

By: Representative Tullos

To: Insurance; Judiciary A

HOUSE BILL NO. 552

1 AN ACT TO PROVIDE THAT NO MEDICAL PROVIDER OR MEDICAL
2 MALPRACTICE INSURER SHALL REQUIRE CONSENT TO ARBITRATION AS A
3 CONDITION OF PROVIDING MEDICAL CARE OR MEDICAL MALPRACTICE
4 INSURANCE; TO DEFINE "MEDICAL PROVIDER"; TO PROVIDE PENALTIES FOR
5 NONCOMPLIANCE; TO AMEND SECTIONS 11-15-1, 83-5-35, 73-25-29,
6 73-9-61, 73-6-19, 73-19-23, 73-27-13 AND 73-15-29, MISSISSIPPI
7 CODE OF 1972, TO CONFORM TO THE PROVISIONS OF THIS ACT; AND FOR
8 RELATED PURPOSES.

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

10 **SECTION 1.** (1) No medical provider shall require a patient
11 or person seeking medical care to agree to use an arbitration
12 agreement as a condition of providing medical care to that patient
13 or person. For the purposes of this section, "medical provider"
14 means a physician, dentist, chiropractor, optometrist, podiatrist
15 and nurse practitioner.

16 (2) No medical malpractice insurer shall require a health
17 care provider to use arbitration agreements as a condition of
18 providing medical malpractice insurance to such health care
19 provider.

20 (3) Making the use of arbitration agreements a condition of
21 providing medical care shall constitute grounds for the



22 nonissuance, suspension, revocation or restriction of a license or
23 the denial of reinstatement or renewal of a license of the medical
24 provider. Making the use of arbitration agreement a condition of
25 providing medical malpractice insurance shall constitute an unfair
26 or deceptive act or practice in the business of insurance as
27 provided in Sections 83-5-29 through 83-5-51.

28 (4) The Commissioner of Insurance may adopt regulations to
29 implement this section and to establish additional requirements
30 intended to prohibit unfair or deceptive practices relating to
31 arbitration agreements.

32 **SECTION 2.** Section 11-15-1, Mississippi Code of 1972, is
33 amended as follows:

34 11-15-1. Except as otherwise provided in Section 1 of this
35 act, all persons, except infants and persons of unsound mind, may,
36 by instrument of writing, submit to the decision of one or more
37 arbitrators any controversy which may be existing between them,
38 which might be the subject of an action, and may, in such
39 submission, agree that the court having jurisdiction of the
40 subject matter shall render judgment on the award made pursuant to
41 such submission. In such case, however, should the parties agree
42 upon a court without jurisdiction of the subject matters of the
43 award, the judgment shall be rendered by the court having
44 jurisdiction in the county of the residence of the party, or some
45 one of them, against whom the award shall be made.



46 **SECTION 3.** Section 83-5-35, Mississippi Code of 1972, is
47 amended as follows:

48 83-5-35. The following are hereby defined as unfair methods
49 of competition and unfair and deceptive acts or practices in the
50 business of insurance:

51 (a) **Misrepresentations and false advertising of policy**
52 **contracts.** Making, issuing, circulating, or causing to be made,
53 issued, or circulated, any estimate, illustration, circular, or
54 statement misrepresenting the terms of any policy issued or to be
55 issued, or the benefits or advantages promised thereby, or the
56 dividends or share of the surplus to be received thereon; or
57 making any false or misleading statement as to the dividends or
58 share of surplus previously paid on similar policies; or making
59 any misleading representation or any misrepresentation as to the
60 financial condition of any insurer, or as to the legal reserve
61 system upon which any life insurer operates; or using any name or
62 title of any policy or class of policies misrepresenting the true
63 nature thereof; or making any misrepresentation to any
64 policyholder insured in any company for the purpose of inducing or
65 tending to induce such policyholder to lapse, forfeit, or
66 surrender his insurance.

67 (b) **False information and advertising generally.**
68 Making, publishing, disseminating, circulating, or placing before
69 the public, or causing, directly or indirectly, to be made,
70 published, disseminated, circulated, or placed before the public,



71 in a newspaper, magazine, or other publication, or in the form of
72 a notice, circular, pamphlet, letter, or poster, or over any radio
73 or television station, or in any other way, an advertisement,
74 announcement, or statement containing any assertion,
75 representation, or statement with respect to the business of
76 insurance, or with respect to any person in the conduct of his
77 insurance business, which is untrue, deceptive, or misleading.

78 (c) **Defamation.** Making, publishing, disseminating, or
79 circulating, directly or indirectly, or aiding, abetting, or
80 encouraging the making, publishing, disseminating, or circulating
81 of any oral or written statement or any pamphlet, circular,
82 article, or literature which is false and maliciously critical of
83 or derogatory to the financial condition of an insurer, and which
84 is calculated to injure any person engaged in the business of
85 insurance.

86 (d) **Boycott, coercion and intimidation.** Entering into
87 any agreement to commit, or by any concerted action committing,
88 any act of boycott, coercion, or intimidation resulting in or
89 tending to result in unreasonable restraint of, or monopoly in,
90 the business of insurance.

91 (e) **False financial statements.** Filing with any
92 supervisory or other public official, or making, publishing,
93 disseminating, circulating, or delivering to any person, or
94 placing before the public, or causing directly or indirectly to be
95 made, published, disseminated, circulated, delivered to any



96 person, or placed before the public, any false statement of
97 financial condition of an insurer, with intent to deceive.

98 Making any false entry in any book, report, or statement of
99 any insurer with intent to deceive any agent or examiner lawfully
100 appointed to examine into its condition or into any of its
101 affairs, or any public official to whom such insurer is required
102 by law to report or file, or who has authority by law to examine
103 into its condition or into any of its affairs, or, with like
104 intent, willfully omitting to make a true entry of any material
105 fact pertaining to the business of such insurer in any book,
106 report, or statement of such insurer.

107 (f) **Stock operations and insurance company advisory**
108 **board contracts.** Issuing or delivering, or permitting agents,
109 officers, or employees to issue or deliver, agency company stock
110 or other capital stock, or benefit certificates or shares in any
111 corporation, or securities, or any special or any insurance
112 company advisory board contracts or other contracts of any kind
113 promising returns and profit as an inducement to insurance.

114 (g) **Unfair discrimination.** (i) Making or permitting
115 any unfair discrimination between individuals of the same class
116 and equal expectation of life in the rates charged for any
117 contract of life insurance or of life annuity or in the dividends
118 or other benefits payable thereon, or in any other of the terms
119 and conditions of such contract.



(ii) Making or permitting any unfair discrimination between individuals of the same class and of essentially the same hazard in the amount of premium, policy fees, or rates charged for any policy or contract of accident or health insurance or in the benefits payable thereunder, or in any of the terms or conditions of such contract, or in any other manner whatever.

(iii) Any violation of Section 83-71-7, 83-71-57 or 83-71-107.

(h) **Designation of agent, solicitor, or insurer.**
Requiring as a condition precedent to the purchase or the lending of money upon the security of real or personal property that any insurance covering such property or liability arising from the ownership, maintenance, or use thereof, to be procured by or on behalf of the vendee or by borrower in connection with such purchase or loan, be so procured through any particular person, agent, solicitor, or in any particular insurer.

This section shall not prevent the reasonable exercise by any such vendor or lender of his right to approve or disapprove the insurer selected to underwrite the insurance, and to determine the adequacy of the insurance offered.

(i) Any violation of Sections 83-3-33 and 83-3-121, Mississippi Code of 1972.

(j) Any violation of Section 1 of this act.



144 **SECTION 4.** Section 73-25-29, Mississippi Code of 1972, is
145 amended as follows:

146 73-25-29. The grounds for the nonissuance, suspension,
147 revocation or restriction of a license or the denial of
148 reinstatement or renewal of a license are:

149 (1) Habitual personal use of narcotic drugs, or any
150 other drug having addiction-forming or addiction-sustaining
151 liability.

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

154 (3) Administering, dispensing or prescribing any
155 narcotic drug, or any other drug having addiction-forming or
156 addiction-sustaining liability otherwise than in the course of
157 legitimate professional practice.

158 (4) Conviction of violation of any federal or state law
159 regulating the possession, distribution or use of any narcotic
160 drug or any drug considered a controlled substance under state or
161 federal law, a certified copy of the conviction order or judgment
162 rendered by the trial court being prima facie evidence thereof,
163 notwithstanding the pendency of any appeal.

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

166 (6) Conviction of a felony or misdemeanor involving
167 moral turpitude, a certified copy of the conviction order or



judgment rendered by the trial court being prima facie evidence thereof, notwithstanding the pendency of any appeal.

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

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

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

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

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

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

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

(f) Use of any false, fraudulent or forged statement or document, or the use of any fraudulent, deceitful, dishonest or immoral practice in connection with any of the



193 licensing requirements, including the signing in his professional
194 capacity any certificate that is known to be false at the time he
195 makes or signs such certificate.

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

199 (9) The refusal of a licensing authority of another
200 state or jurisdiction to issue or renew a license, permit or
201 certificate to practice medicine in that jurisdiction or the
202 revocation, suspension or other restriction imposed on a license,
203 permit or certificate issued by such licensing authority which
204 prevents or restricts practice in that jurisdiction, a certified
205 copy of the disciplinary order or action taken by the other state
206 or jurisdiction being prima facie evidence thereof,
207 notwithstanding the pendency of any appeal.

208 (10) Surrender of a license or authorization to
209 practice medicine in another state or jurisdiction or surrender of
210 membership on any medical staff or in any medical or professional
211 association or society while under disciplinary investigation by
212 any of those authorities or bodies for acts or conduct similar to
213 acts or conduct which would constitute grounds for action as
214 defined in this section.

215 (11) Final sanctions imposed by the United States
216 Department of Health and Human Services, Office of Inspector
217 General or any successor federal agency or office, based upon a



218 finding of incompetency, gross misconduct or failure to meet
219 professionally recognized standards of health care; a certified
220 copy of the notice of final sanction being prima facie evidence
221 thereof. As used in this paragraph, the term "final sanction"
222 means the written notice to a physician from the United States
223 Department of Health and Human Services, Officer of Inspector
224 General or any successor federal agency or office, which
225 implements the exclusion.

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

228 (13) Violation of any provision(s) of the Medical
229 Practice Act or the rules and regulations of the board or of any
230 order, stipulation or agreement with the board.

231 (14) Violation(s) of the provisions of Sections
232 41-121-1 through 41-121-9 relating to deceptive advertisement by
233 health care practitioners.

234 (15) Performing or inducing an abortion on a woman in
235 violation of any provision of Sections 41-41-131 through
236 41-41-145.

237 (16) Performing an abortion on a pregnant woman after
238 determining that the unborn human individual that the pregnant
239 woman is carrying has a detectable fetal heartbeat as provided in
240 Section 41-41-34.1.

241 (17) Violation(s) of any provision of Title 41, Chapter
242 141, Mississippi Code of 1972.



(18) Violation of the provisions of Section 1 of this act.

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

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

SECTION 5. Section 73-9-61, Mississippi Code of 1972, is amended as follows:

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



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

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

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

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

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



292 (e) Being convicted or found guilty of or entering a
293 plea of nolo contendere to, regardless of adjudication, a
294 violation of any federal or state law regulating the possession,
295 distribution or use of any narcotic drug or any drug considered a
296 controlled substance under state or federal law, a certified copy
297 of the conviction order or judgment rendered by the trial court
298 being prima facie evidence thereof, notwithstanding the pendency
299 of any appeal.

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

302 (g) Being convicted or found guilty of or entering a
303 plea of nolo contendere to, regardless of adjudication, a crime in
304 any jurisdiction that relates to the practice of dentistry or
305 dental hygiene, a certified copy of the conviction order or
306 judgment rendered by the trial court being prima facie evidence
307 thereof, notwithstanding the pendency of any appeal.

308 (h) Being convicted or found guilty of or entering a
309 plea of nolo contendere to, regardless of adjudication, a felony
310 in any jurisdiction, a certified copy of the conviction order or
311 judgment rendered by the trial court being prima facie evidence
312 thereof, notwithstanding the pendency of any appeal.

313 (i) Delegating professional responsibilities to a
314 person who is not qualified by training, experience or licensure
315 to perform them.



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

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

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

(i) Committing any crime involving moral turpitude.

(ii) Practicing deceit or other fraud upon the public.

(iii) Practicing dentistry or dental hygiene under a false or assumed name.

(iv) Advertising that is false, deceptive or misleading.



340 (v) Announcing a specialized practice shall be
341 considered advertising that tends to deceive or mislead the public
342 unless the dentist announcing as a specialist conforms to other
343 statutory provisions and the duly promulgated rules or regulations
344 of the board pertaining to practice of dentistry in the State of
345 Mississippi.

346 (m) Failure to provide and maintain reasonable sanitary
347 facilities and conditions or failure to follow board rules
348 regarding infection control.

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

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

354 (ii) Conduct of a licensee that is intended to
355 intimidate, coerce, influence or trick any person employed by or
356 for the licensee in a dental practice or educational setting for
357 the purpose of engaging in sexual activity or activity intended
358 for the sexual gratification of the licensee.

359 (o) Violation of a lawful order of the board previously
360 entered in a disciplinary or licensure hearing; failure to
361 cooperate with any lawful request or investigation by the board;
362 or failure to comply with a lawfully issued subpoena of the board.



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

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

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

(s) Violating the provisions of Section 1 of this act.

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

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



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

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

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

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

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



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

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

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

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

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



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

440 (9) When payment of a monetary penalty assessed and levied
441 by the board against a licensee in accordance with this section is
442 not paid by the licensee when due under this section, the board
443 shall have power to institute and maintain proceedings in its name
444 for enforcement of payment in the chancery court of the county and
445 judicial district of residence of the licensee, and if the
446 licensee is a nonresident of the State of Mississippi, the
447 proceedings shall be in the Chancery Court of the First Judicial
448 District of Hinds County, Mississippi.

449 (10) In addition to the reasons specified in subsection (1)
450 of this section, the board shall be authorized to suspend the
451 license of any licensee for being out of compliance with an order
452 for support, as defined in Section 93-11-153. The procedure for
453 suspension of a license for being out of compliance with an order
454 for support, and the procedure for the reissuance or reinstatement
455 of a license suspended for that purpose, and the payment of any
456 fees for the reissuance or reinstatement of a license suspended
457 for that purpose, shall be governed by Section 93-11-157 or
458 93-11-163, as the case may be. If there is any conflict between
459 any provision of Section 93-11-157 or 93-11-163 and any provision
460 of this chapter, the provisions of Section 93-11-157 or 93-11-163,
461 as the case may be, shall control.



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

SECTION 6. Section 73-6-19, Mississippi Code of 1972, is amended as follows:

73-6-19. (1) The board shall refuse to grant a certificate of licensure to any applicant or may cancel, revoke or suspend the certificate upon the finding of any of the following facts regarding the applicant or licensed practitioner:

(a) Failure to comply with the rules and regulations adopted by the State Board of Chiropractic Examiners;

(b) Violation of any of the provisions of this chapter or any of the rules and regulations of the State Board of Health pursuant to this chapter with regard to the operation and use of x-rays;

(c) Fraud or deceit in obtaining a license;

(d) Addiction to the use of alcohol, narcotic drugs, or anything which would seriously interfere with the competent performance of his professional duties;

(e) Conviction by a court of competent jurisdiction of a felony, other than manslaughter or any violation of the United States Internal Revenue Code;

(f) Unprofessional and unethical conduct;



486 (g) Contraction of a contagious disease which may be
487 carried for a prolonged period;

488 (h) Failure to report to the Mississippi Department of
489 Human Services or the county attorney any case wherein there are
490 reasonable grounds to believe that a child or vulnerable adult has
491 been abused by its parent or person responsible for such person's
492 welfare;

493 (i) Advising a patient to use drugs, prescribing or
494 providing drugs for a patient, or advising a patient not to use a
495 drug prescribed by a licensed physician or dentist;

496 (j) Professional incompetency in the practice of
497 chiropractic;

498 (k) Having disciplinary action taken by his peers
499 within any professional chiropractic association or society;

500 (l) Offering to accept or accepting payment for
501 services rendered by assignment from any third-party payor after
502 offering to accept or accepting whatever the third-party payor
503 covers as payment in full, if the effect of the offering or
504 acceptance is to eliminate or give the impression of eliminating
505 the need for payment by an insured of any required deductions
506 applicable in the policy of the insured;

507 (m) Associating his practice with any chiropractor who
508 does not hold a valid chiropractic license in Mississippi, or
509 teach chiropractic manipulation to nonqualified persons under
510 Section 73-6-13;



(n) Failure to make payment on chiropractic student loans;

(o) Failure to follow record keeping requirements prescribed in Section 73-6-18;

(p) If the practitioner is certified to provide animal chiropractic treatment, failure to follow guidelines approved by the Mississippi Board of Veterinary Medicine; * * *

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

(r) Violating the provisions of Section 1 of this act.

(2) Any holder of such certificate or any applicant therefor against whom is preferred any of the designated charges shall be furnished a copy of the complaint and shall receive a formal hearing in Jackson, Mississippi, before the board, at which time he may be represented by counsel and examine witnesses. The board is authorized to administer oaths as may be necessary for the proper conduct of any such hearing. In addition, the board is authorized and empowered to issue subpoenas for the attendance of witnesses and the production of books and papers. The process issued by the board shall extend to all parts of the state. Where in any proceeding before the board any witness shall fail or refuse to attend upon subpoena issued by the board, shall refuse to testify, or shall refuse to produce any books and papers, the



production of which is called for by the subpoena, the attendance of such witness and the giving of his testimony and the production of the books and papers shall be enforced by any court of competent jurisdiction of this state in the manner provided for the enforcement of attendance and testimony of witnesses in civil cases in the courts of this state.

(3) In addition to any other investigators the board employs, the board shall appoint one or more licensed chiropractors to act for the board in investigating the conduct relating to the competency of a chiropractor, whenever disciplinary action is being considered for professional incompetence and unprofessional conduct.

(4) Whenever the board finds any person unqualified to practice chiropractic because of any of the grounds set forth in subsection (1) of this section, after a hearing has been conducted as prescribed by this section, the board may enter an order imposing one or more of the following:

(a) Deny his application for a license or other authorization to practice chiropractic;

(b) Administer a public or private reprimand;

(c) Suspend, limit or restrict his license or other authorization to practice chiropractic for up to five (5) years;

(d) Revoke or cancel his license or other authorization to practice chiropractic;



560 (e) Require him to submit to care, counseling or
561 treatment by physicians or chiropractors designated by the board,
562 as a condition for initial, continued or renewal of licensure or
563 other authorization to practice chiropractic;

564 (f) Require him to participate in a program of
565 education prescribed by the board; or

566 (g) Require him to practice under the direction of a
567 chiropractor designated by the board for a specified period of
568 time.

569 (5) Any person whose application for a license or whose
570 license to practice chiropractic has been cancelled, revoked or
571 suspended by the board within thirty (30) days from the date of
572 such final decision shall have the right of a de novo appeal to
573 the circuit court of his county of residence or the Circuit Court
574 of the First Judicial District of Hinds County, Mississippi. If
575 there is an appeal, such appeal may, in the discretion of and on
576 motion to the circuit court, act as a supersedeas. The circuit
577 court shall dispose of the appeal and enter its decision promptly.
578 The hearing on the appeal may, in the discretion of the circuit
579 judge, be tried in vacation. Either party shall have the right of
580 appeal to the Supreme Court as provided by law from any decision
581 of the circuit court.

582 (6) In a proceeding conducted under this section by the
583 board for the revocation, suspension or cancellation of a license
584 to practice chiropractic, after a hearing has been conducted as



prescribed by this section, the board shall have the power and authority for the grounds stated in subsection (1) of this section, with the exception of paragraph (c) thereof, to assess and levy upon any person licensed to practice chiropractic in the state a monetary penalty in lieu of such revocation, suspension or cancellation, as follows:

(a) For the first violation, a monetary penalty of not less than Five Hundred Dollars (\$500.00) nor more than One Thousand Dollars (\$1,000.00) for each violation.

(b) For the second and each subsequent violation, a monetary penalty of not less than One Thousand Dollars (\$1,000.00) nor more than Two Thousand Five Hundred Dollars (\$2,500.00) for each violation.

The power and authority of the board to assess and levy such monetary penalties under this section shall not be affected or diminished by any other proceeding, civil or criminal, concerning the same violation or violations. A licensee shall have the right of appeal from the assessment and levy of a monetary penalty as provided in this section to the circuit court under the same conditions as a right of appeal is provided for in this section for appeals from an adverse ruling, or order, or decision of the board. Any monetary penalty assessed and levied under this section shall not take effect until after the time for appeal has expired, and an appeal of the assessment and levy of such a monetary penalty shall act as a supersedeas.



(7) In addition to the grounds specified in subsection (1) of this section, the board shall be authorized to suspend the license of any licensee for being out of compliance with an order for support, as defined in Section 93-11-153. The procedure for suspension of a license for being out of compliance with an order for support, and the procedure for the reissuance or reinstatement of a license suspended for that purpose, and the payment of any fees for the reissuance or reinstatement of a license suspended for that purpose, shall be governed by Section 93-11-157 or 93-11-163, as the case may be. Actions taken by the board in suspending a license when required by Section 93-11-157 or 93-11-163 are not actions from which an appeal may be taken under this section. Any appeal of a license suspension that is required by Section 93-11-157 or 93-11-163 shall be taken in accordance with the appeal procedure specified in Section 93-11-157 or 93-11-163, as the case may be, rather than the procedure specified in this section. If there is any conflict between any provision of Section 93-11-157 or 93-11-163 and any provision of this chapter, the provisions of Section 93-11-157 or 93-11-163, as the case may be, shall control.

SECTION 7. Section 73-19-23, Mississippi Code of 1972, is amended as follows:

73-19-23. (1) (a) The board shall refuse to grant a certificate of licensure to any applicant and may cancel, revoke or suspend the operation of any certificate by it granted for any



or all of the following reasons: unprofessional and unethical conduct or the conviction of a crime involving moral turpitude, habitual intemperance in the use of ardent spirits, or stimulants, narcotics, or any other substance that impairs the intellect and judgment to such an extent as to incapacitate one for the performance of the duties of an optometrist. The certificate of licensure of any person can be revoked for violating any section of this chapter.

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

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

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



660 licensure, and shall be exempt from the Mississippi Public Records
661 Act of 1983. Except when introduced into evidence in a hearing
662 before the board to determine licensure, no such information or
663 records related thereto shall, except with the written consent of
664 the applicant or licensee or by order of a court of competent
665 jurisdiction, be released or otherwise disclosed by the board to
666 any other person or agency.

667 (iii) The board shall provide to the department
668 the fingerprints of the applicant or licensee, any additional
669 information that may be required by the department, and a form
670 signed by the applicant consenting to the check of the criminal
671 records and to the use of the fingerprints and other identifying
672 information required by the state or national repositories.

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

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

682 (a) Fraud or misrepresentation in applying for or
683 procuring an optometric license or in connection with applying for
684 or procuring periodic renewal of an optometric license.



685 (b) Cheating on or attempting to subvert the optometric
686 licensing examination(s).

687 (c) The conviction of a felony in this state or any
688 other jurisdiction, or the entry of a guilty or nolo contendere
689 plea to a felony charge.

690 (d) The conviction of a felony as defined by federal
691 law, or the entry of a guilty or nolo contendere plea to a felony
692 charge.

693 (e) Conduct likely to deceive, defraud or harm the
694 public.

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

699 (g) Willfully or negligently violating the
700 confidentiality between doctor and patient, except as required by
701 law.

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

704 (i) Being found to be a person with mental illness or
705 with an intellectual disability by any court of competent
706 jurisdiction.

707 (j) The use of any false, fraudulent, deceptive or
708 misleading statement in any document connected with the practice
709 of optometry.



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

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

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

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

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

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

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

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

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



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

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

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

(w) Violating the provisions of Section 1 of this act.

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



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

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

SECTION 8. Section 73-27-13, Mississippi Code of 1972, is amended as follows:

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



784 (a) Habitual personal use of narcotic drugs, or any
785 other drug having addiction-forming or addiction-sustaining
786 liability.

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

789 (c) Administering, dispensing or prescribing any
790 narcotic drug, or any other drug having addiction-forming or
791 addiction-sustaining liability otherwise than in the course of
792 legitimate professional practice.

793 (d) Conviction of violation of any federal or state law
794 regulating the possession, distribution or use of any narcotic
795 drug or any drug considered a controlled substance under state or
796 federal law.

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

799 (f) Conviction of a felony or misdemeanor involving
800 moral turpitude.

801 (g) Obtaining or attempting to obtain a license by
802 fraud or deception.

803 (h) Unprofessional conduct, which includes, but is not
804 limited to:

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

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



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

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

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

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

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

(i) The refusal of a licensing authority of another state to issue or renew a license, permit or certificate to practice podiatry in that state or the revocation, suspension or other restriction imposed on a license, permit or certificate



issued by such licensing authority which prevents or restricts practice in that state.

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

(k) Violating the provisions of Section 1 of this act.

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

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

(4) In addition to the grounds specified in subsection (1) of this section, the board shall be authorized to suspend the license of any licensee for being out of compliance with an order for support, as defined in Section 93-11-153. The procedure for suspension of a license for being out of compliance with an order for support, and the procedure for the reissuance or reinstatement of a license suspended for that purpose, and the payment of any fees for the reissuance or reinstatement of a license suspended for that purpose, shall be governed by Section 93-11-157 or



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

SECTION 9. Section 73-15-29, Mississippi Code of 1972, is amended as follows:

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

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

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

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

(d) Has had a license or privilege to practice as a registered nurse or a licensed practical nurse suspended or



884 revoked in any jurisdiction, has voluntarily surrendered such
885 license or privilege to practice in any jurisdiction, has been
886 placed on probation as a registered nurse or licensed practical
887 nurse in any jurisdiction or has been placed under a disciplinary
888 order(s) in any manner as a registered nurse or licensed practical
889 nurse in any jurisdiction, (a certified copy of the order of
890 suspension, revocation, probation or disciplinary action shall be
891 prima facie evidence of such action);

892 (e) Has negligently or willfully practiced nursing in a
893 manner that fails to meet generally accepted standards of such
894 nursing practice;

895 (f) Has negligently or willfully violated any order,
896 rule or regulation of the board pertaining to nursing practice or
897 licensure;

898 (g) Has falsified or in a repeatedly negligent manner
899 made incorrect entries or failed to make essential entries on
900 records;

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

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



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

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

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

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

919 (n) Violation(s) of the provisions of Sections 41-121-1
920 through 41-121-9 relating to deceptive advertisement by health
921 care practitioners. This paragraph shall stand repealed on July
922 1, 2025; * * *

923 (o) Violation(s) of any provision of Title 41, Chapter
924 141, Mississippi Code of 1972 * * *; or

925 (p) Violating the provisions of Section 1 of this act.

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

930 (a) Denying application for a license or other
931 authorization to practice nursing or practical nursing;

932 (b) Administering a reprimand;



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

936 (d) Revoking the license or other authorization to
937 practice nursing or practical nursing;

938 (e) Requiring the disciplinee to submit to care,
939 counseling or treatment by persons and/or agencies approved or
940 designated by the board as a condition for initial, continued or
941 renewed licensure or other authorization to practice nursing or
942 practical nursing;

943 (f) Requiring the disciplinee to participate in a
944 program of education prescribed by the board as a condition for
945 initial, continued or renewed licensure or other authorization to
946 practice;

947 (g) Requiring the disciplinee to practice under the
948 supervision of a registered nurse for a specified period of time;
949 or

950 (h) Imposing a fine not to exceed Five Hundred Dollars
951 (\$500.00).

952 (3) In addition to the grounds specified in subsection (1)
953 of this section, the board shall be authorized to suspend the
954 license or privilege to practice of any licensee for being out of
955 compliance with an order for support, as defined in Section
956 93-11-153. The procedure for suspension of a license or privilege
957 to practice for being out of compliance with an order for support,



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

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

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

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

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



982 education received by the licensee, shall be borne by the
983 licensee;

984 (c) All of the procedures and records regarding the
985 licensee's participation in the program shall be confidential,
986 shall not be disclosed and shall be exempt from the provisions of
987 the Mississippi Public Records Act of 1983; and

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

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

996 **SECTION 10.** This act shall take effect and be in force from
997 and after July 1, 2025.

