuance or reinstatement  
9470 of a license suspended for that purpose, and the payment of any  
9471 fees for the reissuance or reinstatement of a license suspended  
9472 for that purpose, shall be governed by Section 93-11-157 or  
9473 93-11-163, as the case may be. Actions taken by the board in





9474 suspending a license when required by Section 93-11-157 or  
9475 93-11-163 are not actions from which an appeal may be taken under  
9476 this section. Any appeal of a license suspension that is required  
9477 by Section 93-11-157 or 93-11-163 shall be taken in accordance  
9478 with the appeal procedure specified in Section 93-11-157 or  
9479 93-11-163, as the case may be, rather than the procedure specified  
9480 in this section. If there is any conflict between any provision  
9481 of Section 93-11-157 or 93-11-163 and any provision of this  
9482 chapter, the provisions of Section 93-11-157 or 93-11-163, as the  
9483 case may be, shall control.

9484       **SECTION 114.** Section 73-17-15, Mississippi Code of 1972, is  
9485 amended as follows:

9486       73-17-15. (1) (a) The board is authorized to investigate,  
9487 either on the basis of complaints filed with it or on its own  
9488 initiative, instances of suspected violations of this chapter of  
9489 any nature, including, but not limited to: performing the duties  
9490 of a nursing home administrator without a license; the providing  
9491 of false information to the board either incident to an  
9492 application for a license, incident to a hearing, or otherwise;  
9493 maladministration; unethical conduct; incompetence; the conviction  
9494 of a licensee of a \* \* \* disqualifying crime as provided in the  
9495 Fresh Start Act; the misappropriation of funds; or of any other  
9496 matter reflecting unfavorably upon the holder of a license under  
9497 this chapter or an applicant therefor. On the basis of  
9498 information developed during such an investigation, the board may



9499 (i) revoke, suspend, or refuse to renew any license issued by the  
9500 board, (ii) deny an application for a license, or (iii) reprimand,  
9501 place on probation, and/or take any other action in relation to a  
9502 license, as the board may deem proper under the circumstances.  
9503 Whenever the results of such an investigation are filed, the  
9504 executive director of the board shall set a day for a hearing and  
9505 shall notify the licensee that on the day fixed for hearing he or  
9506 she may appear and show cause, if any, why his or her license  
9507 should not be revoked, suspended, or other action taken in  
9508 relation to his or her license. The notice shall be transmitted  
9509 to the licensee by certified United States mail to the address of  
9510 the licensee appearing of record with the board.

9511 (b) In cases where violations of this chapter have been  
9512 substantiated, the board may assess a monetary penalty for those  
9513 reasonable costs that are expended by the board in the  
9514 investigation and conduct of a proceeding for licensure  
9515 revocation, suspension or restriction, including, but not limited  
9516 to, the cost of process service, court reporters, expert witnesses  
9517 and investigations.

9518 (2) The board, upon finding and determining that any person  
9519 represents himself or herself to be a nursing home administrator  
9520 or performs any or all of the services, acts or duties of a  
9521 nursing home administrator as defined in this chapter without a  
9522 license, is authorized to petition the chancery court of the  
9523 county in which the unauthorized acts have been, are being or may



9524 be committed, for writ or writs of injunction prohibiting the  
9525 unauthorized acts. This provision is supplemental and in addition  
9526 to the penal provisions set forth in Section 73-17-13.

9527 (3) Any licensee whose license has been revoked or  
9528 suspended, or who has been placed on probation or reprimanded  
9529 after a contested hearing, may appeal that action of the board to  
9530 the chancery court of the county in which the nursing home  
9531 administrator is practicing, which appeal shall not be a de novo  
9532 appeal but shall be determined upon an official transcript of the  
9533 record of the contested hearing. Appeals to the chancery court  
9534 shall be taken within ten (10) days from the date of the board's  
9535 order and shall be taken, perfected, heard and determined either  
9536 in termtime or in vacation, and the appeals shall be heard and  
9537 disposed of promptly by the court. Appeals from the board shall  
9538 be taken and perfected by the filing of a bond in the sum of Two  
9539 Hundred Fifty Dollars (\$250.00) with two (2) sureties, or with a  
9540 surety company qualified to do business in Mississippi as surety,  
9541 conditioned to pay the costs of the appeal. The bond shall be  
9542 payable to the state and shall be approved by the clerk of the  
9543 chancery court. The bond may be enforced in its name as other  
9544 judicial bonds filed in the chancery court, and judgment may be  
9545 entered upon those bonds and process and execution shall issue  
9546 upon those judgments as provided by law in other cases. Upon  
9547 approval of the bond by the clerk of the chancery court, the clerk  
9548 shall give notice to the board of the appeal from the decision of



9549 the board. It thereupon shall be the duty of the board through  
9550 its duly authorized representative to promptly transmit to the  
9551 clerk of the chancery court in which the appeal is pending a  
9552 certified copy of the order of the board and all documents filed  
9553 relating to the board's action against the licensee, together with  
9554 a transcript of the testimony, both oral and documentary,  
9555 introduced for consideration by the board both in support of and  
9556 in opposition to the action, which appeal shall be docketed by the  
9557 clerk and shall be determined by the court based upon the record.  
9558 If there is an appeal, the appeal may, in the discretion of and on  
9559 motion to the chancery court, act as a supersedeas. The chancery  
9560 court shall dispose of the appeal and enter its decision promptly.  
9561 The hearing on the appeal may, in the discretion of the  
9562 chancellor, be tried in vacation.

9563 (4) Appeals from the decision of the chancery court may be  
9564 taken by either the board or the licensee to the Supreme Court as  
9565 in the case of appeals generally from the chancery court to the  
9566 Supreme Court.

9567 (5) In addition to the reasons specified in subsection (1)  
9568 of this section, the board shall be authorized to suspend the  
9569 license of any licensee for being out of compliance with an order  
9570 for support, as defined in Section 93-11-153. The procedure for  
9571 suspension of a license for being out of compliance with an order  
9572 for support, and the procedure for the reissuance or reinstatement  
9573 of a license suspended for that purpose, and the payment of any



9574 fees for the reissuance or reinstatement of a license suspended  
9575 for that purpose, shall be governed by Section 93-11-157 or  
9576 93-11-163, as the case may be. Actions taken by the board in  
9577 revoking a license when required by Section 93-11-157 or 93-11-163  
9578 are not actions from which an appeal may be taken under this  
9579 section. Any appeal of a license suspension that is required by  
9580 Section 93-11-157 or 93-11-163 shall be taken in accordance with  
9581 the appeal procedure specified in Section 93-11-157 or 93-11-163,  
9582 as the case may be, rather than the procedure specified in this  
9583 section. If there is any conflict between any provision of  
9584 Section 93-11-157 or 93-11-163 and any provision of this chapter,  
9585 the provisions of Section 93-11-157 or 93-11-163, as the case may  
9586 be, shall control.

9587       **SECTION 115.** Section 73-23-59, Mississippi Code of 1972, is  
9588 amended as follows:

9589       73-23-59. (1) Licensees subject to this chapter shall  
9590 conduct their activities, services and practice in accordance with  
9591 this chapter and any rules promulgated pursuant hereto. The  
9592 board, upon satisfactory proof and in accordance with the  
9593 provisions of this chapter and the regulations of the board, may  
9594 suspend, revoke, or refuse to issue or renew any license  
9595 hereunder, or revoke or suspend any privilege to practice,  
9596 censure or reprimand any licensee, restrict or limit a license,  
9597 and take any other action in relation to a license or privilege to



9598 practice as the board may deem proper under the circumstances upon  
9599 any of the following grounds:

9600 (a) Negligence in the practice or performance of  
9601 professional services or activities;

9602 (b) Engaging in dishonorable, unethical or  
9603 unprofessional conduct of a character likely to deceive, defraud  
9604 or harm the public in the course of professional services or  
9605 activities;

9606 (c) Perpetrating or cooperating in fraud or material  
9607 deception in obtaining or renewing a license or attempting the  
9608 same or obtaining a privilege to practice;

9609 (d) Being convicted of any crime which has a  
9610 substantial relationship to the licensee's activities and services  
9611 or an essential element of which is misstatement, fraud or  
9612 dishonesty;

9613 (e) Having been convicted of or pled guilty to a \* \* \*  
9614 disqualifying crime as provided in the Fresh Start Act in the  
9615 courts of this state or any other state, territory or country.  
9616 Conviction, as used in this paragraph, shall include a deferred  
9617 conviction, deferred prosecution, deferred sentence, finding or  
9618 verdict of guilt, an admission of guilty, or a plea of nolo  
9619 contendere;

9620 (f) Engaging in or permitting the performance of  
9621 unacceptable services personally or by others working under the  
9622 licensee's supervision due to the licensee's deliberate or



9623 negligent act or acts or failure to act, regardless of whether  
9624 actual damage or damages to the public is established;

9625           (g) Continued practice although the licensee has become  
9626 unfit to practice as a physical therapist or physical therapist  
9627 assistant due to: (i) failure to keep abreast of current  
9628 professional theory or practice; or (ii) physical or mental  
9629 disability; the entry of an order or judgment by a court of  
9630 competent jurisdiction that a licensee is in need of mental  
9631 treatment or is incompetent shall constitute mental disability; or  
9632 (iii) addiction or severe dependency upon alcohol or other drugs  
9633 which may endanger the public by impairing the licensee's ability  
9634 to practice;

9635           (h) Having disciplinary action taken against the  
9636 licensee's license in another state;

9637           (i) Making differential, detrimental treatment against  
9638 any person because of race, color, creed, sex, religion or  
9639 national origin;

9640           (j) Engaging in lewd conduct in connection with  
9641 professional services or activities;

9642           (k) Engaging in false or misleading advertising;

9643           (l) Contracting, assisting or permitting unlicensed  
9644 persons to perform services for which a license is required under  
9645 this chapter or privilege to practice is required under Section  
9646 73-23-101;



9647                   (m) Violation of any probation requirements placed on a  
9648 license or privilege to practice by the board;

9649                   (n) Revealing confidential information except as may be  
9650 required by law;

9651                   (o) Failing to inform clients of the fact that the  
9652 client no longer needs the services or professional assistance of  
9653 the licensee;

9654                   (p) Charging excessive or unreasonable fees or engaging  
9655 in unreasonable collection practices;

9656                   (q) For treating or attempting to treat ailments or  
9657 other health conditions of human beings other than by physical  
9658 therapy as authorized by this chapter;

9659                   (r) Except as authorized in Section 73-23-35(3), for  
9660 applying or offering to apply physical therapy, exclusive of  
9661 initial evaluation or screening and exclusive of education or  
9662 consultation for the prevention of physical and mental disability  
9663 within the scope of physical therapy, other than upon the referral  
9664 of a licensed physician, dentist, osteopath, podiatrist,  
9665 chiropractor, physician assistant or nurse practitioner; or for  
9666 acting as a physical therapist assistant other than under the  
9667 direct, on-site supervision of a licensed physical therapist;

9668                   (s) Failing to adhere to the recognized standards of  
9669 ethics of the physical therapy profession as established by rules  
9670 of the board;





9671                   (t) Failing to complete continuing competence  
9672 requirements as established by board rule;

9673                   (u) Failing to supervise physical therapist assistants  
9674 in accordance with this chapter and/or board rules;

9675                   (v) Engaging in sexual misconduct. For the purpose of  
9676 this paragraph, sexual misconduct includes, but is not necessarily  
9677 limited to:

9678                   (i) Engaging in or soliciting sexual  
9679 relationships, whether consensual or nonconsensual, while a  
9680 physical therapist or physical therapist assistant/patient  
9681 relationship exists.

9682                   (ii) Making sexual advances, requesting sexual  
9683 favors or engaging in other verbal conduct or physical contact of  
9684 a sexual nature with patients or clients.

9685                   (iii) Intentionally viewing a completely or  
9686 partially disrobed patient in the course of treatment if the  
9687 viewing is not related to patient diagnosis or treatment under  
9688 current practice standards;

9689                   (w) The erroneous issuance of a license or privilege to  
9690 practice to any person;

9691                   (x) Violations of any provisions of this chapter, board  
9692 rules or regulations or a written order or directive of the board;

9693                   (y) Failing to maintain adequate patient records. For  
9694 the purposes of this paragraph, "adequate patient records" means  
9695 legible records that contain at minimum sufficient information to



9696 identify the patient, an evaluation of objective findings, a  
9697 diagnosis, a plan of care, a treatment record and a discharge  
9698 plan;

9699           (z) Failing to report to the board any unprofessional,  
9700 incompetent or illegal acts that appear to be in violation of this  
9701 law or any rules established by the board.

9702           (2) The board may order a licensee to submit to a reasonable  
9703 physical or mental examination if the licensee's physical or  
9704 mental capacity to practice safely is at issue in a disciplinary  
9705 proceeding.

9706           (3) Failure to comply with a board order to submit to a  
9707 physical or mental examination shall render a licensee subject to  
9708 the summary suspension procedures described in Section 73-23-64.

9709           (4) In addition to the reasons specified in subsection (1)  
9710 of this section, the board shall be authorized to suspend the  
9711 license or privilege to practice of any licensee for being out of  
9712 compliance with an order for support, as defined in Section  
9713 93-11-153. The procedure for suspension of a license or privilege  
9714 to practice for being out of compliance with an order for support,  
9715 and the procedure for the reissuance or reinstatement of a license  
9716 or privilege to practice suspended for that purpose, and the  
9717 payment of any fees for the reissuance or reinstatement of a  
9718 license or privilege to practice suspended for that purpose, shall  
9719 be governed by Section 93-11-157 or 93-11-163, as the case may be.  
9720 If there is any conflict between any provision of Section



9721 93-11-157 or 93-11-163 and any provision of this chapter, the  
9722 provisions of Section 93-11-157 or 93-11-163, as the case may be,  
9723 shall control.

9724 **SECTION 116.** Section 73-30-21, Mississippi Code of 1972, is  
9725 amended as follows:

9726 73-30-21. (1) The board may, after notice and opportunity  
9727 for a hearing, suspend, revoke or refuse to issue or renew a  
9728 license or the privilege to practice or may reprimand the license  
9729 holder or holder of the privilege to practice, upon a  
9730 determination by the board that such license holder or holder of  
9731 the privilege to practice or applicant for licensure or the  
9732 privilege to practice has:

9733 (a) Been adjudged by any court to be mentally  
9734 incompetent or have had a guardian of person appointed;

9735 (b) Been convicted of a \* \* \* disqualifying crime as  
9736 provided in the Fresh Start Act;

9737 (c) Sworn falsely under oath or affirmation;

9738 (d) Obtained a license or certificate or the privilege  
9739 to practice by fraud, deceit or other misrepresentation;

9740 (e) Engaged in the conduct of professional counseling  
9741 in a grossly negligent or incompetent manner;

9742 (f) Intentionally violated any provision of this  
9743 article;

9744 (g) Violated any rules or regulations of the board; or



9745           (h) Aided or assisted another in falsely obtaining a  
9746 license or the privilege to practice under this article.

9747           With regard to a refusal to issue a privilege to practice,  
9748 such refusal by the board shall be in accordance with the terms of  
9749 the Professional Counseling Compact instead of this subsection  
9750 (1).

9751           (2) Appeals from disciplinary action are to be brought in  
9752 the circuit court in the county of residence of the practitioner.  
9753 In the event the practitioner resides out of state the appeal  
9754 should be brought in Hinds County Circuit Court.

9755           (3) The board may assess and levy upon any licensee,  
9756 practitioner or applicant for licensure or the privilege to  
9757 practice the costs incurred or expended by the board in the  
9758 investigation and prosecution of any licensure, privilege to  
9759 practice or disciplinary action, including, but not limited to,  
9760 the costs of process service, court reporters, expert witnesses,  
9761 investigators and attorney's fees.

9762           (4) No revoked license or privilege to practice may be  
9763 reinstated within twelve (12) months after such revocation.  
9764 Reinstatement thereafter shall be upon such conditions as the  
9765 board may prescribe, which may include, without being limited to,  
9766 successful passing of the examination required by this article.

9767           (5) A license or privilege to practice certificate issued by  
9768 the board is the property of the board and must be surrendered on  
9769 demand.



9770           (6) The chancery court is hereby vested with the  
9771 jurisdiction and power to enjoin the unlawful practice of  
9772 counseling and/or the false representation as a licensed counselor  
9773 in a proceeding brought by the board or any members thereof or by  
9774 any citizen of this state.

9775           (7) In addition to the reasons specified in subsection (1)  
9776 of this section, the board shall be authorized to suspend the  
9777 license of any licensee for being out of compliance with an order  
9778 for support, as defined in Section 93-11-153. The procedure for  
9779 suspension of a license for being out of compliance with an order  
9780 for support, and the procedure for the reissuance or reinstatement  
9781 of a license suspended for that purpose, and the payment of any  
9782 fees for the reissuance or reinstatement of a license suspended  
9783 for that purpose, shall be governed by Section 93-11-157 or  
9784 93-11-163, as the case may be. If there is any conflict between  
9785 any provision of Section 93-11-157 or 93-11-163 and any provision  
9786 of this article, the provisions of Section 93-11-157 or 93-11-163,  
9787 as the case may be, shall control.

9788           **SECTION 117.** Section 73-35-21, Mississippi Code of 1972, is  
9789 amended as follows:

9790           73-35-21. (1) Except as otherwise provided in this section,  
9791 the commission may, upon its own motion and shall upon the  
9792 verified complaint in writing of any person, hold a hearing  
9793 pursuant to Section 73-35-23 for the refusal of license or for the  
9794 suspension or revocation of a license previously issued, or for



9795 such other action as the commission deems appropriate. The  
9796 commission shall have full power to refuse a license for cause or  
9797 to revoke or suspend a license where it has been obtained by false  
9798 or fraudulent representation, or where the licensee in performing  
9799 or attempting to perform any of the acts mentioned herein, is  
9800 deemed to be guilty of:

9801 (a) Making any substantial misrepresentation in  
9802 connection with a real estate transaction;

9803 (b) Making any false promises of a character likely to  
9804 influence, persuade or induce;

9805 (c) Pursuing a continued and flagrant course of  
9806 misrepresentation or making false promises through agents or  
9807 salespersons or any medium of advertising or otherwise;

9808 (d) Any misleading or untruthful advertising;

9809 (e) Acting for more than one (1) party in a transaction  
9810 or receiving compensation from more than one (1) party in a  
9811 transaction, or both, without the knowledge of all parties for  
9812 whom he acts;

9813 (f) Failing, within a reasonable time, to account for  
9814 or to remit any monies coming into his possession which belong to  
9815 others, or commingling of monies belonging to others with his own  
9816 funds. Every responsible broker procuring the execution of an  
9817 earnest money contract or option or other contract who shall take  
9818 or receive any cash or checks shall deposit, within a reasonable  
9819 period of time, the sum or sums so received in a trust or escrow



9820 account in a bank or trust company pending the consummation or  
9821 termination of the transaction. "Reasonable time" in this context  
9822 means by the close of business of the next banking day;

9823 (g) Entering a guilty plea or conviction in a court of  
9824 competent jurisdiction of this state, or any other state or the  
9825 United States of any \* \* \* disqualifying crime as provided in the  
9826 Fresh Start Act;

9827 (h) Displaying a "for sale" or "for rent" sign on any  
9828 property without the owner's consent;

9829 (i) Failing to furnish voluntarily, at the time of  
9830 signing, copies of all listings, contracts and agreements to all  
9831 parties executing the same;

9832 (j) Paying any rebate, profit or commission to any  
9833 person other than a real estate broker or salesperson licensed  
9834 under the provisions of this chapter;

9835 (k) Inducing any party to a contract, sale or lease to  
9836 break such contract for the purpose of substituting in lieu  
9837 thereof a new contract, where such substitution is motivated by  
9838 the personal gain of the licensee;

9839 (l) Accepting a commission or valuable consideration as  
9840 a real estate salesperson for the performance of any of the acts  
9841 specified in this chapter from any person, except his employer who  
9842 must be a licensed real estate broker;



9843 (m) Failing to successfully pass the commission's  
9844 background investigation for licensure or renewal as provided in  
9845 Section 73-35-10; or

9846 (n) Any act or conduct, whether of the same or a  
9847 different character than hereinabove specified, which constitutes  
9848 or demonstrates bad faith, incompetency or untrustworthiness, or  
9849 dishonest, fraudulent or improper dealing. However, simple  
9850 contact and/or communication with any mortgage broker or lender by  
9851 a real estate licensee about any professional, including, but not  
9852 limited to, an appraiser, home inspector, contractor, and/or  
9853 attorney regarding a listing and/or a prospective or pending  
9854 contract for the lease, sale and/or purchase of real estate shall  
9855 not constitute conduct in violation of this section.

9856 (2) No real estate broker shall practice law or give legal  
9857 advice directly or indirectly unless said broker be a duly  
9858 licensed attorney under the laws of this state. He shall not act  
9859 as a public conveyancer nor give advice or opinions as to the  
9860 legal effect of instruments nor give opinions concerning the  
9861 validity of title to real estate; nor shall he prevent or  
9862 discourage any party to a real estate transaction from employing  
9863 the services of an attorney; nor shall a broker undertake to  
9864 prepare documents fixing and defining the legal rights of parties  
9865 to a transaction. However, when acting as a broker, he may use an  
9866 earnest money contract form. A real estate broker shall not  
9867 participate in attorney's fees, unless the broker is a duly





9868 licensed attorney under the laws of this state and performs legal  
9869 services in addition to brokerage services.

9870 (3) It is expressly provided that it is not the intent and  
9871 purpose of the Mississippi Legislature to prevent a license from  
9872 being issued to any person who is found to be of good reputation,  
9873 is able to give bond, and who has lived in the State of  
9874 Mississippi for the required period or is otherwise qualified  
9875 under this chapter.

9876 (4) In addition to the reasons specified in subsection (1)  
9877 of this section, the commission shall be authorized to suspend the  
9878 license of any licensee for being out of compliance with an order  
9879 for support, as defined in Section 93-11-153. The procedure for  
9880 suspension of a license for being out of compliance with an order  
9881 for support, and the procedure for the reissuance or reinstatement  
9882 of a license suspended for that purpose, and the payment of any  
9883 fees for the reissuance or reinstatement of a license suspended  
9884 for that purpose, shall be governed by Section 93-11-157 or  
9885 93-11-163, as the case may be. If there is any conflict between  
9886 any provision of Section 93-11-157 or 93-11-163 and any provision  
9887 of this chapter, the provisions of Section 93-11-157 or 93-11-163,  
9888 as the case may be, shall control.

9889 (5) Nothing in this chapter shall prevent an associate  
9890 broker or salesperson from owning any lawfully constituted  
9891 business organization, including, but not limited to, a  
9892 corporation, limited liability company or limited liability



9893 partnership, for the purpose of receiving payments contemplated in  
9894 this chapter. The business organization shall not be required to  
9895 be licensed under this chapter and shall not engage in any other  
9896 activity requiring a real estate license.

9897 (6) The Mississippi Real Estate Commission shall not  
9898 promulgate any rule or regulation, nor make any administrative or  
9899 other interpretation, whereby any real estate licensee may be held  
9900 responsible or subject to discipline or other actions by the  
9901 commission relating to the provisions of this section or the  
9902 information required to be disclosed by Sections 89-1-501 through  
9903 89-1-523 or delivery of information required to be disclosed by  
9904 Sections 89-1-501 through 89-1-523.

9905 **SECTION 118.** Section 73-38-27, Mississippi Code of 1972, is  
9906 amended as follows:

9907 73-38-27. (1) With regard to a refusal to issue a privilege  
9908 to practice, such refusal by the board shall be in accordance with  
9909 terms of the Audiology and Speech-Language Pathology Interstate  
9910 Compact. The board may refuse to issue or renew a license, or may  
9911 suspend or revoke a license where the licensee or applicant for a  
9912 license has been guilty of unprofessional conduct which has  
9913 endangered or is likely to endanger the health, welfare or safety  
9914 of the public. Such unprofessional conduct may result from:

9915 (a) Negligence in the practice or performance of  
9916 professional services or activities;



9917                   (b) Engaging in dishonorable, unethical or  
9918 unprofessional conduct of a character likely to deceive, defraud  
9919 or harm the public in the course of professional services or  
9920 activities;

9921                   (c) Perpetrating or cooperating in fraud or material  
9922 deception in obtaining or renewing a license or attempting the  
9923 same;

9924                   (d) Being convicted of any crime which has a  
9925 substantial relationship to the licensee's activities and services  
9926 or an essential element of which is misstatement, fraud or  
9927 dishonesty;

9928                   (e) Being convicted of any crime which is a \* \* \*  
9929 disqualifying crime as provided in the Fresh Start Act;

9930                   (f) Engaging in or permitting the performance of  
9931 unacceptable services personally or by others working under the  
9932 licensee's supervision due to the licensee's deliberate or  
9933 negligent act or acts or failure to act, regardless of whether  
9934 actual damage or damages to the public is established;

9935                   (g) Continued practice although the licensee has become  
9936 unfit to practice as a speech-language pathologist or audiologist  
9937 due to: (i) failure to keep abreast of current professional  
9938 theory or practice; or (ii) physical or mental disability; the  
9939 entry of an order or judgment by a court of competent jurisdiction  
9940 that a licensee is in need of mental treatment or is incompetent  
9941 shall constitute mental disability; or (iii) addiction or severe



9942 dependency upon alcohol or other drugs which may endanger the  
9943 public by impairing the licensee's ability to practice;

9944 (h) Having disciplinary action taken against the  
9945 licensee's license in another state;

9946 (i) Making differential, detrimental treatment against  
9947 any person because of race, color, creed, sex, religion or  
9948 national origin;

9949 (j) Engaging in lewd conduct in connection with  
9950 professional services or activities;

9951 (k) Engaging in false or misleading advertising;

9952 (l) Contracting, assisting or permitting unlicensed  
9953 persons to perform services for which a license is required under  
9954 this article;

9955 (m) Violation of any probation requirements placed on a  
9956 license by the board;

9957 (n) Revealing confidential information except as may be  
9958 required by law;

9959 (o) Failing to inform clients of the fact that the  
9960 client no longer needs the services or professional assistance of  
9961 the licensee;

9962 (p) Charging excessive or unreasonable fees or engaging  
9963 in unreasonable collection practices;

9964 (q) For treating or attempting to treat ailments or  
9965 other health conditions of human beings other than by speech or  
9966 audiology therapy as authorized by this article;



9967           (r) For applying or offering to apply speech or  
9968 audiology therapy, exclusive of initial evaluation or screening  
9969 and exclusive of education or consultation for the prevention of  
9970 physical and mental disability within the scope of speech or  
9971 audiology therapy, or for acting as a speech-language pathologist  
9972 or audiologist, or speech-language pathologist or audiologist aide  
9973 other than under the direct, on-site supervision of a licensed  
9974 speech-language pathologist or audiologist;

9975           (s) Violations of the current codes of conduct for  
9976 speech-language pathologists or audiologists, and speech-language  
9977 pathologist or audiologist assistants adopted by the American  
9978 Speech-Language-Hearing Association;

9979           (t) Violations of any rules or regulations promulgated  
9980 pursuant to this article.

9981           (2) The board may order a licensee to submit to a reasonable  
9982 physical or mental examination if the licensee's physical or  
9983 mental capacity to practice safely is at issue in a disciplinary  
9984 proceeding.

9985           (3) In addition to the reasons specified in subsection (1)  
9986 of this section, the board shall be authorized to suspend the  
9987 license of any licensee for being out of compliance with an order  
9988 for support, as defined in Section 93-11-153. The procedure for  
9989 suspension of a license for being out of compliance with an order  
9990 for support, and the procedure for the reissuance or reinstatement  
9991 of a license suspended for that purpose, and the payment of any



9992 fees for the reissuance or reinstatement of a license suspended  
9993 for that purpose, shall be governed by Section 93-11-157 or  
9994 93-11-163, as the case may be. If there is any conflict between  
9995 any provision of Section 93-11-157 or 93-11-163 and any provision  
9996 of this article, the provisions of Section 93-11-157 or 93-11-163,  
9997 as the case may be, shall control.

9998         **SECTION 119.** Section 73-53-17, Mississippi Code of 1972, is  
9999 amended as follows:

10000         73-53-17. (1) Individuals licensed by the board shall  
10001 conduct their activities, services and practice in accordance with  
10002 the laws governing their professional practice and any rules  
10003 promulgated by the board. Licensees and applicants may be subject  
10004 to the exercise of the sanctions enumerated in Section 73-53-23 if  
10005 the board finds that a licensee or applicant has committed any of  
10006 the following:

10007                 (a) Negligence in the practice or performance of  
10008 professional services or activities;

10009                 (b) Engaging in dishonorable, unethical or  
10010 unprofessional conduct of a character likely to deceive, defraud  
10011 or harm the public in the course of professional services or  
10012 activities;

10013                 (c) Perpetrating or cooperating in fraud or material  
10014 deception in obtaining or renewing a license or attempting the  
10015 same;



10016 (d) Violating the rules and regulations established by  
10017 the board;

10018 (e) Violating the National Association of Social  
10019 Workers Code of Ethics or the American Association for Marriage  
10020 and Family Therapy Code of Ethics;

10021 (f) Being convicted of any crime which has a  
10022 substantial relationship to the licensee's activities and services  
10023 or an essential element of which is misstatement, fraud or  
10024 dishonesty;

10025 (g) Being convicted of any crime which is a \* \* \*  
10026 disqualifying crime as provided in the Fresh Start Act under the  
10027 laws of this state or of the United States of America;

10028 (h) Engaging in or permitting the performance of  
10029 unacceptable services personally due to the licensee's deliberate  
10030 or grossly negligent act or acts or failure to act, regardless of  
10031 whether actual damage or damages to the public is established, or  
10032 assuming responsibility for another's work by signing documents  
10033 without personal knowledge of the work as established by board  
10034 rule;

10035 (i) Continued practice although the licensee has become  
10036 unfit to practice social work due to: (i) failure to keep abreast  
10037 of current professional theory or practice; or (ii) physical or  
10038 mental disability; the entry of an order or judgment by a court of  
10039 competent jurisdiction that a licensee is in need of mental  
10040 treatment or is incompetent shall constitute mental disability; or



10041 (iii) addiction or severe dependency upon alcohol or other drugs  
10042 which may endanger the public by impairing the licensee's ability  
10043 to practice;

10044 (j) Continued practice although the individual failed  
10045 to renew and has a lapsed license;

10046 (k) Having disciplinary action taken against the  
10047 licensee's license in another state;

10048 (l) Making differential, detrimental treatment against  
10049 any person because of race, color, creed, sex, religion or  
10050 national origin;

10051 (m) Engaging in lewd conduct in connection with  
10052 professional services or activities;

10053 (n) Engaging in false or misleading advertising;

10054 (o) Contracting, assisting or permitting unlicensed  
10055 persons to perform services for which a license is required under  
10056 this chapter;

10057 (p) Violation of any probation requirements placed on a  
10058 licensee by the board;

10059 (q) Revealing confidential information except as may be  
10060 required by law;

10061 (r) Failing to inform clients of the fact that the  
10062 client no longer needs the services or professional assistance of  
10063 the licensee;

10064 (s) Charging excessive or unreasonable fees or engaging  
10065 in unreasonable collection practices.





10066           (2) The board may order a licensee to submit to a reasonable  
10067 physical or mental examination if the licensee's physical or  
10068 mental capacity to practice safely is at issue in a disciplinary  
10069 proceeding.

10070           (3) Failure to comply with a board order to submit to a  
10071 physical or mental examination shall render a licensee subject to  
10072 the summary suspension procedures described in Section 73-53-23.

10073           (4) In addition to the reasons specified in subsection (1)  
10074 of this section, the board shall be authorized to suspend the  
10075 license of any licensee for being out of compliance with an order  
10076 for support, as defined in Section 93-11-153. The procedure for  
10077 suspension of a license for being out of compliance with an order  
10078 for support, and the procedure for the reissuance or reinstatement  
10079 of a license suspended for that purpose, and the payment of any  
10080 fees for the reissuance or reinstatement of a license suspended  
10081 for that purpose, shall be governed by Section 93-11-157 or  
10082 93-11-163, as the case may be. If there is any conflict between  
10083 any provision of Section 93-11-157 or 93-11-163 and any provision  
10084 of this chapter, the provisions of Section 93-11-157 or 93-11-163,  
10085 as the case may be, shall control.

10086           **SECTION 120.** Section 73-60-31, Mississippi Code of 1972, is  
10087 amended as follows:

10088           73-60-31. The commission may refuse to issue or to renew or  
10089 may revoke or suspend a license or may place on probation,  
10090 censure, reprimand, or take other disciplinary action with regard



10091 to any license issued under this chapter, including the issuance  
10092 of fines for each violation, for any one (1) or combination of the  
10093 following causes:

10094 (a) Violations of this chapter or the commission's  
10095 rules promulgated pursuant hereto;

10096 (b) Violation of terms of license probation;

10097 (c) Conviction of a \* \* \* disqualifying crime as  
10098 provided in the Fresh Start Act or making a plea of guilty or nolo  
10099 contendere within five (5) years prior to the date of application;

10100 (d) Operating without adequate insurance coverage  
10101 required for licensees;

10102 (e) Fraud in the procurement or performance of a  
10103 contract to conduct a home inspection; and

10104 (f) Failure to submit to or pass a background  
10105 investigation pursuant to Section 73-60-47.

10106 **SECTION 121.** Section 73-67-27, Mississippi Code of 1972, is  
10107 amended as follows:

10108 73-67-27. (1) The board may refuse to issue or renew or may  
10109 deny, suspend or revoke any license held or applied for under this  
10110 chapter upon finding that the holder of a license or applicant:

10111 (a) Is guilty of fraud, deceit or misrepresentation in  
10112 procuring or attempting to procure any license provided for in  
10113 this chapter;

10114 (b) Attempted to use as his own the license of another;

10115 (c) Allowed the use of his license by another;



10116 (d) Has been adjudicated as mentally incompetent by  
10117 regularly constituted authorities;

10118 (e) Has been convicted of a crime, or has charges or  
10119 disciplinary action pending that directly relates to the practice  
10120 of massage therapy or to the ability to practice massage therapy.  
10121 Any plea of nolo contendere shall be considered a conviction for  
10122 the purposes of this section;

10123 (f) Is guilty of unprofessional or unethical conduct as  
10124 defined by the code of ethics;

10125 (g) Is guilty of false, misleading or deceptive  
10126 advertising, or is guilty of aiding or assisting in the  
10127 advertising or practice of any unlicensed or unpermitted person in  
10128 the practice of massage therapy;

10129 (h) Is grossly negligent or incompetent in the practice  
10130 of massage therapy;

10131 (i) Has had rights, credentials or one or more  
10132 license(s) to practice massage therapy revoked, suspended or  
10133 denied in any jurisdiction, territory or possession of the United  
10134 States or another country for acts of the licensee similar to acts  
10135 described in this section. A certified copy of the record of the  
10136 jurisdiction making such a revocation, suspension or denial shall  
10137 be conclusive evidence thereof; or

10138 (j) Has been convicted of any \* \* \* disqualifying crime  
10139 as provided in the Fresh Start Act.



10140           (2) Investigative proceedings may be implemented by a  
10141 complaint by any person, including members of the board.

10142           (3) (a) Any person(s) found guilty of prostitution using as  
10143 any advertisement, claim or insignia of being an actual licensed  
10144 massage therapist or to be practicing massage therapy by using the  
10145 word "massage" or any other description indicating the same,  
10146 whether or not the person(s) have one or more license for the  
10147 person(s) or establishment(s), shall be guilty of a misdemeanor,  
10148 and upon conviction, shall be punished by a fine of not less than  
10149 One Thousand Dollars (\$1,000.00), nor more than Five Thousand  
10150 Dollars (\$5,000.00), or imprisonment of up to six (6) months, or  
10151 both, per offense, per person.

10152           (b) Any person who knowingly participates in receiving  
10153 illegal service(s) of any person found guilty as described in  
10154 paragraph (a) of this subsection, upon conviction, shall be  
10155 punished by a fine not exceeding Five Hundred Dollars (\$500.00),  
10156 or imprisonment for up to one (1) month, or both. Persons  
10157 officially designated to investigate complaints are exempt.

10158           (c) Any person who violates any provision of this  
10159 chapter, other than violation(s) of paragraph (a) of this  
10160 subsection, is guilty of a misdemeanor, and upon conviction, shall  
10161 be punished by a fine not exceeding Five Hundred Dollars  
10162 (\$500.00), or imprisonment for up to one (1) month in jail, or  
10163 both, per offense.



10164 (d) The board, in its discretion, may assess and tax  
10165 any part or all of the costs of any disciplinary proceedings  
10166 conducted against either the accused, the charging party, or both,  
10167 as it may elect.

10168 **SECTION 122.** Section 73-75-13, Mississippi Code of 1972, is  
10169 amended as follows:

10170 73-75-13. **Eligibility for license.** To be eligible for  
10171 licensure by the board as a behavior analyst or assistant behavior  
10172 analyst, a person shall:

10173 (a) Submit to the board an application, upon such form  
10174 and in such manner as the board shall prescribe, along with the  
10175 applicable fee and personal references;

10176 (b) Certify that the applicant has not been convicted  
10177 of a \* \* \* disqualifying crime as provided in the Fresh Start Act  
10178 as defined by the laws of the State of Mississippi;

10179 (c) Undergo a fingerprint-based criminal history  
10180 records check of the Mississippi central criminal database and the  
10181 Federal Bureau of Investigation criminal history database. Each  
10182 applicant shall submit a full set of the applicant's fingerprints  
10183 in a form and manner prescribed by the board, which shall be  
10184 forwarded to the Mississippi Department of Public Safety and the  
10185 Federal Bureau of Investigation Identification Division for this  
10186 purpose; and

10187 (d) For a behavior analyst:



10188 (i) Possess at least a master's degree, or its  
10189 equivalent, from an educational institution recognized by the  
10190 board;

10191 (ii) Have current and active certification by the  
10192 Behavior Analyst Certification Board as a Board Certified Behavior  
10193 Analyst (BCBA) or Board Certified Behavior Analyst-Doctoral  
10194 (BCBA-D), verified by the board; and

10195 (iii) Comply with such other requirements of the  
10196 board.

10197 (e) For an assistant behavior analyst:

10198 (i) Possess a bachelor's degree, or its  
10199 equivalent, from an educational institution recognized by the  
10200 board;

10201 (ii) Have current and active certification by the  
10202 Behavior Analyst Certification Board as a Board Certified  
10203 Assistant Behavior Analyst (BCABA), verified by the board; and

10204 (iii) Provide proof of ongoing supervision by a  
10205 licensed behavior analyst.

10206 (f) All licenses issued pursuant to this section shall  
10207 be for a term of three (3) years, but shall not exceed the  
10208 expiration of the licensee's certification by the Behavior Analyst  
10209 Certification Board.

10210 **SECTION 123.** Section 75-15-9, Mississippi Code of 1972, is  
10211 amended as follows:



10212           75-15-9. Each application for a license to engage in the  
10213 business of money transmission shall be made in writing and under  
10214 oath to the commissioner in such form as he may prescribe. The  
10215 application shall state the full name and business address of:

10216           (a) The proprietor, if the applicant is an individual;

10217           (b) Every member, if the applicant is a partnership or  
10218 association;

10219           (c) The corporation and each executive officer and  
10220 director thereof, if the applicant is a corporation;

10221           (d) Every trustee and officer if the applicant is a  
10222 trust;

10223           (e) The applicant shall have a net worth of at least  
10224 Twenty-five Thousand Dollars (\$25,000.00) plus Fifteen Thousand  
10225 Dollars (\$15,000.00) for each location in excess of one (1) at  
10226 which the applicant proposes to conduct money transmissions in  
10227 this state, computed according to generally accepted accounting  
10228 principles, but in no event shall the net worth be required to be  
10229 in excess of Two Hundred Fifty Thousand Dollars (\$250,000.00);

10230           (f) The financial responsibility, financial condition,  
10231 business experience and character and general fitness of the  
10232 applicant shall be such as reasonably to warrant the belief that  
10233 applicant's business will be conducted honestly, carefully and  
10234 efficiently;

10235           (g) Each application for a license shall be accompanied  
10236 by an investigation fee of Fifty Dollars (\$50.00) and license fee



10237 in the amount required by Section 75-15-15. All fees collected by  
10238 the commissioner under the provisions of this chapter shall be  
10239 deposited into the Consumer Finance Fund of the Department of  
10240 Banking and Consumer Finance;

10241 (h) An applicant shall not have been convicted of  
10242 a \* \* \* disqualifying crime as provided in the Fresh Start Act.

10243 **SECTION 124.** Section 75-60-19, Mississippi Code of 1972, is  
10244 amended as follows:

10245 75-60-19. (1) The Commission on Proprietary School and  
10246 College Registration may suspend, revoke or cancel a certificate  
10247 of registration for any one (1) or any combination of the  
10248 following causes:

10249 (a) Violation of any provision of the sections of this  
10250 chapter or any regulation made by the commission;

10251 (b) The furnishing of false, misleading or incomplete  
10252 information requested by the commission;

10253 (c) The signing of an application or the holding of a  
10254 certificate of registration by a person who has pleaded guilty or  
10255 has been found guilty of a \* \* \* disqualifying crime as provided  
10256 in the Fresh Start Act or has pleaded guilty or been found guilty  
10257 of any other \* \* \* disqualifying crime;

10258 (d) The signing of an application or the holding of a  
10259 certificate of registration by a person who is addicted to the use  
10260 of any narcotic drug, or who is found to be mentally incompetent;





10261           (e) Violation of any commitment made in an application  
10262 for a certificate of registration;

10263           (f) Presentation to prospective students of misleading,  
10264 false or fraudulent information relating to the course of  
10265 instruction, employment opportunity, or opportunities for  
10266 enrollment in accredited institutions of higher education after  
10267 entering or completing courses offered by the holder of a  
10268 certificate of registration;

10269           (g) Failure to provide or maintain premises or  
10270 equipment for offering courses of instruction in a safe and  
10271 sanitary condition;

10272           (h) Refusal by an agent to display his agent permit  
10273 upon demand of a prospective student or other interested person;

10274           (i) Failure to maintain financial resources adequate  
10275 for the satisfactory conduct of courses of study as presented in  
10276 the plan of operation or to retain a sufficient number and  
10277 qualified staff of instruction; however nothing in this chapter  
10278 shall require an instructor to be certificated by the Commission  
10279 on Proprietary School and College Registration or to hold any type  
10280 of post-high school degree;

10281           (j) Offering training or courses of instruction other  
10282 than those presented in the application; however, schools may  
10283 offer special courses adapted to the needs of individual students  
10284 where the special courses are in the subject field specified in  
10285 the application;



10286 (k) Accepting the services of an agent not licensed in  
10287 accordance with Sections 75-60-23 through 75-60-37, inclusive;

10288 (l) Conviction or a plea of nolo contendere on the part  
10289 of any owner, operator or director of a registered school of  
10290 any \* \* \* disqualifying crime as provided in the Fresh Start Act  
10291 under Mississippi law or the law of another jurisdiction;

10292 (m) Continued employment of a teacher or instructor who  
10293 has been convicted of or entered a plea of nolo contendere to  
10294 any \* \* \* disqualifying crime as provided in the Fresh Start Act  
10295 under Mississippi law or the law of another jurisdiction;

10296 (n) Incompetence of any owner or operator to operate a  
10297 school.

10298 (2) (a) Any person who believes he has been aggrieved by a  
10299 violation of this section shall have the right to file a written  
10300 complaint within two (2) years of the alleged violation. The  
10301 commission shall maintain a written record of each complaint that  
10302 is made. The commission shall also send to the complainant a form  
10303 acknowledging the complaint and requesting further information if  
10304 necessary and shall advise the director of the school that a  
10305 complaint has been made and, where appropriate, the nature of the  
10306 complaint.

10307 (b) The commission shall within twenty (20) days of  
10308 receipt of such written complaint commence an investigation of the  
10309 alleged violation and shall, within ninety (90) days of the  
10310 receipt of such written complaint, issue a written finding. The



10311 commission shall furnish such findings to the person who filed the  
10312 complaint and to the chief operating officer of the school cited  
10313 in the complaint. If the commission finds that there has been a  
10314 violation of this section, the commission shall take appropriate  
10315 action.

10316 (c) Schools shall disclose in writing to all  
10317 prospective and current students their right to file a complaint  
10318 with the commission.

10319 (d) The existence of an arbitration clause in no way  
10320 negates the student's right to file a complaint with the  
10321 commission.

10322 (e) The commission may initiate an investigation  
10323 without a complaint.

10324 (3) **Hearing procedures.** (a) Upon a finding that there is  
10325 good cause to believe that a school, or an officer, agent,  
10326 employee, partner or teacher, has committed a violation of  
10327 subsection (1) of this section, the commission shall initiate  
10328 proceedings by serving a notice of hearing upon each and every  
10329 such party subject to the administrative action. The school or  
10330 such party shall be given reasonable notice of hearing, including  
10331 the time, place and nature of the hearing and a statement  
10332 sufficiently particular to give notice of the transactions or  
10333 occurrences intended to be proved, the material elements of each  
10334 cause of action and the civil penalties and/or administrative  
10335 sanctions sought.



10336 (b) Opportunity shall be afforded to the party to  
10337 respond and present evidence and argument on the issues involved  
10338 in the hearing including the right of cross-examination. In a  
10339 hearing, the school or such party shall be accorded the right to  
10340 have its representative appear in person or by or with counsel or  
10341 other representative. Disposition may be made in any hearing by  
10342 stipulation, agreed settlement, consent order, default or other  
10343 informal method.

10344 (c) The commission shall designate an impartial hearing  
10345 officer to conduct the hearing, who shall be empowered to:

10346 (i) Administer oaths and affirmations; and

10347 (ii) Regulate the course of the hearings, set the  
10348 time and place for continued hearings, and fix the time for filing  
10349 of briefs and other documents; and

10350 (iii) Direct the school or such party to appear  
10351 and confer to consider the simplification of the issues by  
10352 consent; and

10353 (iv) Grant a request for an adjournment of the  
10354 hearing only upon good cause shown.

10355 The strict legal rules of evidence shall not apply, but the  
10356 decision shall be supported by substantial evidence in the record.

10357 (4) The commission, acting by and through its hearing  
10358 officer, is hereby authorized and empowered to issue subpoenas for  
10359 the attendance of witnesses and the production of books and papers  
10360 at such hearing. Process issued by the commission shall extend to



10361 all parts of the state and shall be served by any person  
10362 designated by the commission for such service. Where, in any  
10363 proceeding before the hearing officer, any witness fails or  
10364 refuses to attend upon a subpoena issued by the commission,  
10365 refuses to testify, or refuses to produce any books and papers the  
10366 production of which is called for by a subpoena, the attendance of  
10367 such witness, the giving of his testimony or the production of the  
10368 books and papers shall be enforced by any court of competent  
10369 jurisdiction of this state in the manner provided for the  
10370 enforcement of attendance and testimony of witnesses in civil  
10371 cases in the courts of this state.

10372       (5) **Decision after hearing.** The hearing officer shall make  
10373 written findings of fact and conclusions of law, and shall also  
10374 recommend in writing to the commission a final decision, including  
10375 penalties. The hearing officer shall mail a copy of his findings  
10376 of fact, conclusions of law and recommended penalty to the party  
10377 and his attorney, or representative. The commission shall make  
10378 the final decision, which shall be based exclusively on evidence  
10379 and other materials introduced at the hearing. If it is  
10380 determined that a party has committed a violation, the commission  
10381 shall issue a final order and shall impose penalties in accordance  
10382 with this section. The commission shall send by certified mail,  
10383 return receipt requested, a copy of the final order to the party  
10384 and his attorney, or representative. The commission shall, at the



10385 request of the school or such party, furnish a copy of the  
10386 transcript or any part thereof upon payment of the cost thereof.

10387       (6) **Civil penalties and administrative sanctions.** (a) A  
10388 hearing officer may recommend, and the commission may impose, a  
10389 civil penalty not to exceed Two Thousand Five Hundred Dollars  
10390 (\$2,500.00) for any violation of this section. In the case of a  
10391 second or further violation committed within the previous five (5)  
10392 years, the liability shall be a civil penalty not to exceed Five  
10393 Thousand Dollars (\$5,000.00) for each such violation.

10394       (b) Notwithstanding the provisions of paragraph (a) of  
10395 this subsection, a hearing officer may recommend and the  
10396 commission may impose a civil penalty not to exceed Twenty-five  
10397 Thousand Dollars (\$25,000.00) for any of the following violations:  
10398 (i) operation of a school without a registration in violation of  
10399 this chapter; (ii) operation of a school knowing that the school's  
10400 registration has been suspended or revoked; (iii) use of false,  
10401 misleading, deceptive or fraudulent advertising; (iv) employment  
10402 of recruiters on the basis of a commission, bonus or quota, except  
10403 as authorized by the commission; (v) directing or authorizing  
10404 recruiters to offer guarantees of jobs upon completion of a  
10405 course; (vi) failure to make a tuition refund when such failure is  
10406 part of a pattern of misconduct; or (vii) violation of any other  
10407 provision of this chapter, or any rule or regulation promulgated  
10408 pursuant thereto, when such violation constitutes part of a  
10409 pattern of misconduct which significantly impairs the educational



10410 quality of the program or programs being offered by the school.  
10411 For each enumerated offense, a second or further violation  
10412 committed within the previous five (5) years shall be subject to a  
10413 civil penalty not to exceed Fifty Thousand Dollars (\$50,000.00)  
10414 for each such violation.

10415 (c) In addition to the penalties authorized in  
10416 paragraphs (a) and (b) of this subsection, a hearing officer may  
10417 recommend and the commission may impose any of the following  
10418 administrative sanctions: (i) a cease and desist order; (ii) a  
10419 mandatory direction; (iii) a suspension or revocation of a  
10420 certificate of registration; (iv) a probation order; or (v) an  
10421 order of restitution.

10422 (d) The commission may suspend a registration upon the  
10423 failure of a school to pay any fee, fine or penalty as required by  
10424 this chapter unless such failure is determined by the commission  
10425 to be for good cause.

10426 (e) All civil penalties, fines and settlements received  
10427 shall accrue to the credit of the Commission on Proprietary School  
10428 and College Registration.

10429 (7) Any penalty or administrative sanction imposed by the  
10430 commission under this section may be appealed by the school,  
10431 college or other person affected to the Mississippi Community  
10432 College Board as provided in Section 75-60-4(3), which appeal  
10433 shall be on the record previously made before the commission's  
10434 hearing officer. All appeals from the Mississippi Community



10435 College Board shall be on the record and shall be filed in the  
10436 Chancery Court of the First Judicial District of Hinds County,  
10437 Mississippi.

10438           **SECTION 125.** Section 75-76-137, Mississippi Code of 1972, is  
10439 amended as follows:

10440           75-76-137. (1) If any gaming employee is convicted of any  
10441 violation of this chapter or if in investigating an alleged  
10442 violation of this chapter by any licensee the executive director  
10443 or the commission finds that a gaming employee employed by the  
10444 licensee has been guilty of cheating, the commission shall, after  
10445 a hearing as provided in Sections 75-76-103 through 75-76-119,  
10446 inclusive, revoke the employee's work permit.

10447           (2) The commission may revoke a work permit if it finds  
10448 after a hearing as provided in Sections 75-76-103 through  
10449 75-76-119, inclusive, that the gaming employee has failed to  
10450 disclose, misstated or otherwise misled the commission with  
10451 respect to any fact contained within any application for a work  
10452 permit, or subsequent to being issued a work permit:

10453           (a) Committed, attempted or conspired to do any of the  
10454 acts prohibited by this chapter;

10455           (b) Knowingly possessed or permitted to remain in or  
10456 upon any licensed premises any cards, dice, mechanical device or  
10457 any other cheating device whatever the use of which is prohibited  
10458 by statute or ordinance;





10459 (c) Concealed or refused to disclose any material fact  
10460 in any investigation by the executive director or the commission;

10461 (d) Committed, attempted or conspired to commit larceny  
10462 or embezzlement against a gaming licensee or upon the premises of  
10463 a licensed gaming establishment;

10464 (e) Been convicted in any jurisdiction other than  
10465 Mississippi of any offense involving or relating to gambling;

10466 (f) Accepted employment without prior commission  
10467 approval in a position for which he or she could be required to be  
10468 licensed under this chapter after having been denied a license for  
10469 a reason involving personal unsuitability or after failing to  
10470 apply for licensing when requested to do so by the commission or  
10471 the executive director;

10472 (g) Been refused the issuance of any license, permit or  
10473 approval to engage in or be involved with gaming in any  
10474 jurisdiction other than Mississippi, or had any such license,  
10475 permit or approval revoked or suspended;

10476 (h) Been prohibited under color of governmental  
10477 authority from being present upon the premises of any gaming  
10478 establishment for any reason relating to improper gambling  
10479 activities or any illegal act;

10480 (i) Contumaciously defied any legislative investigative  
10481 committee or other officially constituted bodies acting on behalf  
10482 of the United States or any state, county or municipality which



10483 seeks to investigate crimes relating to gaming, corruption of  
10484 public officials, or any organized criminal activities; or

10485 (j) Been convicted of any \* \* \* disqualifying crime as  
10486 provided in the Fresh Start Act.

10487 (3) A work permit shall not be issued to a person whose work  
10488 permit has previously been revoked pursuant to this section or to  
10489 whom the issuance or renewal of a work permit has been denied,  
10490 except with the unanimous approval of the commission members.

10491 (4) A gaming employee whose work permit has been revoked  
10492 pursuant to this section is entitled to judicial review of the  
10493 commission's action in the manner prescribed by Sections 75-76-121  
10494 through 75-76-127, inclusive.

10495 **SECTION 126.** Section 77-8-25, Mississippi Code of 1972, is  
10496 amended as follows:

10497 77-8-25. (1) Before allowing an individual to accept trip  
10498 requests through a transportation network company's digital  
10499 platform as a transportation network company driver:

10500 (a) The individual shall submit an application to the  
10501 transportation network company, which includes information  
10502 regarding his or her address, age, driver's license, motor vehicle  
10503 registration, automobile liability insurance, and other  
10504 information required by the transportation network company;

10505 (b) The transportation network company shall conduct,  
10506 or have a third party conduct, a local and national criminal  
10507 background check for each applicant that shall include:



10508 (i) Multistate/multijurisdiction criminal records  
10509 locator or other similar commercial nationwide database with  
10510 validation (primary source search); and

10511 (ii) United States Department of Justice National  
10512 Sex Offender Public Website \* \* \*.

10513 (2) The transportation network company shall review, or have  
10514 a third party review, a driving history research report for such  
10515 individual.

10516 (3) The transportation network company shall not permit an  
10517 individual to act as a transportation network company driver on  
10518 its digital platform who:

10519 (a) Has had more than three (3) moving violations in  
10520 the prior three-year period, or one (1) of the following major  
10521 violations in the prior three-year period:

10522 (i) Attempting to evade the police;

10523 (ii) Reckless driving; or

10524 (iii) Driving on a suspended or revoked license;

10525 (b) Has been convicted, within the past seven (7)  
10526 years, of

10527 (i) Any \* \* \* disqualifying crime as provided in  
10528 the Fresh Start Act; or

10529 (ii) Misdemeanor driving under the influence,  
10530 reckless driving, hit and run, or any other driving-related  
10531 offense or any misdemeanor violent offense or sexual offense;



- 10532 (c) Is a match in the United States Department of  
10533 Justice National Sex Offender Public Website;
- 10534 (d) Does not possess a valid driver's license;
- 10535 (e) Does not possess proof of registration for the  
10536 motor vehicle used to provide prearranged rides;
- 10537 (f) Does not possess proof of automobile liability  
10538 insurance for the motor vehicle used to provide prearranged rides;  
10539 or
- 10540 (g) Is not at least nineteen (19) years of age.

10541 **SECTION 127.** Section 83-1-191, Mississippi Code of 1972, is  
10542 amended as follows:

10543 83-1-191. (1) There is established within the Department of  
10544 Insurance a Comprehensive Hurricane Damage Mitigation Program.  
10545 This section does not create an entitlement for property owners or  
10546 obligate the state in any way to fund the inspection or  
10547 retrofitting of residential property or commercial property in  
10548 this state. Implementation of this program is subject to the  
10549 availability of funds that may be appropriated by the Legislature  
10550 for this purpose. The program may develop and implement a  
10551 comprehensive and coordinated approach for hurricane damage  
10552 mitigation that may include the following:

10553 (a) **Cost-benefit study on wind hazard mitigation**  
10554 **construction measures.** The performance of a cost-benefit study to  
10555 establish the most appropriate wind hazard mitigation construction  
10556 measures for both new construction and the retrofitting of



10557 existing construction for both residential and commercial  
10558 facilities within the wind-borne debris regions of Mississippi as  
10559 defined by the International Building Code. The recommended wind  
10560 construction techniques shall be based on both the newly adopted  
10561 Mississippi building code sections for wind load design and the  
10562 wind-borne debris region. The list of construction measures to be  
10563 considered for evaluation in the cost-benefit study shall be based  
10564 on scientifically established and sound, but common, construction  
10565 techniques that go above and beyond the basic recommendations in  
10566 the adopted building codes. This allows residents to utilize  
10567 multiple options that will further reduce risk and loss and still  
10568 be awarded for their endeavors with appropriate wind insurance  
10569 discounts. It is recommended that existing accepted scientific  
10570 studies that validate the wind hazard construction techniques  
10571 benefits and effects be taken into consideration when establishing  
10572 the list of construction techniques that homeowners and business  
10573 owners can employ. This will ensure that only established  
10574 construction measures that have been studied and modeled as  
10575 successful mitigation measures will be considered to reduce the  
10576 chance of including risky or unsound data that will cost both the  
10577 property owner and state unnecessary losses. The cost-benefit  
10578 study shall be based on actual construction cost data collected  
10579 for several types of residential construction and commercial  
10580 construction materials, building techniques and designs that are  
10581 common to the region. The study shall provide as much information



10582 as possible that will enhance the data and options provided to the  
10583 public, so that homeowners and business owners can make informed  
10584 and educated decisions as to their level of involvement. Based on  
10585 the construction data, modeling shall be performed on a variety of  
10586 residential and commercial designs, so that a broad enough  
10587 representative spectrum of data can be obtained. The data from  
10588 the study will be utilized in a report to establish tables  
10589 reflecting actuarially appropriate levels of wind insurance  
10590 discounts (in percentages) for each mitigation construction  
10591 technique/combination of techniques. This report will be utilized  
10592 as a guide for the Department of Insurance and the insurance  
10593 industry for developing actuarially appropriate discounts, credits  
10594 or other rate differentials, or appropriate reductions in  
10595 deductibles, for properties on which fixtures or construction  
10596 techniques demonstrated to reduce the amount of loss in a  
10597 windstorm have been installed or implemented. Additional data  
10598 that will enhance the program, such as studies to reflect property  
10599 value increases for retrofitting or building to the established  
10600 wind hazard mitigation construction techniques and cost comparison  
10601 data collected to establish the value of this program against the  
10602 investment required to include the mitigation measures, also may  
10603 be provided.

10604 (b) **Wind certification and hurricane mitigation**  
10605 **inspections.**



10606 (i) Home-retrofit inspections of site-built,  
10607 residential property, including single-family, two-family,  
10608 three-family or four-family residential units, and a set of  
10609 representative commercial facilities may be offered to determine  
10610 what mitigation measures are needed and what improvements to  
10611 existing residential properties are needed to reduce the  
10612 property's vulnerability to hurricane damage. A state program may  
10613 be established within the Department of Insurance to provide  
10614 homeowners and business owners wind certification and hurricane  
10615 mitigation inspections. The inspections provided to homeowners  
10616 and business owners, at a minimum, must include:

10617 1. A home inspection and report that  
10618 summarizes the results and identifies corrective actions a  
10619 homeowner may take to mitigate hurricane damage.

10620 2. A range of cost estimates regarding the  
10621 mitigation features.

10622 3. Insurer-specific information regarding  
10623 premium discounts correlated to recommended mitigation features  
10624 identified by the inspection.

10625 4. A hurricane resistance rating scale  
10626 specifying the home's current as well as projected wind resistance  
10627 capabilities.

10628 This data may be provided by trained and certified inspectors  
10629 in standardized reporting formats and forms to ensure all data  
10630 collected during inspections is equivalent in style and content



10631 that allows construction data, estimates and discount information  
10632 to be easily assimilated into a database. Data pertaining to the  
10633 number of inspections and inspection reports may be stored in a  
10634 state database for evaluation of the program's success and review  
10635 of state goals in reducing wind hazard loss in the state.

10636 (ii) To qualify for selection by the department as  
10637 a provider of wind certification and hurricane mitigation  
10638 inspections services, the entity shall, at a minimum, and on a  
10639 form and in the manner prescribed by the commissioner:

10640 1. Use wind certification and hurricane  
10641 mitigation inspectors who:

10642 a. Have prior experience in residential  
10643 and/or commercial construction or inspection and have received  
10644 specialized training in hurricane mitigation procedures through  
10645 the state certified program. In order to qualify for training in  
10646 the inspection process, the individual should be either a licensed  
10647 building code official, a licensed contractor or inspector in the  
10648 State of Mississippi, or a civil engineer.

10649 b. Have undergone drug testing and  
10650 background checks.

10651 c. Have been certified through a state  
10652 mandated training program, in a manner satisfactory to the  
10653 department, to conduct the inspections.

10654 d. Have not been convicted of a \* \* \*  
10655 disqualifying crime as provided in the Fresh Start Act; have not





10656 received a first-time offender pardon or nonadjudication order for  
10657 a \* \* \* disqualifying crime as provided in the Fresh Start Act; or  
10658 have not entered a plea of guilty or nolo contendere to a \* \* \*  
10659 disqualifying crime as provided in the Fresh Start Act.

10660 e. Submit a statement authorizing the  
10661 Commissioner of Insurance to order fingerprint analysis or any  
10662 other analysis or documents deemed necessary by the commissioner  
10663 for the purpose of verifying the criminal history of the  
10664 individual. The commissioner shall have the authority to conduct  
10665 criminal history verification on a local, state or national level,  
10666 and shall have the authority to require the individual to pay for  
10667 the costs of such criminal history verification.

10668 2. Provide a quality assurance program  
10669 including a reinspection component.

10670 3. Have data collection equipment and  
10671 computer systems, so that data can be submitted electronically to  
10672 the state's database of inspection reports, insurance  
10673 certificates, and other industry information related to this  
10674 program. It is mandatory that all inspectors provide original  
10675 copies to the property owner of any inspection reports, estimates,  
10676 etc., pertaining to the inspection and keep a copy of all  
10677 inspection materials on hand for state audits.

10678 (c) **Financial grants to retrofit properties.** Financial  
10679 grants may be used to encourage single-family, site-built,  
10680 owner-occupied, residential property owners or commercial property



10681 owners to retrofit their properties to make them less vulnerable  
10682 to hurricane damage.

10683           (d) **Education and consumer awareness.** Multimedia  
10684 public education, awareness and advertising efforts designed to  
10685 specifically address mitigation techniques may be employed, as  
10686 well as a component to support ongoing consumer resources and  
10687 referral services. In addition, all insurance companies shall  
10688 provide notification to their clients regarding the availability  
10689 of this program, participation details, and directions to the  
10690 state website promoting the program, along with appropriate  
10691 contact phone numbers to the state agency administrating the  
10692 program. The notification to the clients must be sent by the  
10693 insurance company within thirty (30) days after filing their  
10694 insurance discount schedules with the Department of Insurance.

10695           (e) **Advisory council.** There is created an advisory  
10696 council to provide advice and assistance to the program  
10697 administrator with regard to his or her administration of the  
10698 program. The advisory council shall consist of:

10699                   (i) An agent, selected by the Independent  
10700 Insurance Agents of Mississippi.

10701                   (ii) Two (2) representatives of residential  
10702 property insurers, selected by the Department of Insurance.

10703                   (iii) One (1) representative of homebuilders,  
10704 selected by the Home Builders Association of Mississippi.



10705 (iv) The Chairman of the House Insurance  
10706 Committee, or his designee.

10707 (v) The Chairman of the Senate Insurance  
10708 Committee, or his designee.

10709 (vi) The Executive Director of the Mississippi  
10710 Windstorm Underwriting Association, or his designee.

10711 (vii) The Director of the Mississippi Emergency  
10712 Management Agency, or his designee.

10713 Members appointed under subparagraphs (i) and (ii) shall  
10714 serve at the pleasure of the Department of Insurance. All other  
10715 members shall serve as voting ex officio members. Members of the  
10716 advisory council who are not legislators, state officials or state  
10717 employees shall be compensated at the per diem rate authorized by  
10718 Section 25-3-69, and shall be reimbursed in accordance with  
10719 Section 25-3-41, for mileage and actual expenses incurred in the  
10720 performance of their duties. Legislative members of the advisory  
10721 council shall be paid from the contingent expense funds of their  
10722 respective houses in the same manner as provided for committee  
10723 meetings when the Legislature is not in session; however, no per  
10724 diem or expense for attending meetings of the advisory council may  
10725 be paid while the Legislature is in session. No advisory council  
10726 member may incur per diem, travel or other expenses unless  
10727 previously authorized by vote, at a meeting of the council, which  
10728 action shall be recorded in the official minutes of the meeting.



10729 Nonlegislative members shall be paid from any funds made available  
10730 to the advisory council for that purpose.

10731 (f) **Rules and regulations.** The Department of Insurance  
10732 may adopt rules and regulations governing the Comprehensive  
10733 Hurricane Damage Mitigation Program. The department also may  
10734 adopt rules and regulations establishing priorities for grants  
10735 provided under this section based on objective criteria that gives  
10736 priority to reducing the state's probable maximum loss from  
10737 hurricanes. However, pursuant to this overall goal, the  
10738 department may further establish priorities based on the insured  
10739 value of the dwelling, whether or not the dwelling is insured by  
10740 the Mississippi Windstorm Underwriting Association and whether or  
10741 not the area under consideration has sufficient resources and the  
10742 ability to perform the retrofitting required.

10743 (2) Nothing in this section shall prohibit the Department of  
10744 Insurance from entering into an agreement with any other  
10745 appropriate state agency to assist with or perform any of the  
10746 duties set forth hereunder.

10747 (3) This section shall stand repealed from and after July 1,  
10748 2025.

10749 **SECTION 128.** Section 83-17-71, Mississippi Code of 1972, is  
10750 amended as follows:

10751 83-17-71. (1) The commissioner may place on probation,  
10752 suspend, revoke or refuse to issue or renew an insurance  
10753 producer's license or may levy a civil penalty in an amount not to



10754 exceed One Thousand Dollars (\$1,000.00) per violation and such  
10755 penalty shall be deposited into the special fund of the State  
10756 Treasury designated as the "Insurance Department Fund" for any one  
10757 or more of the following causes:

10758 (a) Providing incorrect, misleading, incomplete or  
10759 materially untrue information in the license application;

10760 (b) Violating any insurance laws, or violating any  
10761 regulation, subpoena or order of the commissioner or of another  
10762 state's commissioner;

10763 (c) Obtaining or attempting to obtain a license through  
10764 misrepresentation or fraud;

10765 (d) Improperly withholding, misappropriating or  
10766 converting any monies or properties received in the course of  
10767 doing insurance business;

10768 (e) Intentionally misrepresenting the terms of an  
10769 actual or proposed insurance contract or application for  
10770 insurance;

10771 (f) Having been convicted of a \* \* \* disqualifying  
10772 crime as provided in the Fresh Start Act;

10773 (g) Having admitted or been found to have committed any  
10774 insurance unfair trade practice or fraud;

10775 (h) Using fraudulent, coercive or dishonest practices  
10776 or demonstrating incompetence, untrustworthiness or financial  
10777 irresponsibility in the conduct of business in this state or  
10778 elsewhere;



10779           (i) Having an insurance producer license, or its  
10780 equivalent, denied, suspended or revoked in any other state,  
10781 province, district or territory;

10782           (j) Forging another's name to an application for  
10783 insurance or to any document related to an insurance transaction;

10784           (k) Improperly using notes or any other reference  
10785 material to complete an examination for an insurance license;

10786           (l) Knowingly accepting insurance business from an  
10787 individual who is not licensed;

10788           (m) Failing to comply with an administrative or court  
10789 order imposing a child support obligation; or

10790           (n) Failing to pay state income tax or comply with any  
10791 administrative or court order directing payment of state income  
10792 tax.

10793           (2) If the action by the commissioner is to nonrenew or to  
10794 deny an application for a license, the commissioner shall notify  
10795 the applicant or licensee and advise, in writing, the applicant or  
10796 licensee of the reason for the denial or nonrenewal of the  
10797 applicant's or licensee's license. The applicant or licensee may  
10798 make written demand upon the commissioner within ten (10) days for  
10799 a hearing before the commissioner to determine the reasonableness  
10800 of the commissioner's action. The hearing shall be held within  
10801 thirty (30) days.

10802           (3) The license of a business entity may be suspended,  
10803 revoked or refused if the commissioner finds, after hearing, that



10804 an individual licensee's violation was known or should have been  
10805 known by one or more of the partners, officers or managers acting  
10806 on behalf of the partnership or corporation and the violation was  
10807 neither reported to the commissioner nor corrective action taken.

10808 (4) In addition to, or in lieu of, any applicable denial,  
10809 suspension or revocation of a license, a person may, after  
10810 hearing, be subject to a civil fine not to exceed One Thousand  
10811 Dollars (\$1,000.00) per violation and such fine shall be deposited  
10812 into the special fund in the State Treasury designated as the  
10813 "Insurance Department Fund."

10814 (5) The commissioner shall retain the authority to enforce  
10815 the provisions of and impose any penalty or remedy authorized by  
10816 this article and Title 83, Mississippi Code of 1972, against any  
10817 person who is under investigation for or charged with a violation  
10818 of this article or Title 83, Mississippi Code of 1972, even if the  
10819 person's license or registration has been surrendered or has  
10820 lapsed by operation of law.

10821 (6) No licensee whose license has been revoked hereunder  
10822 shall be entitled to file another application for a license as a  
10823 producer within one (1) year from the effective date of such  
10824 revocation or, if judicial review of such revocation is sought,  
10825 within one (1) year from the date of final court order or decree  
10826 affirming such revocation. Such application, when filed, may be  
10827 refused by the commissioner unless the applicant shows good cause



10828 why the revocation of his license shall not be deemed a bar to the  
10829 issuance of a new license.

10830 (7) Notwithstanding any other provision of this article to  
10831 the contrary, a person licensed in this state as a nonresident  
10832 producer whose license is denied, suspended or revoked in his or  
10833 her home state shall also have his or her nonresident license  
10834 denied, suspended or revoked in this state without prior notice or  
10835 hearing.

10836 (8) From and after July 1, 2016, the expenses of this agency  
10837 shall be defrayed by appropriation from the State General Fund and  
10838 all user charges and fees authorized under this section shall be  
10839 deposited into the State General Fund as authorized by law.

10840 (9) From and after July 1, 2016, no state agency shall  
10841 charge another state agency a fee, assessment, rent or other  
10842 charge for services or resources received by authority of this  
10843 section.

10844 **SECTION 129.** Section 83-17-421, Mississippi Code of 1972, is  
10845 amended as follows:

10846 83-17-421. (1) A license may be refused, or a license duly  
10847 issued may be suspended or revoked or the renewal thereof refused  
10848 by the commissioner if, after notice and hearing as hereinafter  
10849 provided, he or she finds that the applicant for, or holder of,  
10850 such license:

10851 (a) Has \* \* \* willfully violated any provision of the  
10852 insurance laws of this state; or





10853 (b) Has intentionally made a material misstatement in  
10854 the application for such license; or

10855 (c) Has obtained, or attempted to obtain, such license  
10856 by fraud or misrepresentation; or

10857 (d) Has misappropriated or converted to his or her own  
10858 use or illegally withheld money belonging to an insurer or  
10859 beneficiary; or

10860 (e) Has otherwise demonstrated lack of trustworthiness  
10861 or competence to act as an adjuster; or

10862 (f) Has been guilty of fraudulent or dishonest  
10863 practices or has been convicted of a \* \* \* disqualifying crime as  
10864 provided in the Fresh Act; or

10865 (g) Has materially misrepresented the terms and  
10866 conditions of insurance policies or contracts; or \* \* \* willfully  
10867 exaggerated prospective returns on investment features of policies  
10868 or fails to identify himself or herself as an adjuster and in so  
10869 doing receives a compensation for his or her participation in the  
10870 sale of insurance; or

10871 (h) Has made or issued, or caused to be made or issued,  
10872 any statement misrepresenting or making incomplete comparisons  
10873 regarding the terms or conditions of any insurance or annuity  
10874 contract legally issued by any insurer, for the purpose of  
10875 inducing or attempting to induce the owner of such contract to  
10876 forfeit or surrender such contract or allow it to lapse for the  
10877 purpose of replacing such contract with another; or



10878           (i) Has obtained or attempted to obtain such license,  
10879 not for the purpose of holding himself or herself out to the  
10880 general public as an adjuster, but primarily for the purpose of  
10881 soliciting, negotiating or procuring insurance or annuity  
10882 contracts covering himself or herself or members of his or her  
10883 family.

10884           (2) Before any license shall be refused (except for failure  
10885 to pass a required written examination) or suspended or revoked or  
10886 the renewal thereof refused hereunder, the commissioner shall give  
10887 notice of his or her intention so to do, by registered mail, to  
10888 the applicant for or holder of such license and the insurer whom  
10889 he or she represents or who desires that he or she be licensed,  
10890 and shall set a date not less than twenty (20) days from the date  
10891 of mailing such notice when the applicant or licensee and a duly  
10892 authorized representative of the insurer may appear to be heard  
10893 and produce evidence. Such notice shall constitute automatic  
10894 suspension of license if the person involved is a licensed  
10895 adjuster. In the conduct of such hearing, the commissioner or any  
10896 regular salaried employee specially designated by him or her for  
10897 such purpose shall have power to administer oaths, to require the  
10898 appearance of and examine any person under oath and to require the  
10899 production of books, records or papers relevant to the inquiry  
10900 upon his or her own initiative or upon the request of the  
10901 applicant or licensee. Upon the termination of such hearing,  
10902 findings shall be reduced to writing and, upon approval by the



10903 commissioner, shall be filed in his or her office; and notice of  
10904 the findings shall be sent by registered mail to the applicant or  
10905 licensee and the insurer concerned.

10906 (3) Where the grounds set out in subsection (1)(d) or (1)(g)  
10907 are the grounds for any hearing, the commissioner may, in his or  
10908 her discretion in lieu of the hearing provided for in subsection  
10909 (2) of this section, file a petition to suspend or revoke any  
10910 license authorized hereunder in a court of competent jurisdiction  
10911 of the county or district in which the alleged offense occurred.  
10912 In such cases, subpoenas may be issued for witnesses, and mileage  
10913 and witness fees paid as in other cases. All costs of such cause  
10914 shall be paid by the defendant, if found guilty, and if costs  
10915 cannot be made and collected from the defendant, such costs shall  
10916 be assessed against the company issuing the contract involved in  
10917 such cause.

10918 (4) No licensee whose license has been revoked hereunder  
10919 shall be entitled to file another application for a license as an  
10920 adjuster within one (1) year from the effective date of such  
10921 revocation or, if judicial review of such revocation is sought,  
10922 within one (1) year from the date of final court order or decree  
10923 affirming such revocation. Such application, when filed, may be  
10924 refused by the commissioner unless the applicant shows good cause  
10925 why the revocation of his or her license shall not be deemed a bar  
10926 to the issuance of a new license.



10927           **SECTION 130.** Section 83-17-519, Mississippi Code of 1972, is  
10928 amended as follows:

10929           83-17-519. (1) A license may be refused, or a license duly  
10930 issued may be suspended or revoked or the renewal thereof refused  
10931 by the commissioner, or the commissioner may levy a civil penalty  
10932 in an amount not to exceed Five Thousand Dollars (\$5,000.00) per  
10933 violation, or both, and any such penalty shall be deposited into  
10934 the special fund of the State Treasury designated as the  
10935 "Insurance Department Fund," if, after notice and hearing as  
10936 hereinafter provided, he finds that the applicant for, or holder  
10937 of, such license:

10938                   (a) Has intentionally made a material misstatement in  
10939 the application for such license; or

10940                   (b) Has obtained, or attempted to obtain, such license  
10941 by fraud or misrepresentation; or

10942                   (c) Has misappropriated or converted to his own use or  
10943 illegally withheld money belonging to another person or entity; or

10944                   (d) Has otherwise demonstrated lack of trustworthiness  
10945 or competence to act as a public adjuster; or

10946                   (e) Has been guilty of fraudulent or dishonest  
10947 practices or has been convicted of a \* \* \* disqualifying crime as  
10948 provided in the Fresh Start Act; or

10949                   (f) Has materially misrepresented the terms and  
10950 conditions of insurance policies or contracts or failed to  
10951 identify himself as a public adjuster; or



10952           (g) Has obtained or attempted to obtain such license  
10953 for a purpose other than holding himself out to the general public  
10954 as a public adjuster; or

10955           (h) Has violated any insurance laws, or any regulation,  
10956 subpoena or order of the commissioner or of another state's  
10957 commissioner of insurance.

10958           (2) Before any license shall be refused (except for failure  
10959 to pass a required written examination) or suspended or revoked or  
10960 the renewal thereof refused hereunder, the commissioner shall give  
10961 notice of his intention so to do, by certified mail, return  
10962 receipt requested, to the applicant for or holder of such license,  
10963 and shall set a date not less than twenty (20) days from the date  
10964 of mailing such notice when the applicant or licensee may appear  
10965 to be heard and produce evidence in opposition to such refusal,  
10966 suspension or revocation. Such notice shall constitute automatic  
10967 suspension of license if the person involved is a licensed public  
10968 adjuster. In the conduct of such hearing, the commissioner or any  
10969 regular salaried employee of the department specially designated  
10970 by him for such purpose shall have the power to administer oaths,  
10971 to require the appearance of and examine any person under oath,  
10972 and to require the production of books, records or papers relevant  
10973 to the inquiry upon his own initiative or upon the request of the  
10974 applicant or licensee. Upon the termination of such hearing,  
10975 findings shall be reduced to writing and, upon approval by the  
10976 commissioner, shall be filed in his office; and notice of the



10977 findings shall be sent by certified mail, return receipt  
10978 requested, to the applicant or licensee.

10979 (3) Where the grounds set out in subsection (1)(c) or (1)(f)  
10980 of this section are the grounds for any hearing, the commissioner  
10981 may, in his discretion in lieu of the hearing provided for in  
10982 subsection (2) of this section, file a petition requesting the  
10983 court to suspend or revoke any license authorized hereunder in a  
10984 court of competent jurisdiction of the county or district in which  
10985 the alleged offense occurred. In such cases, subpoenas may be  
10986 issued for witnesses, and mileage and witness fees paid as in  
10987 other cases. All costs of such cause shall be paid by the  
10988 defendant, if the finding of the court be against him.

10989 (4) No licensee whose license has been revoked hereunder  
10990 shall be entitled to file another application for a license as a  
10991 public adjuster within one (1) year from the effective date of  
10992 such revocation or, if judicial review of such revocation is  
10993 sought, within one (1) year from the date of final court order or  
10994 decree affirming such revocation. An application filed after such  
10995 one-year period shall be refused by the commissioner unless the  
10996 applicant shows good cause why the revocation of his license shall  
10997 not be deemed a bar to the issuance of a new license.

10998 (5) From and after July 1, 2016, the expenses of this agency  
10999 shall be defrayed by appropriation from the State General Fund and  
11000 all user charges and fees authorized under this section shall be  
11001 deposited into the State General Fund as authorized by law.



11002 (6) From and after July 1, 2016, no state agency shall  
11003 charge another state agency a fee, assessment, rent or other  
11004 charge for services or resources received by authority of this  
11005 section.

11006 **SECTION 131.** Section 83-21-19, Mississippi Code of 1972, is  
11007 amended as follows:

11008 83-21-19. (1) Surplus lines insurance may be placed by a  
11009 surplus lines insurance producer if:

11010 (a) Each insurer is an eligible surplus lines insurer;

11011 (b) Each insurer is authorized to write the line of  
11012 insurance in its domiciliary jurisdiction; and

11013 (c) All other requirements as set forth by law are met.

11014 (2) The Commissioner of Insurance, upon the biennial payment  
11015 of a fee of One Hundred Dollars (\$100.00) and submission of a  
11016 completed license application on a form approved by the  
11017 commissioner, may issue a surplus lines insurance producer license  
11018 to a qualified holder of an insurance producer license with a  
11019 property, casualty and/or personal lines line of authority, who is  
11020 regularly commissioned to represent a fire and casualty insurance  
11021 company licensed to do business in the state.

11022 (3) The privilege license shall continue from the date of  
11023 issuance until the last day of the month of the licensee's  
11024 birthday in the second year following issuance or renewal of the  
11025 license, with a minimum term of twelve (12) months.



11026 (4) A nonresident person shall receive a surplus lines  
11027 insurance producer license if:

11028 (a) The person is currently licensed as a surplus lines  
11029 insurance producer or equivalent and in good standing in his or  
11030 her home state;

11031 (b) The person has submitted the proper request for  
11032 licensure and has paid the biennial fee of One Hundred Dollars  
11033 (\$100.00); and

11034 (c) The person's home state awards nonresident surplus  
11035 lines licenses to residents of this state on the same basis.

11036 (5) The commissioner may verify a person's licensing status  
11037 through the National Producer Database maintained by the National  
11038 Association of Insurance Commissioners, its affiliates or  
11039 subsidiaries.

11040 (6) A nonresident surplus lines insurance producer licensee  
11041 who moves from one (1) state to another state, or a resident  
11042 surplus lines licensee who moves from this state to another state,  
11043 shall file a change of address and provide certification from the  
11044 new resident state within thirty (30) days of the change of legal  
11045 residence. No fee or license application is required.

11046 (7) The commissioner may deny, suspend, revoke or refuse the  
11047 license of a surplus lines insurance producer licensee and/or levy  
11048 a civil penalty in an amount not to exceed Two Thousand Five  
11049 Hundred Dollars (\$2,500.00) per violation, after notice and





11050 hearing as provided hereunder, for one or more of the following  
11051 grounds:

11052 (a) Providing incorrect, misleading, incomplete or  
11053 materially untrue information in the license application;

11054 (b) Violating any insurance laws, or violating any  
11055 regulation, subpoena or order of the commissioner or of another  
11056 state's commissioner;

11057 (c) Obtaining or attempting to obtain a license through  
11058 misrepresentation or fraud;

11059 (d) Improperly withholding, misappropriating or  
11060 converting any monies or properties received in the course of  
11061 doing the business of insurance;

11062 (e) Intentionally misrepresenting the terms of an  
11063 actual or proposed insurance contract or application for  
11064 insurance;

11065 (f) Having been convicted of a \* \* \* disqualifying  
11066 crime as provided in the Fresh Start Act;

11067 (g) Having admitted or been found to have committed any  
11068 insurance unfair trade practice or fraud;

11069 (h) Using fraudulent, coercive or dishonest practices  
11070 or demonstrating incompetence, untrustworthiness or financial  
11071 irresponsibility in the conduct of business in this state or  
11072 elsewhere;



11073           (i) Having an insurance producer license, or its  
11074 equivalent, denied, suspended or revoked in any other state,  
11075 province, district or territory;

11076           (j) Forging another's name to an application for  
11077 insurance or to any document related to an insurance transaction;

11078           (k) Improperly using notes or any other reference  
11079 material to complete an examination for an insurance license;

11080           (l) Knowingly accepting insurance business from an  
11081 individual who is not licensed;

11082           (m) Failing to comply with an administrative or court  
11083 order imposing a child support obligation; or

11084           (n) Failing to pay state income tax or comply with any  
11085 administrative or court order directing payment of state income  
11086 tax.

11087           (8) If the action by the commissioner is to nonrenew,  
11088 suspend, revoke or to deny an application for a license, the  
11089 commissioner shall notify the applicant or licensee and advise, in  
11090 writing, the applicant or licensee of the reason for the denial or  
11091 nonrenewal of the applicant's or licensee's license. The  
11092 applicant or licensee may make written demand upon the  
11093 commissioner within ten (10) days for a hearing before the  
11094 commissioner to determine the reasonableness of the commissioner's  
11095 action. The hearing shall be held within thirty (30) days.

11096           (9) Every surplus lines insurance contract procured and  
11097 delivered according to Sections 83-21-17 through 83-21-31 shall



11098 have stamped upon it in bold ten-point type, and bear the name of  
11099 the surplus lines insurance producer who procured it, the  
11100 following: "NOTE: This insurance policy is issued pursuant to  
11101 Mississippi law covering surplus lines insurance. The company  
11102 issuing the policy is not licensed by the State of Mississippi,  
11103 but is authorized to do business in Mississippi as a nonadmitted  
11104 company. The policy is not protected by the Mississippi Insurance  
11105 Guaranty Association in the event of the insurer's insolvency."  
11106 No diminution of the license fee herein provided shall occur as to  
11107 any license effective after January 1 of any year.

11108         **SECTION 132.** Section 83-49-11, Mississippi Code of 1972, is  
11109 amended as follows:

11110         83-49-11. The commissioner may revoke or suspend or refuse  
11111 to renew the license of any sponsor or representative of such  
11112 sponsor when and if after investigation the commissioner finds  
11113 that:

11114                 (a) Any license issued to such sponsor or  
11115 representative of such sponsor was obtained by fraud;

11116                 (b) There was any misrepresentation in the application  
11117 for the license;

11118                 (c) The sponsor or representative of such sponsor has  
11119 otherwise shown itself untrustworthy or incompetent to act as a  
11120 sponsor or representative of such sponsor;



11121           (d) Such sponsor or representative of such sponsor has  
11122 violated any of the provisions of this chapter or of the rules and  
11123 regulations of the commissioner;

11124           (e) The sponsor or representative of such sponsor has  
11125 misappropriated, converted, illegally withheld, or refused to pay  
11126 over upon proper demand any monies entrusted to the sponsor or  
11127 representative of such sponsor in its fiduciary capacity belonging  
11128 to an insurer or insured;

11129           (f) The sponsor or representative of such sponsor is  
11130 found to be in an unsound condition or in such condition as to  
11131 render the future transaction of business in this state hazardous  
11132 to the public; or

11133           (g) The sponsor or representative of such sponsor is  
11134 found guilty of fraudulent, deceptive, unfair or dishonest  
11135 practices as defined in Section 83-5-35 or 83-5-45, Mississippi  
11136 Code of 1972, or has been convicted of a \* \* \* disqualifying crime  
11137 as provided in the Fresh Start Act.

11138           Before any license shall be refused, suspended, revoked or  
11139 the renewal thereof refused hereunder, the commissioner shall give  
11140 notice of his intention so to do, by certified mail, return  
11141 receipt requested, to the applicant for or holder of such license  
11142 and to any sponsor whom such representative represents or who  
11143 desires that he be licensed, and shall set a date not less than  
11144 twenty (20) days from the date of mailing such notice when the  
11145 applicant or licensee and a duly authorized representative of the



11146 sponsor may appear to be heard and produce evidence. In the  
11147 conduct of such hearing, the commissioner or any regular salaried  
11148 employee specially designated by him for such purposes shall have  
11149 power to administer oaths, to require the appearance of and  
11150 examine any person under oath, and to require the production of  
11151 books, records or papers relevant to the inquiry upon his own  
11152 initiative or upon the request of the applicant or licensee. Upon  
11153 the termination of such hearing, findings shall be reduced to  
11154 writing and, upon approval by the commissioner, shall be filed in  
11155 his office; and notice of the findings shall be sent by certified  
11156 mail to the applicant or licensee and the sponsor concerned.

11157 No licensee whose license has been revoked hereunder shall be  
11158 entitled to file another application for a license as a sponsor or  
11159 a representative of any sponsor within one (1) year from the  
11160 effective date of such revocation. Such application, when filed,  
11161 may be refused by the commissioner unless the applicant shows good  
11162 cause why the revocation of his license shall not be deemed a bar  
11163 to the issuance of a new license.

11164 In lieu of revoking, suspending or refusing to renew the  
11165 license for any of the causes enumerated in this section, after  
11166 hearing as herein provided, the commissioner may place the sponsor  
11167 on probation for a period of time not to exceed one (1) year, or  
11168 may fine such sponsor not more than One Thousand Dollars  
11169 (\$1,000.00) for each offense, or both, when in his judgment he  
11170 finds that the public interest would not be harmed by the



11171 continued operation of the sponsor. The amount of any such  
11172 penalty shall be paid by such sponsor to the commissioner for the  
11173 use of the state. At any hearing provided by this section, the  
11174 commissioner shall have authority to administer oaths to  
11175 witnesses. Anyone testifying falsely, after having been  
11176 administered such oath, shall be subject to the penalty of  
11177 perjury.

11178 Any action of the commissioner taken pursuant to the  
11179 provisions of this section shall be subject to review as may be  
11180 provided in Section 83-17-125.

11181 **SECTION 133.** Section 97-33-315, Mississippi Code of 1972, is  
11182 amended as follows:

11183 97-33-315. (1) The executive director shall make  
11184 appropriate investigations:

11185 (a) To determine whether there has been any violation  
11186 of Sections 97-33-301 through 97-33-317 or of any regulations  
11187 adopted thereunder.

11188 (b) To determine any facts, conditions, practices or  
11189 matters which it may deem necessary or proper to aid in the  
11190 enforcement of any such law or regulation.

11191 (c) To aid in adopting regulations.

11192 (d) To secure information as a basis for recommending  
11193 legislation relating to Sections 97-33-301 through 97-33-317.

11194 (e) To determine annual compliance with Sections  
11195 97-33-301 through 97-33-317.



11196           (2) If after any investigation the executive director is  
11197 satisfied that a license should be limited, conditioned, suspended  
11198 or revoked, he shall initiate a hearing by filing a complaint with  
11199 the commission and transmit therewith a summary of evidence in his  
11200 possession bearing on the matter and the transcript of testimony  
11201 at any investigative hearing conducted by or on behalf of the  
11202 executive director to the licensee.

11203           (3) Upon receipt of the complaint of the executive director,  
11204 the commission shall review all matter presented in support  
11205 thereof and shall appoint a hearing examiner to conduct further  
11206 proceedings.

11207           (4) After proceedings required by Sections 97-33-301 through  
11208 97-33-317, the hearing examiner may recommend that the commission  
11209 take any or all of the following actions:

11210                 (a) As to operations at a licensed gaming establishment  
11211 under Section 97-33-307(5):

11212                         (i) Limit, condition, suspend or revoke the  
11213 license of any licensed gaming establishment or the individual  
11214 license of any licensee without affecting the license of the  
11215 establishment; and

11216                         (ii) Order an operator to exclude an individual  
11217 licensee from the operation of the registered business or not to  
11218 pay the licensee any remuneration for services or any profits,  
11219 income or accruals on his investment in the licensed gaming  
11220 establishment;



11221 (b) Limit, condition, suspend or revoke any license  
11222 granted to any applicant by the commission;

11223 (c) Fine each licensee for any act or transaction for  
11224 which commission approval was required or permitted, as provided  
11225 in Section 97-33-309.

11226 (5) The hearing examiner shall prepare a written decision  
11227 containing his recommendation to the commission and shall serve it  
11228 on all parties. Any party disagreeing with the hearing examiner's  
11229 recommendation may ask the commission to review the recommendation  
11230 within ten (10) days of service of the recommendation. The  
11231 commission may hold a hearing to consider the recommendation  
11232 whether there has been a request to review the recommendation or  
11233 not.

11234 (6) If the commission decides to review the recommendation,  
11235 it shall give notice of that fact to all parties within thirty  
11236 (30) days of the recommendation and shall schedule a hearing to  
11237 review the recommendation. The commission's review shall be de  
11238 novo but shall be based upon the evidence presented before the  
11239 hearing examiner. The commission may remand the case to the  
11240 hearing examiner for the presentation of additional evidence upon  
11241 a showing of good cause why the evidence could not have been  
11242 presented at the previous hearing.

11243 (7) If the commission does not decide to review the  
11244 recommendation within thirty (30) days, the recommendation becomes  
11245 the final order of the commission.





11246 (8) If the commission limits, conditions, suspends or  
11247 revokes any license, or imposes a fine, it shall issue its written  
11248 order therefor after causing to be prepared and filed the hearing  
11249 examiner's written decision upon which the order is based.

11250 (9) Any limitation, condition, revocation, suspension or  
11251 fine is effective until reversed upon judicial review, except that  
11252 the commission may stay its order pending a rehearing or judicial  
11253 review upon such terms and conditions as it deems proper.

11254 (10) Judicial review of an order or decision of the  
11255 commission may be had to the Chancery Court of the First Judicial  
11256 District of Hinds County, Mississippi, as a case in equity.

11257 (11) A license \* \* \* may be revoked if the individual is  
11258 convicted of a \* \* \* disqualifying crime as provided in the Fresh  
11259 Start Act. An appeal from the conviction shall not act as a  
11260 supersedeas to the revocation required by this subsection.

11261 **SECTION 134.** Section 73-15-201, Mississippi Code of 1972, is  
11262 brought forward as follows:

11263 73-15-201. The Nurse Licensure Compact is enacted into law  
11264 and entered into by this state with any and all states legally  
11265 joining in the compact in accordance with its term, in the form  
11266 substantially as follows:

11267 **ARTICLE I.**

11268 **Findings and declaration of purpose.**

11269 (a) The party states find that:



11270                   1. The health and safety of the public are  
11271 affected by the degree of compliance with and the effectiveness of  
11272 enforcement activities related to state nurse licensure laws;

11273                   2. Violations of nurse licensure and other laws  
11274 regulating the practice of nursing may result in injury or harm to  
11275 the public;

11276                   3. The expanded mobility of 73-15- and the use of  
11277 advanced communication technologies as part of our nation's health  
11278 care delivery system require greater coordination and cooperation  
11279 among states in the areas of nurse licensure and regulation;

11280                   4. New practice modalities and technology make  
11281 compliance with individual state nurse licensure laws difficult  
11282 and complex;

11283                   5. The current system of duplicative licensure for  
11284 nurses practicing in multiple states is cumbersome and redundant  
11285 for both nurses and states; and

11286                   6. Uniformity of nurse licensure requirements  
11287 throughout the states promotes public safety and public health  
11288 benefits.

11289                   (b) The general purposes of this compact are to:

11290                   1. Facilitate the states' responsibility to  
11291 protect the public's health and safety;

11292                   2. Ensure and encourage the cooperation of party  
11293 states in the areas of nurse licensure and regulation;





11319 (b) "Alternative program" means a nondisciplinary  
11320 monitoring program approved by a licensing board.

11321 (c) "Coordinated licensure information system" means an  
11322 integrated process for collecting, storing and sharing information  
11323 on nurse licensure and enforcement activities related to nurse  
11324 licensure laws that is administered by a nonprofit organization  
11325 composed of and controlled by licensing boards.

11326 (d) "Current significant investigative information"  
11327 means:

11328 1. Investigative information that a licensing  
11329 board, after a preliminary inquiry that includes notification and  
11330 an opportunity for the nurse to respond, if required by state law,  
11331 has reason to believe is not groundless and, if proved true, would  
11332 indicate more than a minor infraction; or

11333 2. Investigative information that indicates that  
11334 the nurse represents an immediate threat to public health and  
11335 safety regardless of whether the nurse has been notified and had  
11336 an opportunity to respond.

11337 (e) "Encumbrance" means a revocation or suspension of,  
11338 or any limitation on, the full and unrestricted practice of  
11339 nursing imposed by a licensing board.

11340 (f) "Home state" means the party state which is the  
11341 nurse's primary state of residence.

11342 (g) "Licensing board" means a party state's regulatory  
11343 body responsible for issuing nurse licenses.



11344           (h) "Multistate license" means a license to practice as  
11345 a registered or a licensed practical/vocational nurse (LPN/VN)  
11346 issued by a home state licensing board that authorizes the  
11347 licensed nurse to practice in all party states under a multistate  
11348 licensure privilege.

11349           (i) "Multistate licensure privilege" means a legal  
11350 authorization associated with a multistate license permitting the  
11351 practice of nursing as either a registered nurse (RN) or LPN/VN in  
11352 a remote state.

11353           (j) "Nurse" means RN or LPN/VN, as those terms are  
11354 defined by each party state's practice laws.

11355           (k) "Party state" means any state that has adopted this  
11356 compact.

11357           (l) "Remote state" means a party state, other than the  
11358 home state.

11359           (m) "Single-state license" means a nurse license issued  
11360 by a party state that authorizes practice only within the issuing  
11361 state and does not include a multistate licensure privilege to  
11362 practice in any other party state.

11363           (n) "State" means a state, territory or possession of  
11364 the United States and the District of Columbia.

11365           (o) "State practice laws" means a party state's laws,  
11366 rules and regulations that govern the practice of nursing, define  
11367 the scope of nursing practice, and create the methods and grounds  
11368 for imposing discipline. "State practice laws" do not include



11369 requirements necessary to obtain and retain a license, except for  
11370 qualifications or requirements of the home state.

11371 **ARTICLE III.**

11372 **General provisions and jurisdiction.**

11373 (a) A multistate license to practice registered or  
11374 licensed practical/vocational nursing issued by a home state to a  
11375 resident in that state will be recognized by each party state as  
11376 authorizing a nurse to practice as a registered nurse (RN) or as a  
11377 licensed practical/vocational nurse (LPN/VN), under a multistate  
11378 licensure privilege, in each party state.

11379 (b) A state must implement procedures for considering  
11380 the criminal history records of applicants for initial multistate  
11381 license or licensure by endorsement. Such procedures shall  
11382 include the submission of fingerprints or other biometric-based  
11383 information by applicants for the purpose of obtaining an  
11384 applicant's criminal history record information from the Federal  
11385 Bureau of Investigation and the agency responsible for retaining  
11386 that state's criminal records.

11387 (c) Each party state shall require the following for an  
11388 applicant to obtain or retain a multistate license in the home  
11389 state:

11390 1. Meets the home state's qualifications for  
11391 licensure or renewal of licensure, as well as, all other  
11392 applicable state laws;



11393                   2. (i) Has graduated or is eligible to graduate  
11394 from a licensing board-approved RN or LPN/VN prelicensure  
11395 education program; or

11396                   (ii) Has graduated from a foreign RN or  
11397 LPN/VN prelicensure education program that (a) has been approved  
11398 by the authorized accrediting body in the applicable country and  
11399 (b) has been verified by an independent credentials review agency  
11400 to be comparable to a licensing board-approved prelicensure  
11401 education program;

11402                   3. Has, if a graduate of a foreign prelicensure  
11403 education program not taught in English or if English is not the  
11404 individual's native language, successfully passed an English  
11405 proficiency examination that includes the components of reading,  
11406 speaking, writing and listening;

11407                   4. Has successfully passed a National Council  
11408 Licensure Examination-Registered Nurse (NCLEX-RN®) or National  
11409 Council Licensure Examination-Practical Nurse (NCLEX-PN®)  
11410 Examination or recognized predecessor, as applicable;

11411                   5. Is eligible for or holds an active,  
11412 unencumbered license;

11413                   6. Has submitted, in connection with an  
11414 application for initial licensure or licensure by endorsement,  
11415 fingerprints or other biometric data for the purpose of obtaining  
11416 criminal history record information from the Federal Bureau of



11417 Investigation and the agency responsible for retaining that  
11418 state's criminal records;

11419           7. Has not been convicted or found guilty, or has  
11420 entered into an agreed disposition, of a felony offense under  
11421 applicable state or federal criminal law;

11422           8. Has not been convicted or found guilty, or has  
11423 entered into an agreed disposition, of a misdemeanor offense  
11424 related to the practice of nursing as determined on a case-by-case  
11425 basis;

11426           9. Is not currently enrolled in an alternative  
11427 program;

11428           10. Is subject to self-disclosure requirements  
11429 regarding current participation in an alternative program; and

11430           11. Has a valid United States social security  
11431 number.

11432           (d) All party states shall be authorized, in accordance  
11433 with existing state due process law, to take adverse action  
11434 against a nurse's multistate licensure privilege such as  
11435 revocation, suspension, probation or any other action that affects  
11436 a nurse's authorization to practice under a multistate licensure  
11437 privilege, including cease and desist actions. If a party state  
11438 takes such action, it shall promptly notify the administrator of  
11439 the coordinated licensure information system. The administrator  
11440 of the coordinated licensure information system shall promptly  
11441 notify the home state of any such actions by remote states.





11442           (e) A nurse practicing in a party state must comply  
11443 with the state practice laws of the state in which the client is  
11444 located at the time service is provided. The practice of nursing  
11445 is not limited to patient care, but shall include all nursing  
11446 practice as defined by the state practice laws of the party state  
11447 in which the client is located. The practice of nursing in a  
11448 party state under a multistate licensure privilege will subject a  
11449 nurse to the jurisdiction of the licensing board, the courts and  
11450 the laws of the party state in which the client is located at the  
11451 time service is provided.

11452           (f) Individuals not residing in a party state shall  
11453 continue to be able to apply for a party state's single-state  
11454 license as provided under the laws of each party state. However,  
11455 the single-state license granted to these individuals will not be  
11456 recognized as granting the privilege to practice nursing in any  
11457 other party state. Nothing in this compact shall affect the  
11458 requirements established by a party state for the issuance of a  
11459 single-state license.

11460           (g) Any nurse holding a home state multistate license,  
11461 on the effective date of this compact, may retain and renew the  
11462 multistate license issued by the nurse's then-current home state,  
11463 provided that:

11464                   1. A nurse, who changes primary state of residence  
11465 after this compact's effective date, must meet all applicable





11490 (c) If a nurse changes primary state of residence by  
11491 moving between two (2) party states, the nurse must apply for  
11492 licensure in the new home state, and the multistate license issued  
11493 by the prior home state will be deactivated in accordance with  
11494 applicable rules adopted by the commission.

11495 1. The nurse may apply for licensure in advance of  
11496 a change in primary state of residence.

11497 2. A multistate license shall not be issued by the  
11498 new home state until the nurse provides satisfactory evidence of a  
11499 change in primary state of residence to the new home state and  
11500 satisfies all applicable requirements to obtain a multistate  
11501 license from the new home state.

11502 (d) If a nurse changes primary state of residence by  
11503 moving from a party state to a nonparty state, the multistate  
11504 license issued by the prior home state will convert to a  
11505 single-state license, valid only in the former home state.

11506 **ARTICLE V.**

11507 **Additional authorities invested in party state licensing boards.**

11508 (a) In addition to the other powers conferred by state  
11509 law, a licensing board shall have the authority to:

11510 1. Take adverse action against a nurse's  
11511 multistate licensure privilege to practice within that party  
11512 state.



11513 (i) Only the home state shall have the power  
11514 to take adverse action against a nurse's license issued by the  
11515 home state.

11516 (ii) For purposes of taking adverse action,  
11517 the home state licensing board shall give the same priority and  
11518 effect to reported conduct received from a remote state as it  
11519 would if such conduct had occurred within the home state.

11520 In so doing, the home state shall apply its own state laws to  
11521 determine appropriate action.

11522 2. Issue cease and desist orders or impose an  
11523 encumbrance on a nurse's authority to practice within that party  
11524 state.

11525 3. Complete any pending investigations of a nurse  
11526 who changes primary state of residence during the course of such  
11527 investigations. The licensing board shall also have the authority  
11528 to take appropriate action(s) and shall promptly report the  
11529 conclusions of such investigations to the administrator of the  
11530 coordinated licensure information system. The administrator of  
11531 the coordinated licensure information system shall promptly notify  
11532 the new home state of any such actions.

11533 4. Issue subpoenas for both hearings and  
11534 investigations that require the attendance and testimony of  
11535 witnesses, as well as, the production of evidence.

11536 Subpoenas issued by a licensing board in a party state for  
11537 the attendance and testimony of witnesses or the production of



11538 evidence from another party state shall be enforced in the latter  
11539 state by any court of competent jurisdiction, according to the  
11540 practice and procedure of that court applicable to subpoenas  
11541 issued in proceedings pending before it. The issuing authority  
11542 shall pay any witness fees, travel expenses, mileage and other  
11543 fees required by the service statutes of the state in which the  
11544 witnesses or evidence are located.

11545           5. Obtain and submit, for each nurse licensure  
11546 applicant, fingerprint or other biometric-based information to the  
11547 Federal Bureau of Investigation for criminal background checks,  
11548 receive the results of the Federal Bureau of Investigation record  
11549 search on criminal background checks and use the results in making  
11550 licensure decisions.

11551           6. If otherwise permitted by state law, recover  
11552 from the affected nurse the costs of investigations and  
11553 disposition of cases resulting from any adverse action taken  
11554 against that nurse.

11555           7. Take adverse action based on the factual  
11556 findings of the remote state, provided that the licensing board  
11557 follows its own procedures for taking such adverse action.

11558           (b) If adverse action is taken by the home state  
11559 against a nurse's multistate license, the nurse's multistate  
11560 licensure privilege to practice in all other party states shall be  
11561 deactivated until all encumbrances have been removed from the  
11562 multistate license. All home state disciplinary orders that



11563 impose adverse action against a nurse's multistate license shall  
11564 include a statement that the nurse's multistate licensure  
11565 privilege is deactivated in all party states during the pendency  
11566 of the order.

11567 (c) Nothing in this compact shall override a party  
11568 state's decision that participation in an alternative program may  
11569 be used in lieu of adverse action. The home state licensing board  
11570 shall deactivate the multistate licensure privilege under the  
11571 multistate license of any nurse for the duration of the nurse's  
11572 participation in an alternative program.

11573 **ARTICLE VI.**

11574 **Coordinated licensure information system and exchange of**  
11575 **information.**

11576 (a) All party states shall participate in a coordinated  
11577 licensure information system of all licensed registered nurses  
11578 (RNs) and licensed practical/vocational nurses (LPNs/VNs). This  
11579 system will include information on the licensure and disciplinary  
11580 history of each nurse, as submitted by party states, to assist in  
11581 the coordination of nurse licensure and enforcement efforts.

11582 (b) The commission, in consultation with the  
11583 administrator of the coordinated licensure information system,  
11584 shall formulate necessary and proper procedures for the  
11585 identification, collection and exchange of information under this  
11586 compact.



11587           (c) All licensing boards shall promptly report to the  
11588 coordinated licensure information system any adverse action, any  
11589 current significant investigative information, denials of  
11590 applications (with the reasons for such denials) and nurse  
11591 participation in alternative programs known to the licensing board  
11592 regardless of whether such participation is deemed nonpublic or  
11593 confidential under state law.

11594           (d) Current significant investigative information and  
11595 participation in nonpublic or confidential alternative programs  
11596 shall be transmitted through the coordinated licensure information  
11597 system only to party state licensing boards.

11598           (e) Notwithstanding any other provision of law, all  
11599 party state licensing boards contributing information to the  
11600 coordinated licensure information system may designate information  
11601 that may not be shared with nonparty states or disclosed to other  
11602 entities or individuals without the express permission of the  
11603 contributing state.

11604           (f) Any personally identifiable information obtained  
11605 from the coordinated licensure information system by a party state  
11606 licensing board shall not be shared with nonparty states or  
11607 disclosed to other entities or individuals except to the extent  
11608 permitted by the laws of the party state contributing the  
11609 information.

11610           (g) Any information contributed to the coordinated  
11611 licensure information system that is subsequently required to be



11612 expunged by the laws of the party state contributing that  
11613 information shall also be expunged from the coordinated licensure  
11614 information system.

11615 (h) The compact administrator of each party state shall  
11616 furnish a uniform data set to the compact administrator of each  
11617 other party state, which shall include, at a minimum:

- 11618 1. Identifying information;
- 11619 2. Licensure data;
- 11620 3. Information related to alternative program  
11621 participation; and
- 11622 4. Other information that may facilitate the  
11623 administration of this compact, as determined by commission rules.

11624 (i) The compact administrator of a party state shall  
11625 provide all investigative documents and information requested by  
11626 another party state.

11627 **ARTICLE VII.**

11628 **Establishment of the Interstate Commission of Nurse Licensure**  
11629 **Compact administrators.**

11630 (a) The party states hereby create and establish a  
11631 joint public entity known as the Interstate Commission of Nurse  
11632 Licensure Compact Administrators.

- 11633 1. The commission is an instrumentality of the  
11634 party states.
- 11635 2. Venue is proper, and judicial proceedings by or  
11636 against the commission shall be brought solely and exclusively, in





11637 a court of competent jurisdiction where the principal office of  
11638 the commission is located. The commission may waive venue and  
11639 jurisdictional defenses to the extent it adopts or consents to  
11640 participate in alternative dispute resolution proceedings.

11641 3. Nothing in this compact shall be construed to  
11642 be a waiver of sovereign immunity.

11643 (b) Membership, voting and meetings.

11644 1. Each party state shall have and be limited to  
11645 one (1) administrator. The head of the state licensing board or  
11646 designee shall be the administrator of this compact for each party  
11647 state. Any administrator may be removed or suspended from office  
11648 as provided by the law of the state from which the administrator  
11649 is appointed. Any vacancy occurring in the commission shall be  
11650 filled in accordance with the laws of the party state in which the  
11651 vacancy exists.

11652 2. Each administrator shall be entitled to one (1)  
11653 vote with regard to the promulgation of rules and creation of  
11654 bylaws and shall otherwise have an opportunity to participate in  
11655 the business and affairs of the commission. An administrator  
11656 shall vote in person or by such other means as provided in the  
11657 bylaws. The bylaws may provide for an administrator's  
11658 participation in meetings by telephone or other means of  
11659 communication.

11660 3. The commission shall meet at least once during  
11661 each calendar year.



11662 Additional meetings shall be held as set forth in the bylaws  
11663 or rules of the commission.

11664 4. All meetings shall be open to the public, and  
11665 public notice of meetings shall be given in the same manner as  
11666 required under the rulemaking provisions in Article VIII.

11667 5. The commission may convene in a closed,  
11668 nonpublic meeting if the commission must discuss:

11669 (i) Noncompliance of a party state with its  
11670 obligations under this compact;

11671 (ii) The employment, compensation, discipline  
11672 or other personnel matters, practices or procedures related to  
11673 specific employees or other matters related to the commission's  
11674 internal personnel practices and procedures;

11675 (iii) Current, threatened or reasonably  
11676 anticipated litigation;

11677 (iv) Negotiation of contracts for the  
11678 purchase or sale of goods, services or real estate;

11679 (v) Accusing any person of a crime or  
11680 formally censuring any person;

11681 (vi) Disclosure of trade secrets or  
11682 commercial or financial information that is privileged or  
11683 confidential;

11684 (vii) Disclosure of information of a personal  
11685 nature where disclosure would constitute a clearly unwarranted  
11686 invasion of personal privacy;



11687 (viii) Disclosure of investigatory records  
11688 compiled for law enforcement purposes;

11689 (ix) Disclosure of information related to any  
11690 reports prepared by or on behalf of the commission for the purpose  
11691 of investigation of compliance with this compact; or

11692 (x) Matters specifically exempted from  
11693 disclosure by federal or state statute.

11694 6. If a meeting, or portion of a meeting, is  
11695 closed pursuant to this provision, the commission's legal counsel  
11696 or designee shall certify that the meeting may be closed and shall  
11697 reference each relevant exempting provision. The commission shall  
11698 keep minutes that fully and clearly describe all matters discussed  
11699 in a meeting and shall provide a full and accurate summary of  
11700 actions taken, and the reasons therefor, including a description  
11701 of the views expressed. All documents considered in connection  
11702 with an action shall be identified in such minutes. All minutes  
11703 and documents of a closed meeting shall remain under seal, subject  
11704 to release by a majority vote of the commission or order of a  
11705 court of competent jurisdiction.

11706 (c) The commission shall, by a majority vote of the  
11707 administrators, prescribe bylaws or rules to govern its conduct as  
11708 may be necessary or appropriate to carry out the purposes and  
11709 exercise the powers of this compact, including, but not limited  
11710 to:

11711 1. Establishing the fiscal year of the commission;



11712                   2.   Providing reasonable standards and procedures:

11713                           (i)   For the establishment and meetings of  
11714 other committees; and

11715                           (ii)   Governing any general or specific  
11716 delegation of any authority or function of the commission;

11717                   3.   Providing reasonable procedures for calling and  
11718 conducting meetings of the commission, ensuring reasonable advance  
11719 notice of all meetings and providing an opportunity for attendance  
11720 of such meetings by interested parties, with enumerated exceptions  
11721 designed to protect the public's interest, the privacy of  
11722 individuals, and proprietary information, including trade secrets.  
11723 The commission may meet in closed session only after a majority of  
11724 the administrators vote to close a meeting in whole or in part.  
11725 As soon as practicable, the commission must make public a copy of  
11726 the vote to close the meeting revealing the vote of each  
11727 administrator, with no proxy votes allowed;

11728                   4.   Establishing the titles, duties and authority  
11729 and reasonable procedures for the election of the officers of the  
11730 commission;

11731                   5.   Providing reasonable standards and procedures  
11732 for the establishment of the personnel policies and programs of  
11733 the commission.   Notwithstanding any civil service or other  
11734 similar laws of any party state, the bylaws shall exclusively  
11735 govern the personnel policies and programs of the commission; and



11736                   6. Providing a mechanism for winding up the  
11737 operations of the commission and the equitable disposition of any  
11738 surplus funds that may exist after the termination of this compact  
11739 after the payment or reserving of all of its debts and  
11740 obligations;

11741                   (d) The commission shall publish its bylaws and rules,  
11742 and any amendments thereto, in a convenient form on the website of  
11743 the commission.

11744                   (e) The commission shall maintain its financial records  
11745 in accordance with the bylaws.

11746                   (f) The commission shall meet and take such actions as  
11747 are consistent with the provisions of this compact and the bylaws.

11748                   (g) The commission shall have the following powers:

11749                   1. To promulgate uniform rules to facilitate and  
11750 coordinate implementation and administration of this compact. The  
11751 rules shall have the force and effect of law and shall be binding  
11752 in all party states;

11753                   2. To bring and prosecute legal proceedings or  
11754 actions in the name of the commission, provided that the standing  
11755 of any licensing board to sue or be sued under applicable law  
11756 shall not be affected;

11757                   3. To purchase and maintain insurance and bonds;

11758                   4. To borrow, accept or contract for services of  
11759 personnel, including, but not limited to, employees of a party  
11760 state or nonprofit organizations;



11761                   5. To cooperate with other organizations that  
11762 administer state compacts related to the regulation of nursing,  
11763 including, but not limited to, sharing administrative or staff  
11764 expenses, office space or other resources;

11765                   6. To hire employees, elect or appoint officers,  
11766 fix compensation, define duties, grant such individuals  
11767 appropriate authority to carry out the purposes of this compact,  
11768 and to establish the commission's personnel policies and programs  
11769 relating to conflicts of interest, qualifications of personnel and  
11770 other related personnel matters;

11771                   7. To accept any and all appropriate donations,  
11772 grants and gifts of money, equipment, supplies, materials and  
11773 services, and to receive, utilize and dispose of the same;  
11774 provided that at all times the commission shall avoid any  
11775 appearance of impropriety or conflict of interest;

11776                   8. To lease, purchase, accept appropriate gifts or  
11777 donations of, or otherwise to own, hold, improve or use, any  
11778 property, whether real, personal or mixed; provided that at all  
11779 times the commission shall avoid any appearance of impropriety;

11780                   9. To sell, convey, mortgage, pledge, lease,  
11781 exchange, abandon or otherwise dispose of any property, whether  
11782 real, personal or mixed;

11783                   10. To establish a budget and make expenditures;

11784                   11. To borrow money;



11785                   12. To appoint committees, including advisory  
11786 committees comprised of administrators, state nursing regulators,  
11787 state legislators or their representatives, and consumer  
11788 representatives, and other such interested persons;

11789                   13. To provide and receive information from, and  
11790 to cooperate with, law enforcement agencies;

11791                   14. To adopt and use an official seal; and

11792                   15. To perform such other functions as may be  
11793 necessary or appropriate to achieve the purposes of this compact  
11794 consistent with the state regulation of nurse licensure and  
11795 practice.

11796                   (h) Financing of the commission.

11797                   1. The commission shall pay, or provide for the  
11798 payment of, the reasonable expenses of its establishment,  
11799 organization and ongoing activities.

11800                   2. The commission may also levy on and collect an  
11801 annual assessment from each party state to cover the cost of its  
11802 operations, activities and staff in its annual budget as approved  
11803 each year. The aggregate annual assessment amount, if any, shall  
11804 be allocated based upon a formula to be determined by the  
11805 commission, which shall promulgate a rule that is binding upon all  
11806 party states.

11807                   3. The commission shall not incur obligations of  
11808 any kind prior to securing the funds adequate to meet the same;



11809 nor shall the commission pledge the credit of any of the party  
11810 states, except by, and with the authority of, such party state.

11811           4. The commission shall keep accurate accounts of  
11812 all receipts and disbursements. The receipts and disbursements of  
11813 the commission shall be subject to the audit and accounting  
11814 procedures established under its bylaws. However, all receipts  
11815 and disbursements of funds handled by the commission shall be  
11816 audited yearly by a certified or licensed public accountant, and  
11817 the report of the audit shall be included in and become part of  
11818 the annual report of the commission.

11819           (i) Qualified immunity, defense and indemnification.

11820           1. The administrators, officers, executive  
11821 director, employees and representatives of the commission shall be  
11822 immune from suit and liability, either personally or in their  
11823 official capacity, for any claim for damage to or loss of property  
11824 or personal injury or other civil liability caused by or arising  
11825 out of any actual or alleged act, error or omission that occurred,  
11826 or that the person against whom the claim is made had a reasonable  
11827 basis for believing occurred, within the scope of commission  
11828 employment, duties or responsibilities; provided that nothing in  
11829 this paragraph shall be construed to protect any such person from  
11830 suit or liability for any damage, loss, injury or liability caused  
11831 by the intentional, willful or wanton misconduct of that person.

11832           2. The commission shall defend any administrator,  
11833 officer, executive director, employee or representative of the







11859 adopted thereunder. Rules and amendments shall become binding as  
11860 of the date specified in each rule or amendment and shall have the  
11861 same force and effect as provisions of this compact.

11862 (b) Rules or amendments to the rules shall be adopted  
11863 at a regular or special meeting of the commission.

11864 (c) Prior to promulgation and adoption of a final rule  
11865 or rules by the commission, and at least sixty (60) days in  
11866 advance of the meeting at which the rule will be considered and  
11867 voted upon, the commission shall file a notice of proposed  
11868 rulemaking:

- 11869 1. On the website of the commission; and
- 11870 2. On the website of each licensing board or the  
11871 publication in which each state would otherwise publish proposed  
11872 rules.

11873 (d) The notice of proposed rulemaking shall include:

- 11874 1. The proposed time, date and location of the  
11875 meeting in which the rule will be considered and voted upon;
- 11876 2. The text of the proposed rule or amendment, and  
11877 the reason for the proposed rule;
- 11878 3. A request for comments on the proposed rule  
11879 from any interested person; and
- 11880 4. The manner in which interested persons may  
11881 submit notice to the commission of their intention to attend the  
11882 public hearing and any written comments.



11883 (e) Prior to adoption of a proposed rule, the  
11884 commission shall allow persons to submit written data, facts,  
11885 opinions and arguments, which shall be made available to the  
11886 public.

11887 (f) The commission shall grant an opportunity for a  
11888 public hearing before it adopts a rule or amendment.

11889 (g) The commission shall publish the place, time and  
11890 date of the scheduled public hearing.

11891 1. Hearings shall be conducted in a manner  
11892 providing each person who wishes to comment a fair and reasonable  
11893 opportunity to comment orally or in writing.

11894 All hearings will be recorded, and a copy will be made  
11895 available upon request.

11896 2. Nothing in this section shall be construed as  
11897 requiring a separate hearing on each rule. Rules may be grouped  
11898 for the convenience of the commission at hearings required by this  
11899 section.

11900 (h) If no one appears at the public hearing, the  
11901 commission may proceed with promulgation of the proposed rule.

11902 (i) Following the scheduled hearing date, or by the  
11903 close of business on the scheduled hearing date if the hearing was  
11904 not held, the commission shall consider all written and oral  
11905 comments received.

11906 (j) The commission shall, by majority vote of all  
11907 administrators, take final action on the proposed rule and shall



11908 determine the effective date of the rule, if any, based on the  
11909 rulemaking record and the full text of the rule.

11910 (k) Upon determination that an emergency exists, the  
11911 commission may consider and adopt an emergency rule without prior  
11912 notice, opportunity for comment or hearing, provided that the  
11913 usual rulemaking procedures provided in this compact and in this  
11914 section shall be retroactively applied to the rule as soon as  
11915 reasonably possible, in no event later than ninety (90) days after  
11916 the effective date of the rule. For the purposes of this  
11917 provision, an emergency rule is one that must be adopted  
11918 immediately in order to:

- 11919 1. Meet an imminent threat to public health,  
11920 safety or welfare;
- 11921 2. Prevent a loss of commission or party state  
11922 funds; or
- 11923 3. Meet a deadline for the promulgation of an  
11924 administrative rule that is required by federal law or rule.

11925 (l) The commission may direct revisions to a previously  
11926 adopted rule or amendment for purposes of correcting typographical  
11927 errors, errors in format, errors in consistency or grammatical  
11928 errors. Public notice of any revisions shall be posted on the  
11929 website of the commission. The revision shall be subject to  
11930 challenge by any person for a period of thirty (30) days after  
11931 posting. The revision may be challenged only on grounds that the  
11932 revision results in a material change to a rule. A challenge



11933 shall be made in writing, and delivered to the commission, prior  
11934 to the end of the notice period. If no challenge is made, the  
11935 revision will take effect without further action. If the revision  
11936 is challenged, the revision may not take effect without the  
11937 approval of the commission.

11938 **ARTICLE IX.**

11939 **Oversight, dispute resolution and enforcement.**

11940 (a) Oversight:

11941 1. Each party state shall enforce this compact and  
11942 take all actions necessary and appropriate to effectuate this  
11943 compact's purposes and intent.

11944 2. The commission shall be entitled to receive  
11945 service of process in any proceeding that may affect the powers,  
11946 responsibilities or actions of the commission, and shall have  
11947 standing to intervene in such a proceeding for all purposes.  
11948 Failure to provide service of process in such proceeding to the  
11949 commission shall render a judgment or order void as to the  
11950 commission, this compact or promulgated rules.

11951 (b) Default, technical assistance and termination:

11952 1. If the commission determines that a party state  
11953 has defaulted in the performance of its obligations or  
11954 responsibilities under this compact or the promulgated rules, the  
11955 commission shall:

11956 (i) Provide written notice to the defaulting  
11957 state and other party states of the nature of the default, the



11958 proposed means of curing the default or any other action to be  
11959 taken by the commission; and

11960 (ii) Provide remedial training and specific  
11961 technical assistance regarding the default.

11962 2. If a state in default fails to cure the  
11963 default, the defaulting state's membership in this compact may be  
11964 terminated upon an affirmative vote of a majority of the  
11965 administrators, and all rights, privileges and benefits conferred  
11966 by this compact may be terminated on the effective date of  
11967 termination. A cure of the default does not relieve the offending  
11968 state of obligations or liabilities incurred during the period of  
11969 default.

11970 3. Termination of membership in this compact shall  
11971 be imposed only after all other means of securing compliance have  
11972 been exhausted. Notice of intent to suspend or terminate shall be  
11973 given by the commission to the Governor of the defaulting state  
11974 and to the executive officer of the defaulting state's licensing  
11975 board and each of the party states.

11976 4. A state whose membership in this compact has  
11977 been terminated is responsible for all assessments, obligations  
11978 and liabilities incurred through the effective date of  
11979 termination, including obligations that extend beyond the  
11980 effective date of termination.

11981 5. The commission shall not bear any costs related  
11982 to a state that is found to be in default or whose membership in



11983 this compact has been terminated unless agreed upon in writing  
11984 between the commission and the defaulting state.

11985           6. The defaulting state may appeal the action of  
11986 the commission by petitioning the United States District Court for  
11987 the District of Columbia or the federal district in which the  
11988 commission has its principal offices. The prevailing party shall  
11989 be awarded all costs of such litigation, including reasonable  
11990 attorneys' fees.

11991           (c) Dispute resolution:

11992           1. Upon request by a party state, the commission  
11993 shall attempt to resolve disputes related to the compact that  
11994 arise among party states and between party and nonparty states.

11995           2. The commission shall promulgate a rule  
11996 providing for both mediation and binding dispute resolution for  
11997 disputes, as appropriate.

11998           3. In the event the commission cannot resolve  
11999 disputes among party states arising under this compact:

12000           (i) The party states may submit the issues in  
12001 dispute to an arbitration panel, which will be comprised of  
12002 individuals appointed by the compact administrator in each of the  
12003 affected party states and an individual mutually agreed upon by  
12004 the compact administrators of all the party states involved in the  
12005 dispute.

12006           (ii) The decision of a majority of the  
12007 arbitrators shall be final and binding.



12008 (d) Enforcement:

12009 1. The commission, in the reasonable exercise of  
12010 its discretion, shall enforce the provisions and rules of this  
12011 compact.

12012 2. By majority vote, the commission may initiate  
12013 legal action in the United States District Court for the District  
12014 of Columbia or the federal district in which the commission has  
12015 its principal offices against a party state that is in default to  
12016 enforce compliance with the provisions of this compact and its  
12017 promulgated rules and bylaws.

12018 The relief sought may include both injunctive relief and  
12019 damages. In the event judicial enforcement is necessary, the  
12020 prevailing party shall be awarded all costs of such litigation,  
12021 including reasonable attorneys' fees.

12022 3. The remedies herein shall not be the exclusive  
12023 remedies of the commission. The commission may pursue any other  
12024 remedies available under federal or state law.

12025 **ARTICLE X.**

12026 **Effective date, withdrawal and amendment.**

12027 (a) This compact shall become effective and binding on  
12028 the earlier of the date of legislative enactment of this compact  
12029 into law by no less than twenty-six (26) states or December 31,  
12030 2018. All party states to this compact, that also were parties to  
12031 the prior Nurse Licensure Compact, superseded by this compact,  
12032 ("prior compact"), shall be deemed to have withdrawn from the





12033 prior compact within six (6) months after the effective date of  
12034 this compact.

12035 (b) Each party state to this compact shall continue to  
12036 recognize a nurse's multistate licensure privilege to practice in  
12037 that party state issued under the prior compact until such party  
12038 state has withdrawn from the prior compact.

12039 (c) Any party state may withdraw from this compact by  
12040 enacting a statute repealing the same. A party state's withdrawal  
12041 shall not take effect until six (6) months after enactment of the  
12042 repealing statute.

12043 (d) A party state's withdrawal or termination shall not  
12044 affect the continuing requirement of the withdrawing or terminated  
12045 state's licensing board to report adverse actions and significant  
12046 investigations occurring prior to the effective date of such  
12047 withdrawal or termination.

12048 (e) Nothing contained in this compact shall be  
12049 construed to invalidate or prevent any nurse licensure agreement  
12050 or other cooperative arrangement between a party state and a  
12051 nonparty state that is made in accordance with the other  
12052 provisions of this compact.

12053 (f) This compact may be amended by the party states.  
12054 No amendment to this compact shall become effective and binding  
12055 upon the party states unless and until it is enacted into the laws  
12056 of all party states.



12057 (g) Representatives of nonparty states to this compact  
12058 shall be invited to participate in the activities of the  
12059 commission, on a nonvoting basis, prior to the adoption of this  
12060 compact by all states.

12061 **ARTICLE XI.**

12062 **Construction and severability.**

12063 This compact shall be liberally construed so as to effectuate  
12064 the purposes thereof.

12065 The provisions of this compact shall be severable, and if any  
12066 phrase, clause, sentence or provision of this compact is declared  
12067 to be contrary to the Constitution of any party state or of the  
12068 United States, or if the applicability thereof to any government,  
12069 agency, person or circumstance is held invalid, the validity of  
12070 the remainder of this compact and the applicability thereof to any  
12071 government, agency, person or circumstance shall not be affected  
12072 thereby. If this compact shall be held to be contrary to the  
12073 Constitution of any party state, this compact shall remain in full  
12074 force and effect as to the remaining party states and in full  
12075 force and effect as to the party state affected as to all  
12076 severable matters.

12077 **SECTION 135.** This act shall take effect and be in force from  
12078 and after July 1, 2024, and shall stand repealed on June 30, 2024.

**Further, amend by striking the title in its entirety and  
inserting in lieu thereof the following:**



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,  
8 73-34-109, 73-39-77, 73-42-9, 73-42-11, 73-53-8, 73-55-19,  
9 73-65-13, 73-71-33, 73-73-7, 73-75-19, 75-76-35, 75-76-131,  
10 83-7-207, 83-39-15, 9-13-109, 21-27-131, 21-27-151, 27-109-5,  
11 37-3-2, 41-29-303, 51-5-3, 67-3-19, 73-2-7, 73-3-2, 73-3-25,  
12 73-4-17, 73-5-1, 73-5-11, 73-5-21, 73-6-13, 73-9-23, 73-11-51,  
13 73-13-23, 73-13-77, 73-17-9, 73-17-11, 73-19-17, 73-21-85,  
14 73-21-87, 73-21-111, 73-23-47, 73-23-51, 73-24-19, 73-24-21,  
15 73-25-3, 73-25-14, 73-25-32, 73-26-3, 73-27-5, 73-27-12, 73-27-16,  
16 73-29-19, 73-30-9, 73-31-13, 73-33-1, 73-38-9, 73-39-67, 73-39-71,  
17 73-53-13, 73-54-13, 73-63-27, 73-67-21, 73-71-19, 75-27-305,  
18 75-57-49, 75-60-31, 75-60-33, 75-76-67, 81-18-9, 83-17-75,  
19 83-39-9, 73-34-14, 73-35-10, 73-69-7, 73-69-11, 75-15-11,  
20 75-67-323, 75-67-421, 75-67-509, 75-67-609, 27-115-55, 37-13-89,  
21 37-9-17, 37-29-232, 73-3-41, 73-4-25, 73-5-25, 73-6-19, 73-7-27,  
22 73-17-15, 73-23-59, 73-30-21, 73-35-21, 73-38-27, 73-53-17,  
23 73-60-31, 73-67-27, 73-75-13, 75-15-9, 75-60-19, 75-76-137,  
24 77-8-25, 83-1-191, 83-17-71, 83-17-421, 83-17-519, 83-21-19,  
25 83-49-11 AND 97-33-315, MISSISSIPPI CODE OF 1972, TO CONFORM TO  
26 THE PROVISIONS OF THIS ACT; TO BRING FORWARD SECTION 73-15-201,  
27 MISSISSIPPI CODE OF 1972, FOR THE PURPOSE OF POSSIBLE AMENDMENT;  
28 TO BRING FORWARD SECTIONS 73-15-29, 73-3-339, 73-15-19 AND  
29 73-15-21, MISSISSIPPI CODE OF 1972, FOR PURPOSES OF AMENDMENT; AND  
30 FOR RELATED PURPOSES.

