

By: Representative Rosebud

To: Business and Commerce;
Judiciary B

HOUSE BILL NO. 869

1 AN ACT TO AMEND SECTIONS 73-77-5, 73-77-7 AND 73-77-9,
2 MISSISSIPPI CODE OF 1972, TO REVISE THE FRESH START ACT; TO
3 PROVIDE THAT THE FRESH START ACT SHALL SUPERSEDE ANY OTHER
4 PROVISION OF LAW TO THE CONTRARY; TO AMEND SECTIONS 19-5-353,
5 45-4-9, 45-6-11, 73-1-13, 73-3-339, 73-9-61, 73-11-57, 73-14-35,
6 73-15-29, 73-19-23, 73-21-97, 73-25-29, 73-25-101, 73-27-13,
7 73-29-13, 73-29-31, 73-31-21, 73-34-109, 73-39-77, 73-42-9,
8 73-42-11, 73-53-8, 73-55-19, 73-65-13, 73-71-33, 73-73-7,
9 73-75-19, 75-76-35, 75-76-131, 83-7-207, 83-39-15, 9-13-109,
10 21-27-131, 21-27-151, 27-109-5, 37-3-2, 41-29-303, 51-5-3,
11 67-3-19, 73-2-7, 73-3-2, 73-3-25, 73-4-17, 73-6-13, 73-9-23,
12 73-11-51, 73-13-23, 73-13-77, 73-15-19, 73-15-21, 73-17-9,
13 73-17-11, 73-19-17, 73-21-85, 73-21-87, 73-21-111, 73-23-47,
14 73-23-51, 73-24-19, 73-24-21, 73-25-3, 73-25-14, 73-25-32,
15 73-26-3, 73-27-5, 73-27-12, 73-27-16, 73-29-19, 73-30-9, 73-31-13,
16 73-33-1, 73-38-9, 73-39-67, 73-39-71, 73-53-13, 73-54-13,
17 73-63-27, 73-67-21, 73-71-19, 75-27-305, 75-57-49, 75-60-31,
18 75-60-33, 75-76-67, 81-18-9, 83-17-75, 83-39-9, 73-34-14,
19 73-35-10, 73-69-7, 73-69-11, 75-15-11, 75-67-323, 75-67-421,
20 75-67-509, 75-67-609, 27-115-55, 37-13-89, 37-9-17, 37-29-232,
21 73-3-41, 73-4-25, 73-6-19, 73-7-27, 73-17-15, 73-23-59, 73-30-21,
22 73-35-21, 73-38-27, 73-53-17, 73-60-31, 73-67-27, 73-75-13,
23 75-15-9, 75-60-19, 75-76-137, 77-8-25, 83-1-191, 83-17-71,
24 83-17-421, 83-17-519, 83-21-19, 83-49-11 AND 97-33-315,
25 MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PROVISIONS OF THIS
26 ACT; TO BRING FORWARD SECTION 73-15-201, MISSISSIPPI CODE OF 1972,
27 FOR THE PURPOSE OF POSSIBLE AMENDMENT; AND FOR RELATED PURPOSES.

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

29 **SECTION 1.** Section 73-77-5, Mississippi Code of 1972, is
30 amended as follows:



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

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

73-77-7. (1) * * * Notwithstanding any other provision of law to the contrary, licensing authorities shall not have in any rulemaking for their qualifications for licensure vague or generic terms including, but not limited to, "moral turpitude," "any felony," and "good character." * * * Notwithstanding any other provision of law to the contrary, licensing authorities may only consider criminal records that are specific and directly related to the duties and responsibilities for the licensed occupation when evaluating applicants. Anywhere the terms "felony," "moral turpitude," "good character" are or other such vague or generic terms used for the qualifications or disqualifications for licensure, they shall mean a disqualifying crime under the Fresh Start Act.



(2) The licensing authority shall use the clear and convincing standard of proof in examining the factors to determine whether an applicant with a disqualifying criminal conviction will be denied a license. * * * Notwithstanding any other provision of law to the contrary, the licensing authority shall make its determination based on the following factors:

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

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

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

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

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

(3) All licensing authorities shall meet the requirements listed in subsection (1) by one hundred twenty (120) days after July 1, * * * 2025.



(4) For licensing authorities, the requirements listed in subsections (1) and (2) also apply to any new occupational licenses created after July 1, * * * 2025.

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

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

(7) For any board, commission or other licensing entity with an existing procedure for hearings and appeals following the denial of a license codified in rules or statute on July 1, 2025, those existing procedures for hearings and appeals shall supersede the provisions of this section.

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

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



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

(a) The grounds and reasons for the denial or disqualification;

(b) That the individual has the right to a hearing to challenge the licensing authority's decision;

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

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

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

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

(4) In any administrative hearing or civil litigation authorized under this section, the licensing authority shall carry



the burden of proof on the question of whether the applicant's criminal conviction directly relates to the occupation for which the license is sought.

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

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

(7) For any board, commission or other licensing entity with an existing procedure for hearings and appeals following the denial of a license codified in rules or statute on July 1, 2025, those existing procedures for hearings and appeals shall supersede the provisions of this section.

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

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

(2) The minimum standards may be changed at any time by the Board of Emergency Telecommunications Standards and Training, but shall always include at least two (2) hours of training related to handling complaints and/or calls of human trafficking and



commercial sexual exploitation of children as defined in Section 43-21-105, communicating with such victims and requiring the local public safety and 911 telecommunicators to contact the Department of Child Protection Services when human trafficking or commercial sexual exploitation is suspected.

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

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

(5) Persons in the employment of any public safety, fire, 911 PSAP or emergency medical agency as a telecommunicator on July 1, 1993, shall have three (3) years to be certified in the minimum



standards courses provided they have been employed by such agency for a period of more than one (1) year prior to July 1, 1993.

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

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

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

(a) The certificate was issued by administrative error;



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

* * *

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

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

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

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



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

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

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

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

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



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

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

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



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

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

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

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

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



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

* * *

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

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

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

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

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

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

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



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

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



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

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

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



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

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

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



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

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

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

- 425 (a) The certificate was issued by administrative error;
426 (b) The certificate was obtained through
427 misrepresentation or fraud;



428 * * *

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

431 (* * *d) The holder has committed an act of
432 malfeasance or has been dismissed from his employing law
433 enforcement agency; or

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

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

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

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

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



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

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

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

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

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



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

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

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

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

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

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

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

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



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

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

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

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



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

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

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

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



SECTION 9. 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.

(e) Being convicted or found guilty of or entering a plea of nolo contendere to, regardless of adjudication, a violation of any federal or state law regulating the possession, distribution or use of any narcotic drug or any drug considered a controlled substance under state or federal law, 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.

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

(g) Being convicted or found guilty of or entering a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction that relates to the practice of dentistry or dental hygiene, 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.

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



602 prima facie evidence thereof, notwithstanding the pendency of any
603 appeal.

604 (i) Delegating professional responsibilities to a
605 person who is not qualified by training, experience or licensure
606 to perform them.

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

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

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

623 * * *

624 (* * *i) Practicing deceit or other fraud upon
625 the public.



626 (* * *ii) Practicing dentistry or dental hygiene
627 under a false or assumed name.

628 (* * *iii) Advertising that is false, deceptive
629 or misleading.

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

636 (m) Failure to provide and maintain reasonable sanitary
637 facilities and conditions or failure to follow board rules
638 regarding infection control.

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

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

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

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



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

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

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

658 (r) Violation(s) of the provisions of Sections 41-121-1
659 through 41-121-9 relating to deceptive advertisement by health
660 care practitioners. This paragraph shall stand repealed on July
661 1, 2025.

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

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



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

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

(10) In addition to the reasons 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.



(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 10. Section 73-11-57, Mississippi Code of 1972, is amended as follows:

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

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

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

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



776 sentence, finding or verdict of guilt, an admission of guilty, or
777 a plea of nolo contendere;

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

780 (e) The impersonation of another funeral service or
781 funeral directing licensee;

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

785 (g) Violation of any provision of this chapter or any
786 rule or regulation of the board;

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

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



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

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

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

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

818 (ii) Not furnishing, in writing, an adequate
819 explanation covering the matter contained in a complaint filed
820 with the board;

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

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



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

830 (v) Failure to provide information within the
831 specified time allotted and as required by the board and/or its
832 representatives or designees;

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

837 (vii) Deceiving or attempting to deceive the board
838 regarding any matter under investigation, including altering or
839 destroying any records; and

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

842 (l) Knowingly performing any act that in any way
843 assists an unlicensed person to practice funeral service or
844 funeral directing;

845 (m) Knowingly making a false statement on death
846 certificates;

847 * * *

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



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

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

857 (ii) Knowingly performing any act which in any way
858 assists an unlicensed person to practice funeral service or
859 funeral directing;

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

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

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



874 the Federal Trade Commission relative to the practice of funeral
875 service or funeral directing.

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

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



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

900 (c) Any party appearing before the board may be
901 accompanied by counsel.

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

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

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

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



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

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

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

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

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



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

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



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

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

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

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

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

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



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

998 (10) A monetary penalty assessed and levied under this
999 section shall be paid to the board by the licensee upon the
1000 expiration of the period allowed for appeal of such penalties
1001 under this section or may be paid sooner if the licensee elects.

1002 With the exception of subsection (5)(d) of this section,
1003 monetary penalties collected by the board under this section shall
1004 be deposited in the State Treasury to the credit of the State
1005 Board of Funeral Service. Any monies collected by the board under
1006 subsection (5)(d) of this section shall be deposited into the
1007 special fund operating account of the board.

1008 (11) When payment of a monetary penalty assessed and levied
1009 by the board against a licensee in accordance with this section is
1010 not paid by the licensee when due under this section, the board
1011 shall have power to institute and maintain proceedings in its name
1012 for enforcement of payment in the chancery court of the county and
1013 judicial district of residence of the licensee, or if the licensee
1014 is a nonresident of the State of Mississippi, in the Chancery
1015 Court of the First Judicial District of Hinds County, Mississippi.

1016 (12) In any administrative or judicial proceeding in which
1017 the board prevails, the board shall have the right to recover
1018 reasonable attorney fees.



(13) In addition to the reasons 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 11. Section 73-14-35, Mississippi Code of 1972, is amended as follows:

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



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

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

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

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

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

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

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

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

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

(2) In addition to the causes 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 12. 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 * * * disqualifying crime as provided in the Fresh Start Act has had accepted by a court a plea of nolo contendere to a * * * disqualifying crime as provided in the Fresh Start Act (a certified copy of the judgment of the



1093 court of competent jurisdiction of such conviction or pleas shall
1094 be prima facie evidence of such conviction);

1095 (c) Has negligently or willfully acted in a manner
1096 inconsistent with the health or safety of the persons under the
1097 licensee's care;

1098 (d) Has had a license or privilege to practice as a
1099 registered nurse or a licensed practical nurse suspended or
1100 revoked in any jurisdiction, has voluntarily surrendered such
1101 license or privilege to practice in any jurisdiction, has been
1102 placed on probation as a registered nurse or licensed practical
1103 nurse in any jurisdiction or has been placed under a disciplinary
1104 order(s) in any manner as a registered nurse or licensed practical
1105 nurse in any jurisdiction, (a certified copy of the order of
1106 suspension, revocation, probation or disciplinary action shall be
1107 prima facie evidence of such action);

1108 (e) Has negligently or willfully practiced nursing in a
1109 manner that fails to meet generally accepted standards of such
1110 nursing practice;

1111 (f) Has negligently or willfully violated any order,
1112 rule or regulation of the board pertaining to nursing practice or
1113 licensure;

1114 (g) Has falsified or in a repeatedly negligent manner
1115 made incorrect entries or failed to make essential entries on
1116 records;



1117 (h) Is addicted to or dependent on alcohol or other
1118 habit-forming drugs or is a habitual user of narcotics,
1119 barbiturates, amphetamines, hallucinogens, or other drugs having
1120 similar effect, or has misappropriated any medication;

1121 (i) Has a physical, mental or emotional condition that
1122 renders the licensee unable to perform nursing services or duties
1123 with reasonable skill and safety;

1124 (j) Has engaged in any other conduct, whether of the
1125 same or of a different character from that specified in this
1126 article, that would constitute a disqualifying crime as defined
1127 in * * * the Fresh Start Act;

1128 (k) Engages in conduct likely to deceive, defraud or
1129 harm the public;

1130 (l) Engages in any unprofessional conduct as identified
1131 by the board in its rules;

1132 (m) Has violated any provision of this article;

1133 (n) Violation(s) of the provisions of Sections 41-121-1
1134 through 41-121-9 relating to deceptive advertisement by health
1135 care practitioners. This paragraph shall stand repealed on July
1136 1, 2025; or

1137 (o) Violation(s) of any provision of Title 41, Chapter
1138 141, Mississippi Code of 1972.

1139 (2) When the board finds any person unqualified because of
1140 any of the grounds set forth in subsection (1) of this section, it



1141 may enter an order imposing one or more of the following
1142 penalties:

- 1143 (a) Denying application for a license or other
1144 authorization to practice nursing or practical nursing;
- 1145 (b) Administering a reprimand;
- 1146 (c) Suspending or restricting the license or other
1147 authorization to practice as a registered nurse or licensed
1148 practical nurse for up to two (2) years without review;
- 1149 (d) Revoking the license or other authorization to
1150 practice nursing or practical nursing;
- 1151 (e) Requiring the disciplinee to submit to care,
1152 counseling or treatment by persons and/or agencies approved or
1153 designated by the board as a condition for initial, continued or
1154 renewed licensure or other authorization to practice nursing or
1155 practical nursing;
- 1156 (f) Requiring the disciplinee to participate in a
1157 program of education prescribed by the board as a condition for
1158 initial, continued or renewed licensure or other authorization to
1159 practice;
- 1160 (g) Requiring the disciplinee to practice under the
1161 supervision of a registered nurse for a specified period of time;
1162 or
- 1163 (h) Imposing a fine not to exceed Five Hundred Dollars
1164 (\$500.00) .



1165 (3) In addition to the grounds specified in subsection (1)
1166 of this section, the board shall be authorized to suspend the
1167 license or privilege to practice of any licensee for being out of
1168 compliance with an order for support, as defined in Section
1169 93-11-153. The procedure for suspension of a license or privilege
1170 to practice for being out of compliance with an order for support,
1171 and the procedure for the reissuance or reinstatement of a license
1172 or privilege to practice suspended for that purpose, and the
1173 payment of any fees for the reissuance or reinstatement of a
1174 license or privilege to practice suspended for that purpose, shall
1175 be governed by Section 93-11-157 or 93-11-163, as the case may be.
1176 If there is any conflict between any provision of Section
1177 93-11-157 or 93-11-163 and any provision of this article, the
1178 provisions of Section 93-11-157 or 93-11-163, as the case may be,
1179 shall control.

1180 (4) If the public health, safety or welfare imperatively
1181 requires emergency action and the board incorporates a finding to
1182 that effect in an order, the board may order summary suspension of
1183 a license pending proceedings for revocation or other action.
1184 These proceedings shall be promptly instituted and determined by
1185 the board.

1186 (5) The board may establish by rule an alternative to
1187 discipline program for licensees who have an impairment as a
1188 result of substance abuse or a mental health condition, which
1189 program shall include at least the following components:



1190 (a) Participation in the program is voluntary with the
1191 licensee, and the licensee must enter the program before the board
1192 holds a disciplinary action hearing regarding the licensee;

1193 (b) The full cost of participation in the program,
1194 including the cost of any care, counseling, treatment and/or
1195 education received by the licensee, shall be borne by the
1196 licensee;

1197 (c) All of the procedures and records regarding the
1198 licensee's participation in the program shall be confidential,
1199 shall not be disclosed and shall be exempt from the provisions of
1200 the Mississippi Public Records Act of 1983; and

1201 (d) A licensee may not participate in the program more
1202 often than one (1) time during any period of five (5) years or
1203 such longer period as set by the board.

1204 (6) A nurse practitioner who provides a written
1205 certification as authorized under the Mississippi Medical Cannabis
1206 Act and in compliance with rules and regulations adopted
1207 thereunder shall not be subject to any disciplinary action under
1208 this section solely due to providing the written certification.

1209 **SECTION 13.** Section 73-19-23, Mississippi Code of 1972, is
1210 amended as follows:

1211 73-19-23. (1) (a) The board shall refuse to grant a
1212 certificate of licensure to any applicant and may cancel, revoke
1213 or suspend the operation of any certificate by it granted for any
1214 or all of the following reasons: unprofessional and unethical



1215 conduct * * *, habitual intemperance in the use of ardent spirits,
1216 or stimulants, narcotics, or any other substance that impairs the
1217 intellect and judgment to such an extent as to incapacitate one
1218 for the performance of the duties of an optometrist. The
1219 certificate of licensure of any person can be revoked for
1220 violating any section of this chapter.

1221 (b) The board shall conduct a criminal history records
1222 check on licensure applicants and on licensees whose licenses are
1223 subject to investigation.

1224 (i) The applicant or licensee shall undergo a
1225 fingerprint-based criminal history records check of the
1226 Mississippi central criminal database and the Federal Bureau of
1227 Investigation criminal history database. Each applicant or
1228 licensee shall submit a full set of the applicant's fingerprints
1229 in a form or manner prescribed by the board, which shall be
1230 forwarded to the Bureau of Investigation Identification Division
1231 for this purpose.

1232 (ii) Any and all state or national criminal
1233 history records information obtained by the board that is not
1234 already a matter of public record shall be deemed nonpublic and
1235 confidential information restricted to the exclusive use of the
1236 board, its members, officers, investigators, agents and attorneys
1237 in evaluating the applicant's eligibility or disqualification for
1238 licensure, and shall be exempt from the Mississippi Public Records
1239 Act of 1983. Except when introduced into evidence in a hearing



1240 before the board to determine licensure, no such information or
1241 records related thereto shall, except with the written consent of
1242 the applicant or licensee or by order of a court of competent
1243 jurisdiction, be released or otherwise disclosed by the board to
1244 any other person or agency.

1245 (iii) The board shall provide to the department
1246 the fingerprints of the applicant or licensee, any additional
1247 information that may be required by the department, and a form
1248 signed by the applicant consenting to the check of the criminal
1249 records and to the use of the fingerprints and other identifying
1250 information required by the state or national repositories.

1251 (iv) The board shall charge and collect from the
1252 applicant or licensee, in addition to all other applicable fees
1253 and costs, such amount as may be incurred by the board in
1254 requesting and obtaining state and national criminal history
1255 records information on the applicant or licensee.

1256 (2) The board shall further be authorized to take
1257 disciplinary action against a licensee for any unlawful acts,
1258 which shall include violations of regulations promulgated by the
1259 board, as well as the following acts:

1260 (a) Fraud or misrepresentation in applying for or
1261 procuring an optometric license or in connection with applying for
1262 or procuring periodic renewal of an optometric license.

1263 (b) Cheating on or attempting to subvert the optometric
1264 licensing examination(s).



1265 (c) The conviction of a * * * disqualifying crime as
1266 provided in the Fresh Start Act in this state or any other
1267 jurisdiction, or the entry of a guilty or nolo contendere plea to
1268 a * * * disqualifying crime.

1269 (d) The conviction of a * * * disqualifying crime as
1270 provided in the Fresh Start Act as defined by federal law, or the
1271 entry of a guilty or nolo contendere plea to a * * * disqualifying
1272 crime as provided in the Fresh Start Act.

1273 (e) Conduct likely to deceive, defraud or harm the
1274 public.

1275 (f) Making a false or misleading statement regarding
1276 his or her skill or the efficacy or value of the medicine, device,
1277 treatment or remedy prescribed by him or her or used at his or her
1278 direction in the treatment of any disease or other condition.

1279 (g) Willfully or negligently violating the
1280 confidentiality between doctor and patient, except as required by
1281 law.

1282 (h) Negligence or gross incompetence in the practice of
1283 optometry as determined by the board.

1284 (i) Being found to be a person with mental illness or
1285 with an intellectual disability by any court of competent
1286 jurisdiction.

1287 (j) The use of any false, fraudulent, deceptive or
1288 misleading statement in any document connected with the practice
1289 of optometry.



1290 (k) Aiding or abetting the practice of optometry by an
1291 unlicensed, incompetent or impaired person.

1292 (l) Commission of any act of sexual abuse, misconduct
1293 or exploitation related to the licensee's practice of optometry.

1294 (m) Being addicted or habituated to a drug or
1295 intoxicant.

1296 (n) Violating any state or federal law or regulation
1297 relating to a drug legally classified as a controlled substance.

1298 (o) Obtaining any fee by fraud, deceit or
1299 misrepresentation.

1300 (p) Disciplinary action of another state or
1301 jurisdiction against a licensee or other authorization to practice
1302 optometry based upon acts or conduct by the licensee similar to
1303 acts or conduct that would constitute grounds for action as
1304 defined in this chapter, a certified copy of the record of the
1305 action taken by the other state or jurisdiction being conclusive
1306 evidence thereof.

1307 (q) Failure to report to the board the relocation of
1308 his or her office in or out of the jurisdiction, or to furnish
1309 floor plans as required by regulation.

1310 (r) Violation of any provision(s) of the Optometry
1311 Practice Act or the rules and regulations of the board or of an
1312 action, stipulation or agreement of the board.

1313 (s) To advertise in a manner that tends to deceive,
1314 mislead or defraud the public.



1315 (t) The designation of any person licensed under this
1316 chapter, other than by the terms "optometrist," "Doctor of
1317 Optometry" or "O.D.," which through June 30, 2025, shall include
1318 any violation(s) of the provisions of Sections 41-121-1 through
1319 41-121-9 relating to deceptive advertisement by health care
1320 practitioners.

1321 (u) To knowingly submit or cause to be submitted any
1322 misleading, deceptive or fraudulent representation on a claim
1323 form, bill or statement.

1324 (v) To practice or attempt to practice optometry while
1325 his or her license is suspended.

1326 (3) Any person who is a holder of a certificate of licensure
1327 or who is an applicant for examination for a certificate of
1328 licensure, against whom is preferred any charges, shall be
1329 furnished by the board with a copy of the complaint and shall have
1330 a hearing in Jackson, Mississippi, before the board, at which
1331 hearing he may be represented by counsel. At the hearing,
1332 witnesses may be examined for and against the accused respecting
1333 those charges, and the hearing orders or appeals will be conducted
1334 according to the procedure now provided in Section 73-25-27. The
1335 suspension of a certificate of licensure by reason of the use of
1336 stimulants or narcotics may be removed when the holder of the
1337 certificate has been adjudged by the board to be cured and capable
1338 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 14. Section 73-21-97, Mississippi Code of 1972, is amended as follows:

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



1363 (a) Unprofessional conduct as defined by the rules and
1364 regulations of the board;

1365 (b) Incapacity of a nature that prevents a pharmacist
1366 from engaging in the practice of pharmacy with reasonable skill,
1367 confidence and safety to the public;

1368 (c) Being found guilty by a court of competent
1369 jurisdiction of one or more of the following:

1370 (i) A * * * disqualifying crime as provided in the
1371 Fresh Start Act;

1372 (ii) Any act involving * * * gross immorality; or

1373 (iii) Violation of pharmacy or drug laws of this
1374 state or rules or regulations pertaining thereto, or of statutes,
1375 rules or regulations of any other state or the federal government;

1376 (d) Fraud or intentional misrepresentation by a
1377 licensee or permit holder in securing the issuance or renewal of a
1378 license or permit;

1379 (e) Engaging or aiding and abetting an individual to
1380 engage in the practice of pharmacy without a license;

1381 (f) Violation of any of the provisions of this chapter
1382 or rules or regulations adopted pursuant to this chapter;

1383 (g) Failure to comply with lawful orders of the board;

1384 (h) Negligently or willfully acting in a manner
1385 inconsistent with the health or safety of the public;



1386 (i) Addiction to or dependence on alcohol or controlled
1387 substances or the unauthorized use or possession of controlled
1388 substances;

1389 (j) Misappropriation of any prescription drug;

1390 (k) Being found guilty by the licensing agency in
1391 another state of violating the statutes, rules or regulations of
1392 that jurisdiction;

1393 (l) The unlawful or unauthorized possession of a
1394 controlled substance;

1395 (m) Willful failure to submit drug monitoring
1396 information or willful submission of incorrect dispensing
1397 information as required by the Prescription Monitoring Program
1398 under Section 73-21-127;

1399 (n) Failure to obtain the license, registration or
1400 permit required by this chapter; or

1401 (o) Violation(s) of the provisions of Sections 41-121-1
1402 through 41-121-9 relating to deceptive advertisement by health
1403 care practitioners. This paragraph shall stand repealed on July
1404 1, 2025.

1405 (2) In lieu of suspension, revocation or restriction of a
1406 license as provided for above, the board may warn or reprimand the
1407 offending pharmacist.

1408 (3) In addition to the grounds specified in subsection (1)
1409 of this section, the board shall be authorized to suspend the
1410 license, registration or permit of any person for being out of



1411 compliance with an order for support, as defined in Section
1412 93-11-153. The procedure for suspension of a license,
1413 registration or permit for being out of compliance with an order
1414 for support, and the procedure for the reissuance or reinstatement
1415 of a license, registration or permit suspended for that purpose,
1416 and the payment of any fees for the reissuance or reinstatement of
1417 a license, registration or permit suspended for that purpose,
1418 shall be governed by Section 93-11-157 or 93-11-163, as the case
1419 may be. If there is any conflict between any provision of Section
1420 93-11-157 or 93-11-163 and any provision of this chapter, the
1421 provisions of Section 93-11-157 or 93-11-163, as the case may be,
1422 shall control.

1423 **SECTION 15.** Section 73-25-29, Mississippi Code of 1972, is
1424 amended as follows:

1425 73-25-29. The grounds for the nonissuance, suspension,
1426 revocation or restriction of a license or the denial of
1427 reinstatement or renewal of a license are:

1428 (1) Habitual personal use of narcotic drugs, or any
1429 other drug having addiction-forming or addiction-sustaining
1430 liability.

1431 (2) Habitual use of intoxicating liquors, or any
1432 beverage, to an extent which affects professional competency.

1433 (3) Administering, dispensing or prescribing any
1434 narcotic drug, or any other drug having addiction-forming or



1435 addiction-sustaining liability otherwise than in the course of
1436 legitimate professional practice.

1437 (4) Conviction of violation of any federal or state law
1438 regulating the possession, distribution or use of any narcotic
1439 drug or any drug considered a controlled substance under state or
1440 federal law, a certified copy of the conviction order or judgment
1441 rendered by the trial court being prima facie evidence thereof,
1442 notwithstanding the pendency of any appeal.

1443 (5) Procuring, or attempting to procure, or aiding in,
1444 an abortion that is not medically indicated.

1445 (6) Conviction of a * * * disqualifying crime as
1446 provided in the Fresh Start Act, a certified copy of the
1447 conviction order or judgment rendered by the trial court being
1448 prima facie evidence thereof, notwithstanding the pendency of any
1449 appeal.

1450 (7) Obtaining or attempting to obtain a license by
1451 fraud or deception.

1452 (8) Unprofessional conduct, which includes, but is not
1453 limited to:

1454 (a) Practicing medicine under a false or assumed
1455 name or impersonating another practitioner, living or dead.

1456 (b) Knowingly performing any act which in any way
1457 assists an unlicensed person to practice medicine.



1458 (c) Making or willfully causing to be made any
1459 flamboyant claims concerning the licensee's professional
1460 excellence.

1461 (d) Being guilty of any dishonorable or unethical
1462 conduct likely to deceive, defraud or harm the public.

1463 (e) Obtaining a fee as personal compensation or
1464 gain from a person on fraudulent representation of a disease or
1465 injury condition generally considered incurable by competent
1466 medical authority in the light of current scientific knowledge and
1467 practice can be cured or offering, undertaking, attempting or
1468 agreeing to cure or treat the same by a secret method, which he
1469 refuses to divulge to the board upon request.

1470 (f) Use of any false, fraudulent or forged
1471 statement or document, or the use of any fraudulent, deceitful,
1472 dishonest or immoral practice in connection with any of the
1473 licensing requirements, including the signing in his professional
1474 capacity any certificate that is known to be false at the time he
1475 makes or signs such certificate.

1476 (g) Failing to identify a physician's school of
1477 practice in all professional uses of his name by use of his earned
1478 degree or a description of his school of practice.

1479 (9) The refusal of a licensing authority of another
1480 state or jurisdiction to issue or renew a license, permit or
1481 certificate to practice medicine in that jurisdiction or the
1482 revocation, suspension or other restriction imposed on a license,



1483 permit or certificate issued by such licensing authority which
1484 prevents or restricts practice in that jurisdiction, a certified
1485 copy of the disciplinary order or action taken by the other state
1486 or jurisdiction being prima facie evidence thereof,
1487 notwithstanding the pendency of any appeal.

1488 (10) Surrender of a license or authorization to
1489 practice medicine in another state or jurisdiction or surrender of
1490 membership on any medical staff or in any medical or professional
1491 association or society while under disciplinary investigation by
1492 any of those authorities or bodies for acts or conduct similar to
1493 acts or conduct which would constitute grounds for action as
1494 defined in this section.

1495 (11) Final sanctions imposed by the United States
1496 Department of Health and Human Services, Office of Inspector
1497 General or any successor federal agency or office, based upon a
1498 finding of incompetency, gross misconduct or failure to meet
1499 professionally recognized standards of health care; a certified
1500 copy of the notice of final sanction being prima facie evidence
1501 thereof. As used in this paragraph, the term "final sanction"
1502 means the written notice to a physician from the United States
1503 Department of Health and Human Services, Officer of Inspector
1504 General or any successor federal agency or office, which
1505 implements the exclusion.

1506 (12) Failure to furnish the board, its investigators or
1507 representatives information legally requested by the board.



1508 (13) Violation of any provision(s) of the Medical
1509 Practice Act or the rules and regulations of the board or of any
1510 order, stipulation or agreement with the board.

1511 (14) Violation(s) of the provisions of Sections
1512 41-121-1 through 41-121-9 relating to deceptive advertisement by
1513 health care practitioners.

1514 (15) Performing or inducing an abortion on a woman in
1515 violation of any provision of Sections 41-41-131 through
1516 41-41-145.

1517 (16) Performing an abortion on a pregnant woman after
1518 determining that the unborn human individual that the pregnant
1519 woman is carrying has a detectable fetal heartbeat as provided in
1520 Section 41-41-34.1.

1521 (17) Violation(s) of any provision of Title 41, Chapter
1522 141, Mississippi Code of 1972.

1523 In addition to the grounds specified above, the board shall
1524 be authorized to suspend the license of any licensee for being out
1525 of compliance with an order for support, as defined in Section
1526 93-11-153. The procedure for suspension of a license for being
1527 out of compliance with an order for support, and the procedure for
1528 the reissuance or reinstatement of a license suspended for that
1529 purpose, and the payment of any fees for the reissuance or
1530 reinstatement of a license suspended for that purpose, shall be
1531 governed by Section 93-11-157 or 93-11-163, as the case may be.
1532 If there is any conflict between any provision of Section



1533 93-11-157 or 93-11-163 and any provision of this chapter, the
1534 provisions of Section 93-11-157 or 93-11-163, as the case may be,
1535 shall control.

1536 A physician who provides a written certification as
1537 authorized under the Mississippi Medical Cannabis Act and in
1538 compliance with rules and regulations adopted thereunder shall not
1539 be subject to any disciplinary action under this section solely
1540 due to providing the written certification.

1541 **SECTION 16.** Section 73-25-101, Mississippi Code of 1972, is
1542 amended as follows:

1543 73-25-101. The Interstate Medical Licensure Compact is
1544 enacted into law and entered into by this state with any and all
1545 states legally joining in the Compact in accordance with its
1546 terms, in the form substantially as follows:

1547 **INTERSTATE MEDICAL LICENSURE COMPACT**

1548 **SECTION 1**

1549 **Purpose**

1550 In order to strengthen access to health care, and in
1551 recognition of the advances in the delivery of health care, the
1552 member states of the Interstate Medical Licensure Compact have
1553 allied in common purpose to develop a comprehensive process that
1554 complements the existing licensing and regulatory authority of
1555 state medical boards, provides a streamlined process that allows
1556 physicians to become licensed in multiple states, thereby
1557 enhancing the portability of a medical license and ensuring the



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

SECTION 2

Definitions

In this Compact:

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

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

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



1583 (d) "Expedited license" means a full and unrestricted
1584 medical license granted by a member state to an eligible physician
1585 through the process set forth in the Compact.

1586 (e) "Interstate Commission" means the interstate
1587 commission created pursuant to Section 11.

1588 (f) "License" means authorization by a state for a
1589 physician to engage in the practice of medicine, which would be
1590 unlawful without the authorization.

1591 (g) "Medical Practice Act" means laws and regulations
1592 governing the practice of allopathic and osteopathic medicine
1593 within a member state.

1594 (h) "Member board" means a state agency in a member
1595 state that acts in the sovereign interests of the state by
1596 protecting the public through licensure, regulation, and education
1597 of physicians as directed by the state government.

1598 (i) "Member state" means a state that has enacted the
1599 Compact.

1600 (j) "Practice of medicine" means the clinical
1601 prevention, diagnosis, or treatment of human disease, injury, or
1602 condition requiring a physician to obtain and maintain a license
1603 in compliance with the Medical Practice Act of a member state.

1604 (k) "Physician" means any person who:

1605 (1) Is a graduate of a medical school accredited
1606 by the Liaison Committee on Medical Education, the Commission on



1607 Osteopathic College Accreditation, or a medical school listed in
1608 the International Medical Education Directory or its equivalent;
1609 (2) Passed each component of the United States
1610 Medical Licensing Examination (USMLE) or the Comprehensive
1611 Osteopathic Medical Licensing Examination (COMLEX-USA) within
1612 three (3) attempts, or any of its predecessor examinations
1613 accepted by a state medical board as an equivalent examination for
1614 licensure purposes;
1615 (3) Successfully completed graduate medical
1616 education approved by the Accreditation Council for Graduate
1617 Medical Education or the American Osteopathic Association;
1618 (4) Holds specialty certification or a
1619 time-unlimited specialty certificate recognized by the American
1620 Board of Medical Specialties or the American Osteopathic
1621 Association's Bureau of Osteopathic Specialists;
1622 (5) Possesses a full and unrestricted license to
1623 engage in the practice of medicine issued by a member board;
1624 (6) Has never been convicted, received
1625 adjudication, deferred adjudication, community supervision, or
1626 deferred disposition for any offense by a court of appropriate
1627 jurisdiction;
1628 (7) Has never held a license authorizing the
1629 practice of medicine subjected to discipline by a licensing agency
1630 in any state, federal, or foreign jurisdiction, excluding any
1631 action related to nonpayment of fees related to a license;



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

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

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

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

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

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

SECTION 3

Eligibility



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

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

SECTION 4

Designation of State of Principal License

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

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

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

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

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



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

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

SECTION 5

Application and Issuance of Expedited Licensure

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

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

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



1703 (ii) The member board within the state selected as the
1704 state of principal license shall, in the course of verifying
1705 eligibility, perform a criminal background check of an applicant,
1706 including the use of the results of fingerprint or other biometric
1707 data checks compliant with the requirements of the Federal Bureau
1708 of Investigation, with the exception of federal employees who have
1709 suitability determination in accordance with United States Code of
1710 Federal Regulation Section 731.202.

1711 (iii) Appeal on the determination of eligibility shall
1712 be made to the member state where the application was filed and
1713 shall be subject to the law of that state.

1714 (c) Upon verification in subsection (b), physicians eligible
1715 for an expedited license shall complete the registration process
1716 established by the Interstate Commission to receive a license in a
1717 member state selected pursuant to subsection (a), including the
1718 payment of any applicable fees.

1719 (d) After receiving verification of eligibility under
1720 subsection (b) and any fees under subsection (c), a member board
1721 shall issue an expedited license to the physician. This license
1722 shall authorize the physician to practice medicine in the issuing
1723 state consistent with the Medical Practice Act and all applicable
1724 laws and regulations of the issuing member board and member state.

1725 (e) An expedited license shall be valid for a period
1726 consistent with the licensure period in the member state and in



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

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

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

SECTION 6

Fees for Expedited Licensure

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

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

SECTION 7

Renewal and Continued Participation

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

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

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



1752 disposition for any offense by a court of appropriate
1753 jurisdiction;

1754 (3) Has not had a license authorizing the practice of
1755 medicine subject to discipline by a licensing agency in any state,
1756 federal, or foreign jurisdiction, excluding any action related to
1757 nonpayment of fees related to a license; and

1758 (4) Has not had a controlled substance license or
1759 permit suspended or revoked by a state or the United States Drug
1760 Enforcement Administration.

1761 (b) Physicians shall comply with all continuing professional
1762 development or continuing medical education requirements for
1763 renewal of a license issued by a member state.

1764 (c) The Interstate Commission shall collect any renewal fees
1765 charged for the renewal of a license and distribute the fees to
1766 the applicable member board.

1767 (d) Upon receipt of any renewal fees collected in subsection
1768 (c), a member board shall renew the physician's license.

1769 (e) Physician information collected by the Interstate
1770 Commission during the renewal process will be distributed to all
1771 member boards.

1772 (f) The Interstate Commission is authorized to develop rules
1773 to address renewal of licenses obtained through the Compact.

1774 **SECTION 8**

1775 **Coordinated Information System**



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

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

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

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

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

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

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

SECTION 9

Joint Investigations



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

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

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

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

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

SECTION 10

Disciplinary Actions

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

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



1825 licenses issued to the physician by member boards shall
1826 automatically be placed, without further action necessary by any
1827 member board, on the same status. If the member board in the
1828 state of principal license subsequently reinstates the physician's
1829 license, a license issued to the physician by any other member
1830 board shall remain encumbered until that respective member board
1831 takes action to reinstate the license in a manner consistent with
1832 the Medical Practice Act of that state.

1833 (c) If disciplinary action is taken against a physician by a
1834 member board not in the state of principal license, any other
1835 member board may deem the action conclusive as to matter of law
1836 and fact decided, and:

1837 (i) Impose the same or lesser sanction(s) against the
1838 physician so long as such sanctions are consistent with the
1839 Medical Practice Act of that state; or

1840 (ii) Pursue separate disciplinary action against the
1841 physician under its respective Medical Practice Act, regardless of
1842 the action taken in other member states.

1843 (d) If a license granted to a physician by a member board is
1844 revoked, surrendered or relinquished in lieu of discipline, or
1845 suspended, then any license(s) issued to the physician by any
1846 other member board(s) shall be suspended, automatically and
1847 immediately without further action necessary by the other member
1848 board(s), for ninety (90) days upon entry of the order by the
1849 disciplining board, to permit the member board(s) to investigate



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

SECTION 11

Interstate Medical Licensure Compact Commission

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

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

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

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



1874 shall appoint one (1) representative from each member board. A
1875 Commissioner shall be a(n):

1876 (1) Allopathic or osteopathic physician appointed to a
1877 member board;

1878 (2) Executive director, executive secretary, or similar
1879 executive of a member board; or

1880 (3) Member of the public appointed to a member board.

1881 (e) The Interstate Commission shall meet at least once each
1882 calendar year. A portion of this meeting shall be a business
1883 meeting to address such matters as may properly come before the
1884 Commission, including the election of officers. The chairperson
1885 may call additional meetings and shall call for a meeting upon the
1886 request of a majority of the member states.

1887 (f) The bylaws may provide for meetings of the Interstate
1888 Commission to be conducted by telecommunication or electronic
1889 communication.

1890 (g) Each Commissioner participating at a meeting of the
1891 Interstate Commission is entitled to one (1) vote. A majority of
1892 Commissioners shall constitute a quorum for the transaction of
1893 business, unless a larger quorum is required by the bylaws of the
1894 Interstate Commission. A Commissioner shall not delegate a vote
1895 to another Commissioner. In the absence of its Commissioner, a
1896 member state may delegate voting authority for a specified meeting
1897 to another person from that state who shall meet the requirements
1898 of subsection (d).



1899 (h) The Interstate Commission shall provide public notice of
1900 all meetings and all meetings shall be open to the public. The
1901 Interstate Commission may close a meeting, in full or in portion,
1902 where it determines by a two-thirds (2/3) vote of the
1903 Commissioners present that an open meeting would be likely to:

1904 (1) Relate solely to the internal personnel practices
1905 and procedures of the Interstate Commission;

1906 (2) Discuss matters specifically exempted from
1907 disclosure by federal statute;

1908 (3) Discuss trade secrets, commercial, or financial
1909 information that is privileged or confidential;

1910 (4) Involve accusing a person of a crime, or formally
1911 censuring a person;

1912 (5) Discuss information of a personal nature where
1913 disclosure would constitute a clearly unwarranted invasion of
1914 personal privacy;

1915 (6) Discuss investigative records compiled for law
1916 enforcement purposes; or

1917 (7) Specifically relate to the participation in a civil
1918 action or other legal proceeding.

1919 (i) The Interstate Commission shall keep minutes which shall
1920 fully describe all matters discussed in a meeting and shall
1921 provide a full and accurate summary of actions taken, including
1922 record of any roll call votes.



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

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

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

SECTION 12

Powers and Duties of the Interstate Commission

The Interstate Commission shall have the duty and power to:

- (a) Oversee and maintain the administration of the Compact;
- (b) Promulgate rules which shall be binding to the extent and in the manner provided for in the Compact;
- (c) Issue, upon the request of a member state or member board, advisory opinions concerning the meaning or interpretation of the Compact, its bylaws, rules, and actions;



1947 (d) Enforce compliance with Compact provisions, the rules
1948 promulgated by the Interstate Commission, and the bylaws, using
1949 all necessary and proper means, including but not limited to the
1950 use of judicial process;

1951 (e) Establish and appoint committees, including but not
1952 limited to an executive committee as required by Section 11, which
1953 shall have the power to act on behalf of the Interstate Commission
1954 in carrying out its powers and duties;

1955 (f) Pay, or provide for the payment of the expenses related
1956 to the establishment, organization, and ongoing activities of the
1957 Interstate Commission;

1958 (g) Establish and maintain one or more offices;

1959 (h) Borrow, accept, hire, or contract for services of
1960 personnel;

1961 (i) Purchase and maintain insurance and bonds;

1962 (j) Employ an executive director who shall have such powers
1963 to employ, select or appoint employees, agents, or consultants,
1964 and to determine their qualifications, define their duties, and
1965 fix their compensation;

1966 (k) Establish personnel policies and programs relating to
1967 conflicts of interest, rates of compensation, and qualifications
1968 of personnel;

1969 (l) Accept donations and grants of money, equipment,
1970 supplies, materials and services, and to receive, utilize, and



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

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

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

(o) Establish a budget and make expenditures;

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

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

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

(s) Maintain records in accordance with the bylaws;

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

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

SECTION 13

Finance Powers



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

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

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

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

SECTION 14

Organization and Operation of the Interstate Commission

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



2020 (b) The Interstate Commission shall elect or appoint
2021 annually from among its Commissioners a chairperson, a vice
2022 chairperson, and a treasurer, each of whom shall have such
2023 authority and duties as may be specified in the bylaws. The
2024 chairperson, or in the chairperson's absence or disability, the
2025 vice chairperson, shall preside at all meetings of the Interstate
2026 Commission.

2027 (c) Officers selected in subsection (b) shall serve without
2028 remuneration from the Interstate Commission.

2029 (d) The officers and employees of the Interstate Commission
2030 shall be immune from suit and liability, either personally or in
2031 their official capacity, for a claim for damage to or loss of
2032 property or personal injury or other civil liability caused or
2033 arising out of, or relating to, an actual or alleged act, error,
2034 or omission that occurred, or that such person had a reasonable
2035 basis for believing occurred, within the scope of Interstate
2036 Commission employment, duties, or responsibilities; provided that
2037 such person shall not be protected from suit or liability for
2038 damage, loss, injury, or liability caused by the intentional or
2039 willful and wanton misconduct of such person.

2040 (1) The liability of the executive director and
2041 employees of the Interstate Commission or representatives of the
2042 Interstate Commission, acting within the scope of such person's
2043 employment or duties for acts, errors, or omissions occurring
2044 within such person's state, may not exceed the limits of liability



2045 set forth under the constitution and laws of that state for state
2046 officials, employees, and agents. The Interstate Commission is
2047 considered to be an instrumentality of the states for the purposes
2048 of any such action. Nothing in this subsection shall be construed
2049 to protect such person from suit or liability for damage, loss,
2050 injury, or liability caused by the intentional or willful and
2051 wanton misconduct of such person.

2052 (2) The Interstate Commission shall defend the
2053 executive director, its employees, and subject to the approval of
2054 the attorney general or other appropriate legal counsel of the
2055 member state represented by an Interstate Commission
2056 representative, shall defend such Interstate Commission
2057 representative in any civil action seeking to impose liability
2058 arising out of an actual or alleged act, error or omission that
2059 occurred within the scope of Interstate Commission employment,
2060 duties or responsibilities, or that the defendant had a reasonable
2061 basis for believing occurred within the scope of Interstate
2062 Commission employment, duties, or responsibilities, provided that
2063 the actual or alleged act, error, or omission did not result from
2064 intentional or willful and wanton misconduct on the part of such
2065 person.

2066 (3) To the extent not covered by the state involved,
2067 member state, or the Interstate Commission, the representatives or
2068 employees of the Interstate Commission shall be held harmless in
2069 the amount of a settlement or judgment, including attorney's fees



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

SECTION 15

Rulemaking Functions of the Interstate Commission

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

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

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



2095 the rule in the United States District Court for the District of
2096 Columbia or the federal district where the Interstate Commission
2097 has its principal offices, provided that the filing of such a
2098 petition shall not stay or otherwise prevent the rule from
2099 becoming effective unless the court finds that the petitioner has
2100 a substantial likelihood of success. The court shall give
2101 deference to the actions of the Interstate Commission consistent
2102 with applicable law and shall not find the rule to be unlawful if
2103 the rule represents a reasonable exercise of the authority granted
2104 to the Interstate Commission.

2105 **SECTION 16**

2106 **Oversight of Interstate Compact**

2107 (a) The executive, legislative, and judicial branches of
2108 state government in each member state shall enforce the Compact
2109 and shall take all actions necessary and appropriate to effectuate
2110 the Compact's purposes and intent. The provisions of the Compact
2111 and the rules promulgated hereunder shall have standing as
2112 statutory law but shall not override existing state authority to
2113 regulate the practice of medicine.

2114 (b) All courts shall take judicial notice of the Compact and
2115 the rules in any judicial or administrative proceeding in a member
2116 state pertaining to the subject matter of the Compact which may
2117 affect the powers, responsibilities or actions of the Interstate
2118 Commission.



2119 (c) The Interstate Commission shall be entitled to receive
2120 all service of process in any such proceeding, and shall have
2121 standing to intervene in the proceeding for all purposes. Failure
2122 to provide service of process to the Interstate Commission shall
2123 render a judgment or order void as to the Interstate Commission,
2124 the Compact, or promulgated rules.

2125 **SECTION 17**

2126 **Enforcement of Interstate Compact**

2127 (a) The Interstate Commission, in the reasonable exercise of
2128 its discretion, shall enforce the provisions and rules of the
2129 Compact.

2130 (b) The Interstate Commission may, by majority vote of the
2131 Commissioners, initiate legal action in the United States District
2132 Court for the District of Columbia, or, at the discretion of the
2133 Interstate Commission, in the federal district where the
2134 Interstate Commission has its principal offices, to enforce
2135 compliance with the provisions of the Compact, and its promulgated
2136 rules and bylaws, against a member state in default. The relief
2137 sought may include both injunctive relief and damages. In the
2138 event judicial enforcement is necessary, the prevailing party
2139 shall be awarded all costs of such litigation including reasonable
2140 attorney's fees.

2141 (c) The remedies herein shall not be the exclusive remedies
2142 of the Interstate Commission. The Interstate Commission may avail



2143 itself of any other remedies available under state law or the
2144 regulation of a profession.

2145 **SECTION 18**

2146 **Default Procedures**

2147 (a) The grounds for default include, but are not limited to,
2148 failure of a member state to perform such obligations or
2149 responsibilities imposed upon it by the Compact, or the rules and
2150 bylaws of the Interstate Commission promulgated under the Compact.

2151 (b) If the Interstate Commission determines that a member
2152 state has defaulted in the performance of its obligations or
2153 responsibilities under the Compact, or the bylaws or promulgated
2154 rules, the Interstate Commission shall:

2155 (1) Provide written notice to the defaulting state and
2156 other member states, of the nature of the default, the means of
2157 curing the default, and any action taken by the Interstate
2158 Commission. The Interstate Commission shall specify the
2159 conditions by which the defaulting state must cure its default;
2160 and

2161 (2) Provide remedial training and specific technical
2162 assistance regarding the default.

2163 (c) If the defaulting state fails to cure the default, the
2164 defaulting state shall be terminated from the Compact upon an
2165 affirmative vote of a majority of the Commissioners and all
2166 rights, privileges, and benefits conferred by the Compact shall
2167 terminate on the effective date of termination. A cure of the



2168 default does not relieve the offending state of obligations or
2169 liabilities incurred during the period of the default.

2170 (d) Termination of membership in the Compact shall be
2171 imposed only after all other means of securing compliance have
2172 been exhausted. Notice of intent to terminate shall be given by
2173 the Interstate Commission to the Governor, the majority and
2174 minority leaders of the defaulting state's legislature, and each
2175 of the member states.

2176 (e) The Interstate Commission shall establish rules and
2177 procedures to address licenses and physicians that are materially
2178 impacted by the termination of a member state, or the withdrawal
2179 of a member state.

2180 (f) The member state which has been terminated is
2181 responsible for all dues, obligations, and liabilities incurred
2182 through the effective date of termination including obligations,
2183 the performance of which extends beyond the effective date of
2184 termination.

2185 (g) The Interstate Commission shall not bear any costs
2186 relating to any state that has been found to be in default or
2187 which has been terminated from the Compact, unless otherwise
2188 mutually agreed upon in writing between the Interstate Commission
2189 and the defaulting state.

2190 (h) The defaulting state may appeal the action of the
2191 Interstate Commission by petitioning the United States District
2192 Court for the District of Columbia or the federal district where



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

SECTION 19

Dispute Resolution

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

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

SECTION 20

Member States, Effective Date and Amendment

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

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

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



2218 (d) The Interstate Commission may propose amendments to the
2219 Compact for enactment by the member states. No amendment shall
2220 become effective and binding upon the Interstate Commission and
2221 the member states unless and until it is enacted into law by
2222 unanimous consent of the member states.

2223 **SECTION 21**

2224 **Withdrawal**

2225 (a) Once effective, the Compact shall continue in force and
2226 remain binding upon each and every member state; provided that a
2227 member state may withdraw from the Compact by specifically
2228 repealing the statute which enacted the Compact into law.

2229 (b) Withdrawal from the Compact shall be by the enactment of
2230 a statute repealing the same, but shall not take effect until one
2231 (1) year after the effective date of such statute and until
2232 written notice of the withdrawal has been given by the withdrawing
2233 state to the Governor of each other member state.

2234 (c) The withdrawing state shall immediately notify the
2235 chairperson of the Interstate Commission in writing upon the
2236 introduction of legislation repealing the Compact in the
2237 withdrawing state.

2238 (d) The Interstate Commission shall notify the other member
2239 states of the withdrawing state's intent to withdraw within sixty
2240 (60) days of its receipt of notice provided under subsection (c).

2241 (e) The withdrawing state is responsible for all dues,
2242 obligations and liabilities incurred through the effective date of



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

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

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

SECTION 22

Dissolution

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

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

SECTION 23

Severability and Construction

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



2267 unenforceable, the remaining provisions of the Compact shall be
2268 enforceable.

2269 (b) The provisions of the Compact shall be liberally
2270 construed to effectuate its purposes.

2271 (c) Nothing in the Compact shall be construed to prohibit
2272 the applicability of other interstate compacts to which the states
2273 are members.

2274 **SECTION 24**

2275 **Binding Effect of Compact and Other Laws**

2276 (a) Nothing herein prevents the enforcement of any other law
2277 of a member state that is not inconsistent with the Compact.

2278 (b) All laws in a member state in conflict with the Compact
2279 are superseded to the extent of the conflict.

2280 (c) All lawful actions of the Interstate Commission,
2281 including all rules and bylaws promulgated by the Commission, are
2282 binding upon the member states.

2283 (d) All agreements between the Interstate Commission and the
2284 member states are binding in accordance with their terms.

2285 (e) In the event any provision of the Compact exceeds the
2286 constitutional limits imposed on the legislature of any member
2287 state, such provision shall be ineffective to the extent of the
2288 conflict with the constitutional provision in question in that
2289 member state.

2290 **SECTION 17.** Section 73-27-13, Mississippi Code of 1972, is
2291 amended as follows:



2292 73-27-13. (1) The State Board of Medical Licensure may
2293 refuse to issue, suspend, revoke or otherwise restrict any license
2294 provided for in this chapter, with the advice of the advisory
2295 committee, based upon the following grounds:

2296 (a) Habitual personal use of narcotic drugs, or any
2297 other drug having addiction-forming or addiction-sustaining
2298 liability.

2299 (b) Habitual use of intoxicating liquors, or any
2300 beverage, to an extent which affects professional competency.

2301 (c) Administering, dispensing or prescribing any
2302 narcotic drug, or any other drug having addiction-forming or
2303 addiction-sustaining liability otherwise than in the course of
2304 legitimate professional practice.

2305 (d) Conviction of violation of any federal or state law
2306 regulating the possession, distribution or use of any narcotic
2307 drug or any drug considered a controlled substance under state or
2308 federal law.

2309 (e) Performing any medical diagnosis or treatment
2310 outside the scope of podiatry as defined in Section 73-27-1.

2311 (f) Conviction of a * * * disqualifying crime as
2312 provided in the Fresh Start Act.

2313 (g) Obtaining or attempting to obtain a license by
2314 fraud or deception.

2315 (h) Unprofessional conduct, which includes, but is not
2316 limited to:



2317 (i) Practicing medicine under a false or assumed
2318 name or impersonating another practitioner, living or dead.

2319 (ii) Knowingly performing any act which in any way
2320 assists an unlicensed person to practice podiatry.

2321 (iii) Making or willfully causing to be made any
2322 flamboyant claims concerning the licensee's professional
2323 excellence.

2324 (iv) Being guilty of any dishonorable or unethical
2325 conduct likely to deceive, defraud or harm the public.

2326 (v) Obtaining a fee as personal compensation or
2327 gain from a person on fraudulent representation a disease or
2328 injury condition generally considered incurable by competent
2329 medical authority in the light of current scientific knowledge and
2330 practice can be cured or offering, undertaking, attempting or
2331 agreeing to cure or treat the same by a secret method, which he
2332 refuses to divulge to the board upon request.

2333 (vi) Use of any false, fraudulent or forged
2334 statement or document, or the use of any fraudulent, deceitful,
2335 dishonest or immoral practice in connection with any of the
2336 licensing requirements, including the signing in his professional
2337 capacity any certificate that is known to be false at the time he
2338 makes or signs such certificate.

2339 (vii) Failing to identify a podiatrist's school of
2340 practice in all professional uses of his name by use of his earned
2341 degree or a description of his school of practice.



2342 (i) The refusal of a licensing authority of another
2343 state to issue or renew a license, permit or certificate to
2344 practice podiatry in that state or the revocation, suspension or
2345 other restriction imposed on a license, permit or certificate
2346 issued by such licensing authority which prevents or restricts
2347 practice in that state.

2348 (j) Violation(s) of the provisions of Sections 41-121-1
2349 through 41-121-9 relating to deceptive advertisement by health
2350 care practitioners. This paragraph shall stand repealed on July
2351 1, 2025.

2352 (2) Upon the nonissuance, suspension or revocation of a
2353 license to practice podiatry, the board may, in its discretion and
2354 with the advice of the advisory committee, reissue a license after
2355 a lapse of six (6) months. No advertising shall be permitted
2356 except regular professional cards.

2357 (3) In its investigation of whether the license of a
2358 podiatrist should be suspended, revoked or otherwise restricted,
2359 the board may inspect patient records in accordance with the
2360 provisions of Section 73-25-28.

2361 (4) In addition to the grounds specified in subsection (1)
2362 of this section, the board shall be authorized to suspend the
2363 license of any licensee for being out of compliance with an order
2364 for support, as defined in Section 93-11-153. The procedure for
2365 suspension of a license for being out of compliance with an order
2366 for support, and the procedure for the reissuance or reinstatement



2367 of a license suspended for that purpose, and the payment of any
2368 fees for the reissuance or reinstatement of a license suspended
2369 for that purpose, shall be governed by Section 93-11-157 or
2370 93-11-163, as the case may be. If there is any conflict between
2371 any provision of Section 93-11-157 or 93-11-163 and any provision
2372 of this chapter, the provisions of Section 93-11-157 or 93-11-163,
2373 as the case may be, shall control.

2374 **SECTION 18.** Section 73-29-13, Mississippi Code of 1972, is
2375 amended as follows:

2376 73-29-13. A person is qualified to receive a license as an
2377 examiner:

2378 (1) Who is at least twenty-one (21) years of age;

2379 (2) Who is a citizen of the United States;

2380 (3) Who establishes that he is a person of honesty,
2381 truthfulness, integrity, and moral fitness;

2382 (4) Who has not been convicted of a * * * disqualifying
2383 crime as provided in the Fresh Start Act;

2384 (5) Who holds a baccalaureate degree from a college or
2385 university accredited by the American Association of Collegiate
2386 Registrars and Admissions Officers or, in lieu thereof, has five
2387 (5) consecutive years of active investigative experience
2388 immediately preceding his application;

2389 (6) Who is a graduate of a polygraph examiners course
2390 approved by the board and has satisfactorily completed not less
2391 than six (6) months of internship training, provided that if the



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

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

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

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

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

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

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

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



2417 (e) If the holder of any license has been adjudged
2418 guilty of the commission of a * * * disqualifying crime as
2419 provided in the Fresh Start Act;

2420 (f) Making any willful misrepresentation or false
2421 promises or causing to be printed any false or misleading
2422 advertisement for the purpose of directly or indirectly obtaining
2423 business or trainees;

2424 (g) Having demonstrated unworthiness or incompetency to
2425 act as a polygraph examiner as defined by this chapter;

2426 (h) Allowing one's license under this chapter to be
2427 used by any unlicensed person in violation of the provisions of
2428 this chapter;

2429 (i) Willfully aiding or abetting another in the
2430 violation of this chapter or any regulation or rule issued
2431 pursuant thereto;

2432 (j) Where the license holder has been adjudged by a
2433 court of competent jurisdiction as habitual drunkard, mentally
2434 incompetent, or in need of a conservator;

2435 (k) Failing, within a reasonable time, to provide
2436 information requested by the secretary as the result of a formal
2437 complaint to the board which would indicate a violation of this
2438 chapter;

2439 (l) Failing to inform the subject of the results of the
2440 examination if so requested; or



2441 (m) With regard to any polygraph examiner employed for
2442 a fee and not employed by a governmental law enforcement agency or
2443 the Mississippi Department of Corrections:

2444 (i) Requiring a subject, prior to taking the
2445 examination or as a condition of receiving the results of the
2446 examination, to waive any rights or causes of action he may have
2447 or which may accrue in favor of the subject arising out of or
2448 resulting from the administration of the examination; except the
2449 examiner may require, prior to the examination or as a condition
2450 of receiving the results of the examination, a subject to waive
2451 any rights or causes of action that may accrue against the
2452 examiner as a result of any use made of the results of the
2453 examination by the person who employed the examiner;

2454 (ii) Requiring a subject to acknowledge that his
2455 examination is not done for purposes of employment when, in fact,
2456 the results of the examination are to be submitted to an employer
2457 or an agent of an employer; or

2458 (iii) Reporting the results of an examination to
2459 any person not authorized to receive the results of the
2460 examination except for the person who employed the examiner,
2461 unless authorized in writing by the subject.

2462 (2) In addition to the grounds specified in subsection (1)
2463 of this section, the board shall be authorized to suspend the
2464 license of any licensee for being out of compliance with an order
2465 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 20. Section 73-31-21, Mississippi Code of 1972, is amended as follows:

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

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

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

(c) Is using any substance or any alcoholic beverage to an extent or in a manner dangerous to any other person or the



2491 public, or to an extent that the use impairs his or her ability to
2492 perform the work of a professional psychologist with safety to the
2493 public; or

2494 (d) Has impersonated another person holding a
2495 psychologist license or allowed another person to use his or her
2496 license; or

2497 (e) Has used fraud or deception in applying for a
2498 license or in taking an examination provided for in this article;
2499 or

2500 (f) Has accepted commissions or rebates or other forms
2501 of remuneration for referring clients to other professional
2502 persons; or

2503 (g) Has performed psychological services outside of the
2504 area of his or her training, experience or competence; or

2505 (h) Has allowed his or her name or license issued under
2506 this article to be used in connection with any person or persons
2507 who perform psychological services outside of the area of their
2508 training, experience or competence; or

2509 (i) Is legally adjudicated mentally incompetent, the
2510 record of that adjudication being conclusive evidence thereof; or

2511 (j) Has willfully or negligently violated any of the
2512 provisions of this article. The board may recover from any person
2513 disciplined under this article, the costs of investigation,
2514 prosecution, and adjudication of the disciplinary action.



2515 (2) Notice shall be effected by registered mail or personal
2516 service setting forth the particular reasons for the proposed
2517 action and fixing a date not less than thirty (30) days nor more
2518 than sixty (60) days from the date of the mailing or that service,
2519 at which time the applicant or licensee shall be given an
2520 opportunity for a prompt and fair hearing. For the purpose of the
2521 hearing, the board, acting by and through its executive secretary,
2522 may subpoena persons and papers on its own behalf and on behalf of
2523 the applicant or licensee, may administer oaths and may take
2524 testimony. That testimony, when properly transcribed, together
2525 with the papers and exhibits, shall be admissible in evidence for
2526 or against the applicant or licensee. At the hearing, the
2527 applicant or licensee may appear by counsel and personally in his
2528 or her own behalf. Any person sworn and examined by a witness in
2529 the hearing shall not be held to answer criminally, nor shall any
2530 papers or documents produced by the witness be competent evidence
2531 in any criminal proceedings against the witness other than for
2532 perjury in delivering his or her evidence. On the basis of any
2533 such hearing, or upon default of applicant or licensee, the board
2534 shall make a determination specifying its findings of fact and
2535 conclusions of law. A copy of that determination shall be sent by
2536 registered mail or served personally upon the applicant or
2537 licensee. The decision of the board denying, revoking or
2538 suspending the license shall become final thirty (30) days after
2539 so mailed or served, unless within that period the applicant or



2540 licensee appeals the decision to the chancery court, under the
2541 provisions hereof, and the proceedings in chancery shall be
2542 conducted as other matters coming before the court. All
2543 proceedings and evidence, together with exhibits, presented at the
2544 hearing before the board shall be admissible in evidence in court
2545 in the appeal.

2546 (3) The board may subpoena persons and papers on its own
2547 behalf and on behalf of the respondent, may administer oaths and
2548 may compel the testimony of witnesses. It may issue commissions
2549 to take testimony, and testimony so taken and sworn to shall be
2550 admissible in evidence for and against the respondent. The board
2551 shall be entitled to the assistance of the chancery court or the
2552 chancellor in vacation, which, on petition by the board, shall
2553 issue ancillary subpoenas and petitions and may punish as for
2554 contempt of court in the event of noncompliance therewith.

2555 (4) Every order and judgment of the board shall take effect
2556 immediately on its promulgation unless the board in the order or
2557 judgment fixes a probationary period for the applicant or
2558 licensee. The order and judgment shall continue in effect unless
2559 upon appeal the court by proper order or decree terminates it
2560 earlier. The board may make public its order and judgments in
2561 any manner and form as it deems proper. It shall, in event of the
2562 suspension or revocation of a license, direct the clerk of the
2563 circuit court of the county in which that license was recorded to
2564 cancel that record.



2565 (5) Nothing in this section shall be construed as limiting
2566 or revoking the authority of any court or of any licensing or
2567 registering officer or board, other than the Mississippi Board of
2568 Psychology, to suspend, revoke and reinstate licenses and to
2569 cancel registrations under the provisions of Section 41-29-311.

2570 (6) Suspension by the board of the license of a psychologist
2571 shall be for a period not exceeding one (1) year. At the end of
2572 this period the board shall reevaluate the suspension, and shall
2573 either reinstate or revoke the license. A person whose license
2574 has been revoked under the provisions of this section may reapply
2575 for a license after more than two (2) years have elapsed from the
2576 date that the denial or revocation is legally effective.

2577 (7) In addition to the reasons specified in subsection (1)
2578 of this section, the board shall be authorized to suspend the
2579 license of any licensee for being out of compliance with an order
2580 for support, as defined in Section 93-11-153. The procedure for
2581 suspension of a license for being out of compliance with an order
2582 for support, and the procedure for the reissuance or reinstatement
2583 of a license suspended for that purpose, and the payment of any
2584 fees for the reissuance or reinstatement of a license suspended
2585 for that purpose, shall be governed by Section 93-11-157. Actions
2586 taken by the board in suspending a license when required by
2587 Section 93-11-157 or 93-11-163 are not actions from which an
2588 appeal may be taken under this section. Any appeal of a license
2589 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 article, the provisions of Section 93-11-157 or 93-11-163, as the case may be, shall control.

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

(9) The board may discipline any person who has been granted the authority to practice interjurisdictional telepsychology or the temporary authorization to practice under the Psychology Interjurisdictional Compact provided for under Section 73-31-51, for any of the grounds specified in subsection (1) of this section in the same manner as the board disciplines a licensed psychologist under this section.

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



2614 73-34-109. (1) An appraisal management company applying for
2615 registration in this state shall not:

2616 (a) Be owned, in whole or in part, directly or
2617 indirectly, by any person who has had an appraiser license or
2618 certificate in this state or in any other state, refused, denied,
2619 cancelled, surrendered in lieu of revocation, or revoked; or

2620 (b) Be owned by more than ten percent (10%) by a person
2621 who * * * has been convicted of a disqualifying crime as provided
2622 in the Fresh Start Act.

2623 (2) (a) For purposes of subsection (1)(b) to qualify for
2624 initial registration and every third annual renewed registration
2625 thereafter as an appraisal management company, each individual
2626 owner of more than ten percent (10%) of an appraisal management
2627 company must have successfully been cleared for registration
2628 through an investigation that shall consist of a * * *
2629 verification that the owner is not guilty of or in violation of
2630 any statutory ground for denial of registration as set forth in
2631 this chapter. If no individual owns more than ten percent (10%)
2632 of the appraisal management company, then an investigation of an
2633 owner is not required, but in such instances, the controlling
2634 person designated by the appraisal management company shall be
2635 subject to the requirements of this subsection. If following the
2636 initial registration, any individual becomes either an owner of
2637 more than ten percent (10%) of the appraisal management company or
2638 the designated controlling person of the appraisal management



2639 company, then each such person shall be subject to the
2640 requirements of this subsection at the appraisal management
2641 company's next annual renewal. To assist the board in conducting
2642 its registration investigation, each individual owner of more than
2643 ten percent (10%) of an appraisal management company shall undergo
2644 a fingerprint-based criminal history records check of the
2645 Mississippi central criminal database and the Federal Bureau of
2646 Investigation criminal history database. Each applicant shall
2647 submit a full set of the applicant's fingerprints, in a form and
2648 manner prescribed by the board, which shall be forwarded to the
2649 Mississippi Department of Public Safety (department) and the
2650 Federal Bureau of Investigation Identification Division for this
2651 purpose.

2652 (b) Any state or national criminal history records
2653 information obtained by the board that is not already a matter of
2654 public record shall be deemed nonpublic and confidential
2655 information restricted to the exclusive use of the board, its
2656 members, officers, investigators, agents and attorneys in
2657 evaluating the applicant's eligibility or disqualification for
2658 registration, and shall be exempt from the Mississippi Public
2659 Records Act, Section 25-61-1 et seq. Except upon written consent
2660 of the applicant, or by order of a court of competent
2661 jurisdiction, or when introduced into evidence in a hearing before
2662 the board to determine registration, no such information or



2663 records related thereto shall be released or otherwise disclosed
2664 by the board to any other person or agency.

2665 (c) The board shall provide to the department the
2666 fingerprints of the applicant, any additional information that may
2667 be required by the department, a form signed by the applicant
2668 consenting to the check of the criminal records and to the use of
2669 the fingerprints and other identifying information required by the
2670 state or national repositories.

2671 (d) The board shall charge and collect from the
2672 applicant, in addition to all other applicable fees and costs,
2673 such amount as may be incurred by the board in requesting and
2674 obtaining state and national criminal history records information
2675 on the applicant.

2676 **SECTION 22.** Section 73-39-77, Mississippi Code of 1972, is
2677 amended as follows:

2678 73-39-77. (1) Upon a written complaint sworn to by any
2679 person, the board, in its sole discretion, may, after a hearing,
2680 revoke, suspend or limit for a certain time a license, impose an
2681 administrative fine not to exceed One Thousand Dollars (\$1,000.00)
2682 for each separate offense, or otherwise discipline any licensed
2683 veterinarian for any of the following reasons:

2684 (a) The employment of fraud, misrepresentation or
2685 deception in obtaining a license.

2686 (b) The inability to practice veterinary medicine with
2687 reasonable skill and safety because of a physical or mental



2688 disability, including deterioration of mental capacity, loss of
2689 motor skills or abuse of drugs or alcohol of sufficient degree to
2690 diminish the person's ability to deliver competent patient care.

2691 (c) The use of advertising or solicitation that is
2692 false or misleading.

2693 (d) Conviction of the following in any federal court or
2694 in the courts of this state or any other jurisdiction, regardless
2695 of whether the sentence is deferred:

2696 (i) Any * * * disqualifying crime as provided in
2697 the Fresh Start Act;

2698 (ii) Any crime involving cruelty, abuse or neglect
2699 of animals, including bestiality;

2700 * * *

2701 (* * * iii) Any crime involving unlawful sexual
2702 contact, child abuse, the use or threatened use of a weapon, the
2703 infliction of injury, indecent exposure, perjury, false reporting,
2704 criminal impersonation, forgery and any other crime involving a
2705 lack of truthfulness, veracity or honesty, intimidation of a
2706 victim or witness, larceny, or alcohol or drugs.

2707 For the purposes of this paragraph, a plea of guilty or a
2708 plea of nolo contendere accepted by the court shall be considered
2709 as a conviction.

2710 (e) Incompetence, gross negligence or other malpractice
2711 in the practice of veterinary medicine.



2712 (f) Aiding the unlawful practice of veterinary
2713 medicine.
2714 (g) Fraud or dishonesty in the application or reporting
2715 of any test for disease in animals.
2716 (h) Failure to report, as required by law, or making
2717 false or misleading report of, any contagious or infectious
2718 disease.
2719 (i) Failure to keep accurate patient records.
2720 (j) Dishonesty or gross negligence in the performance
2721 of food safety inspections or in the issuance of any health or
2722 inspection certificates.
2723 (k) Failure to keep veterinary premises and equipment,
2724 including practice vehicles, in a clean and sanitary condition.
2725 (l) Failure to permit the board or its agents to enter
2726 and inspect veterinary premises and equipment, including practice
2727 vehicles, as set by rules promulgated by the board.
2728 (m) Revocation, suspension or limitation of a license
2729 to practice veterinary medicine by another state, territory or
2730 district of the United States.
2731 (n) Loss or suspension of accreditation by any federal
2732 or state agency.
2733 (o) Unprofessional conduct as defined in regulations
2734 adopted by the board.
2735 (p) The dispensing, distribution, prescription or
2736 administration of any veterinary prescription drug, or the



2737 extralabel use of any drug in the absence of a
2738 veterinarian-client-patient relationship.

2739 (q) Violations of state or federal drug laws.

2740 (r) Violations of any order of the board.

2741 (s) Violations of this chapter or of the rules
2742 promulgated under this chapter.

2743 (t) Violation(s) of the provisions of Sections 41-121-1
2744 through 41-121-9 relating to deceptive advertisement by health
2745 care practitioners. This paragraph shall stand repealed on July
2746 1, 2025.

2747 (2) A certified copy of any judgment of conviction or
2748 finding of guilt by a court of competent jurisdiction or by a
2749 governmental agency, or agency authorized to issue licenses or
2750 permits, including the United States Department of Agriculture,
2751 Animal and Plant Health Inspection Service, the Mississippi Board
2752 of Animal Health and the Mississippi Board of Health, of a
2753 veterinarian or veterinary technician of any matters listed in
2754 this section shall be admissible in evidence in any hearing held
2755 by the board to discipline such veterinarian or technician and
2756 shall constitute prima facie evidence of the commission of any
2757 such act.

2758 **SECTION 23.** Section 73-42-9, Mississippi Code of 1972, is
2759 amended as follows:

2760 73-42-9. (1) An applicant for registration shall submit an
2761 application for registration to the Secretary of State in a form



2762 prescribed by the Secretary of State. An application filed under
2763 this section is a public record. Except as otherwise provided in
2764 subsection (2), the application must be in the name of an
2765 individual, signed by the applicant under penalty of perjury and
2766 must state or contain:

2767 (a) The name of the applicant and the address of the
2768 applicant's principal place of business;

2769 (b) The name of the applicant's business or employer,
2770 if applicable;

2771 (c) Any business or occupation engaged in by the
2772 applicant for the five (5) years next preceding the date of
2773 submission of the application;

2774 (d) A description of the applicant's:

2775 (i) Formal training as an athlete agent;

2776 (ii) Practical experience as an athlete agent; and

2777 (iii) Educational background relating to the
2778 applicant's activities as an athlete agent;

2779 (e) The names and addresses of three (3) individuals
2780 not related to the applicant who are willing to serve as
2781 references;

2782 (f) The name, sport and last known team for each
2783 individual for whom the applicant provided services as an athlete
2784 agent during the five (5) years next preceding the date of
2785 submission of the application;

2786 (g) The names and addresses of all persons who are:



2787 (i) With respect to the athlete agent's business
2788 if it is not a corporation, the partners, officers, associates,
2789 individuals or profit-sharers; and

2790 (ii) With respect to a company or corporation
2791 employing the athlete agent, the officers, directors and any
2792 shareholder of the corporation or member with a five percent (5%)
2793 or greater interest;

2794 (h) Whether the applicant or any other person named
2795 pursuant to paragraph (g) has been convicted of a crime that, if
2796 committed in this state, would be a * * * disqualifying crime as
2797 provided in the Fresh Start Act, and identify the crime;

2798 (i) Whether there has been any administrative or
2799 judicial determination that the applicant or any other person
2800 named pursuant to paragraph (g) has made a false, misleading,
2801 deceptive or fraudulent representation;

2802 (j) Any instance in which the conduct of the applicant
2803 or any other person named pursuant to paragraph (g) resulted in
2804 the imposition of a sanction, suspension or declaration of
2805 ineligibility to participate in an interscholastic or
2806 intercollegiate athletic event on a student-athlete or educational
2807 institution;

2808 (k) Any sanction, suspension or disciplinary action
2809 taken against the applicant or any other person named pursuant to
2810 paragraph (g) arising out of occupational or professional conduct;



2811 (1) Whether there has been any denial of an application
2812 for, suspension or revocation of, or refusal to renew, the
2813 certification, registration or licensure of the applicant or any
2814 other person named pursuant to paragraph (g) as an athlete agent
2815 in any state;

2816 (m) Any pending litigation against the applicant in the
2817 applicant's capacity as an agent;

2818 (n) A list of all other states in which the applicant
2819 is currently licensed or registered as an athlete agent and a copy
2820 of each state's license or registration, as applicable; and

2821 (o) Consent to submit to a criminal background check
2822 before being issued a certificate of registration. Any fees
2823 connected with the background check shall be assessed to the
2824 applicant.

2825 (2) An individual who has submitted an application for, and
2826 received a certificate of, registration or licensure as an athlete
2827 agent in another state, may submit a copy of the application and a
2828 valid certificate of registration or licensure from the other
2829 state in lieu of submitting an application in the form prescribed
2830 pursuant to subsection (1), along with the information requested
2831 in paragraphs (1), (m), (n) and (o) of subsection (1). The
2832 Secretary of State shall accept the application and the
2833 certificate from the other state as an application for
2834 registration in this state if the application to the other state:



2835 (a) Was submitted in the other state within the six (6)
2836 months next preceding the submission of the application in this
2837 state and the applicant certifies the information contained in the
2838 application is current;

2839 (b) Contains information substantially similar to or
2840 more comprehensive than that required in an application submitted
2841 in this state; and

2842 (c) Was signed by the applicant under penalty of
2843 perjury.

2844 (3) An athlete agent must notify the Secretary of State
2845 within thirty (30) days whenever the information contained in any
2846 application for registration as an athlete agent in this state
2847 changes in a material way or is, or becomes, inaccurate or
2848 incomplete in any respect. Events requiring notice shall include,
2849 but are not limited to, the following:

2850 (a) Change in address of the athlete agent's principal
2851 place of business;

2852 (b) Conviction of a * * * disqualifying crime as
2853 provided in this Fresh Start Act by the athlete agent;

2854 (c) Denial, suspension, refusal to renew, or revocation
2855 of a registration or license of the athlete agent as an athlete
2856 agent in any state; or

2857 (d) Sanction, suspension or other disciplinary action
2858 taken against the athlete agent arising out of occupational or
2859 professional conduct.



2860 **SECTION 24.** Section 73-42-11, Mississippi Code of 1972, is
2861 amended as follows:

2862 73-42-11. (1) Except as otherwise provided in subsection
2863 (3), the Secretary of State shall issue a certificate of
2864 registration to an individual who complies with Section
2865 73-42-9(1).

2866 (2) Except as otherwise provided in subsection (3), the
2867 Secretary of State shall issue a certificate of registration to an
2868 individual whose application has been accepted under Section
2869 73-42-9(2).

2870 (3) The Secretary of State may refuse to issue a certificate
2871 of registration if they determine that the applicant has engaged
2872 in conduct that has a significant adverse effect on the
2873 applicant's fitness to serve as an athlete agent. In making the
2874 determination, the Secretary of State may consider whether the
2875 applicant has:

2876 (a) Been convicted of a crime in another state that, if
2877 committed in this state, would be a * * * disqualifying crime as
2878 provided in the Fresh Start Act;

2879 (b) Made a materially false, misleading, deceptive or
2880 fraudulent representation as an athlete agent or in the
2881 application;

2882 (c) Engaged in conduct that would disqualify the
2883 applicant from serving in a fiduciary capacity;

2884 (d) Engaged in conduct prohibited by Section 73-42-27;



2885 (e) Had a registration, licensure or certification as
2886 an athlete agent suspended, revoked, or denied or been refused
2887 renewal of registration, licensure or certification in any state;

2888 (f) Engaged in conduct or failed to engage in conduct
2889 the consequence of which was that a sanction, suspension or
2890 declaration of ineligibility to participate in an interscholastic
2891 or intercollegiate athletic event was imposed on a student-athlete
2892 or educational institution; or

2893 (g) Engaged in conduct that significantly adversely
2894 reflects on the applicant's trustworthiness or credibility.

2895 (4) In making a determination under subsection (3), the
2896 Secretary of State shall consider:

2897 (a) How recently the conduct occurred;

2898 (b) The nature of the conduct and the context in which
2899 it occurred; and

2900 (c) Any other relevant conduct of the applicant.

2901 (5) An athlete agent may apply to renew a registration by
2902 submitting an application for renewal in a form prescribed by the
2903 Secretary of State. An application filed under this section is a
2904 public record. The application for renewal must be signed by the
2905 applicant under penalty of perjury and must contain current
2906 information on all matters required in an original registration.

2907 (6) An individual who has submitted an application for
2908 renewal of registration or licensure in another state, in lieu of
2909 submitting an application for renewal in the form prescribed



2910 pursuant to subsection (5), may file a copy of the application for
2911 renewal and a valid certificate of registration from the other
2912 state. The Secretary of State shall accept the application for
2913 renewal from the other state as an application for renewal in this
2914 state if the application to the other state:

2915 (a) Was submitted in the other state within the last
2916 six (6) months and the applicant certifies the information
2917 contained in the application for renewal is current;

2918 (b) Contains information substantially similar to or
2919 more comprehensive than that required in an application for
2920 renewal submitted in this state; and

2921 (c) Was signed by the applicant under penalty of
2922 perjury.

2923 (7) Except as provided in Section 33-1-39, a certificate of
2924 registration or a renewal of a registration is valid for two (2)
2925 years.

2926 **SECTION 25.** Section 73-53-8, Mississippi Code of 1972, is
2927 amended as follows:

2928 73-53-8. (1) There is created the Board of Examiners for
2929 Social Workers and Marriage and Family Therapists to license and
2930 regulate social workers and marriage and family therapists. The
2931 board shall be composed of ten (10) members, six (6) of which
2932 shall be social workers and four (4) of which shall be marriage
2933 and family therapists.



2934 (2) Of the social worker members of the board, two (2) must
2935 be licensed social workers, and four (4) must be licensed master
2936 social workers or licensed certified social workers or a
2937 combination thereof. The marriage and family therapist members of
2938 the board must be licensed marriage and family therapists. For at
2939 least two (2) years immediately preceding his or her appointment,
2940 each marriage and family therapist appointee must have been
2941 actively engaged as a marriage and family therapist in rendering
2942 professional services in marriage and family therapy, or in the
2943 education and training of master's, doctoral or post-doctoral
2944 students of marriage and family therapy, or in marriage and family
2945 therapy research, and during the two (2) years preceding his or
2946 her appointment, must have spent the majority of the time devoted
2947 to that activity in this state. The initial marriage and family
2948 therapist appointees shall be deemed to be and shall become
2949 licensed practicing marriage and family therapists immediately
2950 upon their appointment and qualification as members of the board.
2951 All subsequent marriage and family therapist appointees to the
2952 board must be licensed marriage and family therapists before their
2953 appointment.

2954 (3) The Governor shall appoint six (6) members of the board,
2955 four (4) of which shall be social workers and two (2) of which
2956 shall be marriage and family therapists, and the Lieutenant
2957 Governor shall appoint four (4) members of the board, two (2) of
2958 which shall be social workers and two (2) of which shall be



2959 marriage and family therapists. Social worker members of the
2960 board shall be appointed from nominations submitted by the
2961 Mississippi Chapter of the National Association of Social Workers,
2962 and marriage and family therapist members of the board shall be
2963 appointed from nominations submitted by the Mississippi
2964 Association for Marriage and Family Therapy. All appointments
2965 shall be made with the advice and consent of the Senate.

2966 (4) The initial appointments to the board shall be made as
2967 follows: The Governor shall appoint one (1) social worker member
2968 for a term that expires on June 30, 1999, one (1) social worker
2969 member for a term that expires on June 30, 2001, two (2) social
2970 worker members for terms that expire on June 30, 2002, one (1)
2971 marriage and family therapist member for a term that expires on
2972 June 30, 1998, and one (1) marriage and family therapist member
2973 for a term that expires on June 30, 2000. The Lieutenant Governor
2974 shall appoint one (1) social worker member for a term that expires
2975 on June 30, 1998, one (1) social worker member for a term that
2976 expires on June 30, 2000, one (1) marriage and family therapist
2977 member for a term that expires on June 30, 1999, and one (1)
2978 marriage and family therapist member of the board for a term that
2979 expires on June 30, 2001. After the expiration of the initial
2980 terms, all subsequent appointments shall be made by the original
2981 appointing authorities for terms of four (4) years from the
2982 expiration date of the previous term. Upon the expiration of his
2983 or her term of office, a board member shall continue to serve



2984 until his or her successor has been appointed and has qualified.
2985 No person may be appointed more than once to fill an unexpired
2986 term or more than two (2) consecutive full terms.

2987 (5) Any vacancy on the board before the expiration of a term
2988 shall be filled by appointment of the original appointing
2989 authority for the remainder of the unexpired term. Appointments
2990 to fill vacancies shall be made from nominations submitted by the
2991 appropriate organization as specified in subsection (2) of this
2992 section for the position being filled.

2993 (6) The appointing authorities shall give due regard to
2994 geographic distribution, race and sex in making all appointments
2995 to the board.

2996 (7) The board shall select one (1) of its members to serve
2997 as chairman during the term of his or her appointment to the
2998 board. No person may serve as chairman for more than four (4)
2999 years. The board may remove any member of the board or the
3000 chairman from his or her position as chairman for (a) malfeasance
3001 in office, or (b) conviction of a * * * disqualifying crime as
3002 provided in the Fresh Start Act while in office, or (c) failure to
3003 attend three (3) consecutive board meetings. However, no member
3004 may be removed until after a public hearing of the charges against
3005 him or her, and at least thirty (30) days' prior written notice to
3006 the accused member of the charges against him or her and of the
3007 date fixed for such hearing. No board member shall participate in



3008 any matter before the board in which he has a pecuniary interest,
3009 personal bias or other similar conflict of interest.

3010 (8) Board members shall receive no compensation for their
3011 services, but shall be reimbursed for their actual and necessary
3012 expenses incurred in the performance of official board business as
3013 provided in Section 25-3-41.

3014 (9) Four (4) social worker members and three (3) marriage
3015 and family therapist members of the board shall constitute a
3016 quorum of the board. In making its decisions and taking actions
3017 affecting the members of one (1) of the professions regulated by
3018 the board, the board shall consider the recommendations of the
3019 board members who are members of that profession. If the board is
3020 unable to have a quorum present at a regularly scheduled meeting
3021 location, the board may allow other members to participate in the
3022 meeting by telephone or other electronic means. In the case of an
3023 administrative hearing, when recusals from the process are
3024 necessary, a quorum may consist of a simple majority of six (6)
3025 members.

3026 (10) The principal office of the board shall be in the City
3027 of Jackson, but the board may act and exercise all of its powers
3028 at any other place. The board shall adopt an official seal, which
3029 shall be judicially noticed and which shall be affixed to all
3030 licenses issued by the board.

3031 (11) The board is authorized to employ, subject to the
3032 approval of the State Personnel Board, an executive director and



3033 such attorneys, experts and other employees as it may, from time
3034 to time, find necessary for the proper performance of its duties
3035 and for which the necessary funds are available, and to set the
3036 salary of the executive director, subject to the approval of the
3037 State Personnel Board.

3038 (12) The board, by a majority vote, from time to time, may
3039 make such provisions as it deems appropriate to authorize the
3040 performance by any board member or members, employee or other
3041 agent of the board of any function given the board in this chapter
3042 or Sections 73-54-1 through 73-54-39.

3043 **SECTION 26.** Section 73-55-19, Mississippi Code of 1972, is
3044 amended as follows:

3045 73-55-19. (1) Any person licensed under this chapter may
3046 have his license revoked or suspended for a fixed period to be
3047 determined by the board for any of the following causes:

3048 (a) Being convicted of an offense involving * * * a
3049 disqualifying crime as provided in the Fresh Start Act. The
3050 record of such conviction, or certified copy thereof from the
3051 clerk of the court where such conviction occurred or by the judge
3052 of that court, shall be sufficient evidence to warrant revocation
3053 or suspension.

3054 (b) By securing a license under this chapter through
3055 fraud or deceit.

3056 (c) For unethical conduct or for gross ignorance or
3057 inefficiency in the conduct of his practice.



3058 (d) For knowingly practicing while suffering with a
3059 contagious or infectious disease.

3060 (e) For the use of a false name or alias in the
3061 practice of his profession.

3062 (f) For violating any of the provisions of this
3063 chapter.

3064 (2) Any person, whose license is sought to be revoked or
3065 suspended under the provisions of this chapter, shall be given
3066 thirty (30) days' notice, in writing, enumerating the charges and
3067 specifying a date for public hearing thereon. The hearing shall
3068 be held in the county where the person's business is conducted.
3069 The board may issue subpoenas, compel the attendance and testimony
3070 of witnesses, and place them under oath, the same as any court of
3071 competent jurisdiction where the hearing takes place.

3072 (3) At all hearings the board may designate in writing one
3073 or more persons deemed competent by the board to conduct the
3074 hearing as trial examiner or trial committee, with the decision to
3075 be rendered in accordance with the provisions of subsection (4) of
3076 this section.

3077 (4) After a hearing has been completed the trial examiner or
3078 trial committee who conducted the hearing shall proceed to
3079 consider the case and, as soon as practicable, shall render a
3080 decision. In any case, the decision must be rendered within sixty
3081 (60) days after the hearing. The decision shall contain:



3082 (a) The findings of fact made by the trial examiner or
3083 trial committee;

3084 (b) Conclusions of law reached by the trial examiner or
3085 trial committee; and

3086 (c) The order based upon these findings of fact and
3087 conclusions of law.

3088 (5) From any revocation or suspension, the person charged
3089 may, within thirty (30) days thereof, appeal to the chancery court
3090 of the county where the hearing was held.

3091 (6) Notice of appeals shall be filed in the office of the
3092 clerk of the court, who shall issue a writ of certiorari directed
3093 to the board, commanding it within ten (10) days after service
3094 thereof to certify to such court its entire record in the matter
3095 in which the appeal has been taken. The appeal shall thereupon be
3096 heard in the due course by said court without a jury, and the
3097 court shall review the record and make its determination of the
3098 cause between the parties.

3099 (7) If there is an appeal, such appeal may, in the
3100 discretion of and on motion to the chancery court, act as a
3101 supersedeas. The chancery court shall dispose of the appeal and
3102 enter its decision promptly. The hearing on the appeal may, in
3103 the discretion of the chancellor, be tried in vacation.

3104 (8) Any person taking an appeal shall post a satisfactory
3105 bond in the amount of Two Hundred Dollars (\$200.00) for payment of
3106 any costs which may be adjudged against him.



3107 (9) In addition to the reasons specified in subsection (1)
3108 of this section, the board shall be authorized to suspend the
3109 license of any licensee for being out of compliance with an order
3110 for support, as defined in Section 93-11-153. The procedure for
3111 suspension of a license for being out of compliance with an order
3112 for support, and the procedure for the reissuance or reinstatement
3113 of a license suspended for that purpose, and the payment of any
3114 fees for the reissuance or reinstatement of a license suspended
3115 for that purpose, shall be governed by Section 93-11-157 or
3116 93-11-163, as the case may be. Actions taken by the board in
3117 suspending a license when required by Section 93-11-157 or
3118 93-11-163 are not actions from which an appeal may be taken under
3119 this section. Any appeal of a license suspension that is required
3120 by Section 93-11-157 or 93-11-163 shall be taken in accordance
3121 with the appeal procedure specified in Section 93-11-157 or
3122 93-11-163, as the case may be, rather than the procedure specified
3123 in this section. If there is any conflict between any provision
3124 of Section 93-11-157 or 93-11-163 and any provision of this
3125 chapter, the provisions of Section 93-11-157 or 93-11-163, as the
3126 case may be, shall control.

3127 **SECTION 27.** Section 73-65-13, Mississippi Code of 1972, is
3128 amended as follows:

3129 73-65-13. (1) The board may deny any application, or
3130 suspend or revoke any license held or applied for under the
3131 provisions of Section 73-65-7 if the person:



3132 (a) Is found guilty of fraud, deceit, or
3133 misrepresentation in procuring or attempting to procure a license
3134 to practice art therapy;

3135 (b) Is adjudicated mentally incompetent;

3136 (c) Is found guilty of a * * * disqualifying crime as
3137 provided in the Fresh Start Act;

3138 (d) Is found guilty of unprofessional or unethical
3139 conduct in this or any other jurisdiction;

3140 (e) Has been using any controlled substance or
3141 alcoholic beverage to an extent or in a manner dangerous to the
3142 person, any other person, or the public, or to an extent that the
3143 use impairs the ability to perform as a licensed professional art
3144 therapist;

3145 (f) Has violated any provision of this chapter; or

3146 (g) Willfully or negligently divulges a professional
3147 confidence.

3148 (2) A certified copy of the record of conviction shall be
3149 conclusive evidence of the conviction.

3150 (3) Disciplinary proceedings may be initiated upon the
3151 receipt by the board of a sworn complaint by any person, including
3152 members of the board.

3153 **SECTION 28.** Section 73-71-33, Mississippi Code of 1972, is
3154 amended as follows:

3155 73-71-33. The following acts constitute grounds for which
3156 the board may initiate disciplinary actions:



3157 (a) Attempting to obtain, or renewing a license to
3158 practice acupuncture by bribery or misinterpretation;

3159 (b) Having a license to practice acupuncture revoked,
3160 suspended, or otherwise acted against, including the denial of
3161 licensure by the licensing authority of another state or territory
3162 for reasons that would preclude licensure in this state;

3163 (c) Being convicted or found guilty, regardless of
3164 adjudication, in any jurisdiction of a * * * disqualifying crime
3165 as provided in the Fresh Start Act or a crime that directly
3166 relates to acupuncture. For the purposes of this paragraph, a
3167 plea of guilty or a plea of nolo contendere accepted by the court
3168 shall be considered as a conviction;

3169 (d) Advertising, practicing, or attempting to practice
3170 under a name other than one's own;

3171 (e) The use of advertising or solicitation that is
3172 false or misleading;

3173 (f) Aiding, assisting, procuring, employing or
3174 advertising an unlicensed person to practice acupuncture contrary
3175 to this chapter or a rule of the board;

3176 (g) Failing to perform any statutory or legal
3177 obligation placed upon an acupuncture practitioner;

3178 (h) Making or filing a report that the licensee knows
3179 to be false, intentionally or negligently failing to file a report
3180 required by state or federal law, willfully impeding or
3181 obstructing that filing or inducing another person to do so.



3182 Those reports shall include only those that are signed in the
3183 capacity of an acupuncture practitioner;

3184 (i) Exercising coercion, intimidation or undue
3185 influence in entering into sexual relations with a patient, or
3186 continuing the patient-practitioner relationship with a patient
3187 with whom the licensee has sexual relations, if those sexual
3188 relations cause the licensee to perform services incompetently.
3189 This paragraph shall not apply to sexual relations between
3190 acupuncture practitioners and their spouses;

3191 (j) Making deceptive, untrue or fraudulent
3192 misrepresentations in the practice of acupuncture;

3193 (k) Soliciting patients, either personally or through
3194 an agent, through the use of fraud, intimidation or undue
3195 influence, or a form of overreaching conduct;

3196 (l) Failing to keep written medical records justifying
3197 the course of treatment of the patient;

3198 (m) Exercising undue influence on the patient to
3199 exploit the patient for financial gain of the licensee or of a
3200 third party;

3201 (n) Being unable to practice acupuncture with
3202 reasonable skill and safety to patients by reason of illness or
3203 intemperate use of alcohol, drugs, narcotics, chemicals, or any
3204 other type of material or as a result of any mental or physical
3205 condition;



3206 (o) Malpractice or the failure to practice acupuncture
3207 to that level of care, skill and treatment that is recognized by a
3208 reasonably prudent similar practitioner of acupuncture as being
3209 acceptable under similar conditions and circumstances;

3210 (p) Practicing or offering to practice beyond the scope
3211 permitted by law or accepting or performing professional
3212 responsibilities that the licensee knows or has reason to know
3213 that he or she is not qualified by training, experience or
3214 certification to perform;

3215 (q) Delegating professional responsibilities to a
3216 person when the licensee delegating those responsibilities knows,
3217 or has reason to know, that the person is not qualified by
3218 training, experience or licensure to perform them;

3219 (r) Violating any provision of this chapter, a rule of
3220 the board, or a lawful order of the board previously entered in a
3221 disciplinary hearing or failing to comply with a lawfully issued
3222 subpoena of the board;

3223 (s) Conspiring with another to commit an act, or
3224 committing an act, that coerces, intimidates or precludes another
3225 licensee from lawfully advertising or providing his or her
3226 services;

3227 (t) Fraud or deceit, or gross negligence, incompetence
3228 or misconduct in the operation of a course of study;



3229 (u) Failing to comply with state, county or municipal
3230 regulations or reporting requirements relating to public health
3231 and the control of contagious and infectious disease;

3232 (v) Failing to comply with any rule of the board
3233 relating to health and safety, including, but not limited to,
3234 sterilization of equipment and the disposal of potentially
3235 infectious materials;

3236 (w) Incompetence, gross negligence or other malpractice
3237 in the practice of acupuncture;

3238 (x) Aiding the unlawful practice of acupuncture;

3239 (y) Fraud or dishonesty in the application or reporting
3240 of any test for disease;

3241 (z) Failure to report, as required by law, or making
3242 false or misleading report of, any contagious or infectious
3243 disease;

3244 (aa) Failure to keep accurate patient records; or

3245 (bb) Failure to permit the board or its agents to enter
3246 and inspect acupuncture premises and equipment as set by rules
3247 promulgated by the board.

3248 **SECTION 29.** Section 73-73-7, Mississippi Code of 1972, is
3249 amended as follows:

3250 73-73-7. (1) Beginning on July 1, 2012, the board and
3251 Interior Design Advisory Committee shall receive applications for
3252 certification as a Mississippi Certified Interior Designer on
3253 forms prescribed and furnished by the board and IDAC.



3254 (2) Upon receipt of an application, the board, upon the
3255 recommendation of IDAC, may approve the application, provided the
3256 applicant meets one (1) of the following requirements:

3257 (a) The applicant passed the IDQE as administered by
3258 NCIDQ before January 1, 2012;

3259 (b) The applicant has a degree in interior design from
3260 a program accredited by the CIDA, a degree in architecture from a
3261 program accredited by the National Architectural Accreditation
3262 Board (NAAB), or a four-year degree in interior design from a
3263 college or university approved by the regulatory board.
3264 Additionally, the applicant must have passed the IDQE as
3265 administered by NCIDQ or its approved successor;

3266 (c) The applicant is a licensed architect in the State
3267 of Mississippi who has passed the IDQE as administered by NCIDQ or
3268 its approved successor; or

3269 (d) The applicant is a licensed engineer in the State
3270 of Mississippi who has passed the IDQE as administered by NCIDQ or
3271 its approved successor.

3272 (3) The applicant must exhibit to the regulatory board and
3273 IDAC the applicant's good standing in the profession * * *.
3274 Except as otherwise provided in this subsection, any of the
3275 following acts shall preclude an applicant's eligibility as a
3276 candidate for certification:

3277 (a) Conviction by any court for commission of any * * *
3278 disqualifying crime as provided in the Fresh Start Act.



3279 (b) Conviction by any court of a misdemeanor involving
3280 fraud, deceit or misrepresentation.

3281 (c) Misstatement or misrepresentation of fact by the
3282 applicant in connection with the applicant's application for
3283 certification in this state or another jurisdiction.

3284 (d) Violation of any of the rules of conduct required
3285 of applicants or interior designers as adopted by the board.

3286 If the board determines that the applicant has shown clear
3287 and convincing evidence of rehabilitation and reform, the board
3288 may certify an applicant otherwise precluded from consideration
3289 because of an act prohibited under this subsection. A decision to
3290 certify an applicant notwithstanding the applicant's violation of
3291 an act prohibited under this subsection is in the sole discretion
3292 of the board and upon such terms, conditions and evidence as the
3293 board may require.

3294 (4) The board and IDAC may require that the applicant appear
3295 before the board for a personal interview.

3296 (5) The board, upon the recommendation of IDAC, may adopt or
3297 develop alternate routes of eligibility and examination
3298 requirements based on standards as set forth by NCIDQ or its
3299 approved successor.

3300 (6) Any application submitted to the board and IDAC may be
3301 denied for any violation of the provisions of this chapter.

3302 **SECTION 30.** Section 73-75-19, Mississippi Code of 1972, is
3303 amended as follows:



3304 73-75-19. **License denial, suspension, or revocation.** (1)
3305 The board, by an affirmative vote of at least three (3) of its
3306 five (5) members, shall withhold, deny, revoke or suspend any
3307 license issued or applied for in accordance with the provisions of
3308 this chapter, or otherwise discipline a licensed behavior analyst
3309 or licensed assistant behavior analyst upon finding that the
3310 applicant or licensee:

3311 (a) Has violated the current Behavior Analyst
3312 Certification Board Professional Disciplinary and Ethical
3313 Standards, the Behavior Analyst Certification Board Guidelines for
3314 Responsible Conduct for Behavior Analysts, or other codes of
3315 ethical standards adopted by the board, or has lost or failed to
3316 renew certification by the Behavior Analyst Certification Board;
3317 or

3318 (b) Has been convicted of a * * * disqualifying crime
3319 as provided in the Fresh Start Act, the record of conviction being
3320 conclusive evidence thereof; or

3321 (c) Is using any narcotic or any alcoholic beverage to
3322 an extent or in a manner dangerous to any other person or the
3323 public, or to an extent that such use impairs his ability to
3324 perform the work of a licensed behavior analyst or licensed
3325 assistant behavior analyst; or

3326 (d) Has impersonated another person holding a license
3327 issued under this chapter or allowed another person to use his
3328 license; or



3329 (e) Has used fraud or deception in applying for a
3330 license provided for in this chapter; or

3331 (f) Has accepted commissions or rebates or other forms
3332 of remuneration for referring clients to other professional
3333 persons; or

3334 (g) Has allowed his name or license issued under this
3335 chapter to be used in connection with any person or persons who
3336 perform applied behavior analysis services outside the area of
3337 their training, experience or competence; or

3338 (h) Is legally adjudicated mentally incompetent, the
3339 record of such adjudication being conclusive evidence thereof; or

3340 (i) Has willfully or negligently violated any of the
3341 provisions of this chapter.

3342 (2) The board may recover from any person disciplined under
3343 this chapter the costs of investigation, prosecution, and
3344 adjudication of the disciplinary action.

3345 (3) Notice shall be effected by registered mail or personal
3346 service setting forth the particular reasons for the proposed
3347 action and fixing a date not less than thirty (30) days nor more
3348 than sixty (60) days from the date of such mailing or such
3349 service, at which time the applicant or licensee shall be given an
3350 opportunity for a prompt and fair hearing. For the purpose of
3351 such hearing the board, acting by and through its executive
3352 secretary, may exercise all authority granted to conduct
3353 investigations and hearings pursuant to Section 73-75-9(2)(a) and



3354 (b). At such hearing the applicant or licensee may appear by
3355 counsel and personally on his own behalf. On the basis of any
3356 such hearing, or upon default of applicant or licensee, the board
3357 shall make a determination specifying its findings of fact and
3358 conclusions of law. A copy of such determination shall be sent by
3359 registered mail or served personally upon the applicant or
3360 licensee. The decision of the board denying, revoking or
3361 suspending the license shall become final thirty (30) days after
3362 so mailed or served unless within that period the licensee appeals
3363 the decision to the Chancery Court of Madison or Rankin Counties,
3364 pursuant to the provisions hereof, and the proceedings in chancery
3365 shall be conducted as other matters coming before the court. All
3366 proceedings and evidence, together with exhibits, presented at
3367 such hearing before the board in the event of appeal, shall be
3368 admissible in evidence in the court.

3369 (4) Nothing in this subsection shall be interpreted to
3370 prohibit the board from immediately suspending any license prior
3371 to a hearing under subsection (3) of this section, when in its
3372 sole discretion the suspension is required for the instruction,
3373 safety or well-being of any member of the public.

3374 (5) Every order and judgment of the board shall take effect
3375 immediately upon its promulgation unless the board in such order
3376 or judgment fixes a probationary period for applicant or licensee.
3377 Such order and judgment shall continue in effect unless upon
3378 appeal the court by proper order or decree terminates it earlier.



3379 The board may make public its order and judgments in such manner
3380 and form as it deems proper.

3381 (6) Suspension by the board of a license issued under this
3382 chapter shall be for a period not to exceed one (1) year. At the
3383 end of this period the board shall reevaluate the suspension, and
3384 shall either reinstate or revoke the license. A person whose
3385 license has been revoked under the provisions of this section may
3386 reapply for license after more than two (2) years have elapsed
3387 from the date such revocation is legally effective.

3388 (7) In addition to the reasons specified in subsection (1)
3389 of this section, the board shall be authorized to suspend the
3390 license of any licensee for being out of compliance with an order
3391 for support, in compliance with the procedures set forth in
3392 Sections 93-11-151 through 93-11-163.

3393 **SECTION 31.** Section 75-76-35, Mississippi Code of 1972, is
3394 amended as follows:

3395 75-76-35. (1) The Legislature hereby declares that the
3396 exclusion or ejection of certain persons from licensed gaming
3397 establishments is necessary to effectuate the policies of this
3398 chapter and to maintain effectively the strict regulation of
3399 licensed gaming.

3400 (2) The commission may by regulation provide for the
3401 establishment of a list of persons who are to be excluded or
3402 ejected from any licensed gaming establishment. The list may
3403 include any person whose presence in the establishment is



3404 determined by the commission or the executive director to pose a
3405 threat to the interests of this state or to licensed gaming, or
3406 both.

3407 (3) In making that determination, the commission and the
3408 executive director may consider any:

3409 (a) Prior conviction of a crime which is a * * *
3410 disqualifying crime as provided in the Fresh Start Act or a
3411 violation of the gaming laws of any state;

3412 (b) Violation or conspiracy to violate the provisions
3413 of this chapter relating to:

3414 (i) The failure to disclose an interest in a
3415 gaming establishment for which the person must obtain a license;
3416 or

3417 (ii) Willful evasion of fees or taxes;

3418 (c) Notorious or unsavory reputation which would
3419 adversely affect public confidence and trust that the gaming
3420 industry is free from criminal or corruptive elements; or

3421 (d) Written order of a governmental agency which
3422 authorizes the exclusion or ejection of the person from an
3423 establishment at which gaming is conducted.

3424 (4) Race, color, creed, national origin or ancestry, or sex
3425 shall not be grounds for placing the name of a person upon the
3426 list.

3427 **SECTION 32.** Section 75-76-131, Mississippi Code of 1972, is
3428 amended as follows:



3429 75-76-131. (1) The executive director shall:

3430 (a) Ascertain and keep himself informed of the

3431 identity, prior activities and present location of all gaming

3432 employees in the State of Mississippi; and

3433 (b) Maintain confidential records of such information.

3434 (2) No person may be employed as a gaming employee unless he

3435 is the holder of a work permit issued by the commission.

3436 (3) A work permit issued to a gaming employee must have

3437 clearly imprinted thereon a statement that it is valid for gaming

3438 purposes only.

3439 (4) Application for a work permit is to be made to the

3440 executive director and may be granted or denied for any cause

3441 deemed reasonable by the commission. Whenever the executive

3442 director denies such an application, he shall include in the

3443 notice of the denial a statement of the facts upon which he relied

3444 in denying the application.

3445 (5) Any person whose application for a work permit has been

3446 denied by the executive director may, not later than sixty (60)

3447 days after receiving notice of the denial or objection, apply to

3448 the commission for a hearing before a hearing examiner. A failure

3449 of a person whose application has been denied to apply for a

3450 hearing within sixty (60) days or his failure to appear at a

3451 hearing conducted pursuant to this section shall be deemed to be

3452 an admission that the denial or objection is well founded and

3453 precludes administrative or judicial review. At the hearing, the



3454 hearing examiner appointed by the commission shall take any
3455 testimony deemed necessary. After the hearing the hearing
3456 examiner shall within thirty (30) days after the date of the
3457 hearing announce his decision sustaining or reversing the denial
3458 of the work permit or the objection to the issuance of a work
3459 permit. The executive director may refuse to issue a work permit
3460 if the applicant has:

3461 (a) Failed to disclose, misstated or otherwise
3462 attempted to mislead the commission with respect to any material
3463 fact contained in the application for the issuance or renewal of a
3464 work permit;

3465 (b) Knowingly failed to comply with the provisions of
3466 this chapter or the regulations of the commission at a place of
3467 previous employment;

3468 (c) Committed, attempted or conspired to commit any
3469 crime of * * * embezzlement or larceny or any violation of any law
3470 pertaining to gaming, or any crime which is inimical to the
3471 declared policy of this state concerning gaming;

3472 (d) Been identified in the published reports of any
3473 federal or state legislative or executive body as being a member
3474 or associate of organized crime, or as being of notorious and
3475 unsavory reputation;

3476 (e) Been placed and remains in the constructive custody
3477 of any federal, state or municipal law enforcement authority;



3478 (f) Had a work permit revoked or committed any act
3479 which is a ground for the revocation of a work permit or would
3480 have been a ground for revoking his work permit if he had then
3481 held a work permit; or

3482 (g) For any other reasonable cause.

3483 The executive director shall refuse to issue a work permit if
3484 the applicant has committed, attempted or conspired to commit a
3485 crime which is a * * * disqualifying crime as provided in the
3486 Fresh Start Act in this state or an offense in another state or
3487 jurisdiction which would be a * * * disqualifying crime as
3488 provided in the Fresh Start Act if committed in this state.

3489 (6) Any applicant aggrieved by the decision of the hearing
3490 examiner may, within fifteen (15) days after the announcement of
3491 the decision, apply in writing to the commission for review of the
3492 decision. Review is limited to the record of the proceedings
3493 before the hearing examiner. The commission may sustain or
3494 reverse the hearing examiner's decision. The commission may
3495 decline to review the hearing examiner's decision, in which case
3496 the hearing examiner's decision becomes the final decision of the
3497 commission. The decision of the commission is subject to judicial
3498 review.

3499 (7) All records acquired or compiled by the commission
3500 relating to any application made pursuant to this section and all
3501 lists of persons to whom work permits have been issued or denied
3502 and all records of the names or identity of persons engaged in the



3503 gaming industry in this state are confidential and must not be
3504 disclosed except in the proper administration of this chapter or
3505 to an authorized law enforcement agency. Any record of the
3506 commission which shows that the applicant has been convicted of a
3507 disqualifying crime in another state must show whether the crime
3508 was a misdemeanor, gross misdemeanor, felony or other class of
3509 crime as classified by the state in which the crime was committed.
3510 In a disclosure of the conviction, reference to the classification
3511 of the crime must be based on the classification in the state
3512 where it was committed.

3513 (8) A work permit expires unless renewed within ten (10)
3514 days after a change of place of employment or if the holder
3515 thereof is not employed as a gaming employee within the
3516 jurisdiction of the issuing authority for more than ninety (90)
3517 days.

3518 (9) Notice of any objection to or denial of a work permit by
3519 the executive director as provided pursuant to this section is
3520 sufficient if it is mailed to the applicant's last known address
3521 as indicated on the application for a work permit. The date of
3522 mailing may be proven by a certificate signed by the executive
3523 director or his designee that specifies the time the notice was
3524 mailed. The notice is presumed to have been received by the
3525 applicant five (5) days after it is deposited with the United
3526 States Postal Service with the postage thereon prepaid.



3527 **SECTION 33.** Section 83-7-207, Mississippi Code of 1972, is
3528 amended as follows:

3529 83-7-207. (1) The commissioner may suspend, revoke or
3530 refuse to renew the license of a viatical settlement provider,
3531 viatical settlement representative or viatical settlement broker
3532 if the commissioner finds that:

3533 (a) There was any material misrepresentation in the
3534 application for the license;

3535 (b) The licensee or any officer, partner or key
3536 management personnel has been convicted of fraudulent or dishonest
3537 practices, is subject to a final administrative action or is
3538 otherwise shown to be untrustworthy or incompetent;

3539 (c) The viatical settlement provider demonstrates a
3540 pattern of unreasonable payments to viators;

3541 (d) The licensee has been found guilty of, or has
3542 pleaded guilty or nolo contendere to, any * * * disqualifying
3543 crime as provided in the Fresh Start;

3544 (e) The viatical settlement provider has failed to
3545 honor contractual obligations set out in a viatical settlement
3546 contract;

3547 (f) The licensee no longer meets the requirements for
3548 initial licensure;

3549 (g) The viatical settlement provider has assigned,
3550 transferred or pledged a viaticated policy to a person other than



3551 a viatical settlement provider licensed in this state or a
3552 financing entity; or

3553 (h) The licensee has violated any provisions of
3554 Sections 83-7-201 through 83-7-223.

3555 (2) Before the commissioner shall deny a license application
3556 or suspend, revoke or refuse to renew the license of a viatical
3557 settlement provider, viatical settlement broker or viatical
3558 settlement representative, the commissioner shall conduct a
3559 hearing in accordance with Section 25-43-1.101 et seq.

3560 **SECTION 34.** Section 83-39-15, Mississippi Code of 1972, is
3561 amended as follows:

3562 83-39-15. (1) The department may deny, suspend, revoke or
3563 refuse to renew, as may be appropriate, a license to engage in the
3564 business of professional bail agent, soliciting bail agent, or
3565 bail enforcement agent for any of the following reasons:

3566 (a) Any cause for which the issuance of the license
3567 would have been refused had it then existed and been known to the
3568 department.

3569 (b) Failure to post a qualification bond in the
3570 required amount with the department during the period the person
3571 is engaged in the business within this state or, if the bond has
3572 been posted, the forfeiture or cancellation of the bond.

3573 (c) Material misstatement, misrepresentation or fraud
3574 in obtaining the license.



3575 (d) Willful failure to comply with, or willful
3576 violation of, any provision of this chapter or of any proper
3577 order, rule or regulation of the department or any court of this
3578 state.

3579 (e) Conviction of * * * a disqualifying crime as
3580 provided in the Fresh Start Act.

3581 (f) Default in payment to the court should any bond
3582 issued by such bail agent be forfeited by order of the court.

3583 (g) Being elected or employed as a law enforcement or
3584 judicial official.

3585 (h) Engaging in the practice of law.

3586 (i) Writing a bond in violation of Section
3587 83-39-3(2)(b)(i) and (ii).

3588 (j) Giving legal advice or a legal opinion in any form.

3589 (k) Acting as or impersonating a bail agent without a
3590 license.

3591 (l) Use of any other trade name than what is submitted
3592 on a license application to the department.

3593 (m) Issuing a bail bond that contains information
3594 intended to mislead a court about the proper delivery by personal
3595 service or certified mail of a writ of scire facias, judgment nisi
3596 or final judgment.

3597 (2) In addition to the grounds specified in subsection (1)
3598 of this section, the department shall be authorized to suspend the
3599 license, registration or permit of any person for being out of



3600 compliance with an order for support, as defined in Section
3601 93-11-153. The procedure for suspension of a license,
3602 registration or permit for being out of compliance with an order
3603 for support, and the procedure for the reissuance or reinstatement
3604 of a license, registration or permit suspended for that purpose,
3605 and the payment of any fees for the reissuance or reinstatement of
3606 a license, registration or permit suspended for that purpose,
3607 shall be governed by Section 93-11-157 or 93-11-163, as the case
3608 may be. If there is any conflict between any provision of Section
3609 93-11-157 or 93-11-163 and any provision of this chapter, the
3610 provisions of Section 93-11-157 or 93-11-163, as the case may be,
3611 shall control.

3612 (3) In addition to the sanctions provided in this section,
3613 the department may assess an administrative fine in an amount not
3614 to exceed One Thousand Dollars (\$1,000.00) per violation. Such
3615 administrative fines shall be in addition to any criminal
3616 penalties assessed under Section 99-5-1.

3617 **SECTION 35.** Section 9-13-109, Mississippi Code of 1972, is
3618 amended as follows:

3619 9-13-109. Every applicant for certification shall have
3620 reached the age of majority * * * and be a resident citizen of the
3621 State of Mississippi. Further, every applicant shall meet the
3622 criteria established by the board for certification or shall meet
3623 the requirements of Section 9-13-109.



3624 **SECTION 36.** Section 21-27-131, Mississippi Code of 1972, is
3625 amended as follows:

3626 21-27-131. No person may drive or operate motor vehicles for
3627 hire in any city or town in this state unless he shall first have
3628 been licensed so to do as follows: he shall make application to
3629 the mayor of such municipality in writing, accompanied by a
3630 statement of some reputable citizen thereof, that the applicant is
3631 over the age of eighteen (18) years, an experienced driver, * * *
3632 and physically and mentally capacitated to drive and operate such
3633 motor vehicle. The mayor shall place such application before the
3634 board of aldermen, or other governing authorities, whereupon
3635 inquiry may be made by such governing authorities into the * * *
3636 mental and physical fitness of the applicant. If the permit shall
3637 be granted the applicant shall receive a certificate of such
3638 permit, signed by the mayor, together with an identification
3639 badge, and the name of the municipality thereon, and which shall
3640 be worn so that the same will be displayed while engaged in or
3641 about such occupation. The governing authorities of the
3642 municipality may require the applicant to give a reasonable bond,
3643 of not more than Five Hundred Dollars (\$500.00), to guarantee the
3644 faithful observance of the law as well as the rules and
3645 regulations which may be prescribed by the said municipality, and
3646 they may also require a reasonable fee, for such permit and badge.
3647 In the event the governing authority of such municipality refuse
3648 to grant such permit to an applicant, an appeal may be taken to



the circuit court, in the manner provided by law for appealing from other orders of the governing authorities of municipalities, and the questions to be tried upon appeal will be as to the age and experience and the moral, mental and physical fitness of the said applicant to pursue such vocation in such municipality.

SECTION 37. Section 21-27-151, Mississippi Code of 1972, is amended as follows:

21-27-151. No person may drive or operate any bus of a transportation system for the transportation of passengers within any city or town in this state, where the operation of such bus is subject to regulation by the authorities of such city or town under Section 21-27-121, unless he shall first have been licensed so to do as follows: he shall make application to the mayor of such municipality in writing, accompanied by a statement of some reputable citizen thereof, that the applicant is over the age of eighteen (18) years, an experienced driver, * * * and physically and mentally capacitated to drive and operate such motor vehicle. The mayor shall place such application before the board of aldermen, or other governing authorities, whereupon inquiry may be made by such governing authorities into the * * * and mental and physical fitness of the applicant. If the permit shall be granted the applicant shall receive a license, signed by the mayor, together with a metallic badge, which shall have a number and the name of the municipality thereon, and which shall be worn so that the same will be displayed while engaged in or about such



3674 occupation. The governing authorities of the municipality may
3675 require the applicant to give a reasonable bond, of not more than
3676 Five Hundred Dollars (\$500.00), to guarantee the faithful
3677 observance of the law as well as the rules and regulations which
3678 may be prescribed by the said municipality, and they may also
3679 require a reasonable fee, not to exceed Five Dollars (\$5.00) for
3680 such license, which said license fee shall be paid into the
3681 general fund of such municipality. In the event the governing
3682 authority of such municipality refuse to grant such license to an
3683 applicant, an appeal may be taken to the circuit court, in the
3684 manner provided by law for appealing from other orders of the
3685 governing authorities of municipalities, and the questions to be
3686 tried upon appeal will be as to the age and experience and
3687 the * * * mental and physical fitness of the said applicant to
3688 pursue such vocation in such municipality.

3689 **SECTION 38.** Section 27-109-5, Mississippi Code of 1972, is
3690 amended as follows:

3691 27-109-5. (1) Any person who the tax commission determines
3692 is qualified to receive a license or is found suitable under the
3693 provisions of this chapter, having due consideration for the
3694 proper protection of the health, safety, morals, good order and
3695 general welfare of the inhabitants of the State of Mississippi and
3696 the declared policy of this state, may be issued a state privilege
3697 license for the operation of a cruise vessel. The burden of



3698 proving his qualification to receive any license or be found
3699 suitable is on the applicant.

3700 (2) An application to receive a license shall not be granted
3701 unless the commission is satisfied that the applicant is:

3702 (a) A person of * * * honesty and integrity;

3703 (b) A person whose prior activities, criminal record,
3704 if any, reputation, habits and associations do not pose a threat
3705 to the public interest of this state or to the effective
3706 regulation and control of cruise vessels, or create or enhance the
3707 dangers of unsuitable, unfair or illegal practices, methods and
3708 activities in the operation of cruise vessels or the carrying on
3709 of the business and financial arrangements incidental thereto; and
3710 (c) In all other respects qualified to be licensed or
3711 found suitable consistently with the declared policy of the state.

3712 (3) A license to operate a cruise vessel shall not be
3713 granted unless the applicant has satisfied the commission that:

3714 (a) He has adequate business probity, competence and
3715 experience, in the operation of cruise vessels or generally; and

3716 (b) The proposed financing of the entire operation is:

3717 (i) Adequate for the nature of the proposed
3718 operation; and

3719 (ii) From a suitable source. Any lender or other
3720 source of money or credit which the commission finds does not meet
3721 the standards set forth in subsection (2) may be deemed
3722 unsuitable.



3723 **SECTION 39.** Section 37-3-2, Mississippi Code of 1972, is
3724 amended as follows:

3725 37-3-2. (1) There is established within the State
3726 Department of Education the Commission on Teacher and
3727 Administrator Education, Certification and Licensure and
3728 Development. It shall be the purpose and duty of the commission
3729 to make recommendations to the State Board of Education regarding
3730 standards for the certification and licensure and continuing
3731 professional development of those who teach or perform tasks of an
3732 educational nature in the public schools of Mississippi.

3733 (2) (a) The commission shall be composed of fifteen (15)
3734 qualified members. The membership of the commission shall be
3735 composed of the following members to be appointed, three (3) from
3736 each of the four (4) congressional districts, as such districts
3737 existed on January 1, 2011, in accordance with the population
3738 calculations determined by the 2010 federal decennial census,
3739 including: four (4) classroom teachers; three (3) school
3740 administrators; one (1) representative of schools of education of
3741 public institutions of higher learning located within the state to
3742 be recommended by the Board of Trustees of State Institutions of
3743 Higher Learning; one (1) representative from the schools of
3744 education of independent institutions of higher learning to be
3745 recommended by the Board of the Mississippi Association of
3746 Independent Colleges; one (1) representative from public community
3747 and junior colleges located within the state to be recommended by



3748 the Mississippi Community College Board; one (1) local school
3749 board member; and four (4) laypersons. Three (3) members of the
3750 commission, at the sole discretion of the State Board of
3751 Education, shall be appointed from the state at large.

3752 (b) All appointments shall be made by the State Board
3753 of Education after consultation with the State Superintendent of
3754 Public Education. The first appointments by the State Board of
3755 Education shall be made as follows: five (5) members shall be
3756 appointed for a term of one (1) year; five (5) members shall be
3757 appointed for a term of two (2) years; and five (5) members shall
3758 be appointed for a term of three (3) years. Thereafter, all
3759 members shall be appointed for a term of four (4) years.

3760 (3) The State Board of Education when making appointments
3761 shall designate a chairman. The commission shall meet at least
3762 once every two (2) months or more often if needed. Members of the
3763 commission shall be compensated at a rate of per diem as
3764 authorized by Section 25-3-69 and be reimbursed for actual and
3765 necessary expenses as authorized by Section 25-3-41.

3766 (4) (a) An appropriate staff member of the State Department
3767 of Education shall be designated and assigned by the State
3768 Superintendent of Public Education to serve as executive secretary
3769 and coordinator for the commission. No less than two (2) other
3770 appropriate staff members of the State Department of Education
3771 shall be designated and assigned by the State Superintendent of
3772 Public Education to serve on the staff of the commission.



3773 (b) An Office of Educator Misconduct Evaluations shall
3774 be established within the State Department of Education to assist
3775 the commission in responding to infractions and violations, and in
3776 conducting hearings and enforcing the provisions of subsections
3777 (11), (12), (13), (14) and (15) of this section, and violations of
3778 the Mississippi Educator Code of Ethics.

3779 (5) It shall be the duty of the commission to:

3780 (a) Set standards and criteria, subject to the approval
3781 of the State Board of Education, for all educator preparation
3782 programs in the state;

3783 (b) Recommend to the State Board of Education each year
3784 approval or disapproval of each educator preparation program in
3785 the state, subject to a process and schedule determined by the
3786 State Board of Education;

3787 (c) Establish, subject to the approval of the State
3788 Board of Education, standards for initial teacher certification
3789 and licensure in all fields;

3790 (d) Establish, subject to the approval of the State
3791 Board of Education, standards for the renewal of teacher licenses
3792 in all fields;

3793 (e) Review and evaluate objective measures of teacher
3794 performance, such as test scores, which may form part of the
3795 licensure process, and to make recommendations for their use;

3796 (f) Review all existing requirements for certification
3797 and licensure;



3798 (g) Consult with groups whose work may be affected by
3799 the commission's decisions;

3800 (h) Prepare reports from time to time on current
3801 practices and issues in the general area of teacher education and
3802 certification and licensure;

3803 (i) Hold hearings concerning standards for teachers'
3804 and administrators' education and certification and licensure with
3805 approval of the State Board of Education;

3806 (j) Hire expert consultants with approval of the State
3807 Board of Education;

3808 (k) Set up ad hoc committees to advise on specific
3809 areas;

3810 (l) Perform such other functions as may fall within
3811 their general charge and which may be delegated to them by the
3812 State Board of Education; and

3813 (m) Establish standards, subject to the approval of the
3814 State Board of Education, for supplemental endorsements, provided
3815 that the standards allow teachers as many options as possible to
3816 receive a supplemental endorsement, including, but not limited to,
3817 the option of taking additional coursework or earning at least the
3818 minimum qualifying score or higher on the required licensure
3819 subject assessment relevant to the endorsement area for which the
3820 licensure is sought. The subject assessment option shall not
3821 apply to certain subject areas, including, but not limited to,
3822 Early/Primary Education PreK-3, Elementary Education, or Special



3823 Education, except by special approval by the State Board of
3824 Education.

3825 (6) (a) **Standard License - Approved Program Route.** An
3826 educator entering the school system of Mississippi for the first
3827 time and meeting all requirements as established by the State
3828 Board of Education shall be granted a standard five-year license.
3829 Persons who possess two (2) years of classroom experience as an
3830 assistant teacher or who have taught for one (1) year in an
3831 accredited public or private school shall be allowed to fulfill
3832 student teaching requirements under the supervision of a qualified
3833 participating teacher approved by an accredited college of
3834 education. The local school district in which the assistant
3835 teacher is employed shall compensate such assistant teachers at
3836 the required salary level during the period of time such
3837 individual is completing student teaching requirements.

3838 Applicants for a standard license shall submit to the department:

- 3839 (i) An application on a department form;
3840 (ii) An official transcript of completion of a
3841 teacher education program approved by the department or a
3842 nationally accredited program, subject to the following:
3843 Licensure to teach in Mississippi prekindergarten through
3844 kindergarten classrooms shall require completion of a teacher
3845 education program or a Bachelor of Science degree with child
3846 development emphasis from a program accredited by the American
3847 Association of Family and Consumer Sciences (AAFCS) or by the



3848 National Association for Education of Young Children (NAEYC) or by
3849 the National Council for Accreditation of Teacher Education
3850 (NCATE). Licensure to teach in Mississippi kindergarten, for
3851 those applicants who have completed a teacher education program,
3852 and in Grade 1 through Grade 4 shall require the completion of an
3853 interdisciplinary program of studies. Licenses for Grades 4
3854 through 8 shall require the completion of an interdisciplinary
3855 program of studies with two (2) or more areas of concentration.
3856 Licensure to teach in Mississippi Grades 7 through 12 shall
3857 require a major in an academic field other than education, or a
3858 combination of disciplines other than education. Students
3859 preparing to teach a subject shall complete a major in the
3860 respective subject discipline. All applicants for standard
3861 licensure shall demonstrate that such person's college preparation
3862 in those fields was in accordance with the standards set forth by
3863 the National Council for Accreditation of Teacher Education
3864 (NCATE) or the National Association of State Directors of Teacher
3865 Education and Certification (NASDTEC) or, for those applicants who
3866 have a Bachelor of Science degree with child development emphasis,
3867 the American Association of Family and Consumer Sciences (AAFCS).
3868 Effective July 1, 2016, for initial elementary education
3869 licensure, a teacher candidate must earn a passing score on a
3870 rigorous test of scientifically research-based reading instruction
3871 and intervention and data-based decision-making principles as
3872 approved by the State Board of Education;



3873 (iii) A copy of test scores evidencing
3874 satisfactory completion of nationally administered examinations of
3875 achievement, such as the Educational Testing Service's teacher
3876 testing examinations;

3877 (iv) Any other document required by the State
3878 Board of Education; and

3879 (v) From and after July 1, 2020, no teacher
3880 candidate shall be licensed to teach in Mississippi who did not
3881 meet the following criteria for entrance into an approved teacher
3882 education program:

3883 1. An ACT Score of twenty-one (21) (or SAT
3884 equivalent); or

3885 2. Achieve a qualifying passing score on the
3886 Praxis Core Academic Skills for Educators examination as
3887 established by the State Board of Education; or

3888 3. A minimum GPA of 3.0 on coursework prior
3889 to admission to an approved teacher education program.

3890 (b) (i) **Standard License - Nontraditional Teaching**
3891 **Route.** From and after July 1, 2020, no teacher candidate shall be
3892 licensed to teach in Mississippi under the alternate route who did
3893 not meet the following criteria:

3894 1. An ACT Score of twenty-one (21) (or SAT
3895 equivalent); or



3896 2. Achieve a qualifying passing score on the
3897 Praxis Core Academic Skills for Educators examination as
3898 established by the State Board of Education; or

3899 3. A minimum GPA of 3.0 on coursework prior
3900 to admission to an approved teacher education program.

3901 (ii) Beginning July 1, 2020, an individual who has
3902 attained a passing score on the Praxis Core Academic Skills for
3903 Educators or an ACT Score of twenty-one (21) (or SAT equivalent)
3904 or a minimum GPA of 3.0 on coursework prior to admission to an
3905 approved teacher education program and a passing score on the
3906 Praxis Subject Assessment in the requested area of endorsement may
3907 apply for admission to the Teach Mississippi Institute (TMI)
3908 program to teach students in Grades 7 through 12 if the individual
3909 meets the requirements of this paragraph (b). The State Board of
3910 Education shall adopt rules requiring that teacher preparation
3911 institutions which provide the Teach Mississippi Institute (TMI)
3912 program for the preparation of nontraditional teachers shall meet
3913 the standards and comply with the provisions of this paragraph.

3914 1. The Teach Mississippi Institute (TMI)
3915 shall include an intensive eight-week, nine-semester-hour summer
3916 program or a curriculum of study in which the student matriculates
3917 in the fall or spring semester, which shall include, but not be
3918 limited to, instruction in education, effective teaching
3919 strategies, classroom management, state curriculum requirements,
3920 planning and instruction, instructional methods and pedagogy,



3921 using test results to improve instruction, and a one (1) semester
3922 three-hour supervised internship to be completed while the teacher
3923 is employed as a full-time teacher intern in a local school
3924 district. The TMI shall be implemented on a pilot program basis,
3925 with courses to be offered at up to four (4) locations in the
3926 state, with one (1) TMI site to be located in each of the three
3927 (3) Mississippi Supreme Court districts.

3928 2. The school sponsoring the teacher intern
3929 shall enter into a written agreement with the institution
3930 providing the Teach Mississippi Institute (TMI) program, under
3931 terms and conditions as agreed upon by the contracting parties,
3932 providing that the school district shall provide teacher interns
3933 seeking a nontraditional provisional teaching license with a
3934 one-year classroom teaching experience. The teacher intern shall
3935 successfully complete the one (1) semester three-hour intensive
3936 internship in the school district during the semester immediately
3937 following successful completion of the TMI and prior to the end of
3938 the one-year classroom teaching experience.

3939 3. Upon completion of the nine-semester-hour
3940 TMI or the fall or spring semester option, the individual shall
3941 submit his transcript to the commission for provisional licensure
3942 of the intern teacher, and the intern teacher shall be issued a
3943 provisional teaching license by the commission, which will allow
3944 the individual to legally serve as a teacher while the person
3945 completes a nontraditional teacher preparation internship program.



3946 4. During the semester of internship in the
3947 school district, the teacher preparation institution shall monitor
3948 the performance of the intern teacher. The school district that
3949 employs the provisional teacher shall supervise the provisional
3950 teacher during the teacher's intern year of employment under a
3951 nontraditional provisional license, and shall, in consultation
3952 with the teacher intern's mentor at the school district of
3953 employment, submit to the commission a comprehensive evaluation of
3954 the teacher's performance sixty (60) days prior to the expiration
3955 of the nontraditional provisional license. If the comprehensive
3956 evaluation establishes that the provisional teacher intern's
3957 performance fails to meet the standards of the approved
3958 nontraditional teacher preparation internship program, the
3959 individual shall not be approved for a standard license.

3960 5. An individual issued a provisional
3961 teaching license under this nontraditional route shall
3962 successfully complete, at a minimum, a one-year beginning teacher
3963 mentoring and induction program administered by the employing
3964 school district with the assistance of the State Department of
3965 Education.

3966 6. Upon successful completion of the TMI and
3967 the internship provisional license period, applicants for a
3968 Standard License - Nontraditional Route shall submit to the
3969 commission a transcript of successful completion of the twelve
3970 (12) semester hours required in the internship program, and the



3971 employing school district shall submit to the commission a
3972 recommendation for standard licensure of the intern. If the
3973 school district recommends licensure, the applicant shall be
3974 issued a Standard License - Nontraditional Route which shall be
3975 valid for a five-year period and be renewable.

3976 7. At the discretion of the teacher
3977 preparation institution, the individual shall be allowed to credit
3978 the twelve (12) semester hours earned in the nontraditional
3979 teacher internship program toward the graduate hours required for
3980 a Master of Arts in Teacher (MAT) Degree.

3981 8. The local school district in which the
3982 nontraditional teacher intern or provisional licensee is employed
3983 shall compensate such teacher interns at Step 1 of the required
3984 salary level during the period of time such individual is
3985 completing teacher internship requirements and shall compensate
3986 such Standard License - Nontraditional Route teachers at Step 3 of
3987 the required salary level when they complete license requirements.

3988 (iii) Implementation of the TMI program provided
3989 for under this paragraph (b) shall be contingent upon the
3990 availability of funds appropriated specifically for such purpose
3991 by the Legislature. Such implementation of the TMI program may
3992 not be deemed to prohibit the State Board of Education from
3993 developing and implementing additional alternative route teacher
3994 licensure programs, as deemed appropriate by the board. The



3995 emergency certification program in effect prior to July 1, 2002,
3996 shall remain in effect.

3997 (iv) A Standard License - Approved Program Route
3998 shall be issued for a five-year period, and may be renewed.
3999 Recognizing teaching as a profession, a hiring preference shall be
4000 granted to persons holding a Standard License - Approved Program
4001 Route or Standard License - Nontraditional Teaching Route over
4002 persons holding any other license.

4003 (c) **Special License - Expert Citizen.** In order to
4004 allow a school district to offer specialized or technical courses,
4005 the State Department of Education, in accordance with rules and
4006 regulations established by the State Board of Education, may grant
4007 a five-year expert citizen-teacher license to local business or
4008 other professional personnel to teach in a public school or
4009 nonpublic school accredited or approved by the state. Such person
4010 shall be required to have a high school diploma, an
4011 industry-recognized certification related to the subject area in
4012 which they are teaching and a minimum of five (5) years of
4013 relevant experience but shall not be required to hold an associate
4014 or bachelor's degree, provided that he or she possesses the
4015 minimum qualifications required for his or her profession, and may
4016 begin teaching upon his employment by the local school board and
4017 licensure by the Mississippi Department of Education. If a school
4018 board hires a career technical education pathway instructor who
4019 does not have an industry certification in his or her area of



4020 expertise but does have the required experience, the school board
4021 shall spread their decision on the minutes at their next meeting
4022 and provide a detailed explanation for why they hired the
4023 instructor. Such instructor shall present the minutes of the
4024 school board to the State Department of Education when he or she
4025 applies for an expert citizen license. The board shall adopt
4026 rules and regulations to administer the expert citizen-teacher
4027 license. A Special License - Expert Citizen may be renewed in
4028 accordance with the established rules and regulations of the State
4029 Department of Education.

4030 (d) **Special License - Nonrenewable.** The State Board of
4031 Education is authorized to establish rules and regulations to
4032 allow those educators not meeting requirements in paragraph (a),
4033 (b) or (c) of this subsection (6) to be licensed for a period of
4034 not more than three (3) years, except by special approval of the
4035 State Board of Education.

4036 (e) **Nonlicensed Teaching Personnel.** A nonlicensed
4037 person may teach for a maximum of three (3) periods per teaching
4038 day in a public school district or a nonpublic school
4039 accredited/approved by the state. Such person shall submit to the
4040 department a transcript or record of his education and experience
4041 which substantiates his preparation for the subject to be taught
4042 and shall meet other qualifications specified by the commission
4043 and approved by the State Board of Education. In no case shall
4044 any local school board hire nonlicensed personnel as authorized



4045 under this paragraph in excess of five percent (5%) of the total
4046 number of licensed personnel in any single school.

4047 (f) **Special License - Transitional Bilingual Education.**

4048 Beginning July 1, 2003, the commission shall grant special
4049 licenses to teachers of transitional bilingual education who
4050 possess such qualifications as are prescribed in this section.
4051 Teachers of transitional bilingual education shall be compensated
4052 by local school boards at not less than one (1) step on the
4053 regular salary schedule applicable to permanent teachers licensed
4054 under this section. The commission shall grant special licenses
4055 to teachers of transitional bilingual education who present the
4056 commission with satisfactory evidence that they (i) possess a
4057 speaking and reading ability in a language, other than English, in
4058 which bilingual education is offered and communicative skills in
4059 English; (ii) are in good health * * *; (iii) possess a bachelor's
4060 degree or an associate's degree in teacher education from an
4061 accredited institution of higher education; (iv) meet such
4062 requirements as to courses of study, semester hours therein,
4063 experience and training as may be required by the commission; and
4064 (v) are legally present in the United States and possess legal
4065 authorization for employment. A teacher of transitional bilingual
4066 education serving under a special license shall be under an
4067 exemption from standard licensure if he achieves the requisite
4068 qualifications therefor. Two (2) years of service by a teacher of
4069 transitional bilingual education under such an exemption shall be



4070 credited to the teacher in acquiring a Standard Educator License.
4071 Nothing in this paragraph shall be deemed to prohibit a local
4072 school board from employing a teacher licensed in an appropriate
4073 field as approved by the State Department of Education to teach in
4074 a program in transitional bilingual education.

4075 (g) In the event any school district meets the highest
4076 accreditation standards as defined by the State Board of Education
4077 in the accountability system, the State Board of Education, in its
4078 discretion, may exempt such school district from any restrictions
4079 in paragraph (e) relating to the employment of nonlicensed
4080 teaching personnel.

4081 (h) **Highly Qualified Teachers.** Beginning July 1, 2006,
4082 any teacher from any state meeting the federal definition of
4083 highly qualified, as described in the No Child Left Behind Act,
4084 must be granted a standard five-year license by the State
4085 Department of Education.

4086 (7) **Administrator License.** The State Board of Education is
4087 authorized to establish rules and regulations and to administer
4088 the licensure process of the school administrators in the State of
4089 Mississippi. There will be four (4) categories of administrator
4090 licensure with exceptions only through special approval of the
4091 State Board of Education.

4092 (a) **Administrator License - Nonpracticing.** Those
4093 educators holding administrative endorsement but having no



4094 administrative experience or not serving in an administrative
4095 position on January 15, 1997.

4096 (b) **Administrator License - Entry Level.** Those
4097 educators holding administrative endorsement and having met the
4098 department's qualifications to be eligible for employment in a
4099 Mississippi school district. Administrator License - Entry Level
4100 shall be issued for a five-year period and shall be nonrenewable.

4101 (c) **Standard Administrator License - Career Level.** An
4102 administrator who has met all the requirements of the department
4103 for standard administrator licensure.

4104 (d) **Administrator License - Nontraditional Route.** The
4105 board may establish a nontraditional route for licensing
4106 administrative personnel. Such nontraditional route for
4107 administrative licensure shall be available for persons holding,
4108 but not limited to, a master of business administration degree, a
4109 master of public administration degree, a master of public
4110 planning and policy degree or a doctor of jurisprudence degree
4111 from an accredited college or university, with five (5) years of
4112 administrative or supervisory experience. Successful completion
4113 of the requirements of alternate route licensure for
4114 administrators shall qualify the person for a standard
4115 administrator license.

4116 Individuals seeking school administrator licensure under
4117 paragraph (b), (c) or (d) shall successfully complete a training
4118 program and an assessment process prescribed by the State Board of



4119 Education. All applicants for school administrator licensure
4120 shall meet all requirements prescribed by the department under
4121 paragraph (b), (c) or (d), and the cost of the assessment process
4122 required shall be paid by the applicant.

4123 (8) **Reciprocity.** The department shall grant a standard
4124 five-year license to any individual who possesses a valid standard
4125 license from another state, or another country or political
4126 subdivision thereof, within a period of twenty-one (21) days from
4127 the date of a completed application. The issuance of a license by
4128 reciprocity to a military-trained applicant, military spouse or
4129 person who establishes residence in this state shall be subject to
4130 the provisions of Section 73-50-1 or 73-50-2, as applicable.

4131 (9) **Renewal and Reinstatement of Licenses.** The State Board
4132 of Education is authorized to establish rules and regulations for
4133 the renewal and reinstatement of educator and administrator
4134 licenses. Effective May 15, 1997, the valid standard license held
4135 by an educator shall be extended five (5) years beyond the
4136 expiration date of the license in order to afford the educator
4137 adequate time to fulfill new renewal requirements established
4138 pursuant to this subsection. An educator completing a master of
4139 education, educational specialist or doctor of education degree in
4140 May 1997 for the purpose of upgrading the educator's license to a
4141 higher class shall be given this extension of five (5) years plus
4142 five (5) additional years for completion of a higher degree. For
4143 all license types with a current valid expiration date of June 30,



4144 2021, the State Department of Education shall grant a one-year
4145 extension to June 30, 2022. Beginning July 1, 2022, and
4146 thereafter, applicants for licensure renewal shall meet all
4147 requirements in effect on the date that the complete application
4148 is received by the State Department of Education.

4149 (10) All controversies involving the issuance, revocation,
4150 suspension or any change whatsoever in the licensure of an
4151 educator required to hold a license shall be initially heard in a
4152 hearing de novo, by the commission or by a subcommittee
4153 established by the commission and composed of commission members,
4154 or by a hearing officer retained and appointed by the commission,
4155 for the purpose of holding hearings. Any complaint seeking the
4156 denial of issuance, revocation or suspension of a license shall be
4157 by sworn affidavit filed with the Commission on Teacher and
4158 Administrator Education, Certification and Licensure and
4159 Development. The decision thereon by the commission, its
4160 subcommittee or hearing officer, shall be final, unless the
4161 aggrieved party shall appeal to the State Board of Education,
4162 within ten (10) days, of the decision of the commission, its
4163 subcommittee or hearing officer. An appeal to the State Board of
4164 Education shall be perfected upon filing a notice of the appeal
4165 and by the prepayment of the costs of the preparation of the
4166 record of proceedings by the commission, its subcommittee or
4167 hearing officer. An appeal shall be on the record previously made
4168 before the commission, its subcommittee or hearing officer, unless



4169 otherwise provided by rules and regulations adopted by the board.
4170 The decision of the commission, its subcommittee or hearing
4171 officer shall not be disturbed on appeal if supported by
4172 substantial evidence, was not arbitrary or capricious, within the
4173 authority of the commission, and did not violate some statutory or
4174 constitutional right. The State Board of Education in its
4175 authority may reverse, or remand with instructions, the decision
4176 of the commission, its subcommittee or hearing officer. The
4177 decision of the State Board of Education shall be final.

4178 (11) (a) The State Board of Education, acting through the
4179 commission, may deny an application for any teacher or
4180 administrator license for one or more of the following:

4181 (i) Lack of qualifications which are prescribed by
4182 law or regulations adopted by the State Board of Education;

4183 (ii) The applicant has a physical, emotional or
4184 mental disability that renders the applicant unfit to perform the
4185 duties authorized by the license, as certified by a licensed
4186 psychologist or psychiatrist;

4187 (iii) The applicant is actively addicted to or
4188 actively dependent on alcohol or other habit-forming drugs or is a
4189 habitual user of narcotics, barbiturates, amphetamines,
4190 hallucinogens or other drugs having similar effect, at the time of
4191 application for a license;

4192 (iv) Fraud or deceit committed by the applicant in
4193 securing or attempting to secure such certification and license;



4194 (v) Failing or refusing to furnish reasonable
4195 evidence of identification;

4196 (vi) The applicant has been convicted, has pled
4197 guilty or entered a plea of nolo contendere to a * * *
4198 disqualifying crime as provided in the Fresh Start Act. For
4199 purposes of this subparagraph (vi) of this paragraph (a), a
4200 "guilty plea" includes a plea of guilty, entry of a plea of nolo
4201 contendere, or entry of an order granting pretrial or judicial
4202 diversion;

4203 (vii) The applicant or licensee is on probation or
4204 post-release supervision for a * * * disqualifying crime as
4205 provided in the Fresh Start Act. However, this disqualification
4206 expires upon the end of the probationary or post-release
4207 supervision period.

4208 (b) The State Board of Education, acting through the
4209 commission, shall deny an application for any teacher or
4210 administrator license, or immediately revoke the current teacher
4211 or administrator license, for one or more of the following:

4212 (i) If the applicant or licensee has been
4213 convicted, has pled guilty or entered a plea of nolo contendere to
4214 a sex offense as defined by federal or state law. For purposes of
4215 this subparagraph (i) of this paragraph (b), a "guilty plea"
4216 includes a plea of guilty, entry of a plea of nolo contendere, or
4217 entry of an order granting pretrial or judicial diversion;



4218 (ii) The applicant or licensee is on probation or
4219 post-release supervision for a sex offense conviction, as defined
4220 by federal or state law;

4221 (iii) The license holder has fondled a student as
4222 described in Section 97-5-23, or had any type of sexual
4223 involvement with a student as described in Section 97-3-95; or

4224 (iv) The license holder has failed to report
4225 sexual involvement of a school employee with a student as required
4226 by Section 97-5-24.

4227 (12) The State Board of Education, acting through the
4228 commission, may revoke, suspend or refuse to renew any teacher or
4229 administrator license for specified periods of time or may place
4230 on probation, reprimand a licensee, or take other disciplinary
4231 action with regard to any license issued under this chapter for
4232 one or more of the following:

4233 (a) Breach of contract or abandonment of employment may
4234 result in the suspension of the license for one (1) school year as
4235 provided in Section 37-9-57;

4236 (b) Obtaining a license by fraudulent means shall
4237 result in immediate suspension and continued suspension for one
4238 (1) year after correction is made;

4239 (c) Suspension or revocation of a certificate or
4240 license by another state shall result in immediate suspension or
4241 revocation and shall continue until records in the prior state
4242 have been cleared;



4243 (d) The license holder has been convicted, has pled
4244 guilty or entered a plea of nolo contendere to a * * *
4245 disqualifying crime as provided in the Fresh Start Act. For
4246 purposes of this paragraph, a "guilty plea" includes a plea of
4247 guilty, entry of a plea of nolo contendere, or entry of an order
4248 granting pretrial or judicial diversion;

4249 (e) The license holder knowingly and willfully
4250 committing any of the acts affecting validity of mandatory uniform
4251 test results as provided in Section 37-16-4(1);

4252 (f) The license holder has engaged in unethical conduct
4253 relating to an educator/student relationship as identified by the
4254 State Board of Education in its rules;

4255 (g) The license holder served as superintendent or
4256 principal in a school district during the time preceding and/or
4257 that resulted in the Governor declaring a state of emergency and
4258 the State Board of Education appointing a conservator;

4259 (h) The license holder submitted a false certification
4260 to the State Department of Education that a statewide test was
4261 administered in strict accordance with the Requirements of the
4262 Mississippi Statewide Assessment System; or

4263 (i) The license holder has failed to comply with the
4264 Procedures for Reporting Infractions as promulgated by the
4265 commission and approved by the State Board of Education pursuant
4266 to subsection (15) of this section.



4267 For purposes of this subsection, probation shall be defined
4268 as a length of time determined by the commission, its subcommittee
4269 or hearing officer, and based on the severity of the offense in
4270 which the license holder shall meet certain requirements as
4271 prescribed by the commission, its subcommittee or hearing officer.
4272 Failure to complete the requirements in the time specified shall
4273 result in immediate suspension of the license for one (1) year.

4274 (13) (a) Dismissal or suspension of a licensed employee by
4275 a local school board pursuant to Section 37-9-59 may result in the
4276 suspension or revocation of a license for a length of time which
4277 shall be determined by the commission and based upon the severity
4278 of the offense.

4279 (b) Any offense committed or attempted in any other
4280 state shall result in the same penalty as if committed or
4281 attempted in this state.

4282 (c) A person may voluntarily surrender a license. The
4283 surrender of such license may result in the commission
4284 recommending any of the above penalties without the necessity of a
4285 hearing. However, any such license which has voluntarily been
4286 surrendered by a licensed employee may only be reinstated by a
4287 majority vote of all members of the commission present at the
4288 meeting called for such purpose.

4289 (14) (a) A person whose license has been suspended or
4290 surrendered on any grounds except criminal grounds may petition
4291 for reinstatement of the license after one (1) year from the date



4292 of suspension or surrender, or after one-half (1/2) of the
4293 suspended or surrendered time has lapsed, whichever is greater. A
4294 person whose license has been suspended or revoked on any grounds
4295 or violations under subsection (12) of this section may be
4296 reinstated automatically or approved for a reinstatement hearing,
4297 upon submission of a written request to the commission. A license
4298 suspended, revoked or surrendered * * * because of a disqualifying
4299 crime as provided in the Fresh Start Act may be reinstated upon
4300 petition to the commission filed after expiration of the sentence
4301 and parole or probationary period imposed upon conviction. A
4302 revoked, suspended or surrendered license may be reinstated upon
4303 satisfactory showing of evidence of rehabilitation. The
4304 commission shall require all who petition for reinstatement to
4305 furnish evidence satisfactory to the commission of good * * *
4306 mental, emotional and physical health and such other evidence as
4307 the commission may deem necessary to establish the petitioner's
4308 rehabilitation and fitness to perform the duties authorized by the
4309 license.

4310 (b) A person whose license expires while under
4311 investigation by the Office of Educator Misconduct for an alleged
4312 violation may not be reinstated without a hearing before the
4313 commission if required based on the results of the investigation.

4314 (15) Reporting procedures and hearing procedures for dealing
4315 with infractions under this section shall be promulgated by the
4316 commission, subject to the approval of the State Board of



4317 Education. The revocation or suspension of a license shall be
4318 effected at the time indicated on the notice of suspension or
4319 revocation. The commission shall immediately notify the
4320 superintendent of the school district or school board where the
4321 teacher or administrator is employed of any disciplinary action
4322 and also notify the teacher or administrator of such revocation or
4323 suspension and shall maintain records of action taken. The State
4324 Board of Education may reverse or remand with instructions any
4325 decision of the commission, its subcommittee or hearing officer
4326 regarding a petition for reinstatement of a license, and any such
4327 decision of the State Board of Education shall be final.

4328 (16) An appeal from the action of the State Board of
4329 Education in denying an application, revoking or suspending a
4330 license or otherwise disciplining any person under the provisions
4331 of this section shall be filed in the Chancery Court of the First
4332 Judicial District of Hinds County, Mississippi, on the record
4333 made, including a verbatim transcript of the testimony at the
4334 hearing. The appeal shall be filed within thirty (30) days after
4335 notification of the action of the board is mailed or served and
4336 the proceedings in chancery court shall be conducted as other
4337 matters coming before the court. The appeal shall be perfected
4338 upon filing notice of the appeal and by the prepayment of all
4339 costs, including the cost of preparation of the record of the
4340 proceedings by the State Board of Education, and the filing of a
4341 bond in the sum of Two Hundred Dollars (\$200.00) conditioned that



4342 if the action of the board be affirmed by the chancery court, the
4343 applicant or license holder shall pay the costs of the appeal and
4344 the action of the chancery court.

4345 (17) All such programs, rules, regulations, standards and
4346 criteria recommended or authorized by the commission shall become
4347 effective upon approval by the State Board of Education as
4348 designated by appropriate orders entered upon the minutes thereof.

4349 (18) The granting of a license shall not be deemed a
4350 property right nor a guarantee of employment in any public school
4351 district. A license is a privilege indicating minimal eligibility
4352 for teaching in the public school districts of Mississippi. This
4353 section shall in no way alter or abridge the authority of local
4354 school districts to require greater qualifications or standards of
4355 performance as a prerequisite of initial or continued employment
4356 in such districts.

4357 (19) In addition to the reasons specified in subsections
4358 (12) and (13) of this section, the board shall be authorized to
4359 suspend the license of any licensee for being out of compliance
4360 with an order for support, as defined in Section 93-11-153. The
4361 procedure for suspension of a license for being out of compliance
4362 with an order for support, and the procedure for the reissuance or
4363 reinstatement of a license suspended for that purpose, and the
4364 payment of any fees for the reissuance or reinstatement of a
4365 license suspended for that purpose, shall be governed by Section
4366 93-11-157 or 93-11-163, as the case may be. Actions taken by the



4367 board in suspending a license when required by Section 93-11-157
4368 or 93-11-163 are not actions from which an appeal may be taken
4369 under this section. Any appeal of a license suspension that is
4370 required by Section 93-11-157 or 93-11-163 shall be taken in
4371 accordance with the appeal procedure specified in Section
4372 93-11-157 or 93-11-163, as the case may be, rather than the
4373 procedure specified in this section. If there is any conflict
4374 between any provision of Section 93-11-157 or 93-11-163 and any
4375 provision of this chapter, the provisions of Section 93-11-157 or
4376 93-11-163, as the case may be, shall control.

4377 (20) The Department of Education shall grant and renew all
4378 licenses and certifications of teachers and administrators within
4379 twenty-one (21) days from the date of a completed application if
4380 the applicant has otherwise met all established requirements for
4381 the license or certification.

4382 **SECTION 40.** Section 41-29-303, Mississippi Code of 1972, is
4383 amended as follows:

4384 41-29-303. No license shall be issued under Section
4385 41-29-301 * * * until the applicant therefor has furnished proof
4386 satisfactory to the State Board of Pharmacy that the applicant
4387 is * * * properly equipped as to land, buildings, and
4388 paraphernalia to carry on the business described in his
4389 application. No license shall be granted to any person who has
4390 within five (5) years been convicted of a willful violation of any
4391 law of the United States, or of any state, relating to opium, coca



4392 leaves, or other narcotic drugs, or to any person who is a
4393 narcotic drug addict. The state board of pharmacy may suspend or
4394 revoke any license for cause.

4395 **SECTION 41.** Section 51-5-3, Mississippi Code of 1972, is
4396 amended as follows:

4397 51-5-3. In order to be licensed as a water well contractor
4398 in the State of Mississippi, the applicant must be qualified as
4399 set out below:

4400 (a) Be at least twenty-one (21) years of age;

4401 * * *

4402 (* * *b) Demonstrate to the satisfaction of the
4403 commission a reasonable knowledge of this chapter and the rules
4404 and regulations adopted by the commission under the provisions of
4405 this chapter;

4406 (* * *c) Possess the necessary drilling equipment, or
4407 present to the commission sufficient evidence to show that he has
4408 access to the use of such equipment at any time he needs it; and

4409 (* * *d) Have not less than three (3) years'
4410 experience in the work for which he is applying for a license.

4411 **SECTION 42.** Section 67-3-19, Mississippi Code of 1972, is
4412 amended as follows:

4413 67-3-19. Where application is made for a permit to engage in
4414 the business of a retailer of light wine, light spirit product or
4415 beer, the applicant shall show in his application that he
4416 possesses the following qualifications:



4417 (a) Applicant must be a person at least twenty-one (21)
4418 years of age * * * and a resident of the State of Mississippi.

4419 (b) Applicant shall not have been convicted of a * * *
4420 disqualifying crime as provided in the Fresh Start Act, or of
4421 pandering or of keeping or maintaining a house of prostitution, or
4422 have been convicted within two (2) years of the date of his
4423 application of any violation of the laws of this state or the laws
4424 of the United States relating to alcoholic liquor.

4425 (c) Applicant shall not have had revoked, except for a
4426 violation of Section 67-3-52, within two (2) years next preceding
4427 his application, any license or permit issued to him pursuant to
4428 the laws of this state, or any other state, to sell alcoholic
4429 liquor of any kind.

4430 (d) Applicant shall be the owner of the premises for
4431 which the permit is sought or the holder of an existing lease
4432 thereon.

4433 (e) Applicant shall not be residentially domiciled with
4434 any person whose permit has been revoked for cause, except for a
4435 violation of Section 67-3-52, within two (2) years next preceding
4436 the date of the present application for a permit.

4437 (f) The applicant has not had any license or permit to
4438 sell beer, light spirit product or light wine at retail revoked,
4439 within five (5) years next preceding his application, due to a
4440 violation of Section 67-3-52.



4441 (g) Applicant shall not employ any person whose permit
4442 has been revoked when such person owned or operated the business
4443 on the premises for which a permit is sought or allow such person
4444 to have any financial interest in the business of the applicant,
4445 until such person is qualified to obtain a permit in his own name.

4446 (h) The applicant is not indebted to the State of
4447 Mississippi for any taxes.

4448 (i) If applicant is a partnership, all members of the
4449 partnership must be qualified to obtain a permit. Each member of
4450 the partnership must be a resident of the State of Mississippi.

4451 (j) If applicant is a corporation, all officers and
4452 directors thereof, and any stockholder owning more than five
4453 percent (5%) of the stock of such corporation, and the person or
4454 persons who shall conduct and manage the licensed premises for the
4455 corporation shall possess all the qualifications required herein
4456 for any individual permittee. However, the requirements as to
4457 residence shall not apply to officers, directors and stockholders
4458 of such corporation.

4459 Any misstatement or concealment of fact in an application
4460 shall be grounds for denial of the application or for revocation
4461 of the permit issued thereon.

4462 The commissioner may refuse to issue a permit to an applicant
4463 for a place that is frequented by known criminals, prostitutes, or
4464 other law violators or troublemakers who disturb the peace and
4465 quietude of the community and frequently require the assistance of



4466 peace officers to apprehend such law violators or to restore
4467 order. The burden of proof of establishing the foregoing shall
4468 rest upon the commissioner.

4469 **SECTION 43.** Section 73-2-7, Mississippi Code of 1972, is
4470 amended as follows:

4471 73-2-7. In order to qualify for a license as a landscape
4472 architect, an applicant must:

4473 (a) Submit evidence of his * * * integrity to the
4474 examining board.

4475 (b) Have received a degree in landscape architecture
4476 from a college or university having a minimum four-year curriculum
4477 in landscape architecture approved by the board or have completed
4478 seven (7) years of work in the practice of landscape architecture
4479 of a grade and character suitable to the board. Graduation in a
4480 curriculum other than landscape architecture from a college or
4481 university shall be equivalent to two (2) years' experience of the
4482 seven (7) specified above in this section, except that no
4483 applicant shall receive credit for more than two (2) years'
4484 experience for any scholastic training.

4485 (c) Pass such written examination as required in
4486 Section 73-2-9.

4487 Each application or filing made under this section shall
4488 include the social security number(s) of the applicant in
4489 accordance with Section 93-11-64, Mississippi Code of 1972.



4490 **SECTION 44.** Section 73-3-2, Mississippi Code of 1972, is
4491 amended as follows:

4492 73-3-2. (1) **Power to admit persons to practice.** The power
4493 to admit persons to practice as attorneys in the courts of this
4494 state is vested exclusively in the Supreme Court of Mississippi.

4495 (2) **Qualifications.** (a) Each applicant for admission to
4496 the bar, in order to be eligible for examination for admission,
4497 shall be at least twenty-one (21) years of age * * * and shall
4498 present to the Board of Bar Admissions satisfactory evidence:

4499 (i) That he has successfully completed, or is
4500 within sixty (60) days of completion of, a general course of study
4501 of law in a law school which is provisionally or fully approved by
4502 the section on legal education and admission to the bar of the
4503 American Bar Association, and that such applicant has received, or
4504 will receive within sixty (60) days, a diploma or certificate from
4505 such school evidencing the satisfactory completion of such course,
4506 but in no event shall any applicant under this paragraph be
4507 admitted to the bar until such applicant actually receives such
4508 diploma or certificate. However, an applicant who, as of November
4509 1, 1981, was previously enrolled in a law school in active
4510 existence in Mississippi for more than ten (10) years prior to the
4511 date of application shall be eligible for examination for
4512 admission; provided that such an applicant graduated prior to
4513 November 1, 1984;



4514 (ii) That he has notified the Board of Bar
4515 Admissions in writing of an intention to pursue a general course
4516 of study of law under the supervision of a Mississippi lawyer
4517 prior to July 1, 1979, and in fact began study prior to July 1,
4518 1979, and who completed the required course of study prior to
4519 November 1, 1984, in accordance with Sections 73-3-13(b) and
4520 73-3-15 as the same exist prior to November 1, 1979; or

4521 (iii) That in addition to complying with either of
4522 the above requirements, he has received a bachelor's degree from
4523 an accredited college or university or that he has received credit
4524 for the requirements of the first three (3) years of college work
4525 from a college or university offering an integrated six-year
4526 prelaw and law course, and has completed his law course at a
4527 college or university offering such an integrated six-year course.
4528 However, applicants who have already begun the general course of
4529 study of law as of November 1, 1979, either in a law school or
4530 under the supervision of a Mississippi lawyer shall submit proof
4531 they have successfully completed two (2) full years of college
4532 work.

4533 (b) The applicant shall bear the burden of establishing
4534 his or her qualifications for admission to the satisfaction of the
4535 Board of Bar Admissions. An applicant denied admission for
4536 failure to satisfy qualifications for admission shall have the
4537 right to appeal from the final order of the board to the Chancery



4538 Court of Hinds County, Mississippi, within thirty (30) days of
4539 entry of such order of denial.

4540 (3) **Creation of Board of Bar Admissions.** There is hereby
4541 created a board to be known as the "Board of Bar Admissions" which
4542 shall be appointed by the Supreme Court of Mississippi. The board
4543 shall consist of nine (9) members, who shall be members in good
4544 standing of the Mississippi State Bar and shall serve for terms of
4545 three (3) years. Three (3) members shall be appointed from each
4546 Supreme Court district, one (1) by each Supreme Court Justice from
4547 his district, with the original appointments to be as follows:
4548 Three (3) to be appointed for a term of one (1) year, three (3) to
4549 be appointed for a term of two (2) years, and three (3) to be
4550 appointed for a term of three (3) years, one (1) from each
4551 district to be appointed each year. No member of the Board of Bar
4552 Admissions may be a member of the Legislature. Vacancies during a
4553 term shall be filled by the appointing justice or his successor
4554 for the remainder of the unexpired term.

4555 The board shall promulgate the necessary rules for the
4556 administration of their duties, subject to the approval of the
4557 Chief Justice of the Supreme Court.

4558 (4) **Written examination as prerequisite to admission.** Every
4559 person desiring admission to the bar, shall be required to take
4560 and pass a written bar examination in a manner satisfactory to the
4561 Board of Bar Admissions. The Board of Bar Admissions shall
4562 conduct not less than two (2) bar examinations each year.



4563 (5) **Oath and compensation of board members.** The members of
4564 the Board of Bar Admissions shall take and subscribe an oath to be
4565 administered by one (1) of the judges of the Supreme Court to
4566 faithfully and impartially discharge the duties of the office.
4567 The members shall receive compensation as established by the
4568 Supreme Court for preparing, giving and grading the examination
4569 plus all reasonable and necessary travel expenses incurred in the
4570 performance of their duties under the provisions of this section.

4571 (6) **Procedure for applicants who have failed.** Any applicant
4572 who fails the examination shall be allowed to take the next
4573 scheduled examination. A failing applicant may request in writing
4574 from the board, within thirty (30) days after the results of the
4575 examination have been made public, copies of his answers and model
4576 answers used in grading the examination, at his expense. If a
4577 uniform, standardized examination is administered, the board shall
4578 only be required to provide the examination grade and such other
4579 information concerning the applicant's examination results which
4580 are available to the board. Any failing applicant shall have a
4581 right to a review of his failure by the board. The board shall
4582 enter an order on its minutes, prior to the administration of the
4583 next bar examination, either granting or denying the applicant's
4584 review, and shall notify the applicant of such order. The
4585 applicant shall have the right to appeal from this order to the
4586 Chancery Court of Hinds County, Mississippi, within thirty (30)
4587 days of entry of such order.



4588 (7) **Fees.** The board shall set and collect the fees for
4589 examination and for admission to the bar. The fees for
4590 examination shall be based upon the annual cost of administering
4591 the examinations. The fees for admission shall be based upon the
4592 cost of conducting an investigation of the applicant and the
4593 administrative costs of sustaining the board, which shall include,
4594 but shall not be limited to:

- 4595 (a) Expenses and travel for board members;
4596 (b) Office facilities, supplies and equipment; and
4597 (c) Clerical assistance.

4598 All fees collected by the board shall be paid to the State
4599 Treasurer, who shall issue receipts therefor and who shall deposit
4600 such funds in the State Treasury in a special fund to the credit
4601 of said board. All such funds shall be expended only in
4602 accordance with the provisions of Chapter 496, Laws of 1962, as
4603 amended, being Section 27-103-1 et seq., Mississippi Code of 1972.

4604 (8) The board, upon finding the applicant qualified for
4605 admission, shall issue to the applicant a certificate of
4606 admission. The applicant shall file the certificate and a
4607 petition for admission in the Chancery Court of Hinds County,
4608 Mississippi, or in the chancery court in the county of his
4609 residence, or, in the case of an applicant who is a nonresident of
4610 the State of Mississippi, in the chancery court of a county in
4611 which the applicant intends to practice. The chancery court
4612 shall, in termtime or in vacation, enter on the minutes of that



4613 court an order granting to the applicant license to practice in
4614 all courts in this state, upon taking by the applicant in the
4615 presence of the court, the oath prescribed by law, Section
4616 73-3-35, Mississippi Code of 1972.

4617 (9) Each application or filing made under this section shall
4618 include the social security number(s) of the applicant in
4619 accordance with Section 93-11-64, Mississippi Code of 1972.

4620 **SECTION 45.** Section 73-3-25, Mississippi Code of 1972, is
4621 amended as follows:

4622 73-3-25. Any lawyer from another state whose requirements
4623 for admission to the bar are equivalent to those of this state,
4624 who has practiced not less than five (5) years in a state where he
4625 was then admitted may be admitted to * * * practice in this state
4626 upon taking and passing such examination as to his knowledge of
4627 law as may be prescribed by rules adopted by the Board of Bar
4628 Admissions and approved by the Supreme Court and upon complying
4629 with the other requirements as set out in the laws and rules
4630 governing admission to the bar. Provided, however, the laws of
4631 the state from which the applicant comes grant similar privileges
4632 to the applicants from this state.

4633 Any lawyer from another state desiring to be admitted to
4634 practice in Mississippi must make application to the Board of Bar
4635 Admissions. Such applicant shall present to the bar evidence of
4636 his good standing in the state from which he came, including a
4637 certificate from the clerk of the highest appellate court of the



4638 state from which he came, and from two (2) members of the bar of
4639 such state, certifying to his qualifications * * * and good
4640 standing * * *, and may require the submission of additional
4641 evidence by the applicant. Upon satisfactory proof of the
4642 applicant's qualifications and upon the applicant's compliance
4643 with the requirements of this section, the board shall issue a
4644 certificate of admission to the applicant, as prescribed in
4645 Section 73-3-2(8). Each such applicant shall pay an application
4646 fee prescribed by the Board of Bar Admissions according to Section
4647 73-3-2(7).

4648 **SECTION 46.** Section 73-4-17, Mississippi Code of 1972, is
4649 amended as follows:

4650 73-4-17. There shall be two (2) classes of auctioneers'
4651 licenses, which shall be auctioneer and auction firm. All
4652 applicants for a license under this chapter shall possess the
4653 following minimum qualifications:

4654 (a) Applicants shall have attained the age of eighteen
4655 (18) years by the issuance date of the license.

4656 (b) Applicants shall have obtained at a minimum a high
4657 school diploma or G.E.D. equivalent and shall be graduates of an
4658 auctioneering school approved by the commission.

4659 (c) Each applicant for a license under this chapter
4660 shall demonstrate to the commission that he is * * * worthy of
4661 public trust through background information to be provided on his
4662 application form and two (2) letters of reference from persons not



4663 related to the applicant who have known the applicant at least
4664 three (3) years. The commission may require additional
4665 information or a personal interview with the applicant to
4666 determine if such applicant should be granted a license.

4667 (d) Each applicant for a license under this chapter
4668 shall take and successfully complete an examination as prescribed
4669 by the commission. The examination shall include questions on
4670 ethics, reading comprehension, writing, spelling, elementary
4671 arithmetic, elementary principals of land economics, general
4672 knowledge of bulk sales law, contracts of sale, agency, leases,
4673 brokerage, knowledge of various goods commonly sold at auction,
4674 ability to call bids, knowledge of sale preparation and proper
4675 sale advertising and sale summary, and knowledge of the provisions
4676 of this chapter and the commission's rules and regulations. There
4677 shall be separate examinations for auctioneer and auction firm
4678 each based upon relevant subject matter appropriate to the license
4679 classification as set forth herein. Examinations shall be
4680 administered at least once a year and may be administered
4681 quarterly at the commission's discretion provided there are at
4682 least twenty-five (25) examinees. The commission shall ensure
4683 that the various forms of the test remain secure.

4684 (e) In order to defray the cost of administration of
4685 the examinations, applicants for the examination shall pay fees as
4686 follows:

4687 (i) Auctioneer.....\$100.00.



4688 (ii) Auction firm.....\$100.00.

4689 (f) Each applicant desiring to sit for the examination
4690 for any license required under this chapter shall be required to
4691 furnish to the commission at least thirty (30) days prior to the
4692 examination evidence of a surety bond in the following minimum
4693 amounts:

4694 (i) Auctioneer.....\$10,000.00.

4695 (ii) Auction firm.....\$10,000.00.

4696 (g) In addition to the bond required herein, applicants
4697 for the auction firm license shall furnish the commission with all
4698 relevant information concerning the premises to be licensed, to
4699 include location, whether the premises are owned or leased, and an
4700 affidavit that the proposed use of the premises as an auction firm
4701 does not violate zoning or any other use restrictions. A separate
4702 license shall be required for each business location of the owner
4703 of multiple auction galleries.

4704 (h) Except as provided in Section 33-1-39, all licenses
4705 granted pursuant to this chapter shall be for a term of two (2)
4706 years and shall expire on the first day of March at the end of
4707 such two-year term. The biennial license fees shall be set from
4708 time to time by the commission with a maximum fee of Two Hundred
4709 Dollars (\$200.00). License fees shall not be prorated for any
4710 portion of a year but shall be paid for the entire biennial period
4711 regardless of the date of the application. Individuals failing to
4712 submit license renewal fees on or before March 1 of the year for



renewal shall be required to successfully pass the next administration of the examination in order to renew a license.

(i) Each application or filing made under this section shall include the social security number(s) of the applicant in accordance with Section 93-11-64, Mississippi Code of 1972.

(j) A licensee shall keep such books, accounts and records as will enable the commission to determine whether such licensee is in compliance with the provisions of this chapter, and rules and regulations made pursuant thereto, and any other law, rule and regulation applicable to the conduct of such business. The commission and its employees or representatives shall have the right to enter and make inspections of any place where the auction business is carried on and inspect and copy any record pertaining to the auction business under this chapter. The commission may conduct or cause to be conducted an examination or audit of the books and records of any licensee at any time the commission deems proper, the cost of the examination or audit to be borne by the licensee. The refusal of access to the books and records shall be cause for the revocation of its license.

SECTION 47. Section 73-6-13, Mississippi Code of 1972, is amended as follows:

73-6-13. (1) Any adult * * * who has (a) graduated from a school or college of chiropractic recognized by the State Board of Chiropractic Examiners, preceded by the successful completion of at least two (2) academic years at an accredited institution of



4738 higher learning, or accredited junior college, and (b)
4739 successfully completed parts 1, 2, 3 and 4 and the physical
4740 modality section of the examination prepared by the National Board
4741 of Chiropractic Examiners, shall be entitled to take the
4742 examination for a license to practice chiropractic in Mississippi.
4743 The State Board of Chiropractic Examiners shall keep on file a
4744 list of schools or colleges of chiropractic which are so
4745 recognized. No chiropractic school shall be approved unless it is
4746 recognized and approved by the Council on Chiropractic Education,
4747 its successor or an equivalent accrediting agency, offers an
4748 accredited course of study of not less than four (4) academic
4749 years of at least nine (9) months in length, and requires its
4750 graduates to receive not less than forty (40) clock hours of
4751 instruction in the operation of x-ray machinery and not less than
4752 forty (40) clock hours of instruction in x-ray interpretation and
4753 diagnosis.

4754 (2) Except as otherwise provided in this section, the State
4755 Board of Health shall prescribe rules and regulations for the
4756 operation and use of x-ray machines.

4757 (3) The examination to practice chiropractic used by the
4758 board shall consist of testing on the statutes and the rules and
4759 regulations regarding the practice of chiropractic in the State of
4760 Mississippi.

4761 (4) Reciprocity privileges for a chiropractor from another
4762 state shall be granted at the board's option on an individual



4763 basis and by a majority vote of the State Board of Chiropractic
4764 Examiners to an adult * * * who (a) is currently an active
4765 competent practitioner for at least eight (8) years and holds an
4766 active chiropractic license in another state with no disciplinary
4767 proceeding or unresolved complaint pending anywhere at the time a
4768 license is to be issued by this state, (b) demonstrates having
4769 obtained licensure as a chiropractor in another state under the
4770 same education requirements which were equivalent to the education
4771 requirements in this state to obtain a chiropractic license at the
4772 time the applicant obtained the license in the other state, (c)
4773 satisfactorily passes the examination administered by the State
4774 Board of Chiropractic Examiners, and (d) meets the requirements of
4775 Section 73-6-1(3) pertaining to therapeutic modalities. The
4776 issuance of a license by reciprocity to a military-trained
4777 applicant, military spouse or person who establishes residence in
4778 this state shall be subject to the provisions of Section 73-50-1
4779 or 73-50-2, as applicable.

4780 **SECTION 48.** Section 73-9-23, Mississippi Code of 1972, is
4781 amended as follows:

4782 73-9-23. (1) No person who desires to practice dentistry or
4783 dental hygiene in the State of Mississippi shall be licensed until
4784 that person has passed an examination by the board. Applicants
4785 for examination shall apply in writing to the board for an
4786 examination at least thirty (30) days before the examination and



4787 shall upon application pay a nonrefundable fee as elsewhere
4788 provided in this chapter.

4789 (2) An applicant for licensure by examination as a dentist
4790 who is a graduate of a dental school accredited by the Commission
4791 on Dental Accreditation of the American Dental Association (ADA),
4792 or its successor commission, shall:

4793 (a) Be * * * possessed of a high school education, and
4794 have attained the age of twenty-one (21) years;

4795 (b) Exhibit with the application a diploma or
4796 certificate of graduation from the ADA accredited dental school;
4797 and

4798 (c) Have successfully completed Parts I and II of the
4799 National Board Examinations of the Joint Commission on National
4800 Dental Examinations, or its successor commission, unless the
4801 applicant graduated from an accredited dental school before 1960.

4802 (3) An applicant for licensure by examination as a dentist
4803 who is a graduate of a non-ADA accredited foreign country dental
4804 school shall:

4805 (a) * * * Have attained the age of twenty-one (21)
4806 years;

4807 (b) Be proficient in oral and written communications in
4808 the English language;

4809 (c) Have completed not less than six (6) academic years
4810 of postsecondary study and graduated from a foreign dental school
4811 that is recognized by the licensure authorities in that country;



4812 (d) Have been licensed as a dentist or admitted to the
4813 practice of dentistry in the foreign country in which the
4814 applicant received foreign dental school training;

4815 (e) Present documentation of having completed at least
4816 two (2) or more years of full-time postdoctoral dental education
4817 in a dental school accredited by the Commission on Dental
4818 Accreditation of the American Dental Association, or its successor
4819 commission, and has been certified by the dean of the accredited
4820 dental school as having achieved the same level of didactic and
4821 clinical competence as expected of a graduate of the school; and

4822 (f) Have successfully completed Parts I and II of the
4823 National Board Examinations of the Joint Commission on National
4824 Dental Examinations, or its successor commission, unless the
4825 applicant graduated from an approved dental school before 1960.

4826 (4) An applicant for licensure by examination as a dental
4827 hygienist who is a graduate of a dental hygiene school accredited
4828 by the Commission on Dental Accreditation of the American Dental
4829 Association (ADA), or its successor commission, shall:

4830 (a) Be * * * possessed of a high school education and
4831 have attained the age of eighteen (18) years;

4832 (b) Exhibit with the application a diploma or
4833 certificate of graduation from the ADA accredited dental hygiene
4834 school; and



4835 (c) Have successfully completed the National Board
4836 Dental Hygiene Examinations of the Joint Commission on National
4837 Dental Examinations, or its successor commission.

4838 (5) An applicant for licensure by examination as a dental
4839 hygienist who is a graduate of a non-ADA accredited foreign
4840 country dental hygiene school shall:

4841 (a) * * * Have attained the age of eighteen (18) years;

4842 (b) Be proficient in oral and written communications in
4843 the English language;

4844 (c) Have completed not less than two (2) academic years
4845 of postsecondary study and graduated from a foreign dental hygiene
4846 school that is recognized by the licensure authorities in that
4847 country;

4848 (d) Have been licensed as a dental hygienist or
4849 admitted to the practice of dental hygiene in the foreign country
4850 in which the applicant received foreign dental hygiene school
4851 training;

4852 (e) Present documentation of having completed at least
4853 one or more years of full-time postgraduate clinical education in
4854 a dental hygiene school accredited by the Commission on Dental
4855 Accreditation of the American Dental Association, or its successor
4856 commission, and has been certified by the dean of the accredited
4857 dental hygiene school as having achieved the same level of
4858 didactic and clinical competence as expected of a graduate of the
4859 school; and



4860 (f) Have successfully completed the National Board
4861 Dental Hygiene Examinations of the Joint Commission on National
4862 Dental Examinations, or its successor commission.

4863 (6) Applications shall be made in the form and content as
4864 required in this section and as shall be prescribed by the board,
4865 and each applicant shall submit upon request such proof as the
4866 board may require as to age * * * and qualifications.
4867 Applications must be signed by two (2) citizens of the state of
4868 which the applicant is a resident * * *. All applicants for
4869 licensure shall submit an endorsement from all states in which he
4870 or she is currently licensed or has ever been licensed to practice
4871 dentistry or dental hygiene. The board may disallow the licensure
4872 examination to any applicant who has been found guilty of any of
4873 the grounds for disciplinary action as enumerated in Section
4874 73-9-61.

4875 (7) Examination shall be as elsewhere provided in this
4876 chapter and the board may by its rules and regulations prescribe
4877 reasonable professional standards for oral, written, clinical and
4878 other examinations given to applicants, and, if deemed necessary
4879 by the board, include a requirement that licensure examinations of
4880 applicants be conducted utilizing live human subjects. Each
4881 applicant shall appear before the board and be examined to
4882 determine his or her learning and skill in dentistry or dental
4883 hygiene. If found by the members of the board conducting the
4884 examination to possess sufficient learning and skill



4885 therein * * *, the board shall, as early as practicable, grant to
4886 the person a license to practice dentistry or dental hygiene, as
4887 the case may be, which shall be signed by each member of the board
4888 who attended the examination and approved the issuance of a
4889 license.

4890 (8) The Board of Dental Examiners may, at its own
4891 discretion, accept certification of a licensure applicant, either
4892 dentist or dental hygienist, by the National Board Examinations of
4893 the Joint Commission on National Dental Examinations, or its
4894 successor commission, in lieu of the written examination.
4895 However, in all such instances the board shall retain the right to
4896 administer such further written and practical examinations and
4897 demonstrations as it deems necessary.

4898 (9) Each application or filing made under this section shall
4899 include the social security number(s) of the applicant in
4900 accordance with Section 93-11-64.

4901 **SECTION 49.** Section 73-11-51, Mississippi Code of 1972, is
4902 amended as follows:

4903 73-11-51. (1) No person shall engage in the business or
4904 practice of funeral service, including embalming, and/or funeral
4905 directing or hold himself out as transacting or practicing or
4906 being entitled to transact or practice funeral service, including
4907 embalming, and/or funeral directing in this state unless duly
4908 licensed under the provisions of this chapter.



4909 (2) The board is authorized and empowered to examine
4910 applicants for licenses for the practice of funeral service and
4911 funeral directing and shall issue the proper license to those
4912 persons who successfully pass the applicable examination and
4913 otherwise comply with the provisions of this chapter.

4914 (3) To be licensed for the practice of funeral directing
4915 under this chapter, a person must furnish satisfactory evidence to
4916 the board that he or she:

4917 (a) Is at least eighteen (18) years of age;

4918 (b) Has a high school diploma or the equivalent
4919 thereof;

4920 (c) Has served as a resident trainee for not less than
4921 twelve (12) months under the supervision of a person licensed for
4922 the practice of funeral service or funeral directing in this
4923 state; and

4924 (d) Has successfully passed a written and/or oral
4925 examination as prepared or approved by the board * * *.

4926 * * *

4927 (4) To be licensed for the practice of funeral service under
4928 this chapter, a person must furnish satisfactory evidence to the
4929 board that he or she:

4930 (a) Is at least eighteen (18) years of age;

4931 (b) Has a high school diploma or the equivalent
4932 thereof;



4933 (c) Has successfully completed twelve (12) months or
4934 more of academic and professional instruction from an institution
4935 accredited by the United States Department of Education for
4936 funeral service education and have a certificate of completion
4937 from an institution accredited by the American Board of Funeral
4938 Service Education or any other successor recognized by the United
4939 States Department of Education for funeral service education;

4940 (d) Has served as a resident trainee for not less than
4941 twelve (12) months, either before or after graduation from an
4942 accredited institution mentioned above, under the supervision of a
4943 person licensed for the practice of funeral service in this state
4944 and in an establishment licensed in this state; and

4945 (e) Has successfully passed the National Conference of
4946 Funeral Examiners examination and/or such other examination as
4947 approved by the board * * *.

4948 * * *

4949 (5) All applications for examination and license for the
4950 practice of funeral service or funeral directing shall be upon
4951 forms furnished by the board and shall be accompanied by an
4952 examination fee, a licensing fee and a nonrefundable application
4953 fee in amounts fixed by the board in accordance with Section
4954 73-11-56. The fee for an initial license, however, may be
4955 prorated in proportion to the period of time from the date of
4956 issuance to the date of biennial license renewal prescribed in
4957 subsection (8) of this section. All applications for examination



4958 shall be filed with the board office at least sixty (60) days
4959 before the date of examination. A candidate shall be deemed to
4960 have abandoned the application for examination if he does not
4961 appear on the scheduled date of examination unless such failure to
4962 appear has been approved by the board.

4963 (6) The practice of funeral service or funeral directing
4964 must be engaged in at a licensed funeral establishment, at least
4965 one (1) of which is listed as the licensee's place of business;
4966 and no person, partnership, corporation, association or other
4967 organization shall open or maintain a funeral establishment at
4968 which to engage in or conduct or hold himself or itself out as
4969 engaging in the practice of funeral service or funeral directing
4970 until such establishment has complied with the licensing
4971 requirements of this chapter. A license for the practice of
4972 funeral service or funeral directing shall be used only at
4973 licensed funeral establishments; however, this provision shall not
4974 prevent a person licensed for the practice of funeral service or
4975 funeral directing from conducting a funeral service at a church, a
4976 residence, public hall, lodge room or cemetery chapel, if such
4977 person maintains a fixed licensed funeral establishment of his own
4978 or is in the employ of or an agent of a licensed funeral
4979 establishment.

4980 (7) Any person holding a valid, unrevoked and unexpired
4981 nonreciprocal license in another state or territory having
4982 requirements greater than or equal to those of this state as



4983 determined by the board may apply for a license to practice in
4984 this state by filing with the board a certified statement from the
4985 secretary of the licensing board of the state or territory in
4986 which the applicant holds his license certifying to his
4987 qualifications and good standing with that board. He/she must
4988 also successfully pass a written and/or oral examination on the
4989 Mississippi Funeral Service licensing law and rules and
4990 regulations as prepared or approved by the board, and must pay a
4991 nonrefundable application fee set by the board. If the board
4992 finds that the applicant has fulfilled aforesaid requirements and
4993 has fulfilled substantially similar requirements of those required
4994 for a Mississippi licensee, the board shall grant such license
4995 upon receipt of a fee in an amount equal to the renewal fee set by
4996 the board for a license for the practice of funeral service or
4997 funeral directing, as the case may be, in this state. The board
4998 may issue a temporary funeral service or funeral directing work
4999 permit before a license is granted, before the next regular
5000 meeting of the board, if the applicant for a reciprocal license
5001 has complied with all requirements, rules and regulations of the
5002 board. The temporary permit will expire at the next regular
5003 meeting of the board. The issuance of a license or temporary
5004 permit by reciprocity to a military-trained applicant, military
5005 spouse or person who establishes residence in this state shall be
5006 subject to the provisions of Section 73-50-1 or 73-50-2, as
5007 applicable.



5008 (8) (a) Except as provided in Section 33-1-39, any person
5009 holding a license for the practice of funeral service or funeral
5010 directing may have the same renewed for a period of two (2) years
5011 by making and filing with the board an application on or before
5012 the due date. Payment of the renewal fee shall be in an amount
5013 set by the board in accordance with Section 73-11-56. The board
5014 shall mail the notice of renewal and the due date for the payment
5015 of the renewal fee to the last-known address of each licensee at
5016 least thirty (30) days before that date. It is the responsibility
5017 of the licensee to notify the board in writing of any change of
5018 address. An application will be considered late if the
5019 application and proper fees are not in the board's office or
5020 postmarked by the due date. Failure of a license holder to
5021 receive the notice of renewal shall not exempt or excuse a license
5022 holder from the requirement of renewing the license on or before
5023 the license expiration date.

5024 (b) If the renewal fee is not paid on or postmarked by
5025 the due date, the license of such person shall by operation of law
5026 automatically expire and become void without further action of the
5027 board. The board may reinstate such license if application for
5028 licensure is made within a period of five (5) years, upon payment
5029 of the renewal fee for the current year, all renewal fees in
5030 arrears, and a reinstatement fee. After a period of five (5)
5031 years, the licensee must make application, pay the current renewal



5032 fee, all fees in arrears, and pass a written and/or oral
5033 examination as prepared or approved by the board.

5034 (9) No license shall be assignable or valid for any person
5035 other than the original licensee.

5036 (10) The board may, in its discretion, if there is a major
5037 disaster or emergency where human death is likely to occur,
5038 temporarily authorize the practice of funeral directing and
5039 funeral service by persons licensed to practice in another state
5040 but not licensed to practice in this state. Only persons licensed
5041 in this state, however, may sign death certificates.

5042 (11) Any funeral service technology or mortuary science
5043 program accredited by the American Board of Funeral Service
5044 Education in the State of Mississippi, as well as students
5045 enrolled in such a program, shall be exempt from licensing under
5046 this chapter when embalming or otherwise preparing a deceased
5047 human body for disposition as part of a student practicum
5048 experience, when the student is directly supervised by an
5049 instructor or preceptor who holds a current funeral service
5050 license. This exemption shall apply to practicum experiences
5051 performed at an accredited institution of funeral service
5052 technology or mortuary science program or at a duly licensed
5053 funeral establishment or commercial mortuary service. Nothing in
5054 this subsection shall be construed to allow any funeral service
5055 technology or mortuary science program, or those students enrolled



5056 in such a program, to engage in practicum experiences for
5057 remuneration.

5058 (12) Each application or filing made under this section
5059 shall include the social security number(s) of the applicant in
5060 accordance with Section 93-11-64.

5061 **SECTION 50.** Section 73-13-23, Mississippi Code of 1972, is
5062 amended as follows:

5063 73-13-23. (1) (a) The following shall be considered as
5064 minimum evidence satisfactory to the board that the applicant is
5065 qualified for licensure as a professional engineer:

5066 Graduation in an engineering curriculum of four (4) years or
5067 more from a school or college approved by the board as of
5068 satisfactory standing or graduation in an engineering, engineering
5069 technology, or related science curriculum of four (4) scholastic
5070 years from a school or college other than those approved by the
5071 board plus a graduate degree in an engineering curriculum from a
5072 school or college wherein the same engineering curriculum at the
5073 undergraduate level is approved by the board as of satisfactory
5074 standing; a specific record of four (4) years of qualifying
5075 engineering experience indicating that the applicant is competent
5076 to practice engineering (in counting years of experience, the
5077 board at its discretion may give credit not in excess of three (3)
5078 years for satisfactory graduate study in engineering), and the
5079 successful passing of examinations in engineering as prescribed by
5080 the board.



5081 (b) In considering the qualifications of applicants,
5082 engineering teaching may be construed as engineering experience.

5083 (c) The mere execution, as a contractor, of work
5084 designed by a professional engineer, or the supervision of the
5085 construction of such work as a foreman or superintendent shall not
5086 be deemed to be the practice of engineering.

5087 (d) Any person having the necessary qualifications
5088 prescribed in Sections 73-13-1 through 73-13-45 to entitle him to
5089 licensure shall be eligible for such licensure although he may not
5090 be practicing his profession at the time of making his
5091 application.

5092 (e) No person shall be eligible for licensure as a
5093 professional engineer who * * * presents claims in support of his
5094 application which contain major discrepancies.

5095 (2) The following shall be considered as minimum evidence
5096 satisfactory to the board that the applicant is qualified for
5097 enrollment as an engineer intern:

5098 (a) Graduation in an engineering curriculum of four (4)
5099 scholastic years or more from a school or college approved by the
5100 board as of satisfactory standing or graduation in an engineering,
5101 engineering technology, or related science curriculum of four (4)
5102 scholastic years from a school or college other than those
5103 approved by the board plus a graduate degree in an engineering
5104 curriculum from a school or college wherein that same engineering



5105 curriculum at the undergraduate level is approved by the board as
5106 of satisfactory standing; and

5107 (b) Successfully passing a written examination in the
5108 fundamental engineering subjects.

5109 **SECTION 51.** Section 73-13-77, Mississippi Code of 1972, is
5110 amended as follows:

5111 73-13-77. (1) The following shall be considered as minimum
5112 evidence satisfactory to the board that the applicant is qualified
5113 for licensure as a professional surveyor:

5114 (a) (i) A bachelor's degree in geomatics, surveying or
5115 surveying technology approved by the board consisting of a minimum
5116 of one hundred twenty (120) semester hours, or the equivalent, in
5117 surveying curriculum subjects and a specific record of four (4)
5118 years of qualifying surveying experience; or

5119 (ii) A bachelor's degree in a related science
5120 curriculum defined by board rule, consisting of sixty-two (62)
5121 semester hours in surveying curriculum subjects as defined by
5122 board rule, and a specific record of five (5) years of qualifying
5123 surveying experience; or

5124 (iii) A bachelor's degree in a related science
5125 curriculum defined by board rule, and a specific record of six (6)
5126 years of qualifying surveying experience; or

5127 (iv) An associate degree, or its equivalent, in a
5128 curriculum approved by the board consisting of sixty-two (62)
5129 semester hours in surveying curriculum subjects as defined by



5130 board rule, and a specific record of seven (7) years or more of
5131 qualifying surveying experience; or

5132 (v) A high school diploma, or its equivalent, and
5133 a specific record of twelve (12) years or more of qualifying
5134 surveying experience; and

5135 (b) Successfully passing examinations in surveying
5136 prescribed by the board.

5137 (2) The following shall be considered as minimum evidence
5138 satisfactory to the board that the applicant is qualified for
5139 enrollment as a surveyor intern:

5140 (a) (i) A bachelor's degree in geomatics, surveying or
5141 surveying technology approved by the board consisting of a minimum
5142 of one hundred twenty (120) semester hours, or the equivalent, in
5143 surveying curriculum subjects; or

5144 (ii) A bachelor's degree in a related science
5145 curriculum defined by board rule consisting of sixty-two (62)
5146 semester hours in surveying curriculum subjects as defined by
5147 board rule; or

5148 (iii) A bachelor's degree in a related science
5149 curriculum defined by board rule; or

5150 (iv) An associate degree, or its equivalent, in a
5151 curriculum approved by the board consisting of sixty-two (62)
5152 semester hours in surveying curriculum subjects as defined by
5153 board rule; or



5154 (v) A high school diploma, or its equivalent, and
5155 a specific record of eight (8) years or more of qualifying
5156 surveying experience; and

5157 (b) Successfully passing examinations in surveying
5158 fundamentals prescribed by the board.

5159 * * *

5160 **SECTION 52.** Section 73-15-19, Mississippi Code of 1972, is
5161 amended as follows:

5162 73-15-19. (1) **Registered nurse applicant qualifications.**

5163 Any applicant for a license to practice as a registered nurse
5164 shall submit to the board:

5165 (a) An attested written application on a Board of
5166 Nursing form;

5167 (b) Written official evidence of completion of a
5168 nursing program approved by the Board of Trustees of State
5169 Institutions of Higher Learning, or one approved by a legal
5170 accrediting agency of another state, territory or possession of
5171 the United States, the District of Columbia, or a foreign country
5172 which is satisfactory to this board;

5173 (c) Evidence of competence in English related to
5174 nursing, provided the first language is not English;

5175 (d) Any other official records required by the board.

5176 In addition to the requirements specified in paragraphs (a)
5177 through (d) of this subsection, in order to qualify for a license
5178 to practice as a registered nurse, an applicant must have



5179 successfully been cleared for licensure through an investigation
5180 that shall consist of a * * * verification that the prospective
5181 licensee is not guilty of or in violation of any statutory ground
5182 for denial of licensure as set forth in Section 73-15-29 or guilty
5183 of any offense specified in Section 73-15-33. To assist the board
5184 in conducting its licensure investigation, all applicants shall
5185 undergo a fingerprint-based criminal history records check of the
5186 Mississippi central criminal database and the Federal Bureau of
5187 Investigation criminal history database. Each applicant shall
5188 submit a full set of his or her fingerprints in a form and manner
5189 prescribed by the board, which shall be forwarded to the
5190 Mississippi Department of Public Safety (department) and the
5191 Federal Bureau of Investigation Identification Division for this
5192 purpose.

5193 Any and all state or national criminal history records
5194 information obtained by the board that is not already a matter of
5195 public record shall be deemed nonpublic and confidential
5196 information restricted to the exclusive use of the board, its
5197 members, officers, investigators, agents and attorneys in
5198 evaluating the applicant's eligibility or disqualification for
5199 licensure, and shall be exempt from the Mississippi Public Records
5200 Act of 1983. Except when introduced into evidence in a hearing
5201 before the board to determine licensure, no such information or
5202 records related thereto shall, except with the written consent of
5203 the applicant or by order of a court of competent jurisdiction, be



5204 released or otherwise disclosed by the board to any other person
5205 or agency.

5206 The board shall provide to the department the fingerprints of
5207 the applicant, any additional information that may be required by
5208 the department, and a form signed by the applicant consenting to
5209 the check of the criminal records and to the use of the
5210 fingerprints and other identifying information required by the
5211 state or national repositories.

5212 The board shall charge and collect from the applicant, in
5213 addition to all other applicable fees and costs, such amount as
5214 may be incurred by the board in requesting and obtaining state and
5215 national criminal history records information on the applicant.

5216 The board may, in its discretion, refuse to accept the
5217 application of any person who has been convicted of a criminal
5218 offense under any provision of Title 97 of the Mississippi Code of
5219 1972, as now or hereafter amended, or any provision of this
5220 article.

5221 (2) **Licensure by examination.** (a) Upon the board being
5222 satisfied that an applicant for a license as a registered nurse
5223 has met the qualifications set forth in subsection (1) of this
5224 section, the board shall proceed to examine such applicant in such
5225 subjects as the board shall, in its discretion, determine. The
5226 subjects in which applicants shall be examined shall be in
5227 conformity with curricula in schools of nursing approved by the
5228 Board of Trustees of State Institutions of Higher Learning, or one



approved by a legal accrediting agency of another state, territory or possession of the United States, the District of Columbia, or a foreign country which is satisfactory to the board.

(b) The applicant shall be required to pass the written examination as selected by the board.

(c) Upon successful completion of such examination, the board shall issue to the applicant a license to practice as a registered nurse.

(d) The board may use any part or all of the state board test pool examination for registered nurse licensure, its successor examination, or any other nationally standardized examination identified by the board in its rules. The passing score shall be established by the board in its rules.

(3) **Licensure by endorsement.** The board may issue a license to practice nursing as a registered nurse without examination to an applicant who has been duly licensed as a registered nurse under the laws of another state, territory or possession of the United States, the District of Columbia, or a foreign country if, in the opinion of the board, the applicant meets the qualifications required of licensed registered nurses in this state and has previously achieved the passing score or scores on the licensing examination required by this state, at the time of his or her graduation. The issuance of a license by endorsement to a military-trained applicant, military spouse or person who



establishes residence in this state shall be subject to the provisions of Section 73-50-1 or 73-50-2, as applicable.

(4) **Requirements for rewriting the examination.** The board shall establish in its rules the requirements for rewriting the examination for those persons failing the examination on the first writing or subsequent rewriting.

(5) **Fee.** The applicant applying for a license by examination or by endorsement to practice as a registered nurse shall pay a fee not to exceed One Hundred Dollars (\$100.00) to the board.

(6) **Temporary permit.** (a) The board may issue a temporary permit to practice nursing to a graduate of an approved school of nursing pending the results of the examination in Mississippi, and to a qualified applicant from another state, territory or possession of the United States, or District of Columbia, or pending licensure procedures as provided for elsewhere in this article. The fee shall not exceed Twenty-five Dollars (\$25.00).

(b) The board may issue a temporary permit for a period of ninety (90) days to a registered nurse who is currently licensed in another state, territory or possession of the United States or the District of Columbia and who is an applicant for licensure by endorsement. Such permit is not renewable except by board action. The issuance of a temporary permit to a military-trained applicant, military spouse or person who



establishes residence in this state shall be subject to the provisions of Section 73-50-1 or 73-50-2, as applicable.

(c) The board may issue a temporary permit to a graduate of an approved school of nursing pending the results of the first licensing examination scheduled after application. Such permit is not renewable except by board action.

(d) The board may issue a temporary permit for a period of thirty (30) days to any registered nurse during the time enrolled in a nursing reorientation program. This time period may be extended by board action. The fee shall not exceed Twenty-five Dollars (\$25.00).

(e) The board may adopt such regulations as are necessary to limit the practice of persons to whom temporary permits are issued.

(7) **Temporary license.** The board may issue a temporary license to practice nursing at a youth camp licensed by the State Board of Health to nonresident registered nurses and retired resident registered nurses under the provisions of Section 75-74-8.

(8) **Title and abbreviation.** Any person who holds a license or holds the privilege to practice as a registered nurse in this state shall have the right to use the title "registered nurse" and the abbreviation "R.N." No other person shall assume such title or use such abbreviation, or any words, letters, signs or devices to indicate that the person using the same is a registered nurse.



5302 (9) **Registered nurses licensed under a previous law.** Any
5303 person holding a license to practice nursing as a registered nurse
5304 issued by this board which is valid on July 1, 1981, shall
5305 thereafter be deemed to be licensed as a registered nurse under
5306 the provisions of this article upon payment of the fee provided in
5307 Section 73-15-27.

5308 (10) Each application or filing made under this section
5309 shall include the social security number(s) of the applicant in
5310 accordance with Section 93-11-64.

5311 **SECTION 53.** Section 73-15-21, Mississippi Code of 1972, is
5312 amended as follows:

5313 73-15-21. (1) **Licensed practical nurse applicant**
5314 **qualifications.** Any applicant for a license to practice practical
5315 nursing as a licensed practical nurse shall submit to the board:

5316 (a) An attested written application on a Board of
5317 Nursing form;

5318 (b) A diploma from an approved high school or the
5319 equivalent thereof, as determined by the appropriate educational
5320 agency;

5321 (c) Written official evidence of completion of a
5322 practical nursing program approved by the State Department of
5323 Education through its Division of Vocational Education, or one
5324 approved by a legal accrediting agency of another state, territory
5325 or possession of the United States, the District of Columbia, or a
5326 foreign country which is satisfactory to this board;



(d) Evidence of competence in English related to nursing, provided the first language is not English;

(e) Any other official records required by the board.

In addition to the requirements specified in paragraphs (a) through (e) of this subsection, in order to qualify for a license to practice practical nursing as a licensed practical nurse, an applicant must have successfully been cleared for licensure through an investigation that shall consist of a * * * verification that the prospective licensee is not guilty of or in violation of any statutory ground for denial of licensure as set forth in Section 73-15-29 or guilty of any offense specified in Section 73-15-33. To assist the board in conducting its licensure investigation, all applicants 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 shall submit a full set of his or her fingerprints in a form and manner prescribed by the board, which shall be forwarded to the Mississippi Department of Public Safety (department) and the Federal Bureau of Investigation Identification Division for this purpose.

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



5352 evaluating the applicant's eligibility or disqualification for
5353 licensure, and shall be exempt from the Mississippi Public Records
5354 Act of 1983. Except when introduced into evidence in a hearing
5355 before the board to determine licensure, no such information or
5356 records related thereto shall, except with the written consent of
5357 the applicant or by order of a court of competent jurisdiction, be
5358 released or otherwise disclosed by the board to any other person
5359 or agency.

5360 The board shall provide to the department the fingerprints of
5361 the applicant, any additional information that may be required by
5362 the department, and a form signed by the applicant consenting to
5363 the check of the criminal records and to the use of the
5364 fingerprints and other identifying information required by the
5365 state or national repositories.

5366 The board shall charge and collect from the applicant, in
5367 addition to all other applicable fees and costs, such amount as
5368 may be incurred by the board in requesting and obtaining state and
5369 national criminal history records information on the applicant.

5370 The board may, in its discretion, refuse to accept the
5371 application of any person who has been convicted of a criminal
5372 offense under any provision of Title 97 of the Mississippi Code of
5373 1972, as now or hereafter amended, or any provision of this
5374 article.

5375 (2) **Licensure by examination.** (a) Upon the board being
5376 satisfied that an applicant for a license as a practical nurse has



met the qualifications set forth in subsection (1) of this section, the board shall proceed to examine such applicant in such subjects as the board shall, in its discretion, determine. The subjects in which applicants shall be examined shall be in conformity with curricula in schools of practical nursing approved by the State Department of Education.

(b) The applicant shall be required to pass the written examination selected by the board.

(c) Upon successful completion of such examination, the board shall issue to the applicant a license to practice as a licensed practical nurse.

(d) The board may use any part or all of the state board test pool examination for practical nurse licensure, its successor examination, or any other nationally standardized examination identified by the board in its rules. The passing score shall be established by the board in its rules.

(3) **Licensure by endorsement.** The board may issue a license to practice practical nursing as a licensed practical nurse without examination to an applicant who has been duly licensed as a licensed practical nurse under the laws of another state, territory or possession of the United States, the District of Columbia, or a foreign country if, in the opinion of the board, the applicant meets the qualifications required of licensed practical nurses in this state and has previously achieved the passing score or scores on the licensing examination required by



5402 this state at the time of his or her graduation. The issuance of
5403 a license by endorsement to a military-trained applicant, military
5404 spouse or person who establishes residence in this state shall be
5405 subject to the provisions of Section 73-50-1 or 73-50-2, as
5406 applicable.

5407 (4) **Licensure by equivalent amount of theory and clinical**
5408 **experience.** In the discretion of the board, former students of a
5409 state-accredited school preparing students to become registered
5410 nurses may be granted permission to take the examination for
5411 licensure to practice as a licensed practical nurse, provided the
5412 applicant's record or transcript indicates the former student
5413 completed an equivalent amount of theory and clinical experiences
5414 as required of a graduate of a practical nursing program, and
5415 provided the school attended was, at the time of the student's
5416 attendance, an accredited school of nursing.

5417 (5) **Requirements for rewriting the examination.** The board
5418 shall establish in its rules the requirements for rewriting the
5419 examination for those persons failing the examination on the first
5420 writing or subsequent writing.

5421 (6) **Fee.** The applicant applying for a license by
5422 examination or by endorsement to practice as a licensed practical
5423 nurse shall pay a fee not to exceed Sixty Dollars (\$60.00) to the
5424 board.

5425 (7) **Temporary permit.** (a) The board may issue a temporary
5426 permit to practice practical nursing to a graduate of an approved



5427 school of practical nursing pending the results of the examination
5428 in Mississippi, and to a qualified applicant from another state,
5429 territory or possession of the United States, or the District of
5430 Columbia, pending licensing procedures as provided for elsewhere
5431 in this article. The fee shall not exceed Twenty-five Dollars
5432 (\$25.00).

5433 (b) The board may issue a temporary permit for a period
5434 of ninety (90) days to a licensed practical nurse who is currently
5435 licensed in another state, territory or possession of the United
5436 States or the District of Columbia and who is an applicant for
5437 licensure by endorsement. Such permit is not renewable except by
5438 board action. The issuance of a temporary permit to a
5439 military-trained applicant, military spouse or person who
5440 establishes residence in this state shall be subject to the
5441 provisions of Section 73-50-1 or 73-50-2, as applicable.

5442 (c) The board may issue a temporary permit to a
5443 graduate of an approved practical nursing education program or an
5444 equivalent program satisfactory to the board pending the results
5445 of the first licensing examination scheduled after application.
5446 Such permit is not renewable except by board action.

5447 (d) The board may issue a temporary permit for a period
5448 of thirty (30) days to any licensed practical nurse during the
5449 time enrolled in a nursing reorientation program. This time
5450 period may be extended by board action. The fee shall not exceed
5451 Twenty-five Dollars (\$25.00).



5452 (e) The board may adopt such regulations as are
5453 necessary to limit the practice of persons to whom temporary
5454 permits are issued.

5455 (8) **Title and abbreviation.** Any person who holds a license
5456 or holds the privilege to practice as a licensed practical nurse
5457 in this state shall have the right to use the title "licensed
5458 practical nurse" and the abbreviation "L.P.N." No other person
5459 shall assume such title or use such abbreviation, or any words,
5460 letters, signs or devices to indicate that a person using the same
5461 is a licensed practical nurse.

5462 (9) **Licensed practical nurses licensed under a previous law.**
5463 Any person holding a license to practice nursing as a practical
5464 nurse issued by this board which is valid on July 1, 1981, shall
5465 thereafter be deemed to be licensed as a practical nurse under the
5466 provisions of this article upon payment of the fee prescribed in
5467 Section 73-15-27.

5468 (10) Each application or filing made under this section
5469 shall include the social security number(s) of the applicant in
5470 accordance with Section 93-11-64.

5471 **SECTION 54.** Section 73-17-9, Mississippi Code of 1972, is
5472 amended as follows:

5473 73-17-9. It shall be the function and duty of the board to:

5474 (a) Develop, impose, and enforce standards which must
5475 be met by individuals in order to receive a license as a nursing
5476 home administrator, which standards shall be designed to * * *



5477 ensure that nursing home administrators will be individuals who
5478 are * * * suitable, and who, by training or experience in the
5479 field of institutional administration, are qualified to serve as
5480 nursing home administrators;

5481 (b) Develop and apply appropriate techniques, including
5482 examinations and investigations, for determining whether an
5483 individual meets such standards;

5484 (c) Issue licenses to individuals determined, after the
5485 application of such techniques, to meet such standards, and revoke
5486 or suspend licenses previously issued by the board in any case
5487 where the individual holding any such license is determined
5488 substantially to have failed to conform to the requirements of
5489 such standards;

5490 (d) Establish and carry out procedures designed
5491 to * * * ensure that individuals licensed as nursing home
5492 administrators will, during any period that they serve as such,
5493 comply with the requirements of such standards;

5494 (e) Receive, investigate, and take appropriate action
5495 with respect to any charge or complaint filed with the board to
5496 the effect that any individual licensed as a nursing home
5497 administrator has failed to comply with the requirements of such
5498 standards;

5499 (f) Conduct a continuing study and investigation of
5500 nursing homes and administrators of nursing homes within the state
5501 with a view to the improvement of the standards imposed for the



licensing of such administrators and of procedures and methods for the enforcement of such standards with respect to administrators of nursing homes who have been licensed as such; and

(g) To devise and implement an educational program designed to increase the professional proficiency of nursing home administrators and to assist otherwise qualified individuals to prepare for careers in nursing home administration.

SECTION 55. Section 73-17-11, Mississippi Code of 1972, is amended as follows:

73-17-11. (1) From and after July 1, 2011, in order to be eligible to be licensed as a nursing home administrator, an individual must submit evidence satisfactory to the board that he or she:

(a) Is at least twenty-one (21) years of age;

(b) * * * Has not been convicted of a disqualifying crime as provided in the Fresh Start Act, including evidence of a criminal background check within the last six (6) months, under Section 43-11-13 and Section G.407.3 of the Minimum Standards for Institutions for the Aged or Infirm;

(c) Is in good health;

(d) Has satisfied at least one (1) of the following requirements for education and experience:

(i) Has sixty-four (64) hours of college work from an accredited institution and has worked in a supervisory capacity in a Mississippi-licensed nursing home for a minimum of two (2)



5527 years immediately before making application for the
5528 Administrator-in-Training Program established by board rule;
5529 (ii) Has an associate degree from an accredited
5530 institution and has worked in a supervisory capacity in a
5531 Mississippi-licensed nursing home for a minimum of two (2) years
5532 immediately before making application for the
5533 Administrator-in-Training Program established by board rule;
5534 (iii) Has a bachelor's degree in any other field
5535 of study from an accredited institution before making application
5536 for the Administrator-in-Training Program established by board
5537 rule; or
5538 (iv) Has a bachelor's degree in health care
5539 administration or a health care related field or business from an
5540 accredited institution before making application for the
5541 Administrator-in-Training Program established by board rule;
5542 (e) Has (i) completed a nursing home
5543 Administrator-in-Training Program and successfully completed the
5544 National Association of Long-Term Care Administrator Board (NAB)
5545 examination, or (ii) completed an Administrator-in-Training
5546 Program in Long-Term Care Administration from an academic
5547 institution during which time the institution held National
5548 Association of Long-Term Care Administrator Board (NAB) Program
5549 Approval through the academic approval process, to the
5550 satisfaction of the board;



5551 (f) Has successfully passed the National Association of
5552 Long-Term Care Administrator Board (NAB) examination and the
5553 Mississippi State Board of Nursing Home Administrators examination
5554 to test his or her proficiency and basic knowledge in the area of
5555 nursing home administration. The board may establish the
5556 frequency of the offering of those examinations and the contents
5557 thereof; and

5558 (g) Has met all of the requirements established by
5559 federal law.

5560 (2) The board is authorized to conduct a criminal history
5561 records check on applicants for licensure. In order to determine
5562 the applicant's suitability for licensing, the applicant shall be
5563 fingerprinted. The board shall submit the fingerprints to the
5564 Department of Public Safety for a check of the state criminal
5565 records and forward to the Federal Bureau of Investigation for a
5566 check of the national criminal records. The Department of Public
5567 Safety shall disseminate the results of the state check and the
5568 national check to the board for a suitability determination. The
5569 applicant shall not be charged any of the costs of requesting and
5570 obtaining the state and national criminal history records
5571 information on the applicant.

5572 (3) Reciprocity shall be extended to individuals holding
5573 licenses as nursing home administrators in other states, upon
5574 proper application and a finding on the part of the board that:



5575 (a) The applicant possesses the basic qualifications
5576 listed in this chapter and in the rules and regulations adopted
5577 under federal law;

5578 (b) The applicant has met all of the requirements
5579 established by federal law; and

5580 (c) The standards for licensure in the other states are
5581 at least the substantial equivalent of those in this state,
5582 including education and experience, and the applicant has passed
5583 both the National Association of Long-Term Care Administrator
5584 Board (NAB) and the state exams.

5585 The issuance of a license by reciprocity to a
5586 military-trained applicant, military spouse or person who
5587 establishes residence in this state shall be subject to the
5588 provisions of Section 73-50-1 or 73-50-2, as applicable.

5589 (4) The board may prescribe appropriate fees for the taking
5590 of those examinations and for the issuance of licenses. Those
5591 fees shall be not more than the cost of the examinations and Five
5592 Hundred Fifty Dollars (\$550.00) for the issuance of a license.
5593 However, the fee for an initial license may be prorated in
5594 proportion to the period of time from the date of issuance and the
5595 date of biennial license renewal prescribed in subsection (5).
5596 All licenses issued under this chapter shall be for a maximum
5597 period of two (2) years.

5598 (5) Except as provided in Section 33-1-39, the board may
5599 renew licenses biennially upon the payment of a fee to be



5600 established by the board, which shall be not more than Five
5601 Hundred Fifty Dollars (\$550.00), plus any administrative costs for
5602 late payment.

5603 (6) Any person who is not licensed under this chapter on
5604 July 1, 2011, who makes application with the board on or before
5605 June 30, 2012, may qualify for a license under this chapter
5606 provided that on or before January 31, 2014, he or she
5607 demonstrates to the satisfaction of the board that he or she (a)
5608 meets the eligibility requirements for a nursing home
5609 administrator's license prescribed in this section as those
5610 requirements existed on June 30, 2011; (b) has successfully
5611 completed the Administrator-in-Training Program requirements
5612 existing on June 30, 2011; and (c) has paid all required fees for
5613 licensure.

5614 (7) Current licensure by the Department of Mental Health
5615 under Section 41-4-7(r) as a mental health/intellectual disability
5616 program administrator shall exempt the licensee from the
5617 requirement of licensure as a nursing home administrator if the
5618 licensee is employed in the state mental health system as
5619 Administrator of Intermediate Care Facility or Facilities for
5620 Persons with Intellectual Disabilities (ICF/ID) no larger than
5621 sixteen (16) beds.

5622 (8) Any member of the Legislature who serves on the Public
5623 Health and/or Medicaid Committee who is a licensed nursing home



5624 administrator shall be exempt from continuing education
5625 requirements for license renewal.

5626 **SECTION 56.** Section 73-19-17, Mississippi Code of 1972, is
5627 amended as follows:

5628 73-19-17. Any person over the age of twenty-one (21)
5629 years * * * who has graduated from a reputable school or college
5630 of optometry, shall be entitled to stand for the examination for
5631 license to practice optometry in Mississippi. The examining Board
5632 of Optometry shall keep on file a list of schools or colleges of
5633 optometry which are recognized by said board. The examination to
5634 practice optometry shall consist of tests in practical,
5635 theoretical and physiological optics, in theoretical and practical
5636 optometry and in anatomy and physiology of the eye and in
5637 pathology as applied to optometry. The State Board of Optometry
5638 shall not examine or certify any optometrist in any therapeutic
5639 procedures unless the optometrist has successfully completed the
5640 proper didactic education and supervised clinical training taught
5641 by an institution accredited by a regional or professional
5642 accreditation organization that is recognized or approved by the
5643 Council on Postsecondary Accreditation of the United States
5644 Department of Education, or its successor, and approved by the
5645 State Board of Optometry with the advice and consultation of the
5646 designated members of the State Board of Medical Licensure and the
5647 State Board of Pharmacy.



5648 **SECTION 57.** Section 73-21-85, Mississippi Code of 1972, is
5649 amended as follows:

5650 73-21-85. (1) To obtain a license to engage in the practice
5651 of pharmacy by examination, or by score transfer, the applicant
5652 shall:

5653 (a) Have submitted a written application on the form
5654 prescribed by the board;

5655 * * *

5656 (* * *b) Have graduated from a school or college of
5657 pharmacy accredited by the American Council of Pharmaceutical
5658 Education and have been granted a pharmacy degree therefrom;

5659 (* * *c) Have successfully passed an examination
5660 approved by the board;

5661 (* * *d) Have paid all fees specified by the board for
5662 examination, not to exceed the cost to the board of administering
5663 the examination;

5664 (* * *e) Have paid all fees specified by the board for
5665 licensure; and

5666 (* * *f) Have submitted evidence of externship and/or
5667 internship as specified by the board.

5668 (2) To obtain a license to engage in the practice of
5669 pharmacy, a foreign pharmacy graduate applicant shall obtain the
5670 National Association of Boards of Pharmacy's Foreign Pharmacy
5671 Graduate Examination Committee's certification, which shall
5672 include, but not be limited to, successfully passing the Foreign



5673 Pharmacy Graduate Equivalency Examination and attaining a total
5674 score of at least five hundred fifty (550) on the Test of English
5675 as a Foreign Language (TOEFL), and shall:

5676 (a) Have submitted a written application on the form
5677 prescribed by the board;

5678 * * *

5679 (* * *b) Have graduated and been granted a pharmacy
5680 degree from a college or school of pharmacy recognized and
5681 approved by the National Association of Boards of Pharmacy's
5682 Foreign Pharmacy Graduate Examination Committee;

5683 (* * *c) Have paid all fees specified by the board for
5684 examination, not to exceed the cost to the board of administering
5685 the examination;

5686 (* * *d) Have successfully passed an examination
5687 approved by the board;

5688 (* * *e) Have completed the number of internship hours
5689 as set forth by regulations of the board; and

5690 (* * *f) Have paid all fees specified by the board for
5691 licensure.

5692 (3) Each application or filing made under this section shall
5693 include the social security number(s) of the applicant in
5694 accordance with Section 93-11-64.

5695 (4) * * * The board shall conduct a criminal history records
5696 check on all applicants for a license. In order to determine the
5697 applicant's suitability for licensing, the applicant shall be



5698 fingerprinted. The board shall submit the fingerprints to the
5699 Department of Public Safety for a check of the state criminal
5700 records and forward to the Federal Bureau of Investigation for a
5701 check of the national criminal records. The Department of Public
5702 Safety shall disseminate the results of the state check and the
5703 national check to the board for a suitability determination. The
5704 board shall be authorized to collect from the applicant the amount
5705 of the fee that the Department of Public Safety charges the board
5706 for the fingerprinting, whether manual or electronic, and the
5707 state and national criminal history records checks.

5708 (5) * * * The board, upon request of the Dean of the
5709 University of Mississippi School of Pharmacy, shall be authorized
5710 to conduct a criminal history records check on all applicants for
5711 enrollment into the School of Pharmacy. In order to determine the
5712 applicant's suitability for enrollment and licensing, the
5713 applicant shall be fingerprinted. The board shall submit the
5714 fingerprints to the Department of Public Safety for a check of the
5715 state criminal records and forward to the Federal Bureau of
5716 Investigation for a check of the national criminal records. The
5717 Department of Public Safety shall disseminate the results of the
5718 state check and the national check to the board for a suitability
5719 determination and the board shall forward the results to the Dean
5720 of the School of Pharmacy. The board shall be authorized to
5721 collect from the applicant the amount of the fee that the
5722 Department of Public Safety charges the board for the



5723 fingerprinting, whether manual or electronic, and the state and
5724 national criminal history records checks.

5725 **SECTION 58.** Section 73-21-87, Mississippi Code of 1972, is
5726 amended as follows:

5727 73-21-87. (1) To obtain a license to engage in the practice
5728 of pharmacy by reciprocity or license transfer, the applicant
5729 shall:

5730 (a) Have submitted a written application on the form
5731 prescribed by the board;

5732 * * *

5733 (* * *b) Have possessed at the time of initial
5734 licensure as a pharmacist such other qualifications necessary to
5735 have been eligible for licensure at that time in that state;

5736 (* * *c) Have presented to the board proof that any
5737 license or licenses granted to the applicant by any other states
5738 have not been suspended, revoked, cancelled or otherwise
5739 restricted for any reason except nonrenewal or the failure to
5740 obtain required continuing education credits; and

5741 (* * *d) Have paid all fees specified by the board for
5742 licensure.

5743 (2) No applicant shall be eligible for licensure by
5744 reciprocity or license transfer unless the state in which the
5745 applicant was initially licensed also grants a reciprocal license
5746 or transfer license to pharmacists licensed by this state under
5747 like circumstances and conditions.



5748 (3) The issuance of a license by reciprocity to a
5749 military-trained applicant, military spouse or person who
5750 establishes residence in this state shall be subject to the
5751 provisions of Section 73-50-1 or 73-50-2, as applicable.

5752 (4) Each application or filing made under this section shall
5753 include the social security number(s) of the applicant in
5754 accordance with Section 93-11-64.

5755 **SECTION 59.** Section 73-21-111, Mississippi Code of 1972, is
5756 amended as follows:

5757 73-21-111. (1) The board shall make, adopt, amend and
5758 repeal, from time to time, such rules and regulations for the
5759 regulation of supportive personnel as may be deemed necessary by
5760 the board.

5761 (2) Every person who acts or serves as a pharmacy technician
5762 in a pharmacy that is located in this state and permitted by the
5763 board shall obtain a registration from the board. To obtain a
5764 pharmacy technician registration the applicant must:

5765 (a) Have submitted a written application on a form(s)
5766 prescribed by the board; and

5767 * * *

5768 (* * *b) Have paid the initial registration fee not to
5769 exceed One Hundred Dollars (\$100.00).

5770 (3) Each pharmacy technician shall renew his or her
5771 registration annually. To renew his or her registration, a
5772 technician must:



5773 (a) Submit an application on a form prescribed by the
5774 board; and

5775 (b) Pay a renewal fee not to exceed One Hundred Dollars
5776 (\$100.00) for each annual registration period. The board may add
5777 a surcharge of not more than Five Dollars (\$5.00) to the
5778 registration renewal fee to assist in funding a program that
5779 assists impaired pharmacists, pharmacy students and pharmacy
5780 technicians.

5781 (4) * * * The board shall conduct a criminal history records
5782 check on all applicants for a license. In order to determine the
5783 applicant's suitability for licensing, the applicant shall be
5784 fingerprinted. The board shall submit the fingerprints to the
5785 Department of Public Safety for a check of the state criminal
5786 records and forward to the Federal Bureau of Investigation for a
5787 check of the national criminal records. The Department of Public
5788 Safety shall disseminate the results of the state check and the
5789 national check to the board for a suitability determination. The
5790 board shall be authorized to collect from the applicant the amount
5791 of the fee that the Department of Public Safety charges the board
5792 for the fingerprinting, whether manual or electronic, and the
5793 state and national criminal history records checks.

5794 **SECTION 60.** Section 73-23-47, Mississippi Code of 1972, is
5795 amended as follows:

5796 73-23-47. (1) Any person who desires to be licensed under
5797 this chapter must: (a) * * * have graduated from a physical



5798 therapy or physical therapist assistant program, as the case may
5799 be, accredited by an agency recognized by the United States
5800 Department of Education, Office on Postsecondary Education; and
5801 (* * *b) pay a nonrefundable examination fee as set by the board;
5802 (* * *c) pay an application fee, no part of which shall be
5803 refunded; (* * *d) be examined for licensure by the board; and
5804 meet the requirements established by the rules of the board. The
5805 licensure examination for physical therapists and for physical
5806 therapist assistants shall be selected by the board and may also
5807 include an oral examination or practical examination or both at
5808 the discretion of the board.

5809 (2) Any person who desires to exercise the privilege to
5810 practice under the Physical Therapy Licensure Compact must
5811 complete the terms and provisions of the compact as prescribed in
5812 Section 73-23-101.

5813 (3) Each application or filing made under this section shall
5814 include the social security number(s) of the applicant in
5815 accordance with Section 93-11-64.

5816 **SECTION 61.** Section 73-23-51, Mississippi Code of 1972, is
5817 amended as follows:

5818 73-23-51. (1) The board may license as a physical therapist
5819 or as a physical therapist assistant, and furnish a certificate of
5820 licensure without examination to, any applicant who presents
5821 evidence, satisfactory to the board, of having passed an
5822 examination before a similar lawfully authorized examining agency



or board in physical therapy of another state or the District of Columbia, if the standards for registration in physical therapy or for licensure as a physical therapist assistant in such other state or district are determined by the board to be as high as those of this state. The issuance of a license by reciprocity to a military-trained applicant, military spouse or person who establishes residence in this state shall be subject to the provisions of Section 73-50-1 or 73-50-2, as applicable.

(2) Any person who has been trained as a physical therapist in a foreign country and desires to be licensed under this chapter and who: (a) * * * holds a diploma from an educational program for physical therapists approved by the board; (* * *b) submits documentary evidence to the board that he has completed a course of professional instruction substantially equivalent to that obtained by an applicant for licensure; (* * *c) demonstrates satisfactory proof of proficiency in the English language; and (* * *d) meets other requirements established by rules of the board, may make application on a form furnished by the board for examination as a foreign-trained physical therapist. At the time of making such application, the applicant shall pay the fee prescribed by the board, no portion of which shall be returned.

Any person who desires to be licensed under this subsection shall take an examination approved by the board and shall obtain a permanent license. If this requirement is not met, the license of the foreign-trained therapist may be revoked.



SECTION 62. Section 73-24-19, Mississippi Code of 1972, is amended as follows:

73-24-19. (1) An applicant applying for a license as an occupational therapist or as an occupational therapy assistant shall file a written application on forms provided by the board, showing to the satisfaction of the board that he or she meets the following requirements:

* * *

(* * * a) Has been awarded a degree from an education program in occupational therapy recognized by the board, with a concentration of instruction in basic human sciences, the human development process, occupational tasks and activities, the health-illness-health continuum, and occupational therapy theory and practice:

(i) For an occupational therapist, such program shall be accredited by the Accreditation Council for Occupational Therapy Education of the American Occupational Therapy Association or the board-recognized accrediting body;

(ii) For an occupational therapy assistant, such a program shall be accredited by the Accreditation Council for Occupational Therapy Education of the American Occupational Therapy Association or the board-recognized accrediting body;

(* * * b) Has successfully completed a period of supervised fieldwork experience at a recognized educational



5872 institution or a training program approved by the educational
5873 institution where he or she met the academic requirements:

5874 (i) For an occupational therapist, the required
5875 supervised fieldwork experience shall meet current national
5876 standards that are published annually by the board;

5877 (ii) For an occupational therapy assistant, the
5878 required supervised fieldwork experience shall meet national
5879 standards that are published annually by the board.

5880 (2) The board shall approve an examination for occupational
5881 therapists and an examination for occupational therapy assistants
5882 that will be used as the examination for licensure.

5883 (3) Any person applying for licensure shall, in addition to
5884 demonstrating his or her eligibility in accordance with the
5885 requirements of this section, make application to the board for
5886 review of proof of his or her eligibility for certification by the
5887 National Board for Certification in Occupational Therapy, Inc.
5888 (NBCOT), or its successor organization, on a form and in such a
5889 manner as the board shall prescribe. The application shall be
5890 accompanied by the fee fixed in accordance with the provisions of
5891 Section 73-24-29. The board shall establish standards for
5892 acceptable performance on the examination. A person who fails an
5893 examination may apply for reexamination upon payment of the
5894 prescribed fee.

5895 (4) Applicants for licensure shall be examined at a time and
5896 place and under such supervision as the board may require. The



5897 board shall give reasonable public notice of these examinations in
5898 accordance with its rules and regulations.

5899 (5) An applicant may be licensed as an occupational
5900 therapist if he or she: (a) has practiced as an occupational
5901 therapy assistant for four (4) years, (b) has completed the
5902 requirements of a period of six (6) months of supervised fieldwork
5903 experience at a recognized educational institution or a training
5904 program approved by a recognized accredited educational
5905 institution before January 1, 1988, and (c) has passed the
5906 examination for occupational therapists.

5907 (6) An applicant applying for a compact privilege to
5908 practice as an occupational therapist or as an occupational
5909 therapy assistant must meet the requirements set out in the
5910 Occupational Therapy Licensure Compact provided for in Section
5911 73-24-51.

5912 (7) Each application or filing made under this section shall
5913 include the social security number(s) of the applicant in
5914 accordance with Section 93-11-64.

5915 **SECTION 63.** Section 73-24-21, Mississippi Code of 1972, is
5916 amended as follows:

5917 73-24-21. (1) The board shall grant a license to any person
5918 certified prior to July 1, 1988, as an Occupational Therapist
5919 Registered (OTR) or a Certified Occupational Therapy Assistant
5920 (COTA) by the American Occupational Therapy Association (AOTA).
5921 The board may waive the examination, education or experience



5922 requirements and grant a license to any person certified by AOTA
5923 after July 1, 1988, if the board determines the requirements for
5924 such certification are equivalent to the requirements for
5925 licensure in this article.

5926 (2) The board may waive the examination, education or
5927 experience requirements and grant a license to any applicant who
5928 shall present proof of current licensure as an occupational
5929 therapist or occupational therapy assistant in another state, the
5930 District of Columbia or territory of the United States which
5931 requires standards for licensure considered by the board to be
5932 equivalent to the requirements for licensure of this article. The
5933 issuance of a license by reciprocity to a military-trained
5934 applicant, military spouse or person who establishes residence in
5935 this state shall be subject to the provisions of Section 73-50-1
5936 or 73-50-2, as applicable.

5937 (3) Foreign-trained occupational therapists and occupational
5938 therapy assistants shall satisfy the examination requirements of
5939 Section 73-24-19. The board shall require foreign-trained
5940 applicants to furnish proof of * * * completion of educational and
5941 supervised fieldwork requirements substantially equal to those
5942 contained in Section 73-24-19 before taking the examination.

5943 **SECTION 64.** Section 73-25-3, Mississippi Code of 1972, is
5944 amended as follows:

5945 73-25-3. Every person who desires to obtain a license to
5946 practice medicine must apply therefor, in writing, to the State



5947 Board of Medical Licensure at least ten (10) days before the date
5948 of the examination and must be examined by the board according to
5949 the methods deemed by it to be the most practical and expeditious
5950 to test the applicants' qualifications. If the applicant is found
5951 by the board, upon examination, to possess sufficient learning in
5952 those branches * * *, the board shall issue him a license to
5953 practice medicine; however, no applicant shall be granted a
5954 license unless the applicant holds a diploma from a reputable
5955 medical college or college of osteopathic medicine that requires a
5956 four-year course of at least thirty-two (32) weeks for each
5957 session, or its equivalent.

5958 To qualify for a Mississippi medical license, an applicant
5959 must have successfully been cleared for licensure through an
5960 investigation that shall consist of a * * * verification that the
5961 prospective licensee is not guilty of or in violation of any
5962 statutory ground for denial of licensure as set forth in Sections
5963 73-25-29 and 73-25-83. To assist the board in conducting its
5964 licensure investigation, all applicants shall undergo a
5965 fingerprint-based criminal history records check of the
5966 Mississippi central criminal database and the Federal Bureau of
5967 Investigation criminal history database. Each applicant shall
5968 submit a full set of the applicant's fingerprints in a form and
5969 manner prescribed by the board, which shall be forwarded to the
5970 Mississippi Department of Public Safety (department) and the



5971 Federal Bureau of Investigation Identification Division for this
5972 purpose.

5973 Any and all state or national criminal history records
5974 information obtained by the board that is not already a matter of
5975 public record shall be deemed nonpublic and confidential
5976 information restricted to the exclusive use of the board, its
5977 members, officers, investigators, agents and attorneys in
5978 evaluating the applicant's eligibility or disqualification for
5979 licensure, and shall be exempt from the Mississippi Public Records
5980 Act of 1983. Except when introduced into evidence in a hearing
5981 before the board to determine licensure, no such information or
5982 records related thereto shall, except with the written consent of
5983 the applicant or by order of a court of competent jurisdiction, be
5984 released or otherwise disclosed by the board to any other person
5985 or agency.

5986 The board shall provide to the department the fingerprints of
5987 the applicant, any additional information that may be required by
5988 the department, and a form signed by the applicant consenting to
5989 the check of the criminal records and to the use of the
5990 fingerprints and other identifying information required by the
5991 state or national repositories.

5992 The board shall charge and collect from the applicant, in
5993 addition to all other applicable fees and costs, such amount as
5994 may be incurred by the board in requesting and obtaining state and
5995 national criminal history records information on the applicant.



5996 This section shall not apply to applicants for a special
5997 volunteer medical license authorized under Section 73-25-18.

5998 **SECTION 65.** Section 73-25-14, Mississippi Code of 1972, is
5999 amended as follows:

6000 73-25-14. (1) Except as provided in Section 33-1-39, the
6001 license of every person licensed to practice medicine or
6002 osteopathy in the State of Mississippi shall be renewed annually.

6003 On or before May 1 of each year, the State Board of Medical
6004 Licensure shall mail a notice of renewal of license to every
6005 physician or osteopath to whom a license was issued or renewed
6006 during the current licensing year. The notice shall provide
6007 instructions for obtaining and submitting applications for
6008 renewal. The State Board of Medical Licensure is authorized to
6009 make applications for renewal available via electronic means. The
6010 applicant shall obtain and complete the application and submit it
6011 to the board in the manner prescribed by the board in the notice
6012 before June 30 with the renewal fee of an amount established by
6013 the board, but not to exceed Three Hundred Dollars (\$300.00), a
6014 portion of which fee shall be used to support a program to aid
6015 impaired physicians and osteopaths. The payment of the annual
6016 license renewal fee shall be optional with all physicians over the
6017 age of seventy (70) years. Upon receipt of the application and
6018 fee, the board shall verify the accuracy of the application and
6019 issue to applicant a certificate of renewal for the ensuing year,
6020 beginning July 1 and expiring June 30 of the succeeding calendar



6021 year. That renewal shall render the holder thereof a legal
6022 practitioner as stated on the renewal form.

6023 (2) Any physician or osteopath practicing in Mississippi who
6024 allows his or her license to lapse by failing to renew the license
6025 as provided in subsection (1) may be reinstated by the board on
6026 satisfactory explanation for the failure to renew, by completion
6027 of a reinstatement form, and upon payment of the renewal fee for
6028 the current year, and shall be assessed a fine of Twenty-five
6029 Dollars (\$25.00) plus an additional fine of Five Dollars (\$5.00)
6030 for each month thereafter that the license renewal remains
6031 delinquent.

6032 (3) Any physician or osteopath not practicing in Mississippi
6033 who allows his or her license to lapse by failing to renew the
6034 license as provided in subsection (1) may be reinstated by the
6035 board on satisfactory explanation for the failure to renew, by
6036 completion of a reinstatement form and upon payment of the
6037 arrearages for the previous five (5) years and the renewal fee for
6038 the current year.

6039 (4) Any physician or osteopath who allows his or her license
6040 to lapse shall be notified by the board within thirty (30) days of
6041 that lapse.

6042 (5) Any person practicing as a licensed physician or
6043 osteopath during the time his or her license has lapsed shall be
6044 considered an illegal practitioner and shall be subject to
6045 penalties provided for violation of the Medical Practice Act, if



6046 he or she had not submitted the required reinstatement form and
6047 fee within fifteen (15) days after notification by the board of
6048 the lapse.

6049 (6) Any physician or osteopath practicing in the State of
6050 Mississippi whose license has lapsed and is deemed an illegal
6051 practitioner under subsection (5) of this section may petition the
6052 board for reinstatement of his or her license on a retroactive
6053 basis, if the physician or osteopath was unable to meet the June
6054 30 deadline due to extraordinary or other legitimate reasons, and
6055 retroactive reinstatement of licensure shall be granted or may be
6056 denied by the board only for good cause. Failure to advise the
6057 board of change of address shall not be considered a basis of
6058 reinstatement.

6059 (7) None of the fees or fines provided for in this section
6060 shall be applicable to the renewal of a special volunteer medical
6061 license authorized under Section 73-25-18.

6062 (8) Fees collected under the provisions of this section
6063 shall be used by the board to defray expenses of administering the
6064 licensure provisions of the Medical Practice Act (Title 73,
6065 Chapter 25, Mississippi Code of 1972) and to support a program to
6066 aid impaired physicians and osteopaths in an amount determined by
6067 the board.

6068 (9) In order for a physician or osteopath whose medical
6069 license has been expired for five (5) years or more to qualify for
6070 reinstatement of license, the physician or osteopath must have



6071 successfully been cleared for reinstatement 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 **SECTION 66.** Section 73-25-32, Mississippi Code of 1972, is
6109 amended as follows:

6110 73-25-32. (1) A person whose license to practice medicine
6111 or osteopathy has been revoked or suspended may petition the
6112 Mississippi State Board of Medical Licensure to reinstate this
6113 license after a period of not less than one (1) year has elapsed
6114 from the date of the revocation or suspension. The procedure for
6115 the reinstatement of a license that is suspended for being out of
6116 compliance with an order for support, as defined in Section
6117 93-11-153, shall be governed by Section 93-11-157 or 93-11-163, as
6118 the case may be.

6119 (2) The petition shall be accompanied by two (2) or more
6120 verified recommendations from physicians or osteopaths licensed by



6121 the Board of Medical Licensure to which the petition is addressed
6122 and by two (2) or more recommendations from citizens each having
6123 personal knowledge of the activities of the petitioner since the
6124 disciplinary penalty was imposed and such facts as may be required
6125 by the Board of Medical Licensure.

6126 The petition may be heard at the next regular meeting of the
6127 Board of Medical Licensure but not earlier than thirty (30) days
6128 after the petition was filed. No petition shall be considered
6129 while the petitioner is under sentence for any criminal offense,
6130 including any period during which he is under probation or parole.
6131 The hearing may be continued from time to time as the Board of
6132 Medical Licensure finds necessary.

6133 (3) In determining whether the disciplinary penalty should
6134 be set aside and the terms and conditions, if any, that should be
6135 imposed if the disciplinary penalty is set aside, the Board of
6136 Medical Licensure may investigate and consider all activities of
6137 the petitioner since the disciplinary action was taken against
6138 him, the offense for which he was disciplined, his activity during
6139 the time his certificate was in good standing, his general
6140 reputation for truth * * * and professional ability * * *; and it
6141 may require the petitioner to pass an oral examination.

6142 (4) The investigation shall require the petitioner to
6143 undergo a fingerprint-based criminal history records check of the
6144 Mississippi central criminal database and the Federal Bureau of
6145 Investigation criminal history database. Each petitioner shall



6146 submit a full set of the petitioner's fingerprints in a form and
6147 manner prescribed by the board, which shall be forwarded to the
6148 Mississippi Department of Public Safety (department) and the
6149 Federal Bureau of Investigation Identification Division for this
6150 purpose.

6151 Any and all state or national criminal history records
6152 information obtained by the board that is not already a matter of
6153 public record shall be deemed nonpublic and confidential
6154 information restricted to the exclusive use of the board, its
6155 members, officers, investigators, agents and attorneys in
6156 evaluating the applicant's eligibility or disqualification for
6157 licensure, and shall be exempt from the Mississippi Public Records
6158 Act of 1983. Except when introduced into evidence in a hearing
6159 before the board to determine licensure, no such information or
6160 records related thereto shall, except with the written consent of
6161 the applicant or by order of a court of competent jurisdiction, be
6162 released or otherwise disclosed by the board to any other person
6163 or agency.

6164 The board shall provide to the department the fingerprints of
6165 the petitioner, any additional information that may be required by
6166 the department, and a form signed by the petitioner consenting to
6167 the check of the criminal records and to the use of the
6168 fingerprints and other identifying information required by the
6169 state or national repositories.



6170 The board shall charge and collect from the petitioner, in
6171 addition to all other applicable fees and costs, such amount as
6172 may be incurred by the board in requesting and obtaining state and
6173 national criminal history records information on the applicant.

6174 (5) The Secretary-Treasurer of the Board of Medical
6175 Licensure shall enter into his records of the case all actions of
6176 the board in setting aside a disciplinary penalty under this
6177 section and he shall certify notices to the proper court clerk.
6178 The clerk shall make such changes on his records as may be
6179 necessary.

6180 **SECTION 67.** Section 73-26-3, Mississippi Code of 1972, is
6181 amended as follows:

6182 73-26-3. (1) The State Board of Medical Licensure shall
6183 license and regulate the practice of physician assistants in
6184 accordance with the provisions of this chapter.

6185 (2) All physician assistants who are employed as physician
6186 assistants by a Department of Veterans Affairs health care
6187 facility, a branch of the United States military or the Federal
6188 Bureau of Prisons, and who are practicing as physician assistants
6189 in a federal facility in Mississippi on July 1, 2000, and those
6190 physician assistants who trained in a Mississippi physician
6191 assistant program and have been continuously practicing as a
6192 physician assistant in Mississippi since 1976, shall be eligible
6193 for licensure if they submit an application for licensure to the
6194 board by December 31, 2000. Physician assistants licensed under



6195 this subsection will be eligible for license renewal so long as
6196 they meet standard renewal requirements.

6197 (3) Before December 31, 2004, applicants for physician
6198 assistant licensure, except those licensed under subsection (2) of
6199 this section, must be graduates of physician assistant educational
6200 programs accredited by the Commission on Accreditation of Allied
6201 Health Educational Programs or its predecessor or successor
6202 agency, have passed the certification examination administered by
6203 the National Commission on Certification of Physician Assistants
6204 (NCCPA), have current NCCPA certification, and possess a minimum
6205 of a baccalaureate degree. Physician assistants meeting these
6206 licensure requirements will be eligible for license renewal so
6207 long as they meet standard renewal requirements.

6208 (4) On or after December 31, 2004, applicants for physician
6209 assistant licensure must meet all of the requirements in
6210 subsection (3) of this section and, in addition, must have
6211 obtained a minimum of a master's degree in a health-related or
6212 science field.

6213 (5) Applicants for licensure who meet all licensure
6214 requirements except for the master's degree may be granted a
6215 temporary license by the board so long as they can show proof of
6216 enrollment in a master's program that will, when completed, meet
6217 the master's degree requirement. The temporary license will be
6218 valid for no longer than one (1) year, and may not be renewed.



6219 (6) For new graduate physician assistants and all physician
6220 assistants receiving initial licenses in the state, except those
6221 licensed under subsection (2) of this section, supervision shall
6222 require the on-site presence of a supervising physician for one
6223 hundred twenty (120) days.

6224 (7) To qualify for a Mississippi physician assistant
6225 license, an applicant must have successfully been cleared for
6226 licensure through an investigation that shall consist of a * * *
6227 verification that the prospective licensee is not guilty of or in
6228 violation of any statutory ground for denial of licensure. To
6229 assist the board in conducting its licensure investigation, all
6230 applicants shall undergo a fingerprint-based criminal history
6231 records check of the Mississippi central criminal database and the
6232 Federal Bureau of Investigation criminal history database. Each
6233 applicant shall submit a full set of the applicant's fingerprints
6234 in a form and manner prescribed by the board, which shall be
6235 forwarded to the Mississippi Department of Public Safety
6236 (department) and the Federal Bureau of Investigation
6237 Identification Division for this purpose.

6238 Any and all state or national criminal history records
6239 information obtained by the board that is not already a matter of
6240 public record shall be deemed nonpublic and confidential
6241 information restricted to the exclusive use of the board, its
6242 members, officers, investigators, agents and attorneys in
6243 evaluating the applicant's eligibility or disqualification for



6244 licensure, and shall be exempt from the Mississippi Public Records
6245 Act of 1983. Except when introduced into evidence in a hearing
6246 before the board to determine licensure, no such information or
6247 records related thereto shall, except with the written consent of
6248 the applicant or by order of a court of competent jurisdiction, be
6249 released or otherwise disclosed by the board to any other person
6250 or agency.

6251 The board shall provide to the department the fingerprints of
6252 the applicant, any additional information that may be required by
6253 the department, and a form signed by the applicant consenting to
6254 the check of the criminal records and to the use of the
6255 fingerprints and other identifying information required by the
6256 state or national repositories.

6257 The board shall charge and collect from the applicant, in
6258 addition to all other applicable fees and costs, such amount as
6259 may be incurred by the board in requesting and obtaining state and
6260 national criminal history records information on the applicant.

6261 **SECTION 68.** Section 73-27-5, Mississippi Code of 1972, is
6262 amended as follows:

6263 73-27-5. All applicants for license shall have attained the
6264 age of twenty-one (21) years, and shall * * * have had at least
6265 four (4) years high school and be graduates of same; they shall
6266 have at least one (1) year prepodiatry college education and be
6267 graduates of some college of podiatry recognized as being in good
6268 standing by the State Board of Medical Licensure. No college of



6269 podiatry or chiropody shall be accredited by the board as a
6270 college of good standing that does not require for graduation a
6271 course of study of at least four (4) years (eight and one-half
6272 (8-1/2) months each) and be recognized by the Council on Education
6273 of the American Podiatry Association. However, all podiatrists
6274 actively engaged in the practice of podiatry in the State of
6275 Mississippi, prior to January 1, 1938, whether graduates or not,
6276 shall, upon furnishing proof thereof by displaying their state
6277 privilege tax license to the Secretary of the State Board of
6278 Medical Licensure, and upon payment of fee of Ten Dollars and
6279 Twenty-five Cents (\$10.25), be entitled to a license without an
6280 examination, and applications for the license shall be filed not
6281 later than sixty (60) days after February 17, 1938. Upon payment
6282 of a fee prescribed by the State Board of Medical Licensure, not
6283 to exceed Five Hundred Dollars (\$500.00), a license without
6284 examination may be issued to podiatrists of other states
6285 maintaining equal statutory requirements for the practice of
6286 podiatry and extending the same reciprocal privileges to this
6287 state. The State Board of Medical Licensure may affiliate with
6288 the National Board of Chiropody or Podiatry Licensure in granting
6289 licenses to practice podiatry in Mississippi, provided the written
6290 examination covers at least two-thirds (2/3) of the subjects set
6291 forth in Section 73-27-9. The issuance of a license by
6292 reciprocity to a military-trained applicant, military spouse or



6293 person who establishes residence in this state shall be subject to
6294 the provisions of Section 73-50-1 or 73-50-2, as applicable.

6295 To qualify for a Mississippi podiatry license, an applicant
6296 must have successfully been cleared for licensure through an
6297 investigation that shall consist of a * * * verification that the
6298 prospective licensee is not guilty of or in violation of any
6299 statutory ground for denial of licensure as set forth in Section
6300 73-27-13. To assist the board in conducting its licensure
6301 investigation, all applicants shall undergo a fingerprint-based
6302 criminal history records check of the Mississippi central criminal
6303 database and the Federal Bureau of Investigation criminal history
6304 database. Each applicant shall submit a full set of the
6305 applicant's fingerprints in a form and manner prescribed by the
6306 board, which shall be forwarded to the Mississippi Department of
6307 Public Safety (department) and the Federal Bureau of Investigation
6308 Identification Division for this purpose.

6309 Any and all state or national criminal history records
6310 information obtained by the board that is not already a matter of
6311 public record shall be deemed nonpublic and confidential
6312 information restricted to the exclusive use of the board, its
6313 members, officers, investigators, agents and attorneys in
6314 evaluating the applicant's eligibility or disqualification for
6315 licensure, and shall be exempt from the Mississippi Public Records
6316 Act of 1983. Except when introduced into evidence in a hearing
6317 before the board to determine licensure, no such information or



6318 records related thereto shall, except with the written consent of
6319 the applicant or by order of a court of competent jurisdiction, be
6320 released or otherwise disclosed by the board to any other person
6321 or agency.

6322 The board shall provide to the department the fingerprints of
6323 the applicant, any additional information that may be required by
6324 the department, and a form signed by the applicant consenting to
6325 the check of the criminal records and to the use of the
6326 fingerprints and other identifying information required by the
6327 state or national repositories.

6328 The board shall charge and collect from the applicant, in
6329 addition to all other applicable fees and costs, such amount as
6330 may be incurred by the board in requesting and obtaining state and
6331 national criminal history records information on the applicant.

6332 Each application or filing made under this section shall
6333 include the social security number(s) of the applicant in
6334 accordance with Section 93-11-64.

6335 **SECTION 69.** Section 73-27-12, Mississippi Code of 1972, is
6336 amended as follows:

6337 73-27-12. (1) Except as provided in Section 33-1-39, the
6338 license of every person licensed to practice podiatry in the State
6339 of Mississippi shall be renewed annually.

6340 On or before May 1 of each year, the board shall mail a
6341 notice of renewal of license to every podiatrist to whom a license
6342 was issued or renewed during the current licensing year. The



6343 notice shall provide instructions for obtaining and submitting
6344 applications for renewal. The State Board of Medical Licensure is
6345 authorized to make applications for renewal available via
6346 electronic means. The applicant shall obtain and complete the
6347 application and submit it to the board in the manner prescribed by
6348 the board in the notice before June 30 with the renewal fee of an
6349 amount established by the board, but not to exceed Three Hundred
6350 Dollars (\$300.00), a portion of which fee shall be used to support
6351 a program to aid impaired podiatrists. Upon receipt of the
6352 application and fee, the board shall verify the accuracy of the
6353 application and issue to applicant a certificate of renewal for
6354 the ensuing year, beginning July 1 and expiring June 30 of the
6355 succeeding calendar year. That renewal shall render the holder
6356 thereof a legal practitioner as stated on the renewal form.

6357 (2) Any podiatrist practicing in Mississippi who allows his
6358 or her license to lapse by failing to renew the license as
6359 provided in subsection (1) may be reinstated by the board on
6360 satisfactory explanation for the failure to renew, by completion
6361 of a reinstatement form, and upon payment of the renewal fee for
6362 the current year, and shall be assessed a fine of Twenty-five
6363 Dollars (\$25.00) plus an additional fine of Five Dollars (\$5.00)
6364 for each month thereafter that the license renewal remains
6365 delinquent.

6366 (3) Any podiatrist not practicing in Mississippi who allows
6367 his or her license to lapse by failing to renew the license as



provided in subsection (1) may be reinstated by the board on satisfactory explanation for the failure to renew, by completion of a reinstatement form and upon payment of the arrearages for the previous five (5) years and the renewal fee for the current year.

(4) Any podiatrist who allows his or her license to lapse shall be notified by the board within thirty (30) days of that lapse.

(5) Any person practicing as a licensed podiatrist during the time his or her license has lapsed shall be considered an illegal practitioner and shall be subject to penalties set forth in Section 73-27-17, provided that he or she has not submitted the required reinstatement form and fee within fifteen (15) days after notification by the board of the lapse.

(6) Any podiatrist practicing in the State of Mississippi whose license has lapsed and is deemed an illegal practitioner under subsection (5) of this section may petition the board for reinstatement of his or her license on a retroactive basis, if the podiatrist was unable to meet the June 30 deadline due to extraordinary or other legitimate reasons, and retroactive reinstatement of licensure shall be granted or may be denied by the board only for good cause. Failure to advise the board of change of address shall not be considered a basis for reinstatement.

(7) Fees collected under the provisions of this section shall be used by the board to defray expenses of administering the



6393 licensure provisions of Title 73, Chapter 27, Mississippi Code of
6394 1972, and to support a program to aid impaired podiatrists in an
6395 amount determined by the board.

6396 (8) In order for a podiatrist whose podiatric medical
6397 license has been expired for five (5) years or more to qualify for
6398 reinstatement of license, the podiatrist must have successfully
6399 been cleared for reinstatement through an investigation that shall
6400 consist of a * * * verification that the prospective licensee is
6401 not guilty of or in violation of any statutory ground for denial
6402 of licensure as set forth in Section 73-27-13. To assist the
6403 board in conducting its licensure investigation, all applicants
6404 shall undergo a fingerprint-based criminal history records check
6405 of the Mississippi central criminal database and the Federal
6406 Bureau of Investigation criminal history database. Each applicant
6407 shall submit a full set of the applicant's fingerprints in a form
6408 and manner prescribed by the board, which shall be forwarded to
6409 the Mississippi Department of Public Safety (department) and the
6410 Federal Bureau of Investigation Identification Division for this
6411 purpose.

6412 Any and all state or national criminal history records
6413 information obtained by the board that is not already a matter of
6414 public record shall be deemed nonpublic and confidential
6415 information restricted to the exclusive use of the board, its
6416 members, officers, investigators, agents and attorneys in
6417 evaluating the applicant's eligibility or disqualification for



6418 licensure, and shall be exempt from the Mississippi Public Records
6419 Act of 1983. Except when introduced into evidence in a hearing
6420 before the board to determine licensure, no such information or
6421 records related thereto shall, except with the written consent of
6422 the applicant or by order of a court of competent jurisdiction, be
6423 released or otherwise disclosed by the board to any other person
6424 or agency.

6425 The board shall provide to the department the fingerprints of
6426 the applicant, any additional information that may be required by
6427 the department, and a form signed by the applicant consenting to
6428 the check of the criminal records and to the use of the
6429 fingerprints and other identifying information required by the
6430 state or national repositories.

6431 The board shall charge and collect from the applicant, in
6432 addition to all other applicable fees and costs, such amount as
6433 may be incurred by the board in requesting and obtaining state and
6434 national criminal history records information on the applicant.

6435 **SECTION 70.** Section 73-27-16, Mississippi Code of 1972, is
6436 amended as follows:

6437 73-27-16. (1) A person whose license to practice podiatry
6438 has been revoked or suspended may petition the Mississippi State
6439 Board of Medical Licensure to reinstate this license after a
6440 period of not less than one (1) year has elapsed from the date of
6441 the revocation or suspension. The procedure for the reinstatement
6442 of a license that is suspended for being out of compliance with an



6443 order for support, as defined in Section 93-11-153, shall be
6444 governed by Section 93-11-157 or 93-11-163, as the case may be.

6445 (2) The petition shall be accompanied by two (2) or more
6446 verified recommendations from podiatrists licensed by the Board of
6447 Medical Licensure to which the petition is addressed and by two
6448 (2) or more recommendations from citizens each having personal
6449 knowledge of the activities of the petitioner since the
6450 disciplinary penalty was imposed and such facts as may be required
6451 by the board.

6452 The petition may be heard at the next regular meeting of the
6453 Board of Medical Licensure but not earlier than thirty (30) days
6454 after the petition was filed. No petition shall be considered
6455 while the petitioner is under sentence for any criminal offense,
6456 including any period during which he is under probation or parole.
6457 The hearing may be continued from time to time as the Board of
6458 Medical Licensure finds necessary. Any final action by the board
6459 on a petition under this section shall be made with the advice of
6460 the advisory committee.

6461 (3) In determining whether the disciplinary penalty should
6462 be set aside and the terms and conditions, if any, which should be
6463 imposed if the disciplinary penalty is set aside, the Board of
6464 Medical Licensure may investigate and consider all activities of
6465 the petitioner since the disciplinary action was taken against
6466 him, the offense for which he was disciplined, his activity during
6467 the time his certificate was in good standing, his general



6468 reputation for truth * * * and professional ability * * *; and it
6469 may require the petitioner to pass an oral examination.

6470 (4) The Secretary-Treasurer of the Board of Medical
6471 Licensure shall enter into his records of the case all actions of
6472 the Board of Medical Licensure in setting aside a disciplinary
6473 penalty under this section and he shall certify notices to the
6474 proper court clerk. The clerk shall make such changes on his
6475 records as may be necessary.

6476 **SECTION 71.** Section 73-29-19, Mississippi Code of 1972, is
6477 amended as follows:

6478 73-29-19. An applicant who is a polygraph examiner licensed
6479 under the laws of another state or territory of the United States
6480 may be issued a license upon payment of a fee of Fifty Dollars
6481 (\$50.00) and the production of satisfactory proof that:

6482 (1) He is at least twenty-one (21) years of age;

6483 (2) He is a citizen of the United States;

6484 * * *

6485 (* * *3) The requirements for the licensing of
6486 polygraph examiners in such particular state or territory of the
6487 United States were, at the date of the applicant's licensing
6488 therein, substantially equivalent to the requirements now in force
6489 in this state;

6490 (* * *4) The applicant had lawfully engaged in the
6491 administration of polygraph examinations under the laws of such



6492 state or territory for at least two (2) years prior to his
6493 application for license hereunder;

6494 (* * *5) Such other state or territory grants similar
6495 reciprocity to license holders of this state; and

6496 (* * *6) He has complied with Section 73-29-17.

6497 The issuance of a license by reciprocity to a
6498 military-trained applicant, military spouse or person who
6499 establishes residence in this state shall be subject to the
6500 provisions of Section 73-50-1 or 73-50-2, as applicable.

6501 **SECTION 72.** Section 73-30-9, Mississippi Code of 1972, is
6502 amended as follows:

6503 73-30-9. (1) The board shall issue a license as a
6504 provisional licensed professional counselor, without regard to
6505 race, religion, sex or national origin, to each applicant who
6506 furnishes satisfactory evidence of the following:

6507 (a) The applicant has completed an application on a
6508 form prescribed by the board accompanied by a nonrefundable
6509 application fee of Fifty Dollars (\$50.00).

6510 (b) The applicant is at least twenty-one (21) years of
6511 age.

6512 * * *

6513 (* * *c) The applicant is a citizen of the United
6514 States, or has an immigration document to verify legal alien work
6515 status in the United States. The immigration document must be
6516 current and issued by the United States Immigration Bureau.



6517 (* * *d) The applicant is not in violation of any of
6518 the provisions of this article and the rules and regulations
6519 adopted hereunder.

6520 (* * *e) The applicant shall have a minimum acceptable
6521 graduate semester hour or acceptable quarter-hour master's degree
6522 as determined by the board primarily in counseling or a related
6523 counseling field from a regionally or nationally accredited
6524 college or university program in counselor education or a related
6525 counseling program subject to board approval. All applicants
6526 shall provide official transcripts of all graduate work.

6527 (* * *f) The applicant must pass the examination
6528 approved by the board, as set forth in Section 73-30-7(5).

6529 (* * *g) A provisional license issued under this
6530 section shall require that the individual confine one's practice
6531 to a board-approved site and accrue counseling experience under
6532 the supervision of a board-qualified supervisor.

6533 (* * *h) The limited license shall be renewable for
6534 not more than four (4) years, with a nonrefundable license fee in
6535 the amount provided in Section 73-30-29. Licensees may appeal to
6536 the board for an extension of the renewal period.

6537 (* * *i) Each applicant for licensure shall apply to
6538 undergo a fingerprint-based criminal history records check of the
6539 Mississippi central criminal database and the Federal Bureau of
6540 Investigation criminal history database. Each applicant shall
6541 submit a full set of the applicant's fingerprints in a form and



6542 manner prescribed by the board, which shall be forwarded to the
6543 Mississippi Department of Public Safety and the Federal Bureau of
6544 Investigation Identification Division for this purpose.

6545 (2) The board shall issue a license or the privilege to
6546 practice as a licensed professional counselor, without regard to
6547 race, religion, sex or national origin, to each applicant who
6548 furnishes satisfactory evidence of the following:

6549 (a) The applicant has completed an application on a
6550 form prescribed by the board accompanied by a nonrefundable full
6551 application fee of Fifty Dollars (\$50.00).

6552 (b) The applicant is at least twenty-one (21) years of
6553 age.

6554 * * *

6555 (* * * c) The applicant is a citizen of the United
6556 States, or has an immigration document to verify legal alien work
6557 status in the United States. The immigration document must be
6558 current and issued by the United States Immigration Bureau.

6559 (* * * d) The applicant is not in violation of any of
6560 the provisions of this article and the rules and regulations
6561 adopted hereunder.

6562 (* * * e) The applicant shall have a minimum acceptable
6563 graduate semester hour or acceptable quarter-hour master's degree
6564 as determined by the board primarily in counseling or a related
6565 counseling field from a regionally or nationally accredited
6566 college or university program in counselor education or a related



6567 counseling program subject to board approval. All applicants
6568 shall provide official transcripts of all graduate work.

6569 (* * *f) The applicant for licensure must pass the
6570 examination approved by the board, as set forth in Section
6571 73-30-7(5) .

6572 (* * *g) The applicant has had post graduate
6573 supervised experience in professional counseling acceptable to the
6574 board. Applicant shall submit verification of supervised
6575 experience.

6576 Each application or filing made under this section shall
6577 include the social security number(s) of the applicant in
6578 accordance with Section 93-11-64.

6579 (* * *h) The board shall require each first-time
6580 applicant for licensure or the initial privilege to practice and
6581 may require applicants for license renewal to undergo a
6582 fingerprint-based criminal history records check of the
6583 Mississippi central criminal database and the Federal Bureau of
6584 Investigation criminal history database. Each applicant for
6585 licensure and each renewal applicant as required by the board
6586 shall apply to undergo a fingerprint-based criminal history
6587 records check of the Mississippi central criminal database and the
6588 Federal Bureau of Investigation criminal history database. Each
6589 applicant shall submit a full set of the applicant's fingerprints
6590 in a form and manner prescribed by the board, which shall be
6591 forwarded to the Mississippi Department of Public Safety and the



6592 Federal Bureau of Investigation Identification Division for this
6593 purpose.

6594 (3) The board shall administer the privilege to practice in
6595 accordance with the Professional Counseling Compact.

6596 **SECTION 73.** Section 73-31-13, Mississippi Code of 1972, is
6597 amended as follows:

6598 73-31-13. The board shall issue a license as a psychologist
6599 to each applicant who files an application upon a form and in the
6600 manner as the board prescribes, accompanied by the fee as is
6601 required by this article; and who furnishes evidence satisfactory
6602 to the board that he or she:

6603 (a) Is at least twenty-one (21) years of age; and

6604 (b) * * * Has not been convicted of a disqualifying
6605 crime as provided in the Fresh Start Act. Applicants shall
6606 undergo a fingerprint-based criminal history records check of the
6607 Mississippi central criminal database and the Federal Bureau of
6608 Investigation criminal history database. Each applicant shall
6609 submit a full set of the applicant's fingerprints in a form and
6610 manner prescribed by the board, which shall be forwarded to the
6611 Mississippi Department of Public Safety (department) and the
6612 Federal Bureau of Investigation Identification Division for this
6613 purpose; and

6614 (c) Is not in violation of any of the provisions of
6615 this article and the rules and regulations adopted under this



6616 article, and is not currently under investigation by another
6617 licensure board; and

6618 (d) Holds a doctoral degree in psychology from an
6619 institution of higher education that is: regionally accredited by
6620 an accrediting body recognized by the United States Department of
6621 Education, or authorized by Provincial statute or Royal Charter to
6622 grant doctoral degrees. From a program accredited by the American
6623 Psychological Association, or the Canadian Psychological
6624 Association, and from a program that requires at least one (1)
6625 year of continuous, full-time residence at the educational
6626 institution granting the doctoral degree. For graduates from
6627 newly established programs seeking accreditation or in areas where
6628 no accreditation exists, applicants for licensure shall have
6629 completed a doctoral program in psychology that meets recognized
6630 acceptable professional standards as determined by the board. For
6631 applicants graduating from doctoral level psychology training
6632 programs outside of the United States of America or Canada,
6633 applicants for licensure shall have completed a doctoral program
6634 in psychology that meets recognized acceptable professional
6635 standards as determined by the board; and

6636 (e) Has completed a supervised internship from a
6637 program accredited by the American Psychological Association or
6638 the Canadian Psychological Association that meet the standards of
6639 training as defined by the board. The internship shall be
6640 comprised of at least one thousand eight hundred (1,800) hours of



6641 actual work, to include direct service, training and supervisory
6642 time; and

6643 (f) Demonstrates professional knowledge by passing
6644 written (as used in this paragraph, the term "written" means
6645 either paper and pencil or computer-administered or computerized
6646 testing) and oral examinations in psychology prescribed by the
6647 board; except that upon examination of credentials, the board may,
6648 by unanimous consent, consider these credentials adequate evidence
6649 of professional knowledge.

6650 Upon investigation of the application and other evidence
6651 submitted, the board shall, not less than thirty (30) days before
6652 the examination, notify each applicant that the application and
6653 evidence submitted is satisfactory and accepted or unsatisfactory
6654 and rejected; if rejected, the notice shall state the reasons for
6655 the rejection.

6656 The place of examination shall be designated in advance by
6657 the board, and the examination shall be given at such time and
6658 place and under such supervision as the board may determine. The
6659 examination used by the board shall consist of written tests and
6660 oral tests, and shall fairly test the applicant's knowledge and
6661 application thereof in those areas deemed relevant by the
6662 board. All examinations serve the purpose of verifying that a
6663 candidate for licensure has acquired a basic core of knowledge in
6664 the discipline of psychology and can apply that knowledge to the



6665 problems confronted in the practice of psychology within the
6666 applicant's area of practice.

6667 The board shall evaluate the results from both the written
6668 and oral examinations. The passing scores for the written and
6669 oral examinations shall be established by the board in its rules
6670 and regulations. If an applicant fails to receive a passing score
6671 on the entire examination, he or she may reapply and shall be
6672 allowed to take a later examination. An applicant who has failed
6673 two (2) successive examinations by the board may not reapply until
6674 after two (2) years from the date of the last examination failed.
6675 The board shall keep the written examination scores, and an
6676 accurate transcript of the questions and answers relating to the
6677 oral examinations, and the grade assigned to each answer thereof,
6678 as part of its records for at least two (2) years after the date
6679 of examination.

6680 Persons licensed in another state or jurisdiction applying
6681 for the authority to practice interjurisdictional telepsychology
6682 must meet the requirements set out in the Psychology
6683 Interjurisdictional Compact provided for in Section 73-31-51.

6684 Each application or filing made under this section shall
6685 include the social security number(s) of the applicant in
6686 accordance with Section 93-11-64.

6687 **SECTION 74.** Section 73-33-1, Mississippi Code of 1972, is
6688 amended as follows:



6689 73-33-1. (1) Any person residing or having a place for the
6690 regular transaction of business in the State of Mississippi * * *,
6691 and who shall have received from the State Board of Public
6692 Accountancy a license certifying his qualifications as a certified
6693 public accountant as hereinafter provided, shall be styled or
6694 known as a certified public accountant, and it shall be unlawful
6695 for any other person or persons to assume such title or use any
6696 letters, abbreviations or words to indicate that such person using
6697 same is a certified public accountant, unless such person
6698 qualifies for a practice privilege under Section 73-33-17, or at
6699 the discretion of the board, such person has been granted use of
6700 the title of "certified public accountant retired" by the
6701 Mississippi State Board of Public Accountancy or has received a
6702 reciprocal certified public accountant license from the State
6703 Board of Public Accountancy.

6704 (2) A certified public accountant practicing public
6705 accounting under a Mississippi license must be associated and
6706 registered with a certified public accountant firm.

6707 (3) The State Board of Public Accountancy shall grant and
6708 renew permits to practice as a CPA firm to applicants that
6709 demonstrate their qualifications in accordance with this section.

6710 (a) The following shall hold a permit issued under this
6711 section: any firm with an office in this state that practices
6712 public accountancy or that uses the title "CPA" or "CPA firm," and
6713 any firm that does not have an office in this state but performs



6714 the services described in Section 73-33-17(4) for a client having
6715 its home office in this state.

6716 (b) A firm that does not have an office in this state
6717 may perform a review of a financial statement to be performed in
6718 accordance with Statements on Standards for Accounting and Review
6719 Services, or a compilation as defined in Section 73-33-2(d), for a
6720 client having its home office in this state and may use the title
6721 "CPA" and "CPA firm" without a permit issued under this section
6722 only if such firm has the qualifications described in subsection
6723 (4), complies with the peer review requirements set forth by board
6724 rule, and performs such services through an individual with
6725 practice privileges under Section 73-33-17.

6726 (c) A firm that is not subject to the requirements of
6727 paragraph (a) or (b) of this subsection may perform other
6728 professional services within the practice of public accountancy
6729 while using the title "CPA" and "CPA firm" in this state without a
6730 permit issued under this section only if such firm performs such
6731 services through an individual with practice privileges under
6732 Section 73-33-17 and such firm can lawfully do so in the state
6733 where the individuals with practice privileges have their
6734 principal place of business.

6735 (4) In order to obtain and maintain a firm permit, a
6736 certified public accountant firm shall be required to show the
6737 following:



6738 (a) It is wholly owned by natural persons and not owned
6739 in whole or in part by business entities; and

6740 (b) A simple majority of the ownership of the firm in
6741 terms of financial interests and/or voting rights hold certified
6742 public accountant licenses in any state; however, the individuals
6743 whose principal place of business is in Mississippi and who
6744 perform professional services in this state shall hold a
6745 Mississippi certified public accountant license, and that
6746 individuals who qualify for practice privileges under Section
6747 73-33-17 who perform services for which a firm permit is required
6748 under Section 73-33-17(4) shall not be required to obtain a
6749 certificate pursuant to Section 73-33-3 or 73-33-9.

6750 (5) Any certified public accountant firm may include
6751 nonlicensee owners, provided that:

6752 (a) The firm designates a licensee of this state who is
6753 responsible for the proper registration of the firm and identifies
6754 that individual to the board; or in the case of a firm without a
6755 Mississippi office which must have a permit pursuant to subsection
6756 (3)(a), the firm designates a licensee of another state who meets
6757 the requirements provided in Section 73-33-17;

6758 (b) All nonlicensee owners are active individual
6759 participants in the certified public accountant firm or affiliated
6760 entities; and

6761 (c) The firm complies with such other requirements as
6762 the board may impose by rule.



6763 (6) Unless exempt from the firm permit requirement under
6764 Section 73-33-1(3), no person or persons shall engage in the
6765 practice of public accounting as defined herein as a partnership,
6766 joint venture or professional corporation, sole proprietor, or
6767 other business organization allowed by law, unless and until each
6768 business organization or office thereof located inside the State
6769 of Mississippi has registered with and been issued a firm permit
6770 by the State Board of Public Accountancy.

6771 **SECTION 75.** Section 73-38-9, Mississippi Code of 1972, is
6772 amended as follows:

6773 73-38-9. (1) To be eligible for licensure by the board as a
6774 speech-language pathologist or audiologist and to be eligible for
6775 registration as a speech-language pathology aide or audiology
6776 aide, a person shall:

6777 * * *

6778 (* * *a) (* * *i) For speech-language pathologists
6779 or audiologists, possess at least a master's degree or its
6780 equivalent in the area of speech-language pathology or audiology,
6781 as the case may be, from an educational institution recognized by
6782 the board;

6783 (* * *ii) For speech-language pathology aide or
6784 audiology aide, the board shall set minimum educational standards
6785 which shall be less than a bachelor's degree;

6786 (* * *b) For speech-language pathologists and
6787 audiologists, submit evidence of the completion of the



6788 educational, clinical experience and employment requirements,
6789 which requirements shall be based on appropriate national
6790 standards and prescribed by the rules and regulations adopted
6791 pursuant to this article;

6792 (* * * c) For speech-language pathologists and
6793 audiologists licensure applicants, pass an examination approved by
6794 the board. This examination may be taken either before or after
6795 the completion of the employment requirement specified pursuant to
6796 paragraph (c) of this subsection;

6797 (* * * d) For speech-language pathology aides and
6798 audiology aides, no examination shall be required.

6799 (2) To be eligible for the privilege to practice, applicants
6800 must meet the requirements set out in the Audiology and
6801 Speech-Language Pathology Interstate Compact.

6802 **SECTION 76.** Section 73-39-67, Mississippi Code of 1972, is
6803 amended as follows:

6804 73-39-67. (1) To obtain a license to practice veterinary
6805 medicine, a person shall file a written application and
6806 application fee with the board. The application shall show that
6807 the applicant is a graduate of an accredited college of veterinary
6808 medicine or has the educational equivalence as set by the board.
6809 The application shall also show * * * any other information and
6810 proof as the board may require.

6811 (2) If the board determines that the applicant possesses the
6812 proper qualifications, it shall admit the applicant to the next



6813 examination, or if the applicant is eligible for license by
6814 endorsement, the board may grant him a license. If an applicant
6815 is found not qualified to take the examination or for a license by
6816 endorsement, the board shall notify the applicant in writing
6817 within thirty (30) days of its finding and the grounds for its
6818 findings. An applicant found unqualified may request a hearing
6819 before the board.

6820 (3) The board may grant a temporary license to an applicant
6821 to practice veterinary medicine until the scheduled state board
6822 examination, if the applicant pays the application fee, provides
6823 sufficient evidence that he meets the qualifications for
6824 licensure, and provides evidence that he resides in the State of
6825 Mississippi. The board may grant a second temporary permit, but
6826 the board may not grant more than two (2) temporary permits to any
6827 one (1) person.

6828 (4) A person licensed by the board shall display the license
6829 in the facility in which the licensee practices.

6830 **SECTION 77.** Section 73-39-71, Mississippi Code of 1972, is
6831 amended as follows:

6832 73-39-71. (1) The board may issue a license by endorsement
6833 to an applicant who furnishes satisfactory proof that he is a
6834 graduate of an accredited college of veterinary medicine or the
6835 educational equivalence. The applicant must also show that
6836 he * * * is licensed to practice veterinary medicine in at least
6837 one (1) state, territory or district of the United States and has



6838 practiced veterinary medicine in one or more of those states
6839 without disciplinary action by any state or federal agency for at
6840 least the three (3) years immediately before filing the
6841 application.

6842 (2) The board may examine any person qualifying for
6843 licensing under this section.

6844 (3) The issuance of a license by endorsement to a
6845 military-trained applicant, military spouse or person who
6846 establishes residence in this state shall be subject to the
6847 provisions of Section 73-50-1 or 73-50-2, as applicable.

6848 **SECTION 78.** Section 73-53-13, Mississippi Code of 1972, is
6849 amended as follows:

6850 73-53-13. The board shall issue the appropriate license to
6851 applicants who meet the qualifications of this section.

6852 (a) A license as a "licensed social worker" shall be
6853 issued to an applicant who demonstrates to the satisfaction of the
6854 board that he or she meets the following qualifications:

6855 (i) Has a baccalaureate degree in social work from
6856 a college or university accredited by the Council on Social Work
6857 Education or Southern Association of Colleges and Schools and has
6858 satisfactorily completed the Association for Social Work Boards
6859 (ASWB) examination for this license; or

6860 (ii) Has a comparable license or registration from
6861 another state or territory of the United States of America that



6862 imposes qualifications substantially similar to those of this
6863 chapter.

6864 (b) A license as a "licensed master's social worker"
6865 shall be issued to an applicant who demonstrates to the
6866 satisfaction of the board that he or she meets the following
6867 qualifications:

6868 (i) Has a doctorate or master's degree from a
6869 school of social work accredited by the Council on Social Work
6870 Education; and

6871 (ii) Has satisfactorily completed the ASWB
6872 examination for this license; or

6873 (iii) Has a comparable license or registration
6874 from another state or territory of the United States of America
6875 that imposes qualifications substantially similar to those of this
6876 chapter.

6877 (c) A license as a "licensed certified social worker"
6878 shall be issued to an applicant who demonstrates to the
6879 satisfaction of the board that he or she meets the following
6880 qualifications:

6881 (i) Is licensed under this section as a "master's
6882 social worker"; and

6883 (ii) Has twenty-four (24) months of professional
6884 supervision and clinical or macro social work practice experience
6885 acceptable to the board, under appropriate supervision; and



6886 (iii) Has satisfactorily completed the ASWB
6887 examination for this license; or
6888 (iv) Has a comparable license or registration from
6889 another state or territory of the United States of America that
6890 imposes qualifications substantially similar to those of this
6891 chapter.

6892 (d) In addition to the above qualifications, an
6893 applicant for any of the above licenses must prove to the board's
6894 satisfaction:

6895 (i) Age of at least twenty-one (21) years, and
6896 * * *

6897 (* * *ii) United States of America citizenship or
6898 status as a legal resident alien, and
6899 (* * *iii) Absence of conviction of a * * *
6900 disqualifying crime as provided in the Fresh Start Act.
6901 Conviction, as used in this subparagraph, includes a deferred
6902 conviction, deferred prosecution, deferred sentence, finding or
6903 verdict of guilt, an admission of guilty, or a plea of nolo
6904 contendere, and
6905 (* * *iv) That the applicant has not been
6906 declared mentally incompetent by any court, and if any such decree
6907 has ever been rendered, that the decree has since been changed,
6908 and
6909 (* * *y) Freedom from dependency on alcohol or
6910 drugs, and



6911 (* * *vi) Complete criminal history records
6912 check, including a fingerprint and an acceptable sex offender
6913 check, by appropriate governmental authorities as prescribed by
6914 the board.

6915 (e) Only individuals licensed as "certified social
6916 workers" shall be permitted to call themselves "clinical social
6917 workers."

6918 The issuance of a license by reciprocity to a
6919 military-trained applicant, military spouse or person who
6920 establishes residence in this state shall be subject to the
6921 provisions of Section 73-50-1 or 73-50-2, as applicable.

6922 Each application or filing made under this section shall
6923 include the social security number(s) of the applicant in
6924 accordance with Section 93-11-64.

6925 **SECTION 79.** Section 73-54-13, Mississippi Code of 1972, is
6926 amended as follows:

6927 73-54-13. Each person desiring to obtain a license as
6928 a marriage and family therapist or marriage and family therapy
6929 associate shall make application thereof to the board in such
6930 manner as the board prescribes and with required application fees
6931 and shall furnish evidence satisfactory to the board that he or
6932 she:

6933 * * *



6934 (* * *a) Has not engaged or is not engaged in any
6935 practice or conduct which would be a ground for refusing to issue
6936 a license under Section 73-54-29 or Section 73-53-17;

6937 (* * *b) Is qualified for licensure pursuant to the
6938 requirements of this chapter; and

6939 (* * *c) Is at least twenty-one (21) years of age.

6940 **SECTION 80.** Section 73-63-27, Mississippi Code of 1972, is
6941 amended as follows:

6942 73-63-27. (1) (a) Except as provided in subsections (2)
6943 and (3) of this section, the following shall be considered as
6944 minimum evidence satisfactory to the board that the applicant is
6945 qualified for registration as a registered professional geologist:

6946 (i) Graduation from a course of study in geology
6947 satisfactory to the board from an accredited college or
6948 university, or from a program accredited by an organization
6949 recognized by the board, of four (4) or more years and which
6950 includes at least thirty (30) semester or forty-five (45) quarter
6951 hours of credit, with a major in geology or a geological
6952 specialty;

6953 (ii) Demonstration through a specific record of a
6954 minimum of four (4) years of qualifying experience, after
6955 completion of the academic requirements, in geology or a specialty
6956 indicating that the applicant is competent to practice geology or
6957 a specialty. The board may require the experience be gained under
6958 the supervision of a geologist registered in this state or any



6959 other state with at least as stringent geologic registration
6960 requirements, or under the supervision of others who, in the
6961 opinion of the board, are qualified to have responsible charge of
6962 geological work;

6963 (iii) Successful passage of at least one (1)
6964 examination in geology as determined and prescribed by the board;
6965 and

6966 (iv) Other requirements as may be established in
6967 rules and regulations by the board.

6968 (b) In addition to the qualifications named in
6969 paragraph (a) of this subsection, applicants for registration as a
6970 registered professional geologist shall include with their
6971 application at least three (3) letters of reference from
6972 geologists having personal knowledge of the applicant's geologic
6973 experience.

6974 (c) The board may give credit for a master's degree in
6975 the geological sciences or in a specialty as one (1) year of
6976 professional experience and an earned doctorate degree in the
6977 geological sciences or in a specialty as two (2) years of
6978 professional experience. The board shall not give more than two
6979 (2) years of professional experience credit for the completion of
6980 all graduate degrees.

6981 (d) The board may give credit for geological research
6982 or teaching of persons studying geology or a specialty at an
6983 accredited college or university level as qualifying experience,



6984 if the research or teaching, in the opinion of the board, is
6985 comparable to experience obtained in the practice of geology or a
6986 specialty.

6987 (e) The board may adopt qualifications which, in its
6988 judgment, are equivalent to the educational and experience
6989 requirements in subsection (1)(a) of this section.

6990 * * *

6991 (2) Before December 31, 1998, any applicant who applies for
6992 registration or enrollment shall be considered qualified, without
6993 written examination, if the applicant possesses the qualifications
6994 prescribed in subsection (1) or (3) of this section, as the case
6995 may be.

6996 (3) An applicant who applies for registration before July 1,
6997 1998, shall be qualified without written examination, if the
6998 applicant possesses the following qualifications:

6999 (a) A bachelor's degree from an accredited college or
7000 university in civil engineering with a minimum of fifteen (15)
7001 semester hours or an equivalent number of quarter hours of credit
7002 in geology or a geologically-related course, as determined by the
7003 board;

7004 (b) A certificate of registration as a professional
7005 engineer in the State of Mississippi; and

7006 (c) A minimum of ten (10) years of qualifying
7007 experience in geotechnical or geological engineering work
7008 demonstrated by a specific record.



7009 If the board determines after review of the academic and
7010 experience qualifications required by this subsection that the
7011 applicant is competent to practice geology, the board may issue a
7012 certificate of registration under this chapter.

7013 (4) Applicants for enrollment as a geologist-in-training
7014 shall meet the qualifications for a registered professional
7015 geologist, except the requirement for four (4) years of
7016 experience.

7017 (5) The board may adopt requirements for the issuance of
7018 temporary registrations. Qualifications for temporary
7019 registrations shall be consistent with those required under this
7020 chapter.

7021 (6) Upon written request of an applicant, the board may
7022 waive, on a case-by-case basis, any requirement for registration
7023 or enrollment, except payment of the applicable fees. The request
7024 shall state the reasons a waiver should be granted. The
7025 requirements waived and the basis for that waiver shall be
7026 recorded in the applicant's record and in the proceedings of the
7027 board, and any waiver may be subject to repeal or suspension as
7028 determined by the board.

7029 **SECTION 81.** Section 73-67-21, Mississippi Code of 1972, is
7030 amended as follows:

7031 73-67-21. (1) It shall be the responsibility of a massage
7032 therapy establishment to verify the current license of any and all
7033 persons practicing massage therapy at the location of or on behalf



7034 of the establishment. Failure to comply is subject to penalty
7035 assessed by the board of not less than Five Hundred Dollars
7036 (\$500.00) and not more than One Thousand Dollars (\$1,000.00) per
7037 offense.

7038 (2) No person may advertise massage or practice massage for
7039 compensation in this state unless he is licensed as a massage
7040 therapist by the board. No person may use the title of or
7041 represent himself to be a massage therapist or use any other
7042 title, abbreviations, letters, figures, signs or devices that
7043 indicate that the person is a massage therapist unless he is
7044 licensed to practice massage therapy under the provisions of this
7045 chapter. A current massage therapy license issued by the board
7046 shall at all times be prominently displayed in any place where
7047 massage therapy is being practiced.

7048 (3) The following are requirements for licensure:

7049 (a) An applicant must be eighteen (18) years of age, or
7050 older, on the date the application is submitted.

7051 (b) An application must provide proof of high school
7052 graduate equivalency.

7053 (c) An applicant must be of legal status not only to
7054 receive a license, but also to work in the State of Mississippi
7055 with that license.

7056 (d) An applicant must supply proof of current
7057 certification in cardiopulmonary resuscitation (CPR) and first aid
7058 of at least eight (8) hours of training, including practical



7059 testing, and supply documentation of familiarity with the
7060 Americans with Disabilities Act.

7061 (e) All required fees for licensure must be submitted
7062 by the applicant.

7063 (f) Any and all requirements regarding * * *
7064 competency, as provided for in this chapter and in accepted codes
7065 of ethics, shall be met.

7066 (g) An applicant must have completed an approved course
7067 on communicable diseases, including HIV/AIDS information and
7068 prevention.

7069 (h) The applicant's official and certified
7070 transcript(s) from the applicant's massage therapy school. The
7071 transcript must verify that the applicant has completed a
7072 board-approved training program of no less than the minimum
7073 requirement for massage therapy instruction and student clinic,
7074 with a minimum grade requirement of "C" or better in every course
7075 of instruction, as stated for school requirements.

7076 (4) The following pre-act practitioners are exempt from
7077 having to take any examination for licensure, but must fulfill all
7078 other requirements as stated in this chapter, except for the
7079 requirements in subsection (3)(h) of this section:

7080 (a) Those having more than three hundred (300)
7081 documented, board-accepted hours of massage therapy education
7082 before January 1, 2001.



7083 (b) Those having more than five (5) years of
7084 professional massage therapy experience and a minimum of one
7085 hundred fifty (150) hours of approved massage therapy education.

7086 (c) Those having no formal training, but who have
7087 successfully passed the National Certification Examination for
7088 Therapeutic Massage and Bodywork.

7089 (d) All grandfathering exemption allowances as stated
7090 in this subsection (4) shall end on July 1, 2002, for nonstudents,
7091 and on June 1, 2003, for students who were enrolled in a part-time
7092 massage school curriculum on July 1, 2001. Individuals may apply
7093 for a license until the grandfathering exemption ends, but may not
7094 practice massage beyond the allowed grace period as provided for
7095 in Section 73-67-37 unless a valid massage therapy license or
7096 provisional permit is obtained. Except as provided in subsection
7097 (5) of this section, all other pre-act practitioners and anyone
7098 not practicing massage therapy before January 1, 2001, must take
7099 and pass the licensure examination and follow the requirements in
7100 this chapter to practice massage therapy for compensation in
7101 Mississippi.

7102 (e) Students enrolled in a massage therapy curriculum
7103 of at least five hundred (500) hours on July 1, 2001, who complete
7104 graduation from the same curriculum.

7105 (5) Any person who has practiced massage therapy for a
7106 period of more than twenty-five (25) years before March 14, 2005,
7107 who is employed as a massage therapist by a YMCA or YWCA



authorized and existing as a nonprofit corporation under the laws of this state on March 14, 2005, is exempt from having to take any examination for licensure, but must fulfill all other requirements as stated in this chapter, except for the requirements in subsection (3)(b), (d), (g) and (h) of this section. Persons exempt under this subsection may apply for a massage therapy license until January 1, 2006, but may not practice massage therapy after January 1, 2006, unless a valid license is obtained.

(6) Certificates of registration issued by the board before July 1, 2008, shall remain valid as licenses until the next renewal period.

(7) An applicant must have successfully been cleared for licensure through an investigation that shall consist of a * * * verification that the prospective licensee is not guilty of or in violation of any statutory ground for denial of licensure as set forth in Section 73-67-27.

(a) To assist the board in conducting its licensure investigation, all applicants 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 shall submit a full set of the applicant's fingerprints in a form and manner prescribed by the board, which shall be forwarded to the Mississippi Department of Public Safety (department) and the Federal Bureau of Investigation Identification Division for this purpose.



7133 (b) Any and all state or national criminal history
7134 records information obtained by the board that is not already a
7135 matter of public record shall be deemed nonpublic and confidential
7136 information restricted to the exclusive use of the board, its
7137 members, officers, investigators, agents and attorneys in
7138 evaluating the applicant's eligibility or disqualification for
7139 licensure, and shall be exempt from the Mississippi Public Records
7140 Act of 1983. Except when introduced into evidence in a hearing
7141 before the board to determine licensure, no such information or
7142 records related thereto shall, except with the written consent of
7143 the applicant or by order of a court of competent jurisdiction, be
7144 released or otherwise disclosed by the board to any other person
7145 or agency.

7146 (c) The board shall provide to the department the
7147 fingerprints of the applicant, any additional information that may
7148 be required by the department, and a form signed by the applicant
7149 consenting to the check of the criminal records and to the use of
7150 the fingerprints and other identifying information required by the
7151 state or national repositories.

7152 (d) The board shall charge and collect from the
7153 applicant, in addition to all other applicable fees and costs,
7154 such amount as may be incurred by the board in requesting and
7155 obtaining state and national criminal history records information
7156 on the applicant.



7157 **SECTION 82.** Section 73-71-19, Mississippi Code of 1972, is
7158 amended as follows:

7159 73-71-19. (1) No person shall be licensed to practice
7160 acupuncture unless he or she has passed an examination and/or has
7161 been found to have the necessary qualifications as prescribed in
7162 the regulations adopted by the board.

7163 (2) Before any applicant is eligible for an examination or
7164 qualification, he or she shall furnish satisfactory proof that he
7165 or she:

7166 (a) Is a citizen or permanent resident of the United
7167 States;

7168 (b) Has demonstrated proficiency in the English
7169 language;

7170 (c) Is at least twenty-one (21) years of age;

7171 * * *

7172 (* * *d) Has completed a program of acupuncture and
7173 has received a certificate or diploma from an institute approved
7174 by the board, according to the provisions of this chapter;

7175 (* * *e) Has completed a clinical internship training
7176 as approved by the board; and

7177 (* * *f) Has received training in cardiopulmonary
7178 resuscitation (CPR).

7179 (3) The board may hold an examination at least once a year,
7180 and all applicants shall be notified in writing of the date and
7181 time of all examinations. The board may use a NCCAOM examination



if it deems that national examination to be sufficient to qualify a practitioner for licensure in this state. In no case shall the state's own examination be less rigorous than the nationally recognized examination.

(4) In addition to the written examination, if the nationally recognized examination does not provide a suitable practical examination comparable to board standards, the board shall examine each applicant in the practical application of Oriental medical diagnostic and treatment techniques in a manner and by methods that reveal the applicant's skill and knowledge.

(5) The board shall require all qualified applicants to be examined in the following subjects:

- (a) Anatomy and physiology;
- (b) Pathology;
- (c) Diagnosis;
- (d) Hygiene, sanitation and sterilization techniques;
- (e) All major acupuncture principles, practices and techniques; and
- (f) Clean Needle Technique Exam.

(6) To assist the board in conducting its licensure investigation, all applicants 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 shall submit a full set of the applicant's fingerprints in a form and manner prescribed by the



7207 board, which shall be forwarded to the Mississippi Department of
7208 Public Safety (department) and the Federal Bureau of Investigation
7209 Identification Division for this purpose. Any and all state or
7210 national criminal history records information obtained by the
7211 board that is not already a matter of public record shall be
7212 deemed nonpublic and confidential information restricted to the
7213 exclusive use of the board, its members, officers, investigators,
7214 agents and attorneys in evaluating the applicant's eligibility or
7215 disqualification for licensure, and shall be exempt from the
7216 Mississippi Public Records Act of 1983. Except when introduced
7217 into evidence in a hearing before the board to determine
7218 licensure, no such information or records related thereto shall,
7219 except with the written consent of the applicant or by order of a
7220 court of competent jurisdiction, be released or otherwise
7221 disclosed by the board to any other person or agency. The board
7222 shall provide to the department the fingerprints of the applicant,
7223 any additional information that may be required by the department,
7224 and a form signed by the applicant consenting to the check of the
7225 criminal records and to the use of the fingerprints and other
7226 identifying information required by the state or national
7227 repositories. The board shall charge and collect from the
7228 applicant, in addition to all other applicable fees and costs,
7229 such amount as may be incurred by the board in requesting and
7230 obtaining state and national criminal history records information
7231 on the applicant.



(7) The board shall issue a license to every applicant whose application has been filed with and approved by the board and who has paid the required fees and who either:

(a) Has passed the board's written examination and practical examination, with a score of not less than seventy percent (70%) on each examination; or

(b) Has achieved a passing score on a board approved nationally recognized examination, which examination includes a written and practical portion, as determined by the board; or

(c) Has received certification from a board approved national certification process; or

(d) Has achieved a passing score on a board approved nationally recognized written examination and has passed the board's practical examination with a score of not less than seventy percent (70%).

(8) The board shall keep a record of all examinations held, together with the names and addresses of all persons taking examinations, and the examination results. Within forty-five (45) days after the examination, the board shall give written notice of the results of the examination to each applicant.

SECTION 83. Section 75-27-305, Mississippi Code of 1972, is amended as follows:

75-27-305. (1) A citizen of the United States or a person who has declared his or her intention of becoming such a citizen, who is a resident of the State of Mississippi, not less than



7257 twenty-one (21) years of age, * * * who has the ability to weigh
7258 accurately and to make correct weight certificates, and who has
7259 received from the commissioner a license as a bonded weighmaster,
7260 shall be styled and authorized to act as a bonded weighmaster.

7261 (2) The commissioner may adopt rules and regulations for
7262 determining the qualifications of the applicant for license as a
7263 bonded weighmaster. The commissioner may pass upon the
7264 qualifications of the applicant upon the basis of the information
7265 supplied in the application, may examine such applicant orally or
7266 in writing, or both, for the purpose of determining his or her
7267 qualifications. The commissioner shall grant licenses to such
7268 applicants as may be found to possess the qualifications required
7269 herein. The commissioner shall keep a record of all such
7270 applications and of all licenses issued thereon.

7271 **SECTION 84.** Section 75-57-49, Mississippi Code of 1972, is
7272 amended as follows:

7273 75-57-49. (1) Before any person shall be granted a permit
7274 to, or shall engage in or continue in the business of the
7275 distributing, either wholesale or retail, installing, altering,
7276 extending, changing or repairing of any liquefied compressed gas
7277 system, appliance or container, or in the business of distributing
7278 and selling liquefied compressed gas, either at wholesale or
7279 retail, whether from trucks or other vessels, in cylinders or in
7280 any other manner, such person shall satisfy the State Liquefied
7281 Compressed Gas Board that he or she is * * * competent to transact



7282 business so as to safeguard the interest of the public, and is
7283 financially responsible; and this provision as to financial
7284 responsibility shall be met by such person by filing with the
7285 State Liquefied Compressed Gas Board evidence that he or she has
7286 in force such of the hereinafter listed insurance policies on
7287 standard contract forms and written by an insurance company, or
7288 companies, qualified to do business in the State of Mississippi,
7289 as the State Liquefied Compressed Gas Board shall require, based
7290 upon those activities listed above in which such person is
7291 engaged, to wit:

7292 **ANY PERSON THAT ENGAGES IN FILLING CYLINDERS AND MOTOR FUEL**
7293 **TANKS WITH LIQUEFIED COMPRESSED GAS ON THEIR PREMISES OR ANY**
7294 **PERSON WHO IS IN THE BUSINESS OF INSTALLING LC GAS CARBURETION OR**
7295 **APPLIANCES:**

	Limits of Liability	
	Each	
	Occasion	Aggregate
7296		
7297		
7298		
7299	Manufacturers and Contractors	
7300	Public Liability	\$100,000 \$300,000
7301	Products Liability	\$100,000 \$300,000
7302	Workers' Compensation and	
7303	Employers' Liability	
7304	Insurance	State Statute

7305 **ANY PERSON THAT ENGAGES IN ANY PHASE OF THE LIQUEFIED**
7306 **COMPRESSED GAS BUSINESS OTHER THAN CYLINDER-FILLING LOCATIONS:**



7307		Limits of Liability		
7308		Bodily Injury		Property
7309		Each	Each	Damage Each
7310		Person	Accident	Accident
7311	Automobile Public Liability	\$500,000	\$1,000,000	\$1,000,000
7312		Each		
7313		Occasion	Aggregate	
7314	Manufacturers and Contractors			
7315	Public Liability	\$1,000,000	\$1,000,000	
7316	Products Liability	\$1,000,000	\$1,000,000	
7317	Workers' Compensation and			
7318	Employers' Liability			
7319	Insurance	State Statute		

7320 (2) The State Liquefied Compressed Gas Board shall not

7321 require insurance coverage as specified above unless the hazard of

7322 liquefied compressed gases is involved.

7323 (3) No policy issued under the provisions of this chapter

7324 may be cancelled before thirty (30) days from the date of receipt

7325 by the Commissioner of Insurance of written notice of intention to

7326 cancel the policy.

7327 (4) It is expressly provided, however, that in lieu of

7328 filing with the State Liquefied Compressed Gas Board evidence that

7329 such insurance, as outlined above, is in force, any such person

7330 may file with the State Liquefied Compressed Gas Board a good and

7331 sufficient surety bond executed by a surety company licensed to do



business in this state in the amount of One Million Dollars (\$1,000,000.00), which such bond shall be payable to the State of Mississippi and shall be conditioned to guarantee the payment of all damages which proximately result from any act of negligence on the part of such person, or their agents or employees, while engaged in any of the activities herein specified. In lieu of the surety bond, any such person may execute and file a good and sufficient personal bond in the amount and conditioned as specified above, which such personal bond shall be secured by bonds or other obligations of the State of Mississippi or the United States government, of equal value.

(5) Upon compliance with the provisions of this section, where such compliance is required, and upon compliance with all other provisions of this chapter, the State Liquefied Compressed Gas Board shall issue to such dealer a permit to engage in such business, but not before. All such permits shall be valid until voluntarily surrendered, or until suspended, revoked or cancelled by the State Liquefied Compressed Gas Board, the Commissioner of Insurance or the chancery or circuit court. All permits issued under the provisions of Chapter 170, Laws of 1940, as amended, or Chapter 265, Laws of 1946, shall remain in full force and effect until the expiration date thereof at which time they must be renewed under the terms and conditions of this chapter.

SECTION 85. Section 75-60-31, Mississippi Code of 1972, is amended as follows:



7357 75-60-31. No agent permit shall be issued pursuant to
7358 Section 75-60-25 to any person found by the Commission on
7359 Proprietary School and College Registration * * * to have been
7360 convicted of a disqualifying crime as provided in the Fresh Start
7361 Act.

7362 **SECTION 86.** Section 75-60-33, Mississippi Code of 1972, is
7363 amended as follows:

7364 75-60-33. Any agent permit issued may be revoked by the
7365 Commission on Proprietary School and College Registration if the
7366 holder of the permit solicits or enrolls students through fraud,
7367 deception or misrepresentation * * *.

7368 The Commission on Proprietary School and College Registration
7369 shall hold informal conferences pursuant to Section 75-60-19 with
7370 an agent believed to be in violation of one or more of the above
7371 conditions. If these conferences fail to eliminate the agent's
7372 objectionable practices or procedures, the commission shall hold a
7373 public hearing. A record of such proceedings shall be taken and
7374 appeals to the commission shall be upon such record, except as may
7375 be provided by rules and regulations to be adopted by the
7376 commission. Nothing said or done in the informal conferences
7377 shall be disclosed by the staff of the commission nor be used as
7378 evidence in any subsequent proceedings.

7379 **SECTION 87.** Section 75-76-67, Mississippi Code of 1972, is
7380 amended as follows:



7381 75-76-67. (1) Any person who the commission determines is
7382 qualified to receive a license or be found suitable under the
7383 provisions of this chapter, having due consideration for the
7384 proper protection of the health, safety, morals, good order and
7385 general welfare of the inhabitants of the State of Mississippi and
7386 the declared policy of this state, may be issued a state gaming
7387 license or found suitable. The burden of proving his
7388 qualification to receive any license or be found suitable is on
7389 the applicant.

7390 (2) An application to receive a license or be found suitable
7391 shall not be granted unless the commission is satisfied that the
7392 applicant is:

7393 (a) A person of * * * honesty and integrity;

7394 (b) A person whose prior activities, criminal record,
7395 if any, reputation, habits and associations do not pose a threat
7396 to the public interest of this state or to the effective
7397 regulation and control of gaming, or create or enhance the dangers
7398 of unsuitable, unfair or illegal practices, methods and activities
7399 in the conduct of gaming or the carrying on of the business and
7400 financial arrangements incidental thereto; and

7401 (c) In all other respects qualified to be licensed or
7402 found suitable consistent with the declared laws of the state.

7403 (3) No person shall be granted a license or found suitable
7404 under the provisions of this chapter who has been convicted of
7405 a * * * disqualifying crime as provided in the Fresh Start Act in



7406 any court of this state, another state, or the United States; and
7407 no person shall be granted a license or found suitable hereunder
7408 who has been convicted of a * * * disqualifying crime as provided
7409 in the Fresh Start Act in any court of another state or the United
7410 States which, if committed in this state, would be a * * *
7411 disqualifying crime; and no person shall be granted a license or
7412 found suitable under the provisions of this chapter who has been
7413 convicted of a misdemeanor in any court of this state or of
7414 another state, when such conviction was for gambling, sale of
7415 alcoholic beverages to minors, prostitution, or procuring or
7416 inducing individuals to engage in prostitution.

7417 (4) A license to operate a gaming establishment shall not be
7418 granted unless the applicant has satisfied the commission that:

7419 (a) He has adequate business probity, competence and
7420 experience, in gaming or generally; and

7421 (b) The proposed financing of the entire operation is:

7422 (i) Adequate for the nature of the proposed
7423 operation; and

7424 (ii) From a suitable source. Any lender or other
7425 source of money or credit which the commission finds does not meet
7426 the standards set forth in subsection (2) may be deemed
7427 unsuitable.

7428 (5) An application to receive a license or be found suitable
7429 constitutes a request for a determination of the applicant's
7430 general * * * integrity and ability to participate or engage in,



7431 or be associated with gaming. Any written or oral statement made
7432 in the course of an official proceeding of the commission or the
7433 executive director or any witness testifying under oath which is
7434 relevant to the purpose of the proceeding is absolutely privileged
7435 and does not impose liability for defamation or constitute a
7436 ground for recovery in any civil action.

7437 (6) The commission may, in its discretion, grant a license
7438 to a corporation which has complied with the provisions of this
7439 chapter.

7440 (7) The commission may, in its discretion, grant a license
7441 to a limited partnership which has complied with the provisions of
7442 this chapter.

7443 (8) No limited partnership, except one whose sole limited
7444 partner is a publicly traded corporation which has registered with
7445 the commission, or business trust or organization or other
7446 association of a quasi-corporate character is eligible to receive
7447 or hold any license under this chapter unless all persons having
7448 any direct or indirect interest therein of any nature whatsoever,
7449 whether financial, administrative, policymaking or supervisory,
7450 are individually qualified to be licensed under the provisions of
7451 this chapter.

7452 (9) The commission may, by regulation, limit the number of
7453 persons who may be financially interested and the nature of their
7454 interest in any corporation or other organization or association
7455 licensed under this chapter, and may establish such other



7456 qualifications of licenses as the commission, in its discretion,
7457 deems to be in the public interest and consistent with the
7458 declared policy of the state.

7459 **SECTION 88.** Section 81-18-9, Mississippi Code of 1972, is
7460 amended as follows:

7461 81-18-9. (1) Applicants for a license shall apply in a form
7462 as prescribed by the commissioner. Each such form shall contain
7463 content as set forth by rule, regulation, instruction or procedure
7464 of the commissioner and may be changed or updated as necessary by
7465 the commissioner in order to carry out the purposes of this
7466 chapter.

7467 (2) The mortgage broker and mortgage lender application
7468 through the Nationwide Mortgage Licensing System and Registry
7469 shall include, but is not limited to, the following:

7470 (a) The legal name, residence and business address of
7471 the applicant and, if applicable, the legal name, residence and
7472 business address of every principal and executive officer,
7473 together with the résumé of the applicant and of every principal
7474 and executive officer of the applicant. In addition, an
7475 independent credit report obtained from a consumer-reporting
7476 agency described in Section 603(p) of the Fair Credit Reporting
7477 Act and information related to any administrative, civil or
7478 criminal findings by any governmental jurisdiction of every
7479 principal and executive officer.



7480 (b) The legal name of the mortgage broker or mortgage
7481 lender in addition to the name under which the applicant will
7482 conduct business in the state, neither of which may be already
7483 assigned to a licensed mortgage broker or mortgage lender.

7484 (c) The complete address of the applicant's principal
7485 place of business, branch office(s) and any other locations at
7486 which the applicant will engage in any business activity covered
7487 by this chapter. All locations shall be within the United States
7488 of America or a territory of the United States of America,
7489 including Puerto Rico and the U.S. Virgin Islands.

7490 (d) A copy of the certificate of incorporation, if a
7491 Mississippi corporation.

7492 (e) Documentation satisfactory to the department as to
7493 a certificate of existence of authority to transact business
7494 lawfully in Mississippi from the Mississippi Secretary of State's
7495 office, if a limited liability company, partnership, trust or any
7496 other group of persons, however organized. This paragraph does
7497 not pertain to applicants organized as an individual or as a sole
7498 proprietorship.

7499 (f) If a foreign entity, a copy of a certificate of
7500 authority to conduct business in Mississippi and the address of
7501 the principal place of business of the foreign entity.

7502 (g) Documentation of a minimum of two (2) years'
7503 experience directly related to mortgage activities by a person
7504 named as the qualifying individual of the company. The qualifying



7505 individual shall be primarily responsible for the operations of
7506 the licensed mortgage broker or mortgage lender. Only one (1)
7507 qualifying individual shall be named for Mississippi and this
7508 person shall be the qualifying individual for only one (1)
7509 licensee. Evidence of experience shall include, where applicable:

7510 (i) Copies of business licenses issued by
7511 governmental agencies.

7512 (ii) Employment history of the person filing the
7513 application for at least two (2) years before the date of the
7514 filing of an application, including, but not limited to, job
7515 descriptions, length of employment, names, addresses and phone
7516 numbers for past employers.

7517 (iii) Any other data and pertinent information as
7518 the department may require with respect to the applicant, its
7519 directors, principals, trustees, officers, members, contractors or
7520 agents. A résumé alone shall not be sufficient proof of
7521 employment history.

7522 (3) The mortgage broker and mortgage lender applications
7523 shall be filed on the Nationwide Mortgage Licensing System and
7524 Registry together with the following:

7525 (a) The license fee specified in Section 81-18-15;

7526 (b) An original or certified copy of a surety bond in
7527 favor of the State of Mississippi for the use, benefit and
7528 indemnity of any person who suffers any damage or loss as a result



7529 of the company's breach of contract or of any obligation arising
7530 therefrom or any violation of law;

7531 (c) A set of fingerprints from any local law
7532 enforcement agency from the following applicants:

7533 (i) All persons operating as a sole proprietorship
7534 that plan to conduct a mortgage-brokering or lending business in
7535 the State of Mississippi;

7536 (ii) Partners in a partnership or principal owners
7537 of a limited liability company that own at least ten percent (10%)
7538 of the voting shares of the company;

7539 (iii) Any shareholders owning ten percent (10%) or
7540 more of the outstanding shares of the corporation;

7541 (iv) All executive officers of the applicant;

7542 (v) All loan originators; and

7543 (vi) The named qualifying individual of the
7544 company as required in Section 81-18-9(2)(g). The applicant shall
7545 name only one (1) individual as the qualifying individual for the
7546 State of Mississippi; and

7547 (d) At least one (1) employee shall be licensed as a
7548 loan originator at a licensed location.

7549 (4) In connection with an application for licensing as a
7550 mortgage broker or lender under this chapter, the required
7551 stockholders, owners, directors and executive officers of the
7552 applicant shall, at a minimum, furnish to the Nationwide Mortgage



7553 Licensing System and Registry information concerning the
7554 individual's identity, including:

7555 (a) Fingerprints from any local law enforcement agency
7556 for submission to the Federal Bureau of Investigation and any
7557 governmental entity authorized to receive that information for a
7558 state, national and/or international criminal history background
7559 check; and

7560 (b) Personal history and experience in a form
7561 prescribed by the Nationwide Mortgage Licensing System and
7562 Registry, including the submission of authorization for the
7563 Nationwide Mortgage Licensing System and Registry and the
7564 commissioner to obtain:

7565 (i) An independent credit report obtained from a
7566 consumer-reporting agency described in Section 603(p) of the Fair
7567 Credit Reporting Act; and

7568 (ii) Information related to any administrative,
7569 civil or criminal findings by any governmental jurisdiction.

7570 (5) Upon receipt of an application for licensure, the
7571 department or designated third party shall conduct an
7572 investigation as it deems necessary to determine that the
7573 applicant and its officers, directors and principals are of
7574 good * * * ethical reputation; that the applicant demonstrates
7575 reasonable financial responsibility; and that the applicant has
7576 reasonable policies and procedures to receive and process customer
7577 grievances and inquiries promptly and fairly.



7578 (6) The commissioner shall not license an applicant unless
7579 he is satisfied that the applicant will operate its mortgage
7580 activities in compliance with the laws, rules and regulations of
7581 this state and the United States.

7582 (7) If an applicant satisfies the requirements of this
7583 chapter for a mortgage broker or mortgage lender license, the
7584 commissioner shall issue the license unless the commissioner finds
7585 any of the following:

7586 (a) The applicant has had a mortgage lender, mortgage
7587 broker or mortgage servicer license revoked in any governmental
7588 jurisdiction, except that a subsequent formal vacation of the
7589 revocation shall not be deemed a revocation; or

7590 (b) The applicant or its controlling persons has been
7591 convicted of, or pled guilty or nolo contendere to, (i) a * * *
7592 disqualifying crime as provided in the Fresh Start Act; or (ii) at
7593 any time preceding the date of application if such * * * crime
7594 involved an act of fraud, dishonesty, a breach of trust, or money
7595 laundering. However, any pardon or expungement of a conviction
7596 shall not be a conviction for purposes of this subsection.

7597 (8) Applicants for a mortgage loan originator license shall
7598 apply in a form as prescribed by the commissioner and shall be
7599 filed on the Nationwide Mortgage Licensing System and Registry.
7600 Each such form shall contain content as set forth by rules,
7601 regulations, instructions or procedures of the commissioner and
7602 may be changed or updated as necessary by the commissioner in



7603 order to carry out the purposes of this chapter. The initial
7604 license of a mortgage loan originator shall be accompanied by a
7605 fee of Two Hundred Dollars (\$200.00), to be paid to the Nationwide
7606 Mortgage Licensing System and Registry, and any additional fees as
7607 required by the Nationwide Mortgage Licensing System and Registry.
7608 The commissioner shall not issue a mortgage loan originator
7609 license unless the commissioner makes at a minimum the following
7610 findings:

7611 (a) The applicant has never had a mortgage loan
7612 originator license revoked in any governmental jurisdiction,
7613 except that a later formal vacation of that revocation shall not
7614 be deemed a revocation.

7615 (b) The applicant has not been convicted of, or pled
7616 guilty or nolo contendere to, (i) a * * * disqualifying crime as
7617 provided in the Fresh Start Act; or (ii) at any time preceding the
7618 date of application if such * * * crime involved an act of fraud,
7619 dishonesty, a breach of trust or money laundering. However, any
7620 pardon or expungement of a conviction shall not be a conviction
7621 for purposes of this subsection.

7622 (c) The applicant has demonstrated financial
7623 responsibility, character and general fitness such as to command
7624 the confidence of the community and to warrant a determination
7625 that the mortgage loan originator will operate honestly, fairly
7626 and efficiently within the purposes of this chapter.



7627 (d) The applicant has completed the prelicensing
7628 education requirement described in Section 81-18-14(1).

7629 (e) The applicant has passed a written test that meets
7630 the test requirement described in Section 81-18-14(7).

7631 (f) The applicant has met the surety bond requirement
7632 as provided in Section 81-18-11.

7633 (g) This individual must work for a Mississippi
7634 licensed company and work from the location licensed with the
7635 department. The licensed location that he or she is assigned to
7636 must be within one hundred twenty-five (125) miles of his or her
7637 residency. If the licensed loan originator resides and works in
7638 Mississippi, then he or she may work from any licensed location of
7639 the licensed company within the State of Mississippi. However, an
7640 owner of a minimum of ten percent (10%) of a licensed company or
7641 the named qualifying individual on file with the department, who
7642 is a licensed loan originator with the department, may work from
7643 any licensed location of the licensed company within the State of
7644 Mississippi in the capacity of a loan originator as described in
7645 this chapter.

7646 (9) In order to fulfill the purposes of this chapter, the
7647 commissioner is authorized to establish relationships or contracts
7648 with the Nationwide Mortgage Licensing System and Registry or
7649 other entities designated by the Nationwide Mortgage Licensing
7650 System and Registry to collect and maintain records and process



transaction fees or other fees related to licensees or other persons subject to this chapter.

(10) In connection with an application for licensing as a mortgage loan originator, the applicant shall, at a minimum, furnish to the Nationwide Mortgage Licensing System and Registry information concerning the applicant's identity, including:

(a) Fingerprints for submission to the Federal Bureau of Investigation, and any governmental agency or entity authorized to receive that information for a state, national and/or international criminal history background check; and

(b) Personal history and experience in a form prescribed by the Nationwide Mortgage Licensing System and Registry, including the submission of authorization for the Nationwide Mortgage Licensing System and Registry and the commissioner to obtain:

(i) An independent credit report obtained from a consumer-reporting agency described in Section 603(p) of the Fair Credit Reporting Act; and

(ii) Information related to any administrative, civil or criminal findings by any governmental jurisdiction.

(11) For the purposes of this section and in order to reduce the points of contact which the Federal Bureau of Investigation may have to maintain for purposes of subsection (10)(a) and (b)(ii) of this section, the commissioner may use the Nationwide Mortgage Licensing System and Registry as a channeling agent for



requesting information from and distributing information to the Department of Justice or any governmental agency.

(12) For the purposes of this section and in order to reduce the points of contact which the commissioner may have to maintain for purposes of subsection (10)(b)(i) and (ii) of this section, the commissioner may use the Nationwide Mortgage Licensing System and Registry as a channeling agent for requesting and distributing information to and from any source so directed by the commissioner.

SECTION 89. Section 83-17-75, Mississippi Code of 1972, is amended as follows:

83-17-75. (1) An insurance producer shall not act as an agent of an insurer unless the insurance producer becomes an appointed agent of that insurer. An insurance producer who is not acting as an agent of an insurer is not required to become appointed.

(2) To appoint a producer as its agent, the appointing insurer shall file, in a format approved by the commissioner, a notice of appointment within fifteen (15) days from the date the agency contract is executed or the first insurance application is submitted. An insurer may also elect to appoint a producer to all or some insurers within the insurer's holding company system or group by the filing of a single appointment request.

(3) Upon receipt of the notice of appointment, the commissioner shall verify within a reasonable time not to exceed



7701 thirty (30) days that the insurance producer is eligible for
7702 appointment. If the insurance producer is determined to be
7703 ineligible for appointment, the commissioner shall notify the
7704 insurer within five (5) days of its determination.

7705 (4) An insurer shall pay an appointment fee, in the amount
7706 and method of payment set forth in Section 83-5-73 for each
7707 insurance producer appointed by the insurer.

7708 (5) An insurer shall remit, in a manner prescribed by the
7709 commissioner, a renewal appointment fee in the amount set forth in
7710 Section 83-5-73.

7711 (6) Before the issuance of a license or certificate of
7712 authority, the commissioner shall require the company requesting
7713 appointment of the applicant as producer for the first time to
7714 furnish a certificate to the commissioner, verified by an
7715 executive officer or managing general or special agent of such
7716 company, that the company has duly investigated the * * * record
7717 of such person and has satisfied itself that such person is * * *
7718 qualified, fit and trustworthy to act as its producer. The
7719 Commissioner of Insurance may at any time require any company to
7720 obtain a credit report on a producer if the commissioner deems
7721 such request advisable. Should such credit report reflect
7722 information regarding an offense or violation in relation to which
7723 the Department of Insurance has taken action, such information
7724 shall not render the applicant ineligible for a license if



7725 applicant has complied with the order of the commissioner
7726 regarding such offense.

7727 **SECTION 90.** Section 83-39-9, Mississippi Code of 1972, is
7728 amended as follows:

7729 83-39-9. The department upon receipt of the license
7730 application, the required fee * * * and, in the case of a
7731 professional bail agent, an approved qualification bond in the
7732 required amount, shall issue to the applicant a license to do
7733 business as a professional bail agent, soliciting bail agent or
7734 bail enforcement agent as the case may be.

7735 No licensed professional bail agent shall have in his employ
7736 in the bail bond business any person who could not qualify for a
7737 license under this chapter, nor shall any licensed professional
7738 bail agent have as a partner or associate in such business any
7739 person who could not so qualify.

7740 **SECTION 91.** Section 73-34-14, Mississippi Code of 1972, is
7741 amended as follows:

7742 73-34-14. (1) (a) To qualify for a Mississippi real estate
7743 appraiser license, an applicant must have successfully been
7744 cleared for licensure through an investigation that shall consist
7745 of a determination that the applicant does not possess a
7746 background which calls into question public trust, as set forth
7747 below in subsection (2), and verification that the prospective
7748 licensee is not guilty of or in violation of any statutory ground
7749 for denial of licensure as set forth in Section 73-34-35.



7750 (b) To assist the board in conducting its licensure
7751 investigation, on and after January 1, 2015, all applicants for a
7752 real estate appraiser license as a licensed real estate appraiser
7753 (license), licensed certified residential real estate appraiser
7754 (certification), or a licensed certified general real estate
7755 appraiser (certification), and all applicants for renewal of any
7756 real estate appraiser license or certification shall undergo a
7757 fingerprint-based criminal history records check of the
7758 Mississippi central criminal database and the Federal Bureau of
7759 Investigation criminal history database. Each applicant shall
7760 submit a full set of the applicant's fingerprints in a form and
7761 manner prescribed by the board, which shall be forwarded to the
7762 Mississippi Department of Public Safety (department) and the
7763 Federal Bureau of Investigation Identification Division for this
7764 purpose.

7765 (c) Any and all state or national criminal history
7766 records information obtained by the board that is not already a
7767 matter of public record shall be deemed nonpublic and confidential
7768 information restricted to the exclusive use of the board, its
7769 members, officers, investigators, agents and attorneys in
7770 evaluating the applicant's eligibility or disqualification for
7771 licensure, and shall be exempt from the Mississippi Public Records
7772 Act of 1983. Except when introduced into evidence in a hearing
7773 before the board to determine licensure, no such information or
7774 records related thereto shall, except with the written consent of



7775 the applicant or by order of a court of competent jurisdiction, be
7776 released or otherwise disclosed by the board to any other person
7777 or agency.

7778 (d) The board shall provide to the department the
7779 fingerprints of the applicant, any additional information that may
7780 be required by the department, and a form signed by the applicant
7781 consenting to the check of the criminal records and to the use of
7782 the fingerprints and other identifying information required by the
7783 state or national repositories.

7784 (e) The board shall charge and collect from the
7785 applicant, in addition to all other applicable fees and costs,
7786 such amount as may be incurred by the board in requesting and
7787 obtaining state and national criminal history records information
7788 on the applicant.

7789 (2) (a) The board must ensure that applicants for a real
7790 estate appraiser license or certification do not possess a
7791 background that could call into question public trust. An
7792 applicant found by the board to possess a background which calls
7793 into question the applicant's ability to maintain public trust
7794 shall not be issued a real estate appraiser license or
7795 certification.

7796 (b) The board shall not issue a real estate appraiser
7797 license or certification if:

7798 (i) The applicant has had an appraiser license or
7799 certification revoked in any governmental jurisdiction within the



7800 five (5) year period immediately preceding the date of the
7801 application;

7802 (ii) The applicant has been convicted of, or pled
7803 guilty or nolo contendere to, a * * * disqualifying crime as
7804 provided in the Fresh Start Act:

7805 1. During the five-year period immediately
7806 preceding the date of the application for licensing or
7807 certification; or

7808 2. At any time preceding the date of the
7809 application, if such felony involved an act of fraud, dishonesty,
7810 or a breach of trust, or money laundering.

7811 (iii) The applicant has failed to demonstrate
7812 character and general fitness such as to command the confidence of
7813 the community and to warrant a determination that the appraiser
7814 will operate honestly, fairly and efficiently within the purpose
7815 of these criteria.

7816 (c) The board shall evaluate and consider, by rules and
7817 regulations, additional background issues, including, but not
7818 limited to, those required by the Appraiser Qualifications Board
7819 of the Appraisal Foundation in compliance with federal
7820 requirements, prior to issuing (or taking disciplinary action
7821 against) a real estate appraiser.

7822 (d) The board shall adopt rules and regulations
7823 necessary to implement, administer and enforce the provisions of
7824 this section.



7825 **SECTION 92.** Section 73-35-10, Mississippi Code of 1972, is
7826 amended as follows:

7827 73-35-10. (1) (a) To qualify for a Mississippi real estate
7828 broker's license or a Mississippi resident license as a real
7829 estate salesperson, or a nonresident's license in Mississippi, an
7830 applicant must have successfully been cleared for licensure
7831 through an investigation that shall consist of a determination
7832 that the applicant does not possess a background which calls into
7833 question public trust, as set forth below in subsection (2), and
7834 verification that the prospective licensee is not guilty of or in
7835 violation of any statutory ground for denial of licensure as set
7836 forth in Section 73-35-21.

7837 (b) To assist the commission in conducting its
7838 licensure investigation, from and after July 1, 2016, all
7839 applicants for a Mississippi real estate broker's license, or a
7840 Mississippi resident license as a real estate salesperson, or a
7841 nonresident's license in Mississippi, and all applicants for
7842 renewal of any real estate license shall undergo a
7843 fingerprint-based criminal history records check of the
7844 Mississippi central criminal database and the Federal Bureau of
7845 Investigation criminal history database. Each applicant shall
7846 submit a full set of the applicant's fingerprints in a form and
7847 manner prescribed by the commission, which shall be forwarded to
7848 the Mississippi Department of Public Safety (department) and the



7849 Federal Bureau of Investigation Identification Division for this
7850 purpose.

7851 (c) Any and all state or national criminal history
7852 records information obtained by the commission that is not already
7853 a matter of public record shall be deemed nonpublic and
7854 confidential information restricted to the exclusive use of the
7855 commission, its members, officers, investigators, agents and
7856 attorneys in evaluating the applicant's eligibility or
7857 disqualification for licensure, and shall be exempt from the
7858 Mississippi Public Records Act of 1983. Except when introduced
7859 into evidence in a hearing before the commission to determine
7860 licensure, no such information or records related thereto shall,
7861 except with the written consent of the applicant or by order of a
7862 court of competent jurisdiction, be released or otherwise
7863 disclosed by the commission to any other person or agency.

7864 (d) The commission shall provide to the department the
7865 fingerprints of the applicant, any additional information that may
7866 be required by the department, and a form signed by the applicant
7867 consenting to the check of the criminal records and to the use of
7868 the fingerprints and other identifying information required by the
7869 state or national repositories.

7870 (e) The commission shall charge and collect from the
7871 applicant, in addition to all other applicable fees and costs,
7872 such amount as may be incurred by the commission in requesting and



7873 obtaining state and national criminal history records information
7874 on the applicant.

7875 (2) (a) The commission must ensure that applicants for real
7876 estate licenses do not possess a background that could call into
7877 question public trust. An applicant found by the commission to
7878 possess a background which calls into question the applicant's
7879 ability to maintain public trust shall not be issued a real estate
7880 license.

7881 (b) The commission shall not issue a real estate
7882 license if:

7883 (i) The applicant has had a real estate license
7884 revoked in any governmental jurisdiction within the five-year
7885 period immediately preceding the date of the application;

7886 (ii) The applicant has been convicted of, or pled
7887 guilty or nolo contendere to, a * * * disqualifying crime as
7888 provided in the Fresh Start Act:

7889 1. During the five-year period immediately
7890 preceding the date of the application for licensing; or

7891 2. At any time preceding the date of the
7892 application, if such felony involved an act of fraud, dishonesty
7893 or a breach of trust, or money laundering.

7894 (c) The commission shall adopt rules and regulations
7895 necessary to implement, administer and enforce the provisions of
7896 this section.



7897 (d) The requirement of a criminal background check
7898 provided in this section shall not apply to persons who have held
7899 a broker's or salesperson's license in this state for at least
7900 twenty-five (25) years and who are older than seventy (70) years
7901 of age.

7902 **SECTION 93.** Section 73-69-7, Mississippi Code of 1972, is
7903 amended as follows:

7904 73-69-7. (1) The State Fire Marshal shall administer and
7905 enforce the provisions of this chapter and shall have the
7906 authority to promulgate and adopt such rules and regulations as
7907 may be necessary for such proper administration and enforcement.
7908 The Electronic Protection Advisory Licensing Board created in
7909 Section 73-69-21 shall advise the State Fire Marshal with respect
7910 to the rules and regulations of the provisions of this chapter.
7911 The State Fire Marshal shall have the authority to approve written
7912 training programs or acceptable equivalents for meeting the
7913 training requirements of this licensing law. The State Fire
7914 Marshal may also accept, as such an equivalent, licensure of a
7915 company or person by a jurisdiction outside this state, which has
7916 standards and requirements of practice which substantially conform
7917 to the provisions of this chapter. The State Fire Marshal shall
7918 also establish continuing education requirements.

7919 (2) Application for a Class A license. In order to engage
7920 in alarm contracting, a company shall apply for and obtain a Class
7921 A license for each operating location doing business in the state.



7922 A Class A license shall authorize a company to engage in any type
7923 of alarm contracting. An applicant for a Class A license shall
7924 submit the following to the State Fire Marshal:

7925 (a) Documentation that the company is an entity duly
7926 authorized to conduct business within this state.

7927 (b) Documentation that the company holds a general
7928 liability and errors and omissions insurance policy, or a surety
7929 bond, in an amount not less than Three Hundred Thousand Dollars
7930 (\$300,000.00).

7931 (c) Documentation that the company carries a current
7932 and valid workers' compensation insurance policy as required by
7933 state law.

7934 (d) The name of the person who will serve as the
7935 designated agent of the company.

7936 (e) For a company applying for a Class A license,
7937 evidence that the company has at least one (1) employee who holds
7938 a Class B license at each of its operating locations.

7939 (f) A statement that no officer or principal has been
7940 convicted of a * * * disqualifying crime as provided in the Fresh
7941 Start Act, has received a first-time offender pardon for a * * *
7942 disqualifying crime as provided in the Fresh Start Act, or has
7943 entered a plea of guilty or nolo contendere to a * * *
7944 disqualifying crime as provided in the Fresh Start Act.

7945 (g) The application fee authorized by this chapter.



(h) Documentation that the company is located within the physical boundaries of the state.

(i) Beginning on July 1, 2014, in order to assist the Office of the State Fire Marshal in determining an applicant's suitability for a license under this chapter, a Class A applicant, upon request from the State Fire Marshal, shall submit a set of fingerprints for all officers and principals with the submission of an application for license or at such time as deemed necessary by the State Fire Marshal. The Office of the State Fire Marshal shall forward the fingerprints to the Department of Public Safety for the purpose of conducting a criminal history record check. If no disqualifying record is identified at the state level, the fingerprints shall be forwarded by the Department of Public Safety to the Federal Bureau of Investigation for a national criminal history record check. Fees related to the criminal history record check shall be paid by the applicant to the State Fire Marshal and the monies from such fees shall be deposited in the special fund in the State Treasury designated as the Electronic Protection Licensing Fund.

(j) The name of each company providing monitoring services.

(3) If the action by the State Fire Marshal is to nonrenew or to deny an application for license, the State Fire Marshal shall notify the applicant or licensee and advise, in writing, the applicant or licensee of the reason for the denial or nonrenewal



of the applicant's or licensee's license. The applicant or licensee may make written demand upon the State Fire Marshal within ten (10) days for a hearing before the State Fire Marshal to determine the reasonableness of the State Fire Marshal's action. The hearing shall be held within thirty (30) days.

SECTION 94. Section 73-69-11, Mississippi Code of 1972, is amended as follows:

73-69-11. (1) Any person employed by an alarm contracting company shall hold an individual license issued by the State Fire Marshal. Such license shall authorize its holder to engage in alarm contracting, only to the extent of the terms as further provided in this chapter.

(2) Such application shall be accompanied by:

(a) Two (2) suitable photographs of the applicant acceptable to the State Fire Marshal. The State Fire Marshal shall keep one (1) photograph on file and shall make the other photograph a part of any license subsequently issued to the applicant.

(b) Documentation that the applicant meets educational requirements applicable to the type of license for which he is applying, as follows:

(i) For a Class B license: a minimum of Electronic Security Association, Level 2 A and Level 2 B Burglar Alarm training course or the Electronic Security Association, Fire Alarm Installation Methods and Advanced Intrusion Systems training



7996 courses, or equivalent training approved by the State Fire
7997 Marshal, and documentation proving residency within a radius of
7998 one hundred fifty (150) miles of the office to which he is
7999 assigned.

8000 (ii) For a Class C license: a minimum of
8001 Electronic Security Association Level 1 Certified Alarm/Security
8002 Technician training course, or equivalent training approved by the
8003 State Fire Marshal.

8004 (iii) For a Class D license: a minimum of
8005 Electronic Security Association, Understanding Electronic Security
8006 Systems training course, or equivalent training approved by the
8007 State Fire Marshal.

8008 (iv) For a Class H license: application by a
8009 Class B or Class C license holder that they will provide direct
8010 supervision of the Class H licensee.

8011 (c) (i) A statement by the applicant that he has not
8012 been convicted of a * * * disqualifying crime as provided in the
8013 Fresh Start Act, received a first-time offender pardon for a * * *
8014 disqualifying crime as provided in the Fresh Start Act, or entered
8015 a plea of guilty or nolo contendere to a * * * disqualifying crime
8016 as provided in the Fresh Start Act. * * *

8017 (ii) A conviction or a plea of guilty or nolo
8018 contendere to a * * * disqualifying crime as provided in the Fresh
8019 Start or receipt of a first-time offender pardon shall not
8020 constitute an automatic disqualification as otherwise required



8021 pursuant to subparagraph (i) if ten (10) or more years have
8022 elapsed between the date of application and the successful
8023 completion or service of any sentence, deferred adjudication or
8024 period of probation or parole.

8025 (iii) Subparagraph (ii) shall not apply to any
8026 person convicted of a felony crime of violence or a sex offense as
8027 defined within the Mississippi Criminal Code.

8028 (d) The State Fire Marshal shall have the authority to
8029 conduct criminal history verification on a local, state or
8030 national level. Beginning on July 1, 2014, in order to assist the
8031 Office of the State Fire Marshal in determining an applicant's
8032 suitability for a license under this chapter, an applicant shall
8033 submit a set of fingerprints with the submission of an application
8034 for license. The Office of the State Fire Marshal shall forward
8035 the fingerprints to the Department of Public Safety for the
8036 purpose of conducting a criminal history record check. If no
8037 disqualifying record is identified at the state level, the
8038 fingerprints shall be forwarded by the Department of Public Safety
8039 to the Federal Bureau of Investigation for a national criminal
8040 history record check. Fees related to the criminal history record
8041 check shall be paid by the applicant to the State Fire Marshal and
8042 the monies from such fees shall be deposited in the special fund
8043 in the State Treasury designated as the Electronic Protection
8044 Licensing Fund.

8045 (e) The application fee authorized by this chapter.



8046 (3) The State Fire Marshal shall have the authority to
8047 determine if information submitted by an applicant is in a form
8048 acceptable to him. The State Fire Marshal shall verify or have
8049 another entity verify information submitted by each applicant.

8050 (4) If the State Fire Marshal finds that an applicant has
8051 met the applicable requirements of the alarm licensing law, he
8052 shall issue the appropriate type of license to the applicant upon
8053 payment of the license fee authorized by this chapter.

8054 (5) Each individual license holder shall maintain his
8055 license on his person while engaging in any type of alarm
8056 contracting as applicable. Each such license holder shall present
8057 his license for inspection upon demand by an employee of the
8058 Office of the State Fire Marshal or a law enforcement officer.

8059 (6) Each individual license holder shall notify the State
8060 Fire Marshal, on a form specified and provided by the State Fire
8061 Marshal, within ten (10) days of the following:

8062 (a) Any change in business or home address.

8063 (b) Any separation from an employer or change in
8064 employer.

8065 (c) Any conviction for a * * * disqualifying crime as
8066 provided in the Fresh Start Act.

8067 (7) No individual licensed under this chapter shall contract
8068 for his services as an independent contractor or agent without
8069 applying for and being issued a Class A license per Section
8070 73-69-9. No alarm contracting company shall contract for the



8071 independent services of a holder of an individual license under
8072 this section.

8073 (8) The State Fire Marshal may enter into reciprocal
8074 agreements with other states for mutual recognition of individual
8075 license holders, if the State Fire Marshal has established the
8076 criteria for acceptance of reciprocal agreements by rule or
8077 regulation. The issuance of a license by reciprocity to a
8078 military-trained applicant, military spouse or person who
8079 establishes residence in this state shall be subject to the
8080 provisions of Section 73-50-1 or 73-50-2, as applicable.

8081 (9) If the action by the State Fire Marshal is to nonrenew
8082 or to deny an application for license, the State Fire Marshal
8083 shall notify the applicant or licensee and advise, in writing, the
8084 applicant or licensee of the reason for the denial or nonrenewal
8085 of the applicant's or licensee's license. The applicant or
8086 licensee may make written demand upon the State Fire Marshal
8087 within ten (10) days for a hearing before the State Fire Marshal
8088 to determine the reasonableness of the State Fire Marshal's
8089 action. The hearing shall be held within thirty (30) days.

8090 **SECTION 95.** Section 75-15-11, Mississippi Code of 1972, is
8091 amended as follows:

8092 75-15-11. Each application for a license shall be
8093 accompanied by:

8094 (a) Certified financial statements, reasonably
8095 satisfactory to the commissioner, showing that the applicant has a



8096 net worth of at least Twenty-five Thousand Dollars (\$25,000.00)
8097 plus Fifteen Thousand Dollars (\$15,000.00) for each location in
8098 excess of one (1) at which the applicant proposes to conduct money
8099 transmissions in this state, computed according to generally
8100 accepted accounting principles, but in no event shall the net
8101 worth be required to be in excess of Two Hundred Fifty Thousand
8102 Dollars (\$250,000.00).

8103 (b) A surety bond issued by a bonding company or
8104 insurance company authorized to do business in this state, in the
8105 principal sum of Twenty-five Thousand Dollars (\$25,000.00) or in
8106 an amount equal to outstanding money transmissions in Mississippi,
8107 whichever is greater, but in no event shall the bond be required
8108 to be in excess of Five Hundred Thousand Dollars (\$500,000.00).
8109 However, the commissioner may increase the required amount of the
8110 bond upon the basis of the impaired financial condition of a
8111 licensee as evidenced by a reduction in net worth, financial
8112 losses or other relevant criteria. The bond shall be in form
8113 satisfactory to the commissioner and shall run to the state for
8114 the use and benefit of the Department of Banking and Consumer
8115 Finance and any claimants against the applicant or his agents to
8116 secure the faithful performance of the obligations of the
8117 applicant and his agents with respect to the receipt, handling,
8118 transmission and payment of money in connection with money
8119 transmissions in Mississippi. The aggregate liability of the
8120 surety in no event shall exceed the principal sum of the bond.



8121 The surety on the bond shall have the right to cancel the bond
8122 upon giving sixty (60) days' notice in writing to the commissioner
8123 and thereafter shall be relieved of liability for any breach of
8124 condition occurring after the effective date of the cancellation.
8125 Any claimants against the applicant or his agents may themselves
8126 bring suit directly on the bond, or the Attorney General may bring
8127 suit thereon in behalf of those claimants, either in one (1)
8128 action or successive actions.

8129 (c) In lieu of the corporate surety bond, the applicant
8130 may deposit with the State Treasurer bonds or other obligations of
8131 the United States or guaranteed by the United States or bonds or
8132 other obligations of this state or of any municipal corporation,
8133 county, or other political subdivision or agency of this state, or
8134 certificates of deposit of national or state banks doing business
8135 in Mississippi, having an aggregate market value at least equal to
8136 that of the corporate surety bond otherwise required. Those bonds
8137 or obligations or certificates of deposit shall be deposited with
8138 the State Treasurer to secure the same obligations as would a
8139 corporate surety bond, but the depositor shall be entitled to
8140 receive all interest and dividends thereon and shall have the
8141 right to substitute other bonds or obligations or certificates of
8142 deposit for those deposited, with the approval of the
8143 commissioner, and shall be required so to do on order of the
8144 commissioner made for good cause shown. The State Treasurer shall
8145 provide for custody of the bonds or obligations or certificates of



8146 deposits by a qualified trust company or bank located in the State
8147 of Mississippi or by any Federal Reserve Bank. The compensation,
8148 if any, of the custodian for acting as such under this section
8149 shall be paid by the depositing licensee.

8150 (d) Proof of registration as a money service business
8151 per 31 CFR Section 103.41, if applicable.

8152 (e) A set of fingerprints from any local law
8153 enforcement agency for each owner of a sole proprietorship,
8154 partners in a partnership or principal owners of a limited
8155 liability company that own at least ten percent (10%) of the
8156 voting shares of the company, shareholders owning ten percent
8157 (10%) or more of the outstanding shares of the corporation, except
8158 publically traded corporations and their subsidiaries, and any
8159 other executive officer with significant oversight duties of the
8160 business. In order to determine the applicant's suitability for
8161 license, the commissioner shall forward the fingerprints to the
8162 Department of Public Safety for a state criminal history records
8163 check, and the fingerprints shall be forwarded by the Department
8164 of Public Safety to the FBI for a national criminal history
8165 records check. The department shall not issue a license if it
8166 finds that the applicant, or any person who is an owner, partner,
8167 director or executive officer of the applicant, has been convicted
8168 of: (i) a * * * disqualifying crime as provided in the Fresh
8169 Start Act; or (ii) a crime that, if committed within the state,
8170 would constitute a * * * disqualifying crime as provided in the



8171 Fresh Start Act; or (iii) a misdemeanor of fraud, theft, forgery,
8172 bribery, embezzlement or making a fraudulent or false statement in
8173 any jurisdiction. For the purposes of this chapter, a person
8174 shall be deemed to have been convicted of a crime if the person
8175 has pleaded guilty to a crime before a court or federal
8176 magistrate, or plea of nolo contendere, or has been found guilty
8177 of a crime by the decision or judgment of a court or federal
8178 magistrate or by the verdict of a jury, irrespective of the
8179 pronouncement of sentence or the suspension of a sentence, unless
8180 the person convicted of the crime has received a pardon from the
8181 President of the United States or the Governor or other pardoning
8182 authority in the jurisdiction where the conviction was obtained.

8183 **SECTION 96.** Section 75-67-323, Mississippi Code of 1972, is
8184 amended as follows:

8185 75-67-323. (1) To be eligible for a pawnbroker license, an
8186 applicant shall:

8187 (a) Operate lawfully and fairly within the purposes of
8188 this article;

8189 (b) Not have been convicted of a * * * disqualifying
8190 crime as provided in the Fresh Start Act or be active as a
8191 beneficial owner for someone who has been convicted of a * * *
8192 disqualifying crime as provided in the Fresh Start Act;

8193 (c) File with the commissioner a bond with good
8194 security in the penal sum of Ten Thousand Dollars (\$10,000.00),
8195 payable to the State of Mississippi for the faithful performance



8196 by the licensee of the duties and obligations pertaining to the
8197 business so licensed and the prompt payment of any judgment which
8198 may be recovered against such licensee on account of damages or
8199 other claim arising directly or collaterally from any violation of
8200 the provisions of this article; such bond shall not be valid until
8201 it is approved by the commissioner; such applicant may file, in
8202 lieu thereof, cash, a certificate of deposit, or government bonds
8203 in the amount of Ten Thousand Dollars (\$10,000.00); such deposit
8204 shall be filed with the commissioner and is subject to the same
8205 terms and conditions as are provided for in the surety bond
8206 required herein; any interest or earnings on such deposits are
8207 payable to the depositor;

8208 (d) File with the commissioner an application
8209 accompanied by the initial license fee required in this article;

8210 (e) Submit a set of fingerprints from any local law
8211 enforcement agency. In order to determine the applicant's
8212 suitability for license, the commissioner shall forward the
8213 fingerprints to the Department of Public Safety; and if no
8214 disqualifying record is identified at the state level, the
8215 fingerprints shall be forwarded by the Department of Public Safety
8216 to the FBI for a national criminal history record check.

8217 (2) Every licensee shall post his license in a conspicuous
8218 place at each place of business.

8219 (3) Every licensee shall post and display a sign which
8220 measures at least twenty (20) inches by twenty (20) inches in a



8221 conspicuous place and in easy view of all persons who enter the
8222 place of business. The sign shall display bold, blocked letters,
8223 easily readable, with the following information: "This pawnshop
8224 is licensed and regulated by the Mississippi Department of Banking
8225 and Consumer Finance. If you encounter any unresolved problem
8226 with a transaction at this location, you are entitled to
8227 assistance. Please call or write: Mississippi Department of
8228 Banking and Consumer Finance, Post Office Drawer 23729, Jackson,
8229 MS 39225-3729; Phone 1-800-844-2499."

8230 (4) From and after December 1, 2010, each application for an
8231 initial license shall include evidence of the satisfactory
8232 completion of at least six (6) hours of approved prelicensing
8233 education, and each application for renewal shall include evidence
8234 of the satisfactory completion of at least six (6) hours of
8235 approved continuing education, by the owners or designated
8236 representative in pawnbroker transactions. Two (2) of the six (6)
8237 hours shall consist of instruction on the Mississippi Pawnshop Act
8238 and shall be approved by the department once the course is
8239 approved by the Mississippi Pawnbrokers Association or the
8240 National Pawnbrokers Association.

8241 **SECTION 97.** Section 75-67-421, Mississippi Code of 1972, is
8242 amended as follows:

8243 75-67-421. (1) To be eligible for a title pledge lender
8244 license, an applicant shall:



8245 (a) Operate lawfully and fairly within the purposes of
8246 this article;

8247 (b) Not have been convicted of a * * * disqualifying
8248 crime as provided in the Fresh Start Act or be active as a
8249 beneficial owner for someone who has been convicted of a * * *
8250 disqualifying crime as provided in the Fresh Start Act;

8251 (c) File with the commissioner a bond with good
8252 security in the penal sum of Fifty Thousand Dollars (\$50,000.00)
8253 for each location at which the applicant proposes to engage in the
8254 business of title pledge lending, but in no event shall the
8255 aggregate amount of the bond for all locations per applicant
8256 exceed Two Hundred Fifty Thousand Dollars (\$250,000.00) and no
8257 more than Fifty Thousand Dollars (\$50,000.00) shall be payable or
8258 recoverable on the bond for each location; the bond shall be
8259 payable to the State of Mississippi for the faithful performance
8260 by the licensee of the duties and obligations pertaining to the
8261 business so licensed and the prompt payment of any judgment which
8262 may be recovered against the licensee on account of damages or
8263 other claim arising directly or collaterally from any violation of
8264 the provisions of this article; the bond shall not be valid until
8265 it is approved by the commissioner; the applicant may file, in
8266 lieu thereof, cash, a certificate of deposit or government bonds
8267 in the amount of Twenty-five Thousand Dollars (\$25,000.00) for
8268 each location at which the applicant proposes to engage in the
8269 business of title pledge lending, but in no event shall the



8270 aggregate amount of the cash, certificate of deposit or government
8271 bonds for all locations per applicant exceed Two Hundred Fifty
8272 Thousand Dollars (\$250,000.00) and no more than Twenty-five
8273 Thousand Dollars (\$25,000.00) shall be payable or recoverable on
8274 the cash, certificate of deposit or government bonds for each
8275 location; the deposit of the cash, certificate of deposit or
8276 government bonds shall be filed with the commissioner and is
8277 subject to the same terms and conditions as are provided for in
8278 the surety bond required herein; any interest or earnings on such
8279 deposits are payable to the depositor * * *;

8280 (d) File with the commissioner an application
8281 accompanied by a set of fingerprints from any local law
8282 enforcement agency, and the initial license fee required in this
8283 article. In order to determine the applicant's suitability for
8284 license, the commissioner shall forward the fingerprints to the
8285 Department of Public Safety; and if no disqualifying record is
8286 identified at the state level, the fingerprints shall be forwarded
8287 by the Department of Public Safety to the FBI for a national
8288 criminal history record check.

8289 (2) Upon the filing of an application in a form prescribed
8290 by the commissioner, accompanied by the fee and documents required
8291 in this article, the department shall investigate to ascertain
8292 whether the qualifications prescribed by this article have been
8293 satisfied. If the commissioner finds that the qualifications have
8294 been satisfied and, if he approves the documents so filed by the



8295 applicant, he shall issue to the applicant a license to engage in
8296 the business of title pledge lending in this state.

8297 (3) Complete and file with the commissioner an annual
8298 renewal application accompanied by the renewal fee required in
8299 this article.

8300 (4) The license shall be kept conspicuously posted in the
8301 place of business of the licensee.

8302 **SECTION 98.** Section 75-67-509, Mississippi Code of 1972, is
8303 amended as follows:

8304 75-67-509. To be eligible for a check casher license, an
8305 applicant shall:

8306 (a) Operate lawfully and fairly within the purposes of
8307 this article.

8308 (b) Not have been convicted of a * * * disqualifying
8309 crime as provided in the Fresh Start Act or be active as a
8310 beneficial owner for someone who has been convicted of a * * *
8311 disqualifying crime as provided in the Fresh Start Act.

8312 (c) File with the commissioner a bond with good
8313 security in the penal sum of Ten Thousand Dollars (\$10,000.00),
8314 payable to the State of Mississippi for the faithful performance
8315 by the licensee of the duties and obligations pertaining to the
8316 business so licensed and the prompt payment of any judgment which
8317 may be recovered against the licensee on account of charges or
8318 other claims arising directly or collectively from any violation
8319 of the provisions of this article. The bond shall not be valid



8320 until it is approved by the commissioner. The applicant may file,
8321 in lieu of the bond, cash, a certificate of deposit or government
8322 bonds in the amount of Ten Thousand Dollars (\$10,000.00). Those
8323 deposits shall be filed with the commissioner and are subject to
8324 the same terms and conditions as are provided for in the surety
8325 bond required in this paragraph. Any interest or earnings on
8326 those deposits are payable to the depositor.

8327 (d) File with the commissioner an application for a
8328 license and the initial license fee required in this article. If
8329 applicant's application is approved, a check casher license will
8330 be issued within thirty (30) days.

8331 (e) Submit a set of fingerprints from any local law
8332 enforcement agency. In order to determine the applicant's
8333 suitability for license, the commissioner shall forward the
8334 fingerprints to the Department of Public Safety; and if no
8335 disqualifying record is identified at the state level, the
8336 fingerprints shall be forwarded by the Department of Public Safety
8337 to the FBI for a national criminal history record check.

8338 (f) Complete and file with the commissioner an annual
8339 renewal application for a license accompanied by the renewal fee
8340 required in this article.

8341 **SECTION 99.** Section 75-67-609, Mississippi Code of 1972, is
8342 amended as follows:

8343 75-67-609. To be eligible for a credit availability license,
8344 an applicant shall:



8345 (a) Operate lawfully and fairly within the purposes of
8346 this article.

8347 (b) Not have been convicted in the last ten (10) years
8348 or be active as a beneficial owner for someone who has been
8349 convicted in the last ten (10) years of a disqualifying
8350 crime * * * as provided in the Fresh Start Act.

8351 (c) File with the commissioner a bond with good
8352 security in the penal sum of Ten Thousand Dollars (\$10,000.00),
8353 payable to the State of Mississippi, for the faithful performance
8354 by the licensee of the duties and obligations pertaining to the
8355 business so licensed and the prompt payment of any judgment which
8356 may be recovered against the licensee on account of charges or
8357 other claims arising directly or collectively from any violation
8358 of the provisions of this article. The bond shall not be valid
8359 until the commissioner approves it. The applicant may file, in
8360 lieu of the bond, cash, a certificate of deposit or government
8361 bonds in the amount of Ten Thousand Dollars (\$10,000.00). Those
8362 deposits shall be filed with the commissioner and are subject to
8363 the same terms and conditions as are provided for in the surety
8364 bond required in this paragraph. Any interest or earnings on
8365 those deposits are payable to the depositor. Applicants applying
8366 for multiple licenses may submit a single bond for all licenses,
8367 provided that the total value of the bond is equal to Ten Thousand
8368 Dollars (\$10,000.00) per license applied for.



8369 (d) File with the commissioner an application for a
8370 license and the initial license fee required in this article. If
8371 applicant's application is approved, a credit availability license
8372 will be issued within thirty (30) days.

8373 (e) File with the commissioner a set of fingerprints
8374 from any local law enforcement agency for each owner of a sole
8375 proprietorship, partners in a partnership or principal owners of a
8376 limited liability company that own at least ten percent (10%) of
8377 the voting shares of the company, shareholders owning ten percent
8378 (10%) or more of the outstanding shares of the corporation, except
8379 publically traded corporations and their subsidiaries, and any
8380 other executive officer with significant oversight duties of the
8381 business. In order to determine the applicant's suitability for
8382 license, the commissioner shall forward the fingerprints to the
8383 Department of Public Safety; and if no disqualifying record is
8384 identified at the state level, the Department of Public Safety
8385 shall forward the fingerprints to the FBI for a national criminal
8386 history record check.

8387 (f) Complete and file with the commissioner an annual
8388 renewal application for a license accompanied by the renewal fee
8389 required in this article.

8390 **SECTION 100.** Section 27-115-55, Mississippi Code of 1972, is
8391 amended as follows:

8392 27-115-55. (1) The Legislature hereby recognizes that to
8393 conduct a successful lottery, the corporation must develop and



8394 maintain a statewide network of lottery retailers that will serve
8395 the public convenience and promote the sale of tickets, while
8396 ensuring the integrity of the lottery operations, games and
8397 activities.

8398 (2) To govern the selection of lottery retailers, the board
8399 shall, by administrative rules and regulations, develop a list of
8400 objective criteria upon which the selection of lottery retailers
8401 shall be based. In developing these criteria, the board shall
8402 consider such factors as the applicant's financial responsibility,
8403 location and security of the applicant's place of business or
8404 activity, integrity, and reputation; however, the board shall not
8405 consider political affiliation, activities or monetary
8406 contributions to political organizations or candidates for any
8407 public office. The criteria shall include, but not be limited to,
8408 the following:

8409 (a) The applicant shall be current in payment of all
8410 taxes, interest and penalties owed to any taxing political
8411 subdivision where the lottery retailer will sell lottery tickets.

8412 (b) The applicant shall be current in filing all
8413 applicable tax returns and in payment of all taxes, interest and
8414 penalties owed to the State of Mississippi, excluding items under
8415 formal appeal pursuant to applicable statutes, before a license is
8416 issued and before each renewal.

8417 (c) No person shall be selected as a lottery retailer
8418 for the sale of lottery tickets who:



8419 (i) Has been convicted of a criminal offense
8420 related to the security or integrity of the lottery in this or any
8421 other jurisdiction.

8422 (ii) Has been convicted of any illegal gambling
8423 activity, false statements, false swearing or perjury in this or
8424 any other jurisdiction, or convicted of a * * * disqualifying
8425 crime as provided in the Fresh Start Act.

8426 (iii) Has been found to have violated the
8427 provisions of this chapter or any administrative rules and
8428 regulations adopted under this chapter, unless either ten (10)
8429 years have passed since the violation, or the president and the
8430 board find the violation both minor and unintentional in nature.

8431 (iv) Is a vendor or an employee or agent of any
8432 vendor doing business with the corporation.

8433 (v) Resides in the same household as an officer or
8434 board member of the corporation.

8435 (vi) Has made a statement of material fact to the
8436 corporation, knowing such statement to be false.

8437 **SECTION 101.** Section 37-13-89, Mississippi Code of 1972, is
8438 amended as follows:

8439 37-13-89. (1) In each school district within the state,
8440 there shall be employed the number of school attendance officers
8441 determined by the Office of Compulsory School Attendance
8442 Enforcement to be necessary to adequately enforce the provisions
8443 of the Mississippi Compulsory School Attendance Law; however, this



8444 number shall not exceed one hundred fifty-three (153) school
8445 attendance officers at any time. From and after July 1, 1998, all
8446 school attendance officers employed pursuant to this section shall
8447 be employees of the State Department of Education. The State
8448 Department of Education shall employ all persons employed as
8449 school attendance officers by district attorneys before July 1,
8450 1998, and shall assign them to school attendance responsibilities
8451 in the school district in which they were employed before July 1,
8452 1998. The first twelve (12) months of employment for each school
8453 attendance officer shall be the probationary period of state
8454 service.

8455 (2) (a) The State Department of Education shall obtain
8456 current criminal records background checks and current child abuse
8457 registry checks on all persons applying for the position of school
8458 attendance officer after July 2, 2002. The criminal records
8459 information and registry checks must be kept on file for any new
8460 hires. In order to determine an applicant's suitability for
8461 employment as a school attendance officer, the applicant must be
8462 fingerprinted. If no disqualifying record is identified at the
8463 state level, the Department of Public Safety shall forward the
8464 fingerprints to the Federal Bureau of Investigation (FBI) for a
8465 national criminal history record check. The applicant shall pay
8466 the fee, not to exceed Fifty Dollars (\$50.00), for the
8467 fingerprinting and criminal records background check; however, the
8468 State Department of Education, in its discretion, may pay the fee



8469 for the fingerprinting and criminal records background check on
8470 behalf of any applicant. Under no circumstances may a member of
8471 the State Board of Education, employee of the State Department of
8472 Education or any person other than the subject of the criminal
8473 records background check disseminate information received through
8474 any such checks except insofar as required to fulfill the purposes
8475 of this subsection.

8476 (b) If the fingerprinting or criminal records check
8477 discloses a * * * disqualifying crime as provided in the Fresh
8478 Start Act, the applicant is not eligible to be employed as a
8479 school attendance officer. Any employment of an applicant pending
8480 the results of the fingerprinting and criminal records check is
8481 voidable if the new hire receives a disqualifying criminal records
8482 check. However, the State Board of Education, in its discretion,
8483 may allow an applicant aggrieved by an employment decision under
8484 this subsection to appear before the board, or before a hearing
8485 officer designated for that purpose, to show mitigating
8486 circumstances that may exist and allow the new hire to be employed
8487 as a school attendance officer. The State Board of Education may
8488 grant waivers for mitigating circumstances, which may include, but
8489 are not necessarily limited to: (i) age at which the crime was
8490 committed; (ii) circumstances surrounding the crime; (iii) length
8491 of time since the conviction and criminal history since the
8492 conviction; (iv) work history; (v) current employment and
8493 character references; and (vi) other evidence demonstrating the



8494 ability of the person to perform the responsibilities of a school
8495 attendance officer competently and that the person does not pose a
8496 threat to the health or safety of children.

8497 (c) A member of the State Board of Education or
8498 employee of the State Department of Education may not be held
8499 liable in any employment discrimination suit in which an
8500 allegation of discrimination is made regarding an employment
8501 decision authorized under this section.

8502 (3) Each school attendance officer shall possess a college
8503 degree with a major in a behavioral science or a related field or
8504 shall have no less than three (3) years combined actual experience
8505 as a school teacher, school administrator, law enforcement officer
8506 possessing such degree, and/or social worker; however, these
8507 requirements shall not apply to persons employed as school
8508 attendance officers before January 1, 1987. School attendance
8509 officers also shall satisfy any additional requirements that may
8510 be established by the State Personnel Board for the position of
8511 school attendance officer.

8512 (4) It shall be the duty of each school attendance officer
8513 to:

8514 (a) Cooperate with any public agency to locate and
8515 identify all compulsory-school-age children who are not attending
8516 school;

8517 (b) Cooperate with all courts of competent
8518 jurisdiction;



8519 (c) Investigate all cases of nonattendance and unlawful
8520 absences by compulsory-school-age children not enrolled in a
8521 nonpublic school;

8522 (d) Provide appropriate counseling to encourage all
8523 school-age children to attend school until they have completed
8524 high school;

8525 (e) Attempt to secure the provision of social or
8526 welfare services that may be required to enable any child to
8527 attend school;

8528 (f) Contact the home or place of residence of a
8529 compulsory-school-age child and any other place in which the
8530 officer is likely to find any compulsory-school-age child when the
8531 child is absent from school during school hours without a valid
8532 written excuse from school officials, and when the child is found,
8533 the officer shall notify the parents and school officials as to
8534 where the child was physically located;

8535 (g) Contact promptly the home of each
8536 compulsory-school-age child in the school district within the
8537 officer's jurisdiction who is not enrolled in school or is not in
8538 attendance at public school and is without a valid written excuse
8539 from school officials; if no valid reason is found for the
8540 nonenrollment or absence from the school, the school attendance
8541 officer shall give written notice to the parent, guardian or
8542 custodian of the requirement for the child's enrollment or
8543 attendance;



8544 (h) Collect and maintain information concerning
8545 absenteeism, dropouts and other attendance-related problems, as
8546 may be required by law or the Office of Compulsory School
8547 Attendance Enforcement; and

8548 (i) Perform all other duties relating to compulsory
8549 school attendance established by the State Department of Education
8550 or district school attendance supervisor, or both.

8551 (5) While engaged in the performance of his duties, each
8552 school attendance officer shall carry on his person a badge
8553 identifying him as a school attendance officer under the Office of
8554 Compulsory School Attendance Enforcement of the State Department
8555 of Education and an identification card designed by the State
8556 Superintendent of Public Education and issued by the school
8557 attendance officer supervisor. Neither the badge nor the
8558 identification card shall bear the name of any elected public
8559 official.

8560 (6) The State Personnel Board shall develop a salary scale
8561 for school attendance officers as part of the variable
8562 compensation plan. The various pay ranges of the salary scale
8563 shall be based upon factors including, but not limited to,
8564 education, professional certification and licensure, and number of
8565 years of experience. School attendance officers shall be paid in
8566 accordance with this salary scale. The minimum salaries under the
8567 scale shall be no less than the following:



8568 (a) For school attendance officers holding a bachelor's
8569 degree or any other attendance officer who does not hold such a
8570 degree, the annual salary shall be based on years of experience as
8571 a school attendance officer or related field of service or
8572 employment, no less than as follows:

8573	Years of Experience	Salary
8574	0 - 4 years	\$24,528.29
8575	5 - 8 years	26,485.29
8576	9 - 12 years	28,050.89
8577	13 - 16 years	29,616.49
8578	Over 17 years	31,182.09

8579 (b) For school attendance officers holding a license as
8580 a social worker, the annual salary shall be based on years of
8581 experience as a school attendance officer or related field of
8582 service or employment, no less than as follows:

8583	Years of Experience	Salary
8584	0 - 4 years	\$25,558.29
8585	5 - 8 years	27,927.29
8586	9 - 12 years	29,822.49
8587	13 - 16 years	31,717.69
8588	17 - 20 years	33,612.89
8589	Over 21 years	35,415.39

8590 (c) For school attendance officers holding a master's
8591 degree in a behavioral science or a related field, the annual
8592 salary shall be based on years of experience as a school



8593 attendance officer or related field of service or employment, no
8594 less than as follows:

8595	Years of Experience	Salary
8596	0 - 4 years	\$26,382.29
8597	5 - 8 years	29,008.79
8598	9 - 12 years	31,109.99
8599	13 - 16 years	33,211.19
8600	17 - 20 years	35,312.39
8601	Over 21 years	37,413.59

8602 (7) (a) Each school attendance officer employed by a
8603 district attorney on June 30, 1998, who became an employee of the
8604 State Department of Education on July 1, 1998, shall be awarded
8605 credit for personal leave and major medical leave for his
8606 continuous service as a school attendance officer under the
8607 district attorney, and if applicable, the youth or family court or
8608 a state agency. The credit for personal leave shall be in an
8609 amount equal to one-third (1/3) of the maximum personal leave the
8610 school attendance officer could have accumulated had he been
8611 credited with such leave under Section 25-3-93 during his
8612 employment with the district attorney, and if applicable, the
8613 youth or family court or a state agency. The credit for major
8614 medical leave shall be in an amount equal to one-half (1/2) of the
8615 maximum major medical leave the school attendance officer could
8616 have accumulated had he been credited with such leave under
8617 Section 25-3-95 during his employment with the district attorney,



8618 and if applicable, the youth or family court or a state agency.
8619 However, if a district attorney who employed a school attendance
8620 officer on June 30, 1998, certifies, in writing, to the State
8621 Department of Education that the school attendance officer had
8622 accumulated, pursuant to a personal leave policy or major medical
8623 leave policy lawfully adopted by the district attorney, a number
8624 of days of unused personal leave or major medical leave, or both,
8625 which is greater than the number of days to which the school
8626 attendance officer is entitled under this paragraph, the State
8627 Department of Education shall authorize the school attendance
8628 officer to retain the actual unused personal leave or major
8629 medical leave, or both, certified by the district attorney,
8630 subject to the maximum amount of personal leave and major medical
8631 leave the school attendance officer could have accumulated had he
8632 been credited with such leave under Sections 25-3-93 and 25-3-95.

8633 (b) For the purpose of determining the accrual rate for
8634 personal leave under Section 25-3-93 and major medical leave under
8635 Section 25-3-95, the State Department of Education shall give
8636 consideration to all continuous service rendered by a school
8637 attendance officer before July 1, 1998, in addition to the service
8638 rendered by the school attendance officer as an employee of the
8639 department.

8640 (c) In order for a school attendance officer to be
8641 awarded credit for personal leave and major medical leave or to
8642 retain the actual unused personal leave and major medical leave



8643 accumulated by him before July 1, 1998, the district attorney who
8644 employed the school attendance officer must certify, in writing,
8645 to the State Department of Education the hire date of the school
8646 attendance officer. For each school attendance officer employed
8647 by the youth or family court or a state agency before being
8648 designated an employee of the district attorney who has not had a
8649 break in continuous service, the hire date shall be the date that
8650 the school attendance officer was hired by the youth or family
8651 court or state agency. The department shall prescribe the date by
8652 which the certification must be received by the department and
8653 shall provide written notice to all district attorneys of the
8654 certification requirement and the date by which the certification
8655 must be received.

8656 (8) (a) School attendance officers shall maintain regular
8657 office hours on a year-round basis; however, during the school
8658 term, on those days that teachers in all of the school districts
8659 served by a school attendance officer are not required to report
8660 to work, the school attendance officer also shall not be required
8661 to report to work. (For purposes of this subsection, a school
8662 district's school term is that period of time identified as the
8663 school term in contracts entered into by the district with
8664 licensed personnel.) A school attendance officer shall be
8665 required to report to work on any day recognized as an official
8666 state holiday if teachers in any school district served by that
8667 school attendance officer are required to report to work on that



8668 day, regardless of the school attendance officer's status as an
8669 employee of the State Department of Education, and compensatory
8670 leave may not be awarded to the school attendance officer for
8671 working during that day. However, a school attendance officer may
8672 be allowed by the school attendance officer's supervisor to use
8673 earned leave on such days.

8674 (b) The State Department of Education annually shall
8675 designate a period of six (6) consecutive weeks in the summer
8676 between school years during which school attendance officers shall
8677 not be required to report to work. A school attendance officer
8678 who elects to work at any time during that period may not be
8679 awarded compensatory leave for such work and may not opt to be
8680 absent from work at any time other than during the six (6) weeks
8681 designated by the department unless the school attendance officer
8682 uses personal leave or major medical leave accrued under Section
8683 25-3-93 or 25-3-95 for such absence.

8684 (9) The State Department of Education shall provide all
8685 continuing education and training courses that school attendance
8686 officers are required to complete under state law or rules and
8687 regulations of the department.

8688 **SECTION 102.** Section 37-9-17, Mississippi Code of 1972, is
8689 amended as follows:

8690 37-9-17. (1) On or before April 1 of each year, the
8691 principal of each school shall recommend to the superintendent of
8692 the local school district the licensed employees or



8693 noninstructional employees to be employed for the school involved
8694 except those licensed employees or noninstructional employees who
8695 have been previously employed and who have a contract valid for
8696 the ensuing scholastic year. If such recommendations meet with
8697 the approval of the superintendent, the superintendent shall
8698 recommend the employment of such licensed employees or
8699 noninstructional employees to the local school board, and, unless
8700 good reason to the contrary exists, the board shall elect the
8701 employees so recommended. If, for any reason, the local school
8702 board shall decline to elect any employee so recommended,
8703 additional recommendations for the places to be filled shall be
8704 made by the principal to the superintendent and then by the
8705 superintendent to the local school board as provided above. The
8706 school board of any local school district shall be authorized to
8707 designate a personnel supervisor or another principal employed by
8708 the school district to recommend to the superintendent licensed
8709 employees or noninstructional employees; however, this
8710 authorization shall be restricted to no more than two (2)
8711 positions for each employment period for each school in the local
8712 school district. Any noninstructional employee employed upon the
8713 recommendation of a personnel supervisor or another principal
8714 employed by the local school district must have been employed by
8715 the local school district at the time the superintendent was
8716 elected or appointed to office; a noninstructional employee
8717 employed under this authorization may not be paid compensation in



8718 excess of the statewide average compensation for such
8719 noninstructional position with comparable experience, as
8720 established by the State Department of Education. The school
8721 board of any local school district shall be authorized to
8722 designate a personnel supervisor or another principal employed by
8723 the school district to accept the recommendations of principals or
8724 their designees for licensed employees or noninstructional
8725 employees and to transmit approved recommendations to the local
8726 school board; however, this authorization shall be restricted to
8727 no more than two (2) positions for each employment period for each
8728 school in the local school district.

8729 When the licensed employees have been elected as provided in
8730 the preceding paragraph, the superintendent of the district shall
8731 enter into a contract with such persons in the manner provided in
8732 this chapter.

8733 If, at the commencement of the scholastic year, any licensed
8734 employee shall present to the superintendent a license of a higher
8735 grade than that specified in such individual's contract, such
8736 individual may, if funds are available from the total funding
8737 formula funds of the district as provided for in Sections
8738 37-151-200 through 37-151-215, or from district funds, be paid
8739 from such funds the amount to which such higher grade license
8740 would have entitled the individual, had the license been held at
8741 the time the contract was executed.



8742 (2) Superintendents/directors of schools under the purview
8743 of the State Board of Education, the superintendent of the local
8744 school district and any private firm under contract with the local
8745 public school district to provide substitute teachers to teach
8746 during the absence of a regularly employed schoolteacher shall
8747 require, through the appropriate governmental authority, that
8748 current criminal records background checks and current child abuse
8749 registry checks are obtained, and that such criminal record
8750 information and registry checks are on file for any new hires
8751 applying for employment as a licensed or nonlicensed employee at a
8752 school and not previously employed in such school under the
8753 purview of the State Board of Education or at such local school
8754 district prior to July 1, 2000. In order to determine the
8755 applicant's suitability for employment, the applicant shall be
8756 fingerprinted. If no disqualifying record is identified at the
8757 state level, the fingerprints shall be forwarded by the Department
8758 of Public Safety to the Federal Bureau of Investigation for a
8759 national criminal history record check. The fee for such
8760 fingerprinting and criminal history record check shall be paid by
8761 the applicant, not to exceed Fifty Dollars (\$50.00); however, the
8762 State Board of Education, the school board of the local school
8763 district or a private firm under contract with a local school
8764 district to provide substitute teachers to teach during the
8765 temporary absence of the regularly employed schoolteacher, in its
8766 discretion, may elect to pay the fee for the fingerprinting and



8767 criminal history record check on behalf of any applicant. Under
8768 no circumstances shall a member of the State Board of Education,
8769 superintendent/director of schools under the purview of the State
8770 Board of Education, local school district superintendent, local
8771 school board member or any individual other than the subject of
8772 the criminal history record checks disseminate information
8773 received through any such checks except insofar as required to
8774 fulfill the purposes of this section. Any nonpublic school which
8775 is accredited or approved by the State Board of Education may
8776 avail itself of the procedures provided for herein and shall be
8777 responsible for the same fee charged in the case of local public
8778 schools of this state. The determination whether the applicant
8779 has a disqualifying crime, as set forth in subsection (3) of this
8780 section, shall be made by the appropriate governmental authority,
8781 and the appropriate governmental authority shall notify the
8782 private firm whether a disqualifying crime exists.

8783 (3) If such fingerprinting or criminal record checks
8784 disclose a * * * disqualifying crime as provided in the Fresh
8785 Start Act, the new hire shall not be eligible to be employed at
8786 such school. Any employment contract for a new hire executed by
8787 the superintendent of the local school district or any employment
8788 of a new hire by a superintendent/director of a new school under
8789 the purview of the State Board of Education or by a private firm
8790 shall be voidable if the new hire receives a disqualifying
8791 criminal record check. However, the State Board of Education or



8792 the school board may, in its discretion, allow any applicant
8793 aggrieved by the employment decision under this section to appear
8794 before the respective board, or before a hearing officer
8795 designated for such purpose, to show mitigating circumstances
8796 which may exist and allow the new hire to be employed at the
8797 school. The State Board of Education or local school board may
8798 grant waivers for such mitigating circumstances, which shall
8799 include, but not be limited to: (a) age at which the crime was
8800 committed; (b) circumstances surrounding the crime; (c) length of
8801 time since the conviction and criminal history since the
8802 conviction; (d) work history; (e) current employment and character
8803 references; (f) other evidence demonstrating the ability of the
8804 person to perform the employment responsibilities competently and
8805 that the person does not pose a threat to the health or safety of
8806 the children at the school.

8807 (4) No local school district, local school district
8808 employee, member of the State Board of Education or employee of a
8809 school under the purview of the State Board of Education shall be
8810 held liable in any employment discrimination suit in which an
8811 allegation of discrimination is made regarding an employment
8812 decision authorized under this Section 37-9-17.

8813 (5) The provisions of this section shall be fully applicable
8814 to licensed employees of the Mississippi School of the Arts (MSA),
8815 established in Section 37-140-3.



8816 **SECTION 103.** Section 37-29-232, Mississippi Code of 1972, is
8817 amended as follows:

8818 37-29-232. (1) For the purposes of this section:

8819 (a) "Health care professional/vocational technical
8820 academic program" means an academic program in medicine, nursing,
8821 dentistry, occupational therapy, physical therapy, social
8822 services, nutrition services, speech therapy, or other
8823 allied-health professional whose purpose is to prepare
8824 professionals to render patient care services.

8825 (b) "Health care professional/vocational technical
8826 student" means a student enrolled in a health care
8827 professional/vocational technical academic program.

8828 (2) The dean or director of the health care
8829 professional/vocational technical academic program is authorized
8830 to ensure that criminal history record checks and fingerprinting
8831 are obtained on their students before the students begin any
8832 clinical rotation in a licensed health care entity and that the
8833 criminal history record check information and registry checks are
8834 on file at the academic institution. In order to determine the
8835 student's suitability for the clinical rotation, the student shall
8836 be fingerprinted. If no disqualifying record is identified at the
8837 state level, the fingerprints shall be forwarded by the Department
8838 of Public Safety, the Department of Health, or any other legally
8839 authorized entity to the FBI for a national criminal history
8840 record check. The fee for the fingerprinting and criminal history



8841 record check shall be paid by the applicant, not to exceed Fifty
8842 Dollars (\$50.00); however, the academic institution in which the
8843 student is enrolled, in its discretion, may elect to pay the fee
8844 for the fingerprinting and criminal history record check on behalf
8845 of any applicant. Under no circumstances shall the academic
8846 institution representative or any individual other than the
8847 subject of the criminal history record checks disseminate
8848 information received through any such checks except insofar as
8849 required to fulfill the purposes of this section.

8850 (3) If the fingerprinting or criminal history record checks
8851 disclose a * * * disqualifying crime as provided in the Fresh
8852 Start Act, the student shall not be eligible to be admitted to the
8853 health care professional/vocational technical academic program of
8854 study. Any preadmission agreement executed by the health care
8855 professional/vocational technical academic program shall be
8856 voidable if the student receives a disqualifying criminal history
8857 record check. However, the administration of the health care
8858 professional/vocational technical academic program may, in its
8859 discretion, allow any applicant aggrieved by the admissions
8860 decision under this section to appear before an appeals committee
8861 or before a hearing officer designated for that purpose, to show
8862 mitigating circumstances that may exist and allow the student to
8863 be admitted to or continue in the program of study. The health
8864 care professional/vocational technical academic program may grant
8865 waivers for those mitigating circumstances, which shall include,



8866 but not be limited to: (a) age at which the crime was committed;
8867 (b) circumstances surrounding the crime; (c) length of time since
8868 the conviction and criminal history since the conviction; (d) work
8869 history; (e) current employment and character references; (f)
8870 other evidence demonstrating the ability of the student to perform
8871 the clinical responsibilities competently and that the student
8872 does not pose a threat to the health or safety of patients in the
8873 licensed health care entities in which they will be conducting
8874 clinical experiences. The health care professional/vocational
8875 technical academic program shall provide assurance to the licensed
8876 health care entity in which the clinical rotation is planned that
8877 the results of a health care professional/vocational technical
8878 student's criminal history record check would not prohibit the
8879 student from being able to conduct his or her clinical activities
8880 in the facility, institution, or organization. The criminal
8881 history record check shall be valid for the course of academic
8882 study, provided that annual disclosure statements are provided to
8883 the health care professional/vocational technical academic program
8884 regarding any criminal activity that may have occurred during the
8885 student's tenure with the health care professional/vocational
8886 technical academic program. The criminal history record check may
8887 be repeated at the discretion of the health care
8888 professional/vocational technical academic program based on
8889 information obtained during the annual disclosure statements. In
8890 extenuating circumstances, if a criminal history record check is



8891 initiated and the results are not available at the time the
8892 clinical rotation begins, the academic institution in which the
8893 student is enrolled, at its discretion, may require a signed
8894 affidavit from the student assuring compliance with this section.
8895 The affidavit will be considered void within sixty (60) days of
8896 its signature.

8897 (4) Criminal history record checks that are done as part of
8898 the requirements for participation in the health care
8899 professional/vocational technical academic program may not be used
8900 for any other purpose than those activities associated with their
8901 program of study. Students who may be employed as health care
8902 professionals outside of their program of study may be required to
8903 obtain additional criminal history record checks as part of their
8904 employment agreement.

8905 (5) No health care professional/vocational technical
8906 academic program or academic program employee shall be held liable
8907 in any admissions discrimination suit in which an allegation of
8908 discrimination is made regarding an admissions decision authorized
8909 under this section.

8910 **SECTION 104.** Section 73-3-41, Mississippi Code of 1972, is
8911 amended as follows:

8912 73-3-41. Every person who has been or shall hereafter be
8913 convicted of * * * a disqualifying crime as provided in the Fresh
8914 Start Act in a court of this or any other state or a court of the
8915 United States, manslaughter or a violation of the Internal Revenue



8916 Code excepted, shall be incapable of obtaining a license to
8917 practice law. Any court of the State of Mississippi in which a
8918 licensed attorney shall have been convicted of a * * *
8919 disqualifying crime as provided in the Fresh Start Act, other than
8920 manslaughter or a violation of the Internal Revenue Code, shall
8921 enter an order disbarring the attorney.

8922 **SECTION 105.** Section 73-4-25, Mississippi Code of 1972, is
8923 amended as follows:

8924 73-4-25. (1) The commission may refuse to issue or renew a
8925 license, place a licensee on probation or administrative
8926 supervision, suspend or revoke any license, or may reprimand or
8927 take any other action in relation to a license, including the
8928 imposition of a fine not to exceed Five Thousand Dollars
8929 (\$5,000.00) for each violation upon a licensee, or applicant for
8930 licensure, under this chapter for any of the following reasons:

8931 (a) Knowingly filing or causing to be filed a false
8932 application.

8933 (b) Failure to enter into a written contract with a
8934 seller or consignor prior to placing or permitting advertising for
8935 an auction sale to be placed.

8936 (c) Failure by the licensee to give the seller or
8937 consignor a signed receipt for items received for sale at auction,
8938 either by item or lot number at the time the goods are received,
8939 unless the goods are to remain in the possession of the seller or
8940 consignor.



8941 (d) Failure to give the seller or consignor a statement
8942 or lot description, selling price, purchaser's identity and the
8943 net proceeds due to the seller or consignor.

8944 (e) Failure to place funds received from an auction
8945 sale in an escrow or trust account, and failure to make timely
8946 settlement on escrowed funds. Absent a written agreement to the
8947 contrary, five (5) business days shall be deemed timely for
8948 settlement on personal property.

8949 (f) Permitting an unlicensed auctioneer to call for
8950 bids in an auction sale.

8951 (g) Having been convicted of or pled guilty to a * * *
8952 disqualifying crime as provided in the Fresh Start Act in the
8953 courts of this state or any other state, territory or country.
8954 Conviction, as used in this paragraph, shall include a deferred
8955 conviction, deferred prosecution, deferred sentence, finding or
8956 verdict of guilt, an admission of guilt or a plea of nolo
8957 contendere.

8958 (h) Any course of intentional, willful or wanton
8959 conduct by a licensee or such licensee's employees which misleads
8960 or creates a false impression among the seller, buyer, bidders and
8961 the auctioneer in the advertising, conducting and closing of an
8962 auction sale.

8963 (i) A continued and flagrant course of
8964 misrepresentation or making false promises, either by the



8965 licensee, an employee of the licensee, or by someone acting on
8966 behalf of and with the licensee's consent.

8967 (j) Any failure to account for or to pay over within a
8968 reasonable time funds belonging to another which have come into
8969 the licensee's possession through an auction sale.

8970 (k) Any false, misleading or untruthful advertising.

8971 (l) Any act of conduct in connection with a sales
8972 transaction which demonstrates bad faith or dishonesty.

8973 (m) Knowingly using false bidders, cappers or pullers,
8974 or knowingly making a material false statement or representation.

8975 (n) Commingling the funds or property of a client with
8976 the licensee's own or failing to maintain and deposit in a trust
8977 or escrow account in an insured bank or savings and loan
8978 association located in Mississippi funds received for another
8979 person through sale at auction.

8980 (o) Failure to give full cooperation to the commission
8981 and/or its designees, agents or other representatives in the
8982 performance of official duties of the commission. Such failure to
8983 cooperate includes, but is not limited to:

8984 (i) Failure to properly make any disclosures or to
8985 provide documents or information required by this chapter or by
8986 the commission;

8987 (ii) Not furnishing, in writing, a full and
8988 complete explanation covering the matter contained in a complaint
8989 filed with the commission;



8990 (iii) Failure, without good cause, to cooperate
8991 with any request by the board to appear before it;

8992 (iv) Not providing access, as directed by the
8993 commission, for its authorized agents or representatives seeking
8994 to perform reviews, audits or inspections at facilities or places
8995 utilized by the license holder in the auction business;

8996 (v) Failure to provide information within the
8997 specified time allotted and as required by the board and/or its
8998 representatives or designees;

8999 (vi) Failure to cooperate with the board or its
9000 designees or representatives in the investigation of any alleged
9001 misconduct or willfully interfering with a board investigation.

9002 (p) A demonstrated lack of financial responsibility.

9003 (q) Having had a license for the practice of
9004 auctioneering or the auction business suspended or revoked in any
9005 jurisdiction, having voluntarily surrendered a license in any
9006 jurisdiction, having been placed on probation in any jurisdiction,
9007 having been placed under disciplinary order(s) or other
9008 restriction in any manner for auctioneering or the auction
9009 business (a certified copy of the order of suspension, revocation,
9010 probation or disciplinary action shall be prima facie evidence of
9011 such action).

9012 (r) Any violation of this chapter or any violation of a
9013 rule or regulation duly adopted by the commission.



9014 (2) In addition to the acts specified in subsection (1) of
9015 this section, the commission shall be authorized to suspend the
9016 license of any licensee for being out of compliance with an order
9017 for support, as defined in Section 93-11-153. The procedure for
9018 suspension of a license for being out of compliance with an order
9019 for support, and the procedure for the reissuance or reinstatement
9020 of a license suspended for that purpose, and the payment of any
9021 fees for the reissuance or reinstatement of a license suspended
9022 for that purpose, shall be governed by Section 93-11-157 or
9023 93-11-163. If there is any conflict between any provision of
9024 Section 93-11-157 or 93-11-163 and any provision of this chapter,
9025 the provisions of Section 93-11-157 or 93-11-163, as the case may
9026 be, shall control.

9027 **SECTION 106.** Section 73-6-19, Mississippi Code of 1972, is
9028 amended as follows:

9029 73-6-19. (1) The board shall refuse to grant a certificate
9030 of licensure to any applicant or may cancel, revoke or suspend the
9031 certificate upon the finding of any of the following facts
9032 regarding the applicant or licensed practitioner:

9033 (a) Failure to comply with the rules and regulations
9034 adopted by the State Board of Chiropractic Examiners;

9035 (b) Violation of any of the provisions of this chapter
9036 or any of the rules and regulations of the State Board of Health
9037 pursuant to this chapter with regard to the operation and use of
9038 x-rays;



9039 (c) Fraud or deceit in obtaining a license;
9040 (d) Addiction to the use of alcohol, narcotic drugs, or
9041 anything which would seriously interfere with the competent
9042 performance of his professional duties;
9043 (e) Conviction by a court of competent jurisdiction of
9044 a * * * disqualifying crime as provided in the Fresh Start Act;
9045 (f) Unprofessional and unethical conduct;
9046 (g) Contraction of a contagious disease which may be
9047 carried for a prolonged period;
9048 (h) Failure to report to the Mississippi Department of
9049 Human Services or the county attorney any case wherein there are
9050 reasonable grounds to believe that a child or vulnerable adult has
9051 been abused by its parent or person responsible for such person's
9052 welfare;
9053 (i) Advising a patient to use drugs, prescribing or
9054 providing drugs for a patient, or advising a patient not to use a
9055 drug prescribed by a licensed physician or dentist;
9056 (j) Professional incompetency in the practice of
9057 chiropractic;
9058 (k) Having disciplinary action taken by his peers
9059 within any professional chiropractic association or society;
9060 (l) Offering to accept or accepting payment for
9061 services rendered by assignment from any third-party payor after
9062 offering to accept or accepting whatever the third-party payor
9063 covers as payment in full, if the effect of the offering or



9064 acceptance is to eliminate or give the impression of eliminating
9065 the need for payment by an insured of any required deductions
9066 applicable in the policy of the insured;

9067 (m) Associating his practice with any chiropractor who
9068 does not hold a valid chiropractic license in Mississippi, or
9069 teach chiropractic manipulation to nonqualified persons under
9070 Section 73-6-13;

9071 (n) Failure to make payment on chiropractic student
9072 loans;

9073 (o) Failure to follow record keeping requirements
9074 prescribed in Section 73-6-18;

9075 (p) If the practitioner is certified to provide animal
9076 chiropractic treatment, failure to follow guidelines approved by
9077 the Mississippi Board of Veterinary Medicine; or

9078 (q) Violation(s) of the provisions of Sections 41-121-1
9079 through 41-121-9 relating to deceptive advertisement by health
9080 care practitioners. This paragraph shall stand repealed on July
9081 1, 2025.

9082 (2) Any holder of such certificate or any applicant therefor
9083 against whom is preferred any of the designated charges shall be
9084 furnished a copy of the complaint and shall receive a formal
9085 hearing in Jackson, Mississippi, before the board, at which time
9086 he may be represented by counsel and examine witnesses. The board
9087 is authorized to administer oaths as may be necessary for the
9088 proper conduct of any such hearing. In addition, the board is



9089 authorized and empowered to issue subpoenas for the attendance of
9090 witnesses and the production of books and papers. The process
9091 issued by the board shall extend to all parts of the state. Where
9092 in any proceeding before the board any witness shall fail or
9093 refuse to attend upon subpoena issued by the board, shall refuse
9094 to testify, or shall refuse to produce any books and papers, the
9095 production of which is called for by the subpoena, the attendance
9096 of such witness and the giving of his testimony and the production
9097 of the books and papers shall be enforced by any court of
9098 competent jurisdiction of this state in the manner provided for
9099 the enforcement of attendance and testimony of witnesses in civil
9100 cases in the courts of this state.

9101 (3) In addition to any other investigators the board
9102 employs, the board shall appoint one or more licensed
9103 chiropractors to act for the board in investigating the conduct
9104 relating to the competency of a chiropractor, whenever
9105 disciplinary action is being considered for professional
9106 incompetence and unprofessional conduct.

9107 (4) Whenever the board finds any person unqualified to
9108 practice chiropractic because of any of the grounds set forth in
9109 subsection (1) of this section, after a hearing has been conducted
9110 as prescribed by this section, the board may enter an order
9111 imposing one or more of the following:

9112 (a) Deny his application for a license or other
9113 authorization to practice chiropractic;



9114 (b) Administer a public or private reprimand;
9115 (c) Suspend, limit or restrict his license or other
9116 authorization to practice chiropractic for up to five (5) years;
9117 (d) Revoke or cancel his license or other authorization
9118 to practice chiropractic;
9119 (e) Require him to submit to care, counseling or
9120 treatment by physicians or chiropractors designated by the board,
9121 as a condition for initial, continued or renewal of licensure or
9122 other authorization to practice chiropractic;
9123 (f) Require him to participate in a program of
9124 education prescribed by the board; or
9125 (g) Require him to practice under the direction of a
9126 chiropractor designated by the board for a specified period of
9127 time.
9128 (5) Any person whose application for a license or whose
9129 license to practice chiropractic has been cancelled, revoked or
9130 suspended by the board within thirty (30) days from the date of
9131 such final decision shall have the right of a de novo appeal to
9132 the circuit court of his county of residence or the Circuit Court
9133 of the First Judicial District of Hinds County, Mississippi. If
9134 there is an appeal, such appeal may, in the discretion of and on
9135 motion to the circuit court, act as a supersedeas. The circuit
9136 court shall dispose of the appeal and enter its decision promptly.
9137 The hearing on the appeal may, in the discretion of the circuit
9138 judge, be tried in vacation. Either party shall have the right of



9139 appeal to the Supreme Court as provided by law from any decision
9140 of the circuit court.

9141 (6) In a proceeding conducted under this section by the
9142 board for the revocation, suspension or cancellation of a license
9143 to practice chiropractic, after a hearing has been conducted as
9144 prescribed by this section, the board shall have the power and
9145 authority for the grounds stated in subsection (1) of this
9146 section, with the exception of paragraph (c) thereof, to assess
9147 and levy upon any person licensed to practice chiropractic in the
9148 state a monetary penalty in lieu of such revocation, suspension or
9149 cancellation, as follows:

9150 (a) For the first violation, a monetary penalty of not
9151 less than Five Hundred Dollars (\$500.00) nor more than One
9152 Thousand Dollars (\$1,000.00) for each violation.

9153 (b) For the second and each subsequent violation, a
9154 monetary penalty of not less than One Thousand Dollars (\$1,000.00)
9155 nor more than Two Thousand Five Hundred Dollars (\$2,500.00) for
9156 each violation.

9157 The power and authority of the board to assess and levy such
9158 monetary penalties under this section shall not be affected or
9159 diminished by any other proceeding, civil or criminal, concerning
9160 the same violation or violations. A licensee shall have the right
9161 of appeal from the assessment and levy of a monetary penalty as
9162 provided in this section to the circuit court under the same
9163 conditions as a right of appeal is provided for in this section



9164 for appeals from an adverse ruling, or order, or decision of the
9165 board. Any monetary penalty assessed and levied under this
9166 section shall not take effect until after the time for appeal has
9167 expired, and an appeal of the assessment and levy of such a
9168 monetary penalty shall act as a supersedeas.

9169 (7) In addition to the grounds specified in subsection (1)
9170 of this section, the board shall be authorized to suspend the
9171 license of any licensee for being out of compliance with an order
9172 for support, as defined in Section 93-11-153. The procedure for
9173 suspension of a license for being out of compliance with an order
9174 for support, and the procedure for the reissuance or reinstatement
9175 of a license suspended for that purpose, and the payment of any
9176 fees for the reissuance or reinstatement of a license suspended
9177 for that purpose, shall be governed by Section 93-11-157 or
9178 93-11-163, as the case may be. Actions taken by the board in
9179 suspending a license when required by Section 93-11-157 or
9180 93-11-163 are not actions from which an appeal may be taken under
9181 this section. Any appeal of a license suspension that is required
9182 by Section 93-11-157 or 93-11-163 shall be taken in accordance
9183 with the appeal procedure specified in Section 93-11-157 or
9184 93-11-163, as the case may be, rather than the procedure specified
9185 in this section. If there is any conflict between any provision
9186 of Section 93-11-157 or 93-11-163 and any provision of this
9187 chapter, the provisions of Section 93-11-157 or 93-11-163, as the
9188 case may be, shall control.



SECTION 107. Section 73-7-27, Mississippi Code of 1972, is amended as follows:

73-7-27. (1) Any complaint may be filed with the board by a member or agent of the board or by any person charging any licensee of the board with the commission of any of the offenses enumerated in subsection (2) of this section. Such complaint shall be in writing, signed by the accuser or accusers, and verified under oath, and such complaints shall be investigated as set forth in Section 73-7-7. After the investigation, the board may dismiss the complaint if the board, through its administrative review agents, determines that there is not substantial justification to believe that the accused licensee has committed any of the offenses enumerated or, the board may prepare a formal complaint proceeding against the licensee as hereinafter provided. When used with reference to any complaint filed against a licensee herein, the term "not substantial justification" means a complaint that is frivolous, groundless in fact or law, or vexatious, as determined by unanimous vote of the board. In the event of a dismissal, the person filing the accusation and the accused licensee shall be given written notice of the board's determination. If the board determines there is reasonable cause to believe the accused has committed any of those offenses, the secretary of the board or the executive director shall give written notice of such determination to the accused licensee and



9213 set a day for a hearing as provided in subsection (3) of this
9214 section.

9215 (2) The board shall have the power to revoke, suspend or
9216 refuse to issue or renew any license or certificate provided for
9217 in this chapter, and to fine, place on probation and/or otherwise
9218 discipline an applicant, student, licensee or holder of a
9219 certificate, upon proof that such person: (a) has not complied
9220 with or has violated any of the rules and regulations promulgated
9221 by the board; (b) has not complied with an order, decision, or
9222 ruling of the board; (c) has committed fraud or dishonest conduct
9223 in the taking of the examination herein provided for; (d) has been
9224 convicted of a * * * disqualifying crime as provided in the Fresh
9225 Start Act; (e) has committed grossly unprofessional or dishonest
9226 conduct; (f) is addicted to the excessive use of intoxicating
9227 liquors or to the use of drugs to such an extent as to render him
9228 or her unfit to practice in any of the practices or occupations
9229 set forth in this chapter; (g) has advertised by means of
9230 knowingly false or deceptive statements; (h) has failed to display
9231 the license or certificate issued to him or her as provided for in
9232 this chapter; or (i) has been convicted of violating any of the
9233 provisions of this chapter. A conviction of violating any of the
9234 provisions of this chapter shall be grounds for automatic
9235 suspension of the license or certificate of such person.

9236 (3) (a) The board shall not revoke, suspend or refuse to
9237 issue or renew any license or certificate, or fine, place on



9238 probation or otherwise discipline any applicant, licensee or
9239 holder of a certificate in a disciplinary matter except after a
9240 hearing of which the applicant or licensee or holder of the
9241 certificate affected shall be given at least twenty (20) days'
9242 notice in writing, specifying the reason or reasons for denying
9243 the applicant a license or certificate of registration, or in the
9244 case of any other disciplinary action, the offense or offenses of
9245 which the licensee or holder of a certificate of registration is
9246 charged. Such notice may be served by mailing a copy thereof by
9247 United States first-class certified mail, postage prepaid, to the
9248 last-known residence or business address of such applicant,
9249 licensee or holder of a certificate. The hearing on such charges
9250 shall be at such time and place as the board may prescribe. The
9251 provisions of this paragraph (a) shall not apply to the board's
9252 collection of a civil penalty or fine imposed by the board under
9253 paragraph (b) of this subsection.

9254 (b) Any civil penalty or fine imposed by the board
9255 under this chapter resulting from an inspection or audit shall
9256 become due and payable when the applicant, licensee or holder of a
9257 certificate incurring the penalty receives a notice in writing
9258 from the board of the penalty. The notice shall be sent by
9259 registered or certified mail or by personal service. The person
9260 to whom the notice is addressed shall have thirty (30) days from
9261 the date of the notice in which to make written application for a
9262 hearing. Any person who makes the application for a hearing shall



9263 be entitled to a hearing. The hearing shall be conducted as a
9264 contested case hearing. When an order assessing a civil penalty
9265 under this section becomes final by operation of law or on appeal,
9266 unless the amount of penalty is paid within thirty (30) days after
9267 the order becomes final, it may be recorded with the circuit clerk
9268 in any county of this state. The clerk shall then record the name
9269 of the person incurring the penalty and the amount of the penalty
9270 in his lien record book.

9271 (c) The board may temporarily suspend a license under
9272 this chapter without any hearing, simultaneously with the
9273 institution of proceedings under this section, if it finds that
9274 the evidence in support of the board's determination is clear,
9275 competent and unequivocal that the licensee's continuation in
9276 practice would constitute an imminent danger to public health and
9277 safety.

9278 (4) At such hearings, all witnesses shall be sworn by a
9279 court reporter, and stenographic notes of the proceedings shall be
9280 taken. Any party to the proceedings, at the request of such
9281 party, shall be furnished with a copy of such stenographic notes
9282 upon payment to the board of such fees as it shall prescribe, not
9283 exceeding, however, the actual costs of transcription.

9284 (5) The board is authorized and empowered to issue
9285 subpoenas for the attendance of witnesses and the production of
9286 books and papers. The process issued by the board shall extend to
9287 all parts of the state and such process shall be served by any



9288 person designated by the board for such service. The person
9289 serving such process shall receive such compensation as may be
9290 allowed by the board, not to exceed the fee prescribed by law for
9291 similar services. All witnesses who shall be subpoenaed, and who
9292 shall appear in any proceedings before the board, shall receive
9293 the same fees and mileage as allowed by law.

9294 (6) Where in any proceeding before the board any witness
9295 shall fail or refuse to attend upon subpoena issued by the board,
9296 shall refuse to testify, or shall refuse to produce any books and
9297 papers, the production of which is called for by the subpoena, the
9298 attendance of such witness and the giving of his testimony and the
9299 production of the books and papers shall be enforced by any court
9300 of competent jurisdiction of this state, in the same manner as are
9301 enforced for the attendance and testimony of witnesses in civil
9302 cases in the courts of this state.

9303 (7) The board shall conduct the hearing in an orderly and
9304 continuous manner, granting continuances only when the ends of
9305 justice may be served. The board shall, within sixty (60) days
9306 after conclusion of the hearing, reduce its decision to writing
9307 and forward an attested true copy thereof to the last-known
9308 residence or business address of such applicant, licensee or
9309 holder of a certificate, by way of United States first-class
9310 certified mail, postage prepaid.

9311 (8) Any and all parties to the hearing shall have the right
9312 of appeal from an adverse ruling, or order, or decision of the



9313 board to the Chancery Court of the First Judicial District of
9314 Hinds County, Mississippi, upon forwarding notice of appeal to the
9315 board within thirty (30) days after the decision of the board is
9316 mailed in the manner here contemplated. The appellant shall,
9317 together with the notice of appeal, first pay the costs for the
9318 transcription of the record of the hearing(s) and proceeding(s)
9319 before the board in which the adverse ruling, order or decision of
9320 the board was made. Any fine imposed by the board under the
9321 provisions of this chapter shall not take effect until after the
9322 time for appeal has expired, and an appeal of the imposition of
9323 such a fine shall act as a supersedeas bond. The appeal shall
9324 thereupon be heard in due course by the court, which shall review
9325 the record and make its determination thereon.

9326 (9) The board, in its discretion, may assess and charge any
9327 part or all of the costs of any disciplinary proceedings conducted
9328 under this section against the accused if the accused is found
9329 guilty of the charges.

9330 (10) Any fine imposed by the board upon a licensee or holder
9331 of a certificate shall be in accordance with the following class
9332 designation of fines:

9333 (a) Class A - No violations or the violations are minor
9334 health and safety violations that are detrimental to public safety
9335 and welfare. Violations under this class shall be set at no less
9336 than Fifty Dollars (\$50.00) but no more than Two Hundred Dollars
9337 (\$200.00);



9338 (b) Class B - Class B violations are major health and
9339 safety concerns that are detrimental to public safety and welfare
9340 and shall be set at no less than Two Hundred Fifty Dollars
9341 (\$250.00) but no more than Seven Hundred Fifty Dollars (\$750.00);

9342 (c) Class C - Class C violations shall be set at no
9343 less than Eight Hundred Dollars (\$800.00) but no more than One
9344 Thousand Dollars (\$1,000.00) and are violations specific to the
9345 following:

9346 (i) Unlicensed practice or the use of fraudulent
9347 statements to obtain any benefits or privileges under this chapter
9348 or practicing one (1) of the professions regulated by the board
9349 without a license. These violations will be handled in accordance
9350 with the requirements of Section 73-7-27 or Section 73-7-37 when
9351 applicable; and

9352 (ii) Extremely dangerous to the health and safety
9353 of the public.

9354 The power and authority of the board to impose such fines
9355 under this section shall not be affected or diminished by any
9356 other proceeding, civil or criminal, concerning the same violation
9357 or violations.

9358 (11) In addition to the reasons specified in subsection (2)
9359 of this section, the board shall be authorized to suspend the
9360 license of any licensee for being out of compliance with an order
9361 for support, as defined in Section 93-11-153. The procedure for
9362 suspension of a license for being out of compliance with an order



9363 for support, and the procedure for the reissuance or reinstatement
9364 of a license suspended for that purpose, and the payment of any
9365 fees for the reissuance or reinstatement of a license suspended
9366 for that purpose, shall be governed by Section 93-11-157 or
9367 93-11-163, as the case may be. Actions taken by the board in
9368 suspending a license when required by Section 93-11-157 or
9369 93-11-163 are not actions from which an appeal may be taken under
9370 this section. Any appeal of a license suspension that is required
9371 by Section 93-11-157 or 93-11-163 shall be taken in accordance
9372 with the appeal procedure specified in Section 93-11-157 or
9373 93-11-163, as the case may be, rather than the procedure specified
9374 in this section. If there is any conflict between any provision
9375 of Section 93-11-157 or 93-11-163 and any provision of this
9376 chapter, the provisions of Section 93-11-157 or 93-11-163, as the
9377 case may be, shall control.

9378 **SECTION 108.** Section 73-17-15, Mississippi Code of 1972, is
9379 amended as follows:

9380 73-17-15. (1) (a) The board is authorized to investigate,
9381 either on the basis of complaints filed with it or on its own
9382 initiative, instances of suspected violations of this chapter of
9383 any nature, including, but not limited to: performing the duties
9384 of a nursing home administrator without a license; the providing
9385 of false information to the board either incident to an
9386 application for a license, incident to a hearing, or otherwise;
9387 maladministration; unethical conduct; incompetence; the conviction



9388 of a licensee of a * * * disqualifying crime as provided in the
9389 Fresh Start Act; the misappropriation of funds; or of any other
9390 matter reflecting unfavorably upon the holder of a license under
9391 this chapter or an applicant therefor. On the basis of
9392 information developed during such an investigation, the board may
9393 (i) revoke, suspend, or refuse to renew any license issued by the
9394 board, (ii) deny an application for a license, or (iii) reprimand,
9395 place on probation, and/or take any other action in relation to a
9396 license, as the board may deem proper under the circumstances.
9397 Whenever the results of such an investigation are filed, the
9398 executive director of the board shall set a day for a hearing and
9399 shall notify the licensee that on the day fixed for hearing he or
9400 she may appear and show cause, if any, why his or her license
9401 should not be revoked, suspended, or other action taken in
9402 relation to his or her license. The notice shall be transmitted
9403 to the licensee by certified United States mail to the address of
9404 the licensee appearing of record with the board.

9405 (b) In cases where violations of this chapter have been
9406 substantiated, the board may assess a monetary penalty for those
9407 reasonable costs that are expended by the board in the
9408 investigation and conduct of a proceeding for licensure
9409 revocation, suspension or restriction, including, but not limited
9410 to, the cost of process service, court reporters, expert witnesses
9411 and investigations.



9412 (2) The board, upon finding and determining that any person
9413 represents himself or herself to be a nursing home administrator
9414 or performs any or all of the services, acts or duties of a
9415 nursing home administrator as defined in this chapter without a
9416 license, is authorized to petition the chancery court of the
9417 county in which the unauthorized acts have been, are being or may
9418 be committed, for writ or writs of injunction prohibiting the
9419 unauthorized acts. This provision is supplemental and in addition
9420 to the penal provisions set forth in Section 73-17-13.

9421 (3) Any licensee whose license has been revoked or
9422 suspended, or who has been placed on probation or reprimanded
9423 after a contested hearing, may appeal that action of the board to
9424 the chancery court of the county in which the nursing home
9425 administrator is practicing, which appeal shall not be a de novo
9426 appeal but shall be determined upon an official transcript of the
9427 record of the contested hearing. Appeals to the chancery court
9428 shall be taken within ten (10) days from the date of the board's
9429 order and shall be taken, perfected, heard and determined either
9430 in termtime or in vacation, and the appeals shall be heard and
9431 disposed of promptly by the court. Appeals from the board shall
9432 be taken and perfected by the filing of a bond in the sum of Two
9433 Hundred Fifty Dollars (\$250.00) with two (2) sureties, or with a
9434 surety company qualified to do business in Mississippi as surety,
9435 conditioned to pay the costs of the appeal. The bond shall be
9436 payable to the state and shall be approved by the clerk of the



9437 chancery court. The bond may be enforced in its name as other
9438 judicial bonds filed in the chancery court, and judgment may be
9439 entered upon those bonds and process and execution shall issue
9440 upon those judgments as provided by law in other cases. Upon
9441 approval of the bond by the clerk of the chancery court, the clerk
9442 shall give notice to the board of the appeal from the decision of
9443 the board. It thereupon shall be the duty of the board through
9444 its duly authorized representative to promptly transmit to the
9445 clerk of the chancery court in which the appeal is pending a
9446 certified copy of the order of the board and all documents filed
9447 relating to the board's action against the licensee, together with
9448 a transcript of the testimony, both oral and documentary,
9449 introduced for consideration by the board both in support of and
9450 in opposition to the action, which appeal shall be docketed by the
9451 clerk and shall be determined by the court based upon the record.
9452 If there is an appeal, the appeal may, in the discretion of and on
9453 motion to the chancery court, act as a supersedeas. The chancery
9454 court shall dispose of the appeal and enter its decision promptly.
9455 The hearing on the appeal may, in the discretion of the
9456 chancellor, be tried in vacation.

9457 (4) Appeals from the decision of the chancery court may be
9458 taken by either the board or the licensee to the Supreme Court as
9459 in the case of appeals generally from the chancery court to the
9460 Supreme Court.



(5) In addition to the reasons 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 revoking 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 109. Section 73-23-59, Mississippi Code of 1972, is amended as follows:

73-23-59. (1) Licensees subject to this chapter shall conduct their activities, services and practice in accordance with this chapter and any rules promulgated pursuant hereto. The



9486 board, upon satisfactory proof and in accordance with the
9487 provisions of this chapter and the regulations of the board, may
9488 suspend, revoke, or refuse to issue or renew any license
9489 hereunder, or revoke or suspend any privilege to practice,
9490 censure or reprimand any licensee, restrict or limit a license,
9491 and take any other action in relation to a license or privilege to
9492 practice as the board may deem proper under the circumstances upon
9493 any of the following grounds:

9494 (a) Negligence in the practice or performance of
9495 professional services or activities;

9496 (b) Engaging in dishonorable, unethical or
9497 unprofessional conduct of a character likely to deceive, defraud
9498 or harm the public in the course of professional services or
9499 activities;

9500 (c) Perpetrating or cooperating in fraud or material
9501 deception in obtaining or renewing a license or attempting the
9502 same or obtaining a privilege to practice;

9503 (d) Being convicted of any crime which has a
9504 substantial relationship to the licensee's activities and services
9505 or an essential element of which is misstatement, fraud or
9506 dishonesty;

9507 (e) Having been convicted of or pled guilty to a * * *
9508 disqualifying crime as provided in the Fresh Start Act in the
9509 courts of this state or any other state, territory or country.
9510 Conviction, as used in this paragraph, shall include a deferred



9511 conviction, deferred prosecution, deferred sentence, finding or
9512 verdict of guilt, an admission of guilty, or a plea of nolo
9513 contendere;

9514 (f) Engaging in or permitting the performance of
9515 unacceptable services personally or by others working under the
9516 licensee's supervision due to the licensee's deliberate or
9517 negligent act or acts or failure to act, regardless of whether
9518 actual damage or damages to the public is established;

9519 (g) Continued practice although the licensee has become
9520 unfit to practice as a physical therapist or physical therapist
9521 assistant due to: (i) failure to keep abreast of current
9522 professional theory or practice; or (ii) physical or mental
9523 disability; the entry of an order or judgment by a court of
9524 competent jurisdiction that a licensee is in need of mental
9525 treatment or is incompetent shall constitute mental disability; or
9526 (iii) addiction or severe dependency upon alcohol or other drugs
9527 which may endanger the public by impairing the licensee's ability
9528 to practice;

9529 (h) Having disciplinary action taken against the
9530 licensee's license in another state;

9531 (i) Making differential, detrimental treatment against
9532 any person because of race, color, creed, sex, religion or
9533 national origin;

9534 (j) Engaging in lewd conduct in connection with
9535 professional services or activities;



9536 (k) Engaging in false or misleading advertising;
9537 (l) Contracting, assisting or permitting unlicensed
9538 persons to perform services for which a license is required under
9539 this chapter or privilege to practice is required under Section
9540 73-23-101;
9541 (m) Violation of any probation requirements placed on a
9542 license or privilege to practice by the board;
9543 (n) Revealing confidential information except as may be
9544 required by law;
9545 (o) Failing to inform clients of the fact that the
9546 client no longer needs the services or professional assistance of
9547 the licensee;
9548 (p) Charging excessive or unreasonable fees or engaging
9549 in unreasonable collection practices;
9550 (q) For treating or attempting to treat ailments or
9551 other health conditions of human beings other than by physical
9552 therapy as authorized by this chapter;
9553 (r) Except as authorized in Section 73-23-35(3) and
9554 (4), for applying or offering to apply physical therapy, exclusive
9555 of initial evaluation or screening and exclusive of education or
9556 consultation for the prevention of physical and mental disability
9557 within the scope of physical therapy, other than upon the referral
9558 from a licensed physician, dentist, osteopath, podiatrist,
9559 chiropractor, physician assistant or nurse practitioner; or for



9560 acting as a physical therapist assistant other than under the
9561 direct, on-site supervision of a licensed physical therapist;
9562 (s) Failing to adhere to the recognized standards of
9563 ethics of the physical therapy profession as established by rules
9564 of the board;
9565 (t) Failing to complete continuing competence
9566 requirements as established by board rule;
9567 (u) Failing to supervise physical therapist assistants
9568 in accordance with this chapter and/or board rules;
9569 (v) Engaging in sexual misconduct. For the purpose of
9570 this paragraph, sexual misconduct includes, but is not necessarily
9571 limited to:
9572 (i) Engaging in or soliciting sexual
9573 relationships, whether consensual or nonconsensual, while a
9574 physical therapist or physical therapist assistant/patient
9575 relationship exists.
9576 (ii) Making sexual advances, requesting sexual
9577 favors or engaging in other verbal conduct or physical contact of
9578 a sexual nature with patients or clients.
9579 (iii) Intentionally viewing a completely or
9580 partially disrobed patient in the course of treatment if the
9581 viewing is not related to patient diagnosis or treatment under
9582 current practice standards;
9583 (w) The erroneous issuance of a license or privilege to
9584 practice to any person;



9585 (x) Violations of any provisions of this chapter, board
9586 rules or regulations or a written order or directive of the board;

9587 (y) Failing to maintain adequate patient records. For
9588 the purposes of this paragraph, "adequate patient records" means
9589 legible records that contain at minimum sufficient information to
9590 identify the patient, an evaluation of objective findings, a
9591 diagnosis, a plan of care, a treatment record and a discharge
9592 plan;

9593 (z) Failing to report to the board any unprofessional,
9594 incompetent or illegal acts that appear to be in violation of this
9595 law or any rules established by the board.

9596 (2) The board may order a licensee to submit to a reasonable
9597 physical or mental examination if the licensee's physical or
9598 mental capacity to practice safely is at issue in a disciplinary
9599 proceeding.

9600 (3) Failure to comply with a board order to submit to a
9601 physical or mental examination shall render a licensee subject to
9602 the summary suspension procedures described in Section 73-23-64.

9603 (4) In addition to the reasons specified in subsection (1)
9604 of this section, the board shall be authorized to suspend the
9605 license or privilege to practice of any licensee for being out of
9606 compliance with an order for support, as defined in Section
9607 93-11-153. The procedure for suspension of a license or privilege
9608 to practice for being out of compliance with an order for support,
9609 and the procedure for the reissuance or reinstatement of a license



9610 or privilege to practice suspended for that purpose, and the
9611 payment of any fees for the reissuance or reinstatement of a
9612 license or privilege to practice suspended for that purpose, shall
9613 be governed by Section 93-11-157 or 93-11-163, as the case may be.
9614 If there is any conflict between any provision of Section
9615 93-11-157 or 93-11-163 and any provision of this chapter, the
9616 provisions of Section 93-11-157 or 93-11-163, as the case may be,
9617 shall control.

9618 **SECTION 110.** Section 73-30-21, Mississippi Code of 1972, is
9619 amended as follows:

9620 73-30-21. (1) The board may, after notice and opportunity
9621 for a hearing, suspend, revoke or refuse to issue or renew a
9622 license or the privilege to practice or may reprimand the license
9623 holder or holder of the privilege to practice, upon a
9624 determination by the board that such license holder or holder of
9625 the privilege to practice or applicant for licensure or the
9626 privilege to practice has:

9627 (a) Been adjudged by any court to be mentally
9628 incompetent or have had a guardian of person appointed;

9629 (b) Been convicted of a * * * disqualifying crime as
9630 provided in the Fresh Start Act;

9631 (c) Sworn falsely under oath or affirmation;

9632 (d) Obtained a license or certificate or the privilege
9633 to practice by fraud, deceit or other misrepresentation;



(e) Engaged in the conduct of professional counseling in a grossly negligent or incompetent manner;

(f) Intentionally violated any provision of this article;

(g) Violated any rules or regulations of the board; or

(h) Aided or assisted another in falsely obtaining a license or the privilege to practice under this article.

With regard to a refusal to issue a privilege to practice, such refusal by the board shall be in accordance with the terms of the Professional Counseling Compact instead of this subsection (1).

(2) Appeals from disciplinary action are to be brought in the circuit court in the county of residence of the practitioner. In the event the practitioner resides out of state the appeal should be brought in Hinds County Circuit Court.

(3) The board may assess and levy upon any licensee, practitioner or applicant for licensure or the privilege to practice the costs incurred or expended by the board in the investigation and prosecution of any licensure, privilege to practice or disciplinary action, including, but not limited to, the costs of process service, court reporters, expert witnesses, investigators and attorney's fees.

(4) No revoked license or privilege to practice may be reinstated within twelve (12) months after such revocation. Reinstatement thereafter shall be upon such conditions as the



board may prescribe, which may include, without being limited to, successful passing of the examination required by this article.

(5) A license or privilege to practice certificate issued by the board is the property of the board and must be surrendered on demand.

(6) The chancery court is hereby vested with the jurisdiction and power to enjoin the unlawful practice of counseling and/or the false representation as a licensed counselor in a proceeding brought by the board or any members thereof or by any citizen of this state.

(7) In addition to the reasons 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 article, the provisions of Section 93-11-157 or 93-11-163, as the case may be, shall control.

SECTION 111. Section 73-35-21, Mississippi Code of 1972, is amended as follows:



9684 73-35-21. (1) Except as otherwise provided in this section,
9685 the commission may, upon its own motion and shall upon the
9686 verified complaint in writing of any person, hold a hearing
9687 pursuant to Section 73-35-23 for the refusal of license or for the
9688 suspension or revocation of a license previously issued, or for
9689 such other action as the commission deems appropriate. The
9690 commission shall have full power to refuse a license for cause or
9691 to revoke or suspend a license where it has been obtained by false
9692 or fraudulent representation, or where the licensee in performing
9693 or attempting to perform any of the acts mentioned herein, is
9694 deemed to be guilty of:

9695 (a) Making any substantial misrepresentation in
9696 connection with a real estate transaction;

9697 (b) Making any false promises of a character likely to
9698 influence, persuade or induce;

9699 (c) Pursuing a continued and flagrant course of
9700 misrepresentation or making false promises through agents or
9701 salespersons or any medium of advertising or otherwise;

9702 (d) Any misleading or untruthful advertising;

9703 (e) Acting for more than one (1) party in a transaction
9704 or receiving compensation from more than one (1) party in a
9705 transaction, or both, without the knowledge of all parties for
9706 whom he or she acts;

9707 (f) Failing, within a reasonable time, to account for
9708 or to remit any monies coming into his or her possession which



9709 belong to others, or commingling of monies belonging to others
9710 with his own funds. Every responsible broker procuring the
9711 execution of an earnest money contract or option or other contract
9712 who shall take or receive any cash or checks shall deposit, within
9713 a reasonable period of time, the sum or sums so received in a
9714 trust or escrow account in a bank or trust company pending the
9715 consummation or termination of the transaction. "Reasonable time"
9716 in this context means by the close of business of the next banking
9717 day;

9718 (g) Entering a guilty plea or conviction in a court of
9719 competent jurisdiction of this state, or any other state or the
9720 United States of any * * * disqualifying crime as provided in the
9721 Fresh Start Act;

9722 (h) Displaying a "for sale" or "for rent" sign on any
9723 property without the owner's consent;

9724 (i) Failing to furnish voluntarily, at the time of
9725 signing, copies of all listings, contracts and agreements to all
9726 parties executing the same;

9727 (j) Paying any rebate, profit or commission to any
9728 person other than a real estate broker or salesperson licensed
9729 under the provisions of this chapter;

9730 (k) Inducing any party to a contract, sale or lease to
9731 break such contract for the purpose of substituting in lieu
9732 thereof a new contract, where such substitution is motivated by
9733 the personal gain of the licensee;



9734 (1) Accepting a commission or valuable consideration as
9735 a real estate salesperson for the performance of any of the acts
9736 specified in this chapter from any person, except his or her
9737 employer who must be a licensed real estate broker;

9738 (m) Failing to successfully pass the commission's
9739 background investigation for licensure or renewal as provided in
9740 Section 73-35-10; or

9741 (n) Any act or conduct, whether of the same or a
9742 different character than hereinabove specified, which constitutes
9743 or demonstrates bad faith, incompetency or untrustworthiness, or
9744 dishonest, fraudulent or improper dealing. However, simple
9745 contact and/or communication with any mortgage broker or lender by
9746 a real estate licensee about any professional, including, but not
9747 limited to, an appraiser, home inspector, contractor, and/or
9748 attorney regarding a listing and/or a prospective or pending
9749 contract for the lease, sale and/or purchase of real estate shall
9750 not constitute conduct in violation of this section.

9751 (2) No real estate broker shall practice law or give legal
9752 advice directly or indirectly unless said broker be a duly
9753 licensed attorney under the laws of this state. He or she shall
9754 not act as a public conveyancer nor give advice or opinions as to
9755 the legal effect of instruments nor give opinions concerning the
9756 validity of title to real estate; nor shall he or she prevent or
9757 discourage any party to a real estate transaction from employing
9758 the services of an attorney; nor shall a broker undertake to



9759 prepare documents fixing and defining the legal rights of parties
9760 to a transaction. However, when acting as a broker, he or she may
9761 use an earnest money contract form. A real estate broker shall
9762 not participate in attorney's fees, unless the broker is a duly
9763 licensed attorney under the laws of this state and performs legal
9764 services in addition to brokerage services.

9765 (3) It is expressly provided that it is not the intent and
9766 purpose of the Mississippi Legislature to prevent a license from
9767 being issued to any person who is found to be of good reputation,
9768 is able to give bond, and who has lived in the State of
9769 Mississippi for the required period or is otherwise qualified
9770 under this chapter.

9771 (4) In addition to the reasons specified in subsection (1)
9772 of this section, the commission shall be authorized to suspend the
9773 license of any licensee for being out of compliance with an order
9774 for support, as defined in Section 93-11-153. The procedure for
9775 suspension of a license for being out of compliance with an order
9776 for support, and the procedure for the reissuance or reinstatement
9777 of a license suspended for that purpose, and the payment of any
9778 fees for the reissuance or reinstatement of a license suspended
9779 for that purpose, shall be governed by Section 93-11-157 or
9780 93-11-163, as the case may be. If there is any conflict between
9781 any provision of Section 93-11-157 or 93-11-163 and any provision
9782 of this chapter, the provisions of Section 93-11-157 or 93-11-163,
9783 as the case may be, shall control.



9784 (5) Nothing in this chapter shall prevent an associate
9785 broker or salesperson from owning any lawfully constituted
9786 business organization, including, but not limited to, a
9787 corporation, limited liability company or limited liability
9788 partnership, for the purpose of receiving payments contemplated in
9789 this chapter. The business organization shall not be required to
9790 be licensed under this chapter and shall not engage in any other
9791 activity requiring a real estate license.

9792 (6) The Mississippi Real Estate Commission shall not
9793 promulgate any rule or regulation, nor make any administrative or
9794 other interpretation, whereby any real estate licensee may be held
9795 responsible or subject to discipline or other actions by the
9796 commission relating to the information required to be disclosed by
9797 Sections 89-1-501 through 89-1-523 or delivery of information
9798 required to be disclosed by Sections 89-1-501 through 89-1-523.

9799 (7) The Mississippi Real Estate Commission shall not
9800 promulgate nor enforce any rule or regulation, nor make any
9801 administrative or other interpretation, whereby any real estate
9802 licensee may be required to include in any agreement or otherwise
9803 be required to agree to any requirement regarding unilateral
9804 termination by a buyer-agency agreement.

9805 **SECTION 112.** Section 73-38-27, Mississippi Code of 1972, is
9806 amended as follows:

9807 73-38-27. (1) With regard to a refusal to issue a privilege
9808 to practice, such refusal by the board shall be in accordance with



9809 terms of the Audiology and Speech-Language Pathology Interstate
9810 Compact. The board may refuse to issue or renew a license, or may
9811 suspend or revoke a license where the licensee or applicant for a
9812 license has been guilty of unprofessional conduct which has
9813 endangered or is likely to endanger the health, welfare or safety
9814 of the public. Such unprofessional conduct may result from:

9815 (a) Negligence in the practice or performance of
9816 professional services or activities;

9817 (b) Engaging in dishonorable, unethical or
9818 unprofessional conduct of a character likely to deceive, defraud
9819 or harm the public in the course of professional services or
9820 activities;

9821 (c) Perpetrating or cooperating in fraud or material
9822 deception in obtaining or renewing a license or attempting the
9823 same;

9824 (d) Being convicted of any crime which has a
9825 substantial relationship to the licensee's activities and services
9826 or an essential element of which is misstatement, fraud or
9827 dishonesty;

9828 (e) Being convicted of any crime which is a * * *
9829 disqualifying crime as provided in the Fresh Start Act;

9830 (f) Engaging in or permitting the performance of
9831 unacceptable services personally or by others working under the
9832 licensee's supervision due to the licensee's deliberate or



9833 negligent act or acts or failure to act, regardless of whether
9834 actual damage or damages to the public is established;

9835 (g) Continued practice although the licensee has become
9836 unfit to practice as a speech-language pathologist or audiologist
9837 due to: (i) failure to keep abreast of current professional
9838 theory or practice; or (ii) physical or mental disability; the
9839 entry of an order or judgment by a court of competent jurisdiction
9840 that a licensee is in need of mental treatment or is incompetent
9841 shall constitute mental disability; or (iii) addiction or severe
9842 dependency upon alcohol or other drugs which may endanger the
9843 public by impairing the licensee's ability to practice;

9844 (h) Having disciplinary action taken against the
9845 licensee's license in another state;

9846 (i) Making differential, detrimental treatment against
9847 any person because of race, color, creed, sex, religion or
9848 national origin;

9849 (j) Engaging in lewd conduct in connection with
9850 professional services or activities;

9851 (k) Engaging in false or misleading advertising;

9852 (l) Contracting, assisting or permitting unlicensed
9853 persons to perform services for which a license is required under
9854 this article;

9855 (m) Violation of any probation requirements placed on a
9856 license by the board;



9857 (n) Revealing confidential information except as may be
9858 required by law;

9859 (o) Failing to inform clients of the fact that the
9860 client no longer needs the services or professional assistance of
9861 the licensee;

9862 (p) Charging excessive or unreasonable fees or engaging
9863 in unreasonable collection practices;

9864 (q) For treating or attempting to treat ailments or
9865 other health conditions of human beings other than by speech or
9866 audiology therapy as authorized by this article;

9867 (r) For applying or offering to apply speech or
9868 audiology therapy, exclusive of initial evaluation or screening
9869 and exclusive of education or consultation for the prevention of
9870 physical and mental disability within the scope of speech or
9871 audiology therapy, or for acting as a speech-language pathologist
9872 or audiologist, or speech-language pathologist or audiologist aide
9873 other than under the direct, on-site supervision of a licensed
9874 speech-language pathologist or audiologist;

9875 (s) Violations of the current codes of conduct for
9876 speech-language pathologists or audiologists, and speech-language
9877 pathologist or audiologist assistants adopted by the American
9878 Speech-Language-Hearing Association;

9879 (t) Violations of any rules or regulations promulgated
9880 pursuant to this article.



9881 (2) The board may order a licensee to submit to a reasonable
9882 physical or mental examination if the licensee's physical or
9883 mental capacity to practice safely is at issue in a disciplinary
9884 proceeding.

9885 (3) In addition to the reasons specified in subsection (1)
9886 of this section, the board shall be authorized to suspend the
9887 license of any licensee for being out of compliance with an order
9888 for support, as defined in Section 93-11-153. The procedure for
9889 suspension of a license for being out of compliance with an order
9890 for support, and the procedure for the reissuance or reinstatement
9891 of a license suspended for that purpose, and the payment of any
9892 fees for the reissuance or reinstatement of a license suspended
9893 for that purpose, shall be governed by Section 93-11-157 or
9894 93-11-163, as the case may be. If there is any conflict between
9895 any provision of Section 93-11-157 or 93-11-163 and any provision
9896 of this article, the provisions of Section 93-11-157 or 93-11-163,
9897 as the case may be, shall control.

9898 **SECTION 113.** Section 73-53-17, Mississippi Code of 1972, is
9899 amended as follows:

9900 73-53-17. (1) Individuals licensed by the board shall
9901 conduct their activities, services and practice in accordance with
9902 the laws governing their professional practice and any rules
9903 promulgated by the board. Licensees and applicants may be subject
9904 to the exercise of the sanctions enumerated in Section 73-53-23 if



9905 the board finds that a licensee or applicant has committed any of
9906 the following:

9907 (a) Negligence in the practice or performance of
9908 professional services or activities;

9909 (b) Engaging in dishonorable, unethical or
9910 unprofessional conduct of a character likely to deceive, defraud
9911 or harm the public in the course of professional services or
9912 activities;

9913 (c) Perpetrating or cooperating in fraud or material
9914 deception in obtaining or renewing a license or attempting the
9915 same;

9916 (d) Violating the rules and regulations established by
9917 the board;

9918 (e) Violating the National Association of Social
9919 Workers Code of Ethics or the American Association for Marriage
9920 and Family Therapy Code of Ethics;

9921 (f) Being convicted of any crime which has a
9922 substantial relationship to the licensee's activities and services
9923 or an essential element of which is misstatement, fraud or
9924 dishonesty;

9925 (g) Being convicted of any crime which is a * * *
9926 disqualifying crime as provided in the Fresh Start Act under the
9927 laws of this state or of the United States of America;

9928 (h) Engaging in or permitting the performance of
9929 unacceptable services personally due to the licensee's deliberate



9930 or grossly negligent act or acts or failure to act, regardless of
9931 whether actual damage or damages to the public is established, or
9932 assuming responsibility for another's work by signing documents
9933 without personal knowledge of the work as established by board
9934 rule;

9935 (i) Continued practice although the licensee has become
9936 unfit to practice social work due to: (i) failure to keep abreast
9937 of current professional theory or practice; or (ii) physical or
9938 mental disability; the entry of an order or judgment by a court of
9939 competent jurisdiction that a licensee is in need of mental
9940 treatment or is incompetent shall constitute mental disability; or
9941 (iii) addiction or severe dependency upon alcohol or other drugs
9942 which may endanger the public by impairing the licensee's ability
9943 to practice;

9944 (j) Continued practice although the individual failed
9945 to renew and has a lapsed license;

9946 (k) Having disciplinary action taken against the
9947 licensee's license in another state;

9948 (l) Making differential, detrimental treatment against
9949 any person because of race, color, creed, sex, religion or
9950 national origin;

9951 (m) Engaging in lewd conduct in connection with
9952 professional services or activities;

9953 (n) Engaging in false or misleading advertising;



9954 (o) Contracting, assisting or permitting unlicensed
9955 persons to perform services for which a license is required under
9956 this chapter;

9957 (p) Violation of any probation requirements placed on a
9958 licensee by the board;

9959 (q) Revealing confidential information except as may be
9960 required by law;

9961 (r) Failing to inform clients of the fact that the
9962 client no longer needs the services or professional assistance of
9963 the licensee;

9964 (s) Charging excessive or unreasonable fees or engaging
9965 in unreasonable collection practices.

9966 (2) The board may order a licensee to submit to a reasonable
9967 physical or mental examination if the licensee's physical or
9968 mental capacity to practice safely is at issue in a disciplinary
9969 proceeding.

9970 (3) Failure to comply with a board order to submit to a
9971 physical or mental examination shall render a licensee subject to
9972 the summary suspension procedures described in Section 73-53-23.

9973 (4) In addition to the reasons specified in subsection (1)
9974 of this section, the board shall be authorized to suspend the
9975 license of any licensee for being out of compliance with an order
9976 for support, as defined in Section 93-11-153. The procedure for
9977 suspension of a license for being out of compliance with an order
9978 for support, and the procedure for the reissuance or reinstatement



9979 of a license suspended for that purpose, and the payment of any
9980 fees for the reissuance or reinstatement of a license suspended
9981 for that purpose, shall be governed by Section 93-11-157 or
9982 93-11-163, as the case may be. If there is any conflict between
9983 any provision of Section 93-11-157 or 93-11-163 and any provision
9984 of this chapter, the provisions of Section 93-11-157 or 93-11-163,
9985 as the case may be, shall control.

9986 **SECTION 114.** Section 73-60-31, Mississippi Code of 1972, is
9987 amended as follows:

9988 73-60-31. The Appraisal Board may refuse to issue, renew, or
9989 may revoke or suspend, a license or may place on probation,
9990 censure, reprimand or take other disciplinary action with regard
9991 to any license issued under this chapter, including the issuance
9992 of fines for each violation, for any one (1) or combination of the
9993 following causes:

9994 (a) Violations of this chapter or the Appraisal Board's
9995 rules promulgated pursuant hereto;

9996 (b) Violation of terms of license probation;

9997 (c) Conviction of a * * * disqualifying crime as
9998 provided in the Fresh Start Act or making a plea of guilty or nolo
9999 contendere within five (5) years prior to the date of application;

10000 (d) Operating without adequate insurance coverage
10001 required for licensees;

10002 (e) Fraud in the procurement or performance of a
10003 contract to conduct a home inspection; and



10004 (f) Failure to submit to or pass a background
10005 investigation pursuant to Section 73-60-47.

10006 **SECTION 115.** Section 73-67-27, Mississippi Code of 1972, is
10007 amended as follows:

10008 73-67-27. (1) The board may refuse to issue or renew or may
10009 deny, suspend or revoke any license held or applied for under this
10010 chapter upon finding that the holder of a license or applicant:

10011 (a) Is guilty of fraud, deceit or misrepresentation in
10012 procuring or attempting to procure any license provided for in
10013 this chapter;

10014 (b) Attempted to use as his own the license of another;

10015 (c) Allowed the use of his license by another;

10016 (d) Has been adjudicated as mentally incompetent by
10017 regularly constituted authorities;

10018 (e) Has been convicted of a crime, or has charges or
10019 disciplinary action pending that directly relates to the practice
10020 of massage therapy or to the ability to practice massage therapy.
10021 Any plea of nolo contendere shall be considered a conviction for
10022 the purposes of this section;

10023 (f) Is guilty of unprofessional or unethical conduct as
10024 defined by the code of ethics;

10025 (g) Is guilty of false, misleading or deceptive
10026 advertising, or is guilty of aiding or assisting in the
10027 advertising or practice of any unlicensed or unpermitted person in
10028 the practice of massage therapy;



10029 (h) Is grossly negligent or incompetent in the practice
10030 of massage therapy;

10031 (i) Has had rights, credentials or one or more
10032 license(s) to practice massage therapy revoked, suspended or
10033 denied in any jurisdiction, territory or possession of the United
10034 States or another country for acts of the licensee similar to acts
10035 described in this section. A certified copy of the record of the
10036 jurisdiction making such a revocation, suspension or denial shall
10037 be conclusive evidence thereof; or

10038 (j) Has been convicted of any * * * disqualifying crime
10039 as provided in the Fresh Start Act.

10040 (2) Investigative proceedings may be implemented by a
10041 complaint by any person, including members of the board.

10042 (3) (a) Any person(s) found guilty of prostitution using as
10043 any advertisement, claim or insignia of being an actual licensed
10044 massage therapist or to be practicing massage therapy by using the
10045 word "massage" or any other description indicating the same,
10046 whether or not the person(s) have one or more license for the
10047 person(s) or establishment(s), shall be guilty of a misdemeanor,
10048 and upon conviction, shall be punished by a fine of not less than
10049 One Thousand Dollars (\$1,000.00), nor more than Five Thousand
10050 Dollars (\$5,000.00), or imprisonment of up to six (6) months, or
10051 both, per offense, per person.

10052 (b) Any person who knowingly participates in receiving
10053 illegal service(s) of any person found guilty as described in



10054 paragraph (a) of this subsection, upon conviction, shall be
10055 punished by a fine not exceeding Five Hundred Dollars (\$500.00),
10056 or imprisonment for up to one (1) month, or both. Persons
10057 officially designated to investigate complaints are exempt.

10058 (c) Any person who violates any provision of this
10059 chapter, other than violation(s) of paragraph (a) of this
10060 subsection, is guilty of a misdemeanor, and upon conviction, shall
10061 be punished by a fine not exceeding Five Hundred Dollars
10062 (\$500.00), or imprisonment for up to one (1) month in jail, or
10063 both, per offense.

10064 (d) The board, in its discretion, may assess and tax
10065 any part or all of the costs of any disciplinary proceedings
10066 conducted against either the accused, the charging party, or both,
10067 as it may elect.

10068 **SECTION 116.** Section 73-75-13, Mississippi Code of 1972, is
10069 amended as follows:

10070 73-75-13. **Eligibility for license.** To be eligible for
10071 licensure by the board as a behavior analyst or assistant behavior
10072 analyst, a person shall:

10073 (a) Submit to the board an application, upon such form
10074 and in such manner as the board shall prescribe, along with the
10075 applicable fee and personal references;

10076 (b) Certify that the applicant has not been convicted
10077 of a * * * disqualifying crime as provided in the Fresh Start Act
10078 as defined by the laws of the State of Mississippi;



10079 (c) Undergo a fingerprint-based criminal history
10080 records check of the Mississippi central criminal database and the
10081 Federal Bureau of Investigation criminal history database. Each
10082 applicant shall submit a full set of the applicant's fingerprints
10083 in a form and manner prescribed by the board, which shall be
10084 forwarded to the Mississippi Department of Public Safety and the
10085 Federal Bureau of Investigation Identification Division for this
10086 purpose; and

10087 (d) For a behavior analyst:

10088 (i) Possess at least a master's degree, or its
10089 equivalent, from an educational institution recognized by the
10090 board;

10091 (ii) Have current and active certification by the
10092 Behavior Analyst Certification Board as a Board Certified Behavior
10093 Analyst (BCBA) or Board Certified Behavior Analyst-Doctoral
10094 (BCBA-D), verified by the board; and

10095 (iii) Comply with such other requirements of the
10096 board.

10097 (e) For an assistant behavior analyst:

10098 (i) Possess a bachelor's degree, or its
10099 equivalent, from an educational institution recognized by the
10100 board;

10101 (ii) Have current and active certification by the
10102 Behavior Analyst Certification Board as a Board Certified
10103 Assistant Behavior Analyst (BCABA), verified by the board; and



10104 (iii) Provide proof of ongoing supervision by a
10105 licensed behavior analyst.

10106 (f) All licenses issued pursuant to this section shall
10107 be for a term of three (3) years, but shall not exceed the
10108 expiration of the licensee's certification by the Behavior Analyst
10109 Certification Board.

10110 **SECTION 117.** Section 75-15-9, Mississippi Code of 1972, is
10111 amended as follows:

10112 75-15-9. Each application for a license to engage in the
10113 business of money transmission shall be made in writing and under
10114 oath to the commissioner in such form as he may prescribe. The
10115 application shall state the full name and business address of:

10116 (a) The proprietor, if the applicant is an individual;

10117 (b) Every member, if the applicant is a partnership or
10118 association;

10119 (c) The corporation and each executive officer and
10120 director thereof, if the applicant is a corporation;

10121 (d) Every trustee and officer if the applicant is a
10122 trust;

10123 (e) The applicant shall have a net worth of at least
10124 Twenty-five Thousand Dollars (\$25,000.00) plus Fifteen Thousand
10125 Dollars (\$15,000.00) for each location in excess of one (1) at
10126 which the applicant proposes to conduct money transmissions in
10127 this state, computed according to generally accepted accounting



10128 principles, but in no event shall the net worth be required to be
10129 in excess of Two Hundred Fifty Thousand Dollars (\$250,000.00);

10130 (f) The financial responsibility, financial condition,
10131 business experience and character and general fitness of the
10132 applicant shall be such as reasonably to warrant the belief that
10133 applicant's business will be conducted honestly, carefully and
10134 efficiently;

10135 (g) Each application for a license shall be accompanied
10136 by an investigation fee of Fifty Dollars (\$50.00) and license fee
10137 in the amount required by Section 75-15-15. All fees collected by
10138 the commissioner under the provisions of this chapter shall be
10139 deposited into the Consumer Finance Fund of the Department of
10140 Banking and Consumer Finance;

10141 (h) An applicant shall not have been convicted of
10142 a * * * disqualifying crime as provided in the Fresh Start Act.

10143 **SECTION 118.** Section 75-60-19, Mississippi Code of 1972, is
10144 amended as follows:

10145 75-60-19. (1) The Commission on Proprietary School and
10146 College Registration may suspend, revoke or cancel a certificate
10147 of registration for any one (1) or any combination of the
10148 following causes:

10149 (a) Violation of any provision of the sections of this
10150 chapter or any regulation made by the commission;

10151 (b) The furnishing of false, misleading or incomplete
10152 information requested by the commission;



10153 (c) The signing of an application or the holding of a
10154 certificate of registration by a person who has pleaded guilty or
10155 has been found guilty of a * * * disqualifying crime as provided
10156 in the Fresh Start Act or has pleaded guilty or been found guilty
10157 of any other * * * disqualifying crime;

10158 (d) The signing of an application or the holding of a
10159 certificate of registration by a person who is addicted to the use
10160 of any narcotic drug, or who is found to be mentally incompetent;

10161 (e) Violation of any commitment made in an application
10162 for a certificate of registration;

10163 (f) Presentation to prospective students of misleading,
10164 false or fraudulent information relating to the course of
10165 instruction, employment opportunity, or opportunities for
10166 enrollment in accredited institutions of higher education after
10167 entering or completing courses offered by the holder of a
10168 certificate of registration;

10169 (g) Failure to provide or maintain premises or
10170 equipment for offering courses of instruction in a safe and
10171 sanitary condition;

10172 (h) Refusal by an agent to display his agent permit
10173 upon demand of a prospective student or other interested person;

10174 (i) Failure to maintain financial resources adequate
10175 for the satisfactory conduct of courses of study as presented in
10176 the plan of operation or to retain a sufficient number and
10177 qualified staff of instruction; however nothing in this chapter



10178 shall require an instructor to be certificated by the Commission
10179 on Proprietary School and College Registration or to hold any type
10180 of post-high school degree;

10181 (j) Offering training or courses of instruction other
10182 than those presented in the application; however, schools may
10183 offer special courses adapted to the needs of individual students
10184 where the special courses are in the subject field specified in
10185 the application;

10186 (k) Accepting the services of an agent not licensed in
10187 accordance with Sections 75-60-23 through 75-60-37, inclusive;

10188 (l) Conviction or a plea of nolo contendere on the part
10189 of any owner, operator or director of a registered school of
10190 any * * * disqualifying crime as provided in the Fresh Start Act
10191 under Mississippi law or the law of another jurisdiction;

10192 (m) Continued employment of a teacher or instructor who
10193 has been convicted of or entered a plea of nolo contendere to
10194 any * * * disqualifying crime as provided in the Fresh Start Act
10195 under Mississippi law or the law of another jurisdiction;

10196 (n) Incompetence of any owner or operator to operate a
10197 school.

10198 (2) (a) Any person who believes he has been aggrieved by a
10199 violation of this section shall have the right to file a written
10200 complaint within two (2) years of the alleged violation. The
10201 commission shall maintain a written record of each complaint that
10202 is made. The commission shall also send to the complainant a form



10203 acknowledging the complaint and requesting further information if
10204 necessary and shall advise the director of the school that a
10205 complaint has been made and, where appropriate, the nature of the
10206 complaint.

10207 (b) The commission shall within twenty (20) days of
10208 receipt of such written complaint commence an investigation of the
10209 alleged violation and shall, within ninety (90) days of the
10210 receipt of such written complaint, issue a written finding. The
10211 commission shall furnish such findings to the person who filed the
10212 complaint and to the chief operating officer of the school cited
10213 in the complaint. If the commission finds that there has been a
10214 violation of this section, the commission shall take appropriate
10215 action.

10216 (c) Schools shall disclose in writing to all
10217 prospective and current students their right to file a complaint
10218 with the commission.

10219 (d) The existence of an arbitration clause in no way
10220 negates the student's right to file a complaint with the
10221 commission.

10222 (e) The commission may initiate an investigation
10223 without a complaint.

10224 (3) **Hearing procedures.** (a) Upon a finding that there is
10225 good cause to believe that a school, or an officer, agent,
10226 employee, partner or teacher, has committed a violation of
10227 subsection (1) of this section, the commission shall initiate



10228 proceedings by serving a notice of hearing upon each and every
10229 such party subject to the administrative action. The school or
10230 such party shall be given reasonable notice of hearing, including
10231 the time, place and nature of the hearing and a statement
10232 sufficiently particular to give notice of the transactions or
10233 occurrences intended to be proved, the material elements of each
10234 cause of action and the civil penalties and/or administrative
10235 sanctions sought.

10236 (b) Opportunity shall be afforded to the party to
10237 respond and present evidence and argument on the issues involved
10238 in the hearing including the right of cross-examination. In a
10239 hearing, the school or such party shall be accorded the right to
10240 have its representative appear in person or by or with counsel or
10241 other representative. Disposition may be made in any hearing by
10242 stipulation, agreed settlement, consent order, default or other
10243 informal method.

10244 (c) The commission shall designate an impartial hearing
10245 officer to conduct the hearing, who shall be empowered to:

10246 (i) Administer oaths and affirmations; and

10247 (ii) Regulate the course of the hearings, set the
10248 time and place for continued hearings, and fix the time for filing
10249 of briefs and other documents; and

10250 (iii) Direct the school or such party to appear
10251 and confer to consider the simplification of the issues by
10252 consent; and



10253 (iv) Grant a request for an adjournment of the
10254 hearing only upon good cause shown.

10255 The strict legal rules of evidence shall not apply, but the
10256 decision shall be supported by substantial evidence in the record.

10257 (4) The commission, acting by and through its hearing
10258 officer, is hereby authorized and empowered to issue subpoenas for
10259 the attendance of witnesses and the production of books and papers
10260 at such hearing. Process issued by the commission shall extend to
10261 all parts of the state and shall be served by any person
10262 designated by the commission for such service. Where, in any
10263 proceeding before the hearing officer, any witness fails or
10264 refuses to attend upon a subpoena issued by the commission,
10265 refuses to testify, or refuses to produce any books and papers the
10266 production of which is called for by a subpoena, the attendance of
10267 such witness, the giving of his testimony or the production of the
10268 books and papers shall be enforced by any court of competent
10269 jurisdiction of this state in the manner provided for the
10270 enforcement of attendance and testimony of witnesses in civil
10271 cases in the courts of this state.

10272 (5) **Decision after hearing.** The hearing officer shall make
10273 written findings of fact and conclusions of law, and shall also
10274 recommend in writing to the commission a final decision, including
10275 penalties. The hearing officer shall mail a copy of his findings
10276 of fact, conclusions of law and recommended penalty to the party
10277 and his attorney, or representative. The commission shall make



10278 the final decision, which shall be based exclusively on evidence
10279 and other materials introduced at the hearing. If it is
10280 determined that a party has committed a violation, the commission
10281 shall issue a final order and shall impose penalties in accordance
10282 with this section. The commission shall send by certified mail,
10283 return receipt requested, a copy of the final order to the party
10284 and his attorney, or representative. The commission shall, at the
10285 request of the school or such party, furnish a copy of the
10286 transcript or any part thereof upon payment of the cost thereof.

10287 (6) **Civil penalties and administrative sanctions.** (a) A
10288 hearing officer may recommend, and the commission may impose, a
10289 civil penalty not to exceed Two Thousand Five Hundred Dollars
10290 (\$2,500.00) for any violation of this section. In the case of a
10291 second or further violation committed within the previous five (5)
10292 years, the liability shall be a civil penalty not to exceed Five
10293 Thousand Dollars (\$5,000.00) for each such violation.

10294 (b) Notwithstanding the provisions of paragraph (a) of
10295 this subsection, a hearing officer may recommend and the
10296 commission may impose a civil penalty not to exceed Twenty-five
10297 Thousand Dollars (\$25,000.00) for any of the following violations:
10298 (i) operation of a school without a registration in violation of
10299 this chapter; (ii) operation of a school knowing that the school's
10300 registration has been suspended or revoked; (iii) use of false,
10301 misleading, deceptive or fraudulent advertising; (iv) employment
10302 of recruiters on the basis of a commission, bonus or quota, except



10303 as authorized by the commission; (v) directing or authorizing
10304 recruiters to offer guarantees of jobs upon completion of a
10305 course; (vi) failure to make a tuition refund when such failure is
10306 part of a pattern of misconduct; or (vii) violation of any other
10307 provision of this chapter, or any rule or regulation promulgated
10308 pursuant thereto, when such violation constitutes part of a
10309 pattern of misconduct which significantly impairs the educational
10310 quality of the program or programs being offered by the school.
10311 For each enumerated offense, a second or further violation
10312 committed within the previous five (5) years shall be subject to a
10313 civil penalty not to exceed Fifty Thousand Dollars (\$50,000.00)
10314 for each such violation.

10315 (c) In addition to the penalties authorized in
10316 paragraphs (a) and (b) of this subsection, a hearing officer may
10317 recommend and the commission may impose any of the following
10318 administrative sanctions: (i) a cease and desist order; (ii) a
10319 mandatory direction; (iii) a suspension or revocation of a
10320 certificate of registration; (iv) a probation order; or (v) an
10321 order of restitution.

10322 (d) The commission may suspend a registration upon the
10323 failure of a school to pay any fee, fine or penalty as required by
10324 this chapter unless such failure is determined by the commission
10325 to be for good cause.



10326 (e) All civil penalties, fines and settlements received
10327 shall accrue to the credit of the Commission on Proprietary School
10328 and College Registration.

10329 (7) Any penalty or administrative sanction imposed by the
10330 commission under this section may be appealed by the school,
10331 college or other person affected to the Mississippi Community
10332 College Board as provided in Section 75-60-4(3), which appeal
10333 shall be on the record previously made before the commission's
10334 hearing officer. All appeals from the Mississippi Community
10335 College Board shall be on the record and shall be filed in the
10336 Chancery Court of the First Judicial District of Hinds County,
10337 Mississippi.

10338 **SECTION 119.** Section 75-76-137, Mississippi Code of 1972, is
10339 amended as follows:

10340 75-76-137. (1) If any gaming employee is convicted of any
10341 violation of this chapter or if in investigating an alleged
10342 violation of this chapter by any licensee the executive director
10343 or the commission finds that a gaming employee employed by the
10344 licensee has been guilty of cheating, the commission shall, after
10345 a hearing as provided in Sections 75-76-103 through 75-76-119,
10346 inclusive, revoke the employee's work permit.

10347 (2) The commission may revoke a work permit if it finds
10348 after a hearing as provided in Sections 75-76-103 through
10349 75-76-119, inclusive, that the gaming employee has failed to
10350 disclose, misstated or otherwise misled the commission with



10351 respect to any fact contained within any application for a work
10352 permit, or subsequent to being issued a work permit:

10353 (a) Committed, attempted or conspired to do any of the
10354 acts prohibited by this chapter;

10355 (b) Knowingly possessed or permitted to remain in or
10356 upon any licensed premises any cards, dice, mechanical device or
10357 any other cheating device whatever the use of which is prohibited
10358 by statute or ordinance;

10359 (c) Concealed or refused to disclose any material fact
10360 in any investigation by the executive director or the commission;

10361 (d) Committed, attempted or conspired to commit larceny
10362 or embezzlement against a gaming licensee or upon the premises of
10363 a licensed gaming establishment;

10364 (e) Been convicted in any jurisdiction other than
10365 Mississippi of any offense involving or relating to gambling;

10366 (f) Accepted employment without prior commission
10367 approval in a position for which he or she could be required to be
10368 licensed under this chapter after having been denied a license for
10369 a reason involving personal unsuitability or after failing to
10370 apply for licensing when requested to do so by the commission or
10371 the executive director;

10372 (g) Been refused the issuance of any license, permit or
10373 approval to engage in or be involved with gaming in any
10374 jurisdiction other than Mississippi, or had any such license,
10375 permit or approval revoked or suspended;



10376 (h) Been prohibited under color of governmental
10377 authority from being present upon the premises of any gaming
10378 establishment for any reason relating to improper gambling
10379 activities or any illegal act;

10380 (i) Contumaciously defied any legislative investigative
10381 committee or other officially constituted bodies acting on behalf
10382 of the United States or any state, county or municipality which
10383 seeks to investigate crimes relating to gaming, corruption of
10384 public officials, or any organized criminal activities; or

10385 (j) Been convicted of any * * * disqualifying crime as
10386 provided in the Fresh Start Act.

10387 (3) A work permit shall not be issued to a person whose work
10388 permit has previously been revoked pursuant to this section or to
10389 whom the issuance or renewal of a work permit has been denied,
10390 except with the unanimous approval of the commission members.

10391 (4) A gaming employee whose work permit has been revoked
10392 pursuant to this section is entitled to judicial review of the
10393 commission's action in the manner prescribed by Sections 75-76-121
10394 through 75-76-127, inclusive.

10395 **SECTION 120.** Section 77-8-25, Mississippi Code of 1972, is
10396 amended as follows:

10397 77-8-25. (1) Before allowing an individual to accept trip
10398 requests through a transportation network company's digital
10399 platform as a transportation network company driver:



10400 (a) The individual shall submit an application to the
10401 transportation network company, which includes information
10402 regarding his or her address, age, driver's license, motor vehicle
10403 registration, automobile liability insurance, and other
10404 information required by the transportation network company;

10405 (b) The transportation network company shall conduct,
10406 or have a third party conduct, a local and national criminal
10407 background check for each applicant that shall include:

10408 (i) Multistate/multijurisdiction criminal records
10409 locator or other similar commercial nationwide database with
10410 validation (primary source search); and

10411 (ii) United States Department of Justice National
10412 Sex Offender Public Website * * *.

10413 (2) The transportation network company shall review, or have
10414 a third party review, a driving history research report for such
10415 individual.

10416 (3) The transportation network company shall not permit an
10417 individual to act as a transportation network company driver on
10418 its digital platform who:

10419 (a) Has had more than three (3) moving violations in
10420 the prior three-year period, or one (1) of the following major
10421 violations in the prior three-year period:

10422 (i) Attempting to evade the police;

10423 (ii) Reckless driving; or

10424 (iii) Driving on a suspended or revoked license;



10425 (b) Has been convicted, within the past seven (7)
10426 years, of
10427 (i) Any * * * disqualifying crime as provided in
10428 the Fresh Start Act; or
10429 (ii) Misdemeanor driving under the influence,
10430 reckless driving, hit and run, or any other driving-related
10431 offense or any misdemeanor violent offense or sexual offense;
10432 (c) Is a match in the United States Department of
10433 Justice National Sex Offender Public Website;
10434 (d) Does not possess a valid driver's license;
10435 (e) Does not possess proof of registration for the
10436 motor vehicle used to provide prearranged rides;
10437 (f) Does not possess proof of automobile liability
10438 insurance for the motor vehicle used to provide prearranged rides;
10439 or
10440 (g) Is not at least nineteen (19) years of age.

10441 **SECTION 121.** Section 83-1-191, Mississippi Code of 1972, is
10442 amended as follows:

10443 83-1-191. (1) There is established within the Department of
10444 Insurance a Comprehensive Hurricane Damage Mitigation Program.
10445 This section does not create an entitlement for property owners or
10446 obligate the state in any way to fund the inspection or
10447 retrofitting of residential property or commercial property in
10448 this state. Implementation of this program is subject to the
10449 availability of funds that may be appropriated by the Legislature



10450 for this purpose. The program may develop and implement a
10451 comprehensive and coordinated approach for hurricane damage
10452 mitigation that may include the following:

10453 (a) **Cost-benefit study on wind hazard mitigation**
10454 **construction measures.** The performance of a cost-benefit study to
10455 establish the most appropriate wind hazard mitigation construction
10456 measures for both new construction and the retrofitting of
10457 existing construction for both residential and commercial
10458 facilities within the wind-borne debris regions of Mississippi as
10459 defined by the International Building Code. The recommended wind
10460 construction techniques shall be based on both the newly adopted
10461 Mississippi building code sections for wind load design and the
10462 wind-borne debris region. The list of construction measures to be
10463 considered for evaluation in the cost-benefit study shall be based
10464 on scientifically established and sound, but common, construction
10465 techniques that go above and beyond the basic recommendations in
10466 the adopted building codes. This allows residents to utilize
10467 multiple options that will further reduce risk and loss and still
10468 be awarded for their endeavors with appropriate wind insurance
10469 discounts. It is recommended that existing accepted scientific
10470 studies that validate the wind hazard construction techniques
10471 benefits and effects be taken into consideration when establishing
10472 the list of construction techniques that homeowners and business
10473 owners can employ. This will ensure that only established
10474 construction measures that have been studied and modeled as



10475 successful mitigation measures will be considered to reduce the
10476 chance of including risky or unsound data that will cost both the
10477 property owner and state unnecessary losses. The cost-benefit
10478 study shall be based on actual construction cost data collected
10479 for several types of residential construction and commercial
10480 construction materials, building techniques and designs that are
10481 common to the region. The study shall provide as much information
10482 as possible that will enhance the data and options provided to the
10483 public, so that homeowners and business owners can make informed
10484 and educated decisions as to their level of involvement. Based on
10485 the construction data, modeling shall be performed on a variety of
10486 residential and commercial designs, so that a broad enough
10487 representative spectrum of data can be obtained. The data from
10488 the study will be utilized in a report to establish tables
10489 reflecting actuarially appropriate levels of wind insurance
10490 discounts (in percentages) for each mitigation construction
10491 technique/combination of techniques. This report will be utilized
10492 as a guide for the Department of Insurance and the insurance
10493 industry for developing actuarially appropriate discounts, credits
10494 or other rate differentials, or appropriate reductions in
10495 deductibles, for properties on which fixtures or construction
10496 techniques demonstrated to reduce the amount of loss in a
10497 windstorm have been installed or implemented. Additional data
10498 that will enhance the program, such as studies to reflect property
10499 value increases for retrofitting or building to the established



10500 wind hazard mitigation construction techniques and cost comparison
10501 data collected to establish the value of this program against the
10502 investment required to include the mitigation measures, also may
10503 be provided.

10504 (b) **Wind certification and hurricane mitigation**
10505 **inspections.**

10506 (i) Home-retrofit inspections of site-built,
10507 residential property, including single-family, two-family,
10508 three-family or four-family residential units, and a set of
10509 representative commercial facilities may be offered to determine
10510 what mitigation measures are needed and what improvements to
10511 existing residential properties are needed to reduce the
10512 property's vulnerability to hurricane damage. A state program may
10513 be established within the Department of Insurance to provide
10514 homeowners and business owners wind certification and hurricane
10515 mitigation inspections. The inspections provided to homeowners
10516 and business owners, at a minimum, must include:

10517 1. A home inspection and report that
10518 summarizes the results and identifies corrective actions a
10519 homeowner may take to mitigate hurricane damage.

10520 2. A range of cost estimates regarding the
10521 mitigation features.

10522 3. Insurer-specific information regarding
10523 premium discounts correlated to recommended mitigation features
10524 identified by the inspection.



10525 4. A hurricane resistance rating scale
10526 specifying the home's current as well as projected wind resistance
10527 capabilities.

10528 This data may be provided by trained and certified inspectors
10529 in standardized reporting formats and forms to ensure all data
10530 collected during inspections is equivalent in style and content
10531 that allows construction data, estimates and discount information
10532 to be easily assimilated into a database. Data pertaining to the
10533 number of inspections and inspection reports may be stored in a
10534 state database for evaluation of the program's success and review
10535 of state goals in reducing wind hazard loss in the state.

10536 (ii) To qualify for selection by the department as
10537 a provider of wind certification and hurricane mitigation
10538 inspections services, the entity shall, at a minimum, and on a
10539 form and in the manner prescribed by the commissioner:

10540 1. Use wind certification and hurricane
10541 mitigation inspectors who:

10542 a. Have prior experience in residential
10543 and/or commercial construction or inspection and have received
10544 specialized training in hurricane mitigation procedures through
10545 the state certified program. In order to qualify for training in
10546 the inspection process, the individual should be either a licensed
10547 building code official, a licensed contractor or inspector in the
10548 State of Mississippi, or a civil engineer.



10549 b. Have undergone drug testing and
10550 background checks.

10551 c. Have been certified through a state
10552 mandated training program, in a manner satisfactory to the
10553 department, to conduct the inspections.

10554 d. Have not been convicted of a * * *
10555 disqualifying crime as provided in the Fresh Start Act; have not
10556 received a first-time offender pardon or nonadjudication order for
10557 a * * * disqualifying crime as provided in the Fresh Start Act; or
10558 have not entered a plea of guilty or nolo contendere to a * * *
10559 disqualifying crime as provided in the Fresh Start Act.

10560 e. Submit a statement authorizing the
10561 Commissioner of Insurance to order fingerprint analysis or any
10562 other analysis or documents deemed necessary by the commissioner
10563 for the purpose of verifying the criminal history of the
10564 individual. The commissioner shall have the authority to conduct
10565 criminal history verification on a local, state or national level,
10566 and shall have the authority to require the individual to pay for
10567 the costs of such criminal history verification.

10568 2. Provide a quality assurance program
10569 including a reinspection component.

10570 3. Have data collection equipment and
10571 computer systems, so that data can be submitted electronically to
10572 the state's database of inspection reports, insurance
10573 certificates, and other industry information related to this



10574 program. It is mandatory that all inspectors provide original
10575 copies to the property owner of any inspection reports, estimates,
10576 etc., pertaining to the inspection and keep a copy of all
10577 inspection materials on hand for state audits.

10578 (c) **Financial grants to retrofit properties.** Financial
10579 grants may be used to encourage single-family, site-built,
10580 owner-occupied, residential property owners or commercial property
10581 owners to retrofit their properties to make them less vulnerable
10582 to hurricane damage. No financial grant made under this section
10583 shall exceed Ten Thousand Dollars (\$10,000.00) per recipient.

10584 (d) **Education and consumer awareness.** Multimedia
10585 public education, awareness and advertising efforts designed to
10586 specifically address mitigation techniques may be employed, as
10587 well as a component to support ongoing consumer resources and
10588 referral services. In addition, all insurance companies shall
10589 provide notification to their clients regarding the availability
10590 of this program, participation details, and directions to the
10591 state website promoting the program, along with appropriate
10592 contact phone numbers to the state agency administering the
10593 program. The notification to the clients must be sent by the
10594 insurance company within thirty (30) days after filing their
10595 insurance discount schedules with the Department of Insurance.

10596 (e) **Advisory council.** There is created an advisory
10597 council to provide advice and assistance to the program



10598 administrator with regard to his or her administration of the
10599 program. The advisory council shall consist of:

10600 (i) An agent, selected by the Independent
10601 Insurance Agents of Mississippi.

10602 (ii) Two (2) representatives of residential
10603 property insurers, selected by the Department of Insurance.

10604 (iii) One (1) representative of homebuilders,
10605 selected by the Home Builders Association of Mississippi.

10606 (iv) The Chairman of the House Insurance
10607 Committee, or his designee.

10608 (v) The Chairman of the Senate Insurance
10609 Committee, or his designee.

10610 (vi) The Executive Director of the Mississippi
10611 Windstorm Underwriting Association, or his designee.

10612 (vii) The Director of the Mississippi Emergency
10613 Management Agency, or his designee.

10614 Members appointed under subparagraphs (i) and (ii) shall
10615 serve at the pleasure of the Department of Insurance. All other
10616 members shall serve as voting ex officio members. Members of the
10617 advisory council who are not legislators, state officials or state
10618 employees shall be compensated at the per diem rate authorized by
10619 Section 25-3-69, and shall be reimbursed in accordance with
10620 Section 25-3-41, for mileage and actual expenses incurred in the
10621 performance of their duties. Legislative members of the advisory
10622 council shall be paid from the contingent expense funds of their



10623 respective houses in the same manner as provided for committee
10624 meetings when the Legislature is not in session; however, no per
10625 diem or expense for attending meetings of the advisory council may
10626 be paid while the Legislature is in session. No advisory council
10627 member may incur per diem, travel or other expenses unless
10628 previously authorized by vote, at a meeting of the council, which
10629 action shall be recorded in the official minutes of the meeting.
10630 Nonlegislative members shall be paid from any funds made available
10631 to the advisory council for that purpose.

10632 (f) **Rules and regulations.** The Department of Insurance
10633 may adopt rules and regulations governing the Comprehensive
10634 Hurricane Damage Mitigation Program. The department also may
10635 adopt rules and regulations establishing priorities for grants
10636 provided under this section based on objective criteria that gives
10637 priority to reducing the state's probable maximum loss from
10638 hurricanes. However, pursuant to this overall goal, the
10639 department may further establish priorities based on the insured
10640 value of the dwelling, whether or not the dwelling is insured by
10641 the Mississippi Windstorm Underwriting Association and whether or
10642 not the area under consideration has sufficient resources and the
10643 ability to perform the retrofitting required.

10644 (2) Nothing in this section shall prohibit the Department of
10645 Insurance from entering into an agreement with any other
10646 appropriate state agency to assist with or perform any of the
10647 duties set forth hereunder.



10648 (3) The Department of Insurance shall issue a request for
10649 proposals to contract with a third party for the administration of
10650 the Comprehensive Hurricane Damage Mitigation Program. The
10651 contract for the third-party administrator shall be funded from
10652 monies in the Comprehensive Hurricane Damage Mitigation Program
10653 Fund created in subsection (4) of this section, and that amount
10654 shall not exceed one percent (1%) of the funds appropriated to the
10655 Department of Insurance for the program. If the third-party
10656 administrator selected through the request for proposals is
10657 replaced or is otherwise changed, the Department of Insurance
10658 shall notify the Chairs of the House and Senate Appropriations and
10659 Insurance Committees.

10660 (4) There is created a special fund in the State Treasury to
10661 be known as the Comprehensive Hurricane Damage Mitigation Program
10662 Fund. The fund shall consist of any monies from any source that
10663 are designated or made available for deposit into the fund. The
10664 Department of Insurance may apply for any federal or private
10665 grants to provide additional funds for the special fund. Monies
10666 in the fund shall be expended by the Department of Insurance, upon
10667 appropriation by the Legislature, for the purposes as provided in
10668 this section. Unexpended amounts remaining in the fund at the end
10669 of a fiscal year shall not lapse into the State General Fund, and
10670 any interest earned or investment earnings on amounts in the fund
10671 shall be deposited into such fund.



10672 (5) This section shall stand repealed from and after July 1,
10673 2025.

10674 **SECTION 122.** Section 83-17-71, Mississippi Code of 1972, is
10675 amended as follows:

10676 83-17-71. (1) The commissioner may place on probation,
10677 suspend, revoke or refuse to issue or renew an insurance
10678 producer's license or may levy a civil penalty in an amount not to
10679 exceed One Thousand Dollars (\$1,000.00) per violation and such
10680 penalty shall be deposited into the special fund of the State
10681 Treasury designated as the "Insurance Department Fund" for any one
10682 or more of the following causes:

10683 (a) Providing incorrect, misleading, incomplete or
10684 materially untrue information in the license application;

10685 (b) Violating any insurance laws, or violating any
10686 regulation, subpoena or order of the commissioner or of another
10687 state's commissioner;

10688 (c) Obtaining or attempting to obtain a license through
10689 misrepresentation or fraud;

10690 (d) Improperly withholding, misappropriating or
10691 converting any monies or properties received in the course of
10692 doing insurance business;

10693 (e) Intentionally misrepresenting the terms of an
10694 actual or proposed insurance contract or application for
10695 insurance;



10696 (f) Having been convicted of a * * * disqualifying
10697 crime as provided in the Fresh Start Act;
10698 (g) Having admitted or been found to have committed any
10699 insurance unfair trade practice or fraud;
10700 (h) Using fraudulent, coercive or dishonest practices
10701 or demonstrating incompetence, untrustworthiness or financial
10702 irresponsibility in the conduct of business in this state or
10703 elsewhere;
10704 (i) Having an insurance producer license, or its
10705 equivalent, denied, suspended or revoked in any other state,
10706 province, district or territory;
10707 (j) Forging another's name to an application for
10708 insurance or to any document related to an insurance transaction;
10709 (k) Improperly using notes or any other reference
10710 material to complete an examination for an insurance license;
10711 (l) Knowingly accepting insurance business from an
10712 individual who is not licensed;
10713 (m) Failing to comply with an administrative or court
10714 order imposing a child support obligation; or
10715 (n) Failing to pay state income tax or comply with any
10716 administrative or court order directing payment of state income
10717 tax.
10718 (2) If the action by the commissioner is to nonrenew or to
10719 deny an application for a license, the commissioner shall notify
10720 the applicant or licensee and advise, in writing, the applicant or



10721 licensee of the reason for the denial or nonrenewal of the
10722 applicant's or licensee's license. The applicant or licensee may
10723 make written demand upon the commissioner within ten (10) days for
10724 a hearing before the commissioner to determine the reasonableness
10725 of the commissioner's action. The hearing shall be held within
10726 thirty (30) days.

10727 (3) The license of a business entity may be suspended,
10728 revoked or refused if the commissioner finds, after hearing, that
10729 an individual licensee's violation was known or should have been
10730 known by one or more of the partners, officers or managers acting
10731 on behalf of the partnership or corporation and the violation was
10732 neither reported to the commissioner nor corrective action taken.

10733 (4) In addition to, or in lieu of, any applicable denial,
10734 suspension or revocation of a license, a person may, after
10735 hearing, be subject to a civil fine not to exceed One Thousand
10736 Dollars (\$1,000.00) per violation and such fine shall be deposited
10737 into the special fund in the State Treasury designated as the
10738 "Insurance Department Fund."

10739 (5) The commissioner shall retain the authority to enforce
10740 the provisions of and impose any penalty or remedy authorized by
10741 this article and Title 83, Mississippi Code of 1972, against any
10742 person who is under investigation for or charged with a violation
10743 of this article or Title 83, Mississippi Code of 1972, even if the
10744 person's license or registration has been surrendered or has
10745 lapsed by operation of law.



10746 (6) No licensee whose license has been revoked hereunder
10747 shall be entitled to file another application for a license as a
10748 producer within one (1) year from the effective date of such
10749 revocation or, if judicial review of such revocation is sought,
10750 within one (1) year from the date of final court order or decree
10751 affirming such revocation. Such application, when filed, may be
10752 refused by the commissioner unless the applicant shows good cause
10753 why the revocation of his license shall not be deemed a bar to the
10754 issuance of a new license.

10755 (7) Notwithstanding any other provision of this article to
10756 the contrary, a person licensed in this state as a nonresident
10757 producer whose license is denied, suspended or revoked in his or
10758 her home state shall also have his or her nonresident license
10759 denied, suspended or revoked in this state without prior notice or
10760 hearing.

10761 (8) From and after July 1, 2016, the expenses of this agency
10762 shall be defrayed by appropriation from the State General Fund and
10763 all user charges and fees authorized under this section shall be
10764 deposited into the State General Fund as authorized by law.

10765 (9) From and after July 1, 2016, no state agency shall
10766 charge another state agency a fee, assessment, rent or other
10767 charge for services or resources received by authority of this
10768 section.

10769 **SECTION 123.** Section 83-17-421, Mississippi Code of 1972, is
10770 amended as follows:



10771 83-17-421. (1) A license may be refused, or a license duly
10772 issued may be suspended or revoked or the renewal thereof refused
10773 by the commissioner if, after notice and hearing as hereinafter
10774 provided, he or she finds that the applicant for, or holder of,
10775 such license:

10776 (a) Has * * * willfully violated any provision of the
10777 insurance laws of this state; or

10778 (b) Has intentionally made a material misstatement in
10779 the application for such license; or

10780 (c) Has obtained, or attempted to obtain, such license
10781 by fraud or misrepresentation; or

10782 (d) Has misappropriated or converted to his or her own
10783 use or illegally withheld money belonging to an insurer or
10784 beneficiary; or

10785 (e) Has otherwise demonstrated lack of trustworthiness
10786 or competence to act as an adjuster; or

10787 (f) Has been guilty of fraudulent or dishonest
10788 practices or has been convicted of a * * * disqualifying crime as
10789 provided in the Fresh Act; or

10790 (g) Has materially misrepresented the terms and
10791 conditions of insurance policies or contracts; or * * * willfully
10792 exaggerated prospective returns on investment features of policies
10793 or fails to identify himself or herself as an adjuster and in so
10794 doing receives a compensation for his or her participation in the
10795 sale of insurance; or



10796 (h) Has made or issued, or caused to be made or issued,
10797 any statement misrepresenting or making incomplete comparisons
10798 regarding the terms or conditions of any insurance or annuity
10799 contract legally issued by any insurer, for the purpose of
10800 inducing or attempting to induce the owner of such contract to
10801 forfeit or surrender such contract or allow it to lapse for the
10802 purpose of replacing such contract with another; or

10803 (i) Has obtained or attempted to obtain such license,
10804 not for the purpose of holding himself or herself out to the
10805 general public as an adjuster, but primarily for the purpose of
10806 soliciting, negotiating or procuring insurance or annuity
10807 contracts covering himself or herself or members of his or her
10808 family.

10809 (2) Before any license shall be refused (except for failure
10810 to pass a required written examination) or suspended or revoked or
10811 the renewal thereof refused hereunder, the commissioner shall give
10812 notice of his or her intention so to do, by registered mail, to
10813 the applicant for or holder of such license and the insurer whom
10814 he or she represents or who desires that he or she be licensed,
10815 and shall set a date not less than twenty (20) days from the date
10816 of mailing such notice when the applicant or licensee and a duly
10817 authorized representative of the insurer may appear to be heard
10818 and produce evidence. Such notice shall constitute automatic
10819 suspension of license if the person involved is a licensed
10820 adjuster. In the conduct of such hearing, the commissioner or any



10821 regular salaried employee specially designated by him or her for
10822 such purpose shall have power to administer oaths, to require the
10823 appearance of and examine any person under oath and to require the
10824 production of books, records or papers relevant to the inquiry
10825 upon his or her own initiative or upon the request of the
10826 applicant or licensee. Upon the termination of such hearing,
10827 findings shall be reduced to writing and, upon approval by the
10828 commissioner, shall be filed in his or her office; and notice of
10829 the findings shall be sent by registered mail to the applicant or
10830 licensee and the insurer concerned.

10831 (3) Where the grounds set out in subsection (1)(d) or (1)(g)
10832 are the grounds for any hearing, the commissioner may, in his or
10833 her discretion in lieu of the hearing provided for in subsection
10834 (2) of this section, file a petition to suspend or revoke any
10835 license authorized hereunder in a court of competent jurisdiction
10836 of the county or district in which the alleged offense occurred.
10837 In such cases, subpoenas may be issued for witnesses, and mileage
10838 and witness fees paid as in other cases. All costs of such cause
10839 shall be paid by the defendant, if found guilty, and if costs
10840 cannot be made and collected from the defendant, such costs shall
10841 be assessed against the company issuing the contract involved in
10842 such cause.

10843 (4) No licensee whose license has been revoked hereunder
10844 shall be entitled to file another application for a license as an
10845 adjuster within one (1) year from the effective date of such



10846 revocation or, if judicial review of such revocation is sought,
10847 within one (1) year from the date of final court order or decree
10848 affirming such revocation. Such application, when filed, may be
10849 refused by the commissioner unless the applicant shows good cause
10850 why the revocation of his or her license shall not be deemed a bar
10851 to the issuance of a new license.

10852 **SECTION 124.** Section 83-17-519, Mississippi Code of 1972, is
10853 amended as follows:

10854 83-17-519. (1) A license may be refused, or a license duly
10855 issued may be suspended or revoked or the renewal thereof refused
10856 by the commissioner, or the commissioner may levy a civil penalty
10857 in an amount not to exceed Five Thousand Dollars (\$5,000.00) per
10858 violation, or both, and any such penalty shall be deposited into
10859 the special fund of the State Treasury designated as the
10860 "Insurance Department Fund," if, after notice and hearing as
10861 hereinafter provided, he finds that the applicant for, or holder
10862 of, such license:

10863 (a) Has intentionally made a material misstatement in
10864 the application for such license; or

10865 (b) Has obtained, or attempted to obtain, such license
10866 by fraud or misrepresentation; or

10867 (c) Has misappropriated or converted to his own use or
10868 illegally withheld money belonging to another person or entity; or

10869 (d) Has otherwise demonstrated lack of trustworthiness
10870 or competence to act as a public adjuster; or



10871 (e) Has been guilty of fraudulent or dishonest
10872 practices or has been convicted of a * * * disqualifying crime as
10873 provided in the Fresh Start Act; or

10874 (f) Has materially misrepresented the terms and
10875 conditions of insurance policies or contracts or failed to
10876 identify himself as a public adjuster; or

10877 (g) Has obtained or attempted to obtain such license
10878 for a purpose other than holding himself out to the general public
10879 as a public adjuster; or

10880 (h) Has violated any insurance laws, or any regulation,
10881 subpoena or order of the commissioner or of another state's
10882 commissioner of insurance.

10883 (2) Before any license shall be refused (except for failure
10884 to pass a required written examination) or suspended or revoked or
10885 the renewal thereof refused hereunder, the commissioner shall give
10886 notice of his intention so to do, by certified mail, return
10887 receipt requested, to the applicant for or holder of such license,
10888 and shall set a date not less than twenty (20) days from the date
10889 of mailing such notice when the applicant or licensee may appear
10890 to be heard and produce evidence in opposition to such refusal,
10891 suspension or revocation. Such notice shall constitute automatic
10892 suspension of license if the person involved is a licensed public
10893 adjuster. In the conduct of such hearing, the commissioner or any
10894 regular salaried employee of the department specially designated
10895 by him for such purpose shall have the power to administer oaths,



10896 to require the appearance of and examine any person under oath,
10897 and to require the production of books, records or papers relevant
10898 to the inquiry upon his own initiative or upon the request of the
10899 applicant or licensee. Upon the termination of such hearing,
10900 findings shall be reduced to writing and, upon approval by the
10901 commissioner, shall be filed in his office; and notice of the
10902 findings shall be sent by certified mail, return receipt
10903 requested, to the applicant or licensee.

10904 (3) Where the grounds set out in subsection (1)(c) or (1)(f)
10905 of this section are the grounds for any hearing, the commissioner
10906 may, in his discretion in lieu of the hearing provided for in
10907 subsection (2) of this section, file a petition requesting the
10908 court to suspend or revoke any license authorized hereunder in a
10909 court of competent jurisdiction of the county or district in which
10910 the alleged offense occurred. In such cases, subpoenas may be
10911 issued for witnesses, and mileage and witness fees paid as in
10912 other cases. All costs of such cause shall be paid by the
10913 defendant, if the finding of the court be against him.

10914 (4) No licensee whose license has been revoked hereunder
10915 shall be entitled to file another application for a license as a
10916 public adjuster within one (1) year from the effective date of
10917 such revocation or, if judicial review of such revocation is
10918 sought, within one (1) year from the date of final court order or
10919 decree affirming such revocation. An application filed after such
10920 one-year period shall be refused by the commissioner unless the



10921 applicant shows good cause why the revocation of his license shall
10922 not be deemed a bar to the issuance of a new license.

10923 (5) From and after July 1, 2016, the expenses of this agency
10924 shall be defrayed by appropriation from the State General Fund and
10925 all user charges and fees authorized under this section shall be
10926 deposited into the State General Fund as authorized by law.

10927 (6) From and after July 1, 2016, no state agency shall
10928 charge another state agency a fee, assessment, rent or other
10929 charge for services or resources received by authority of this
10930 section.

10931 **SECTION 125.** Section 83-21-19, Mississippi Code of 1972, is
10932 amended as follows:

10933 83-21-19. (1) Surplus lines insurance may be placed by a
10934 surplus lines insurance producer if:

10935 (a) Each insurer is an eligible surplus lines insurer;

10936 (b) Each insurer is authorized to write the line of
10937 insurance in its domiciliary jurisdiction; and

10938 (c) All other requirements as set forth by law are met.

10939 (2) The Commissioner of Insurance, upon the biennial payment
10940 of a fee of One Hundred Dollars (\$100.00) and submission of a
10941 completed license application on a form approved by the
10942 commissioner, may issue a surplus lines insurance producer license
10943 to a qualified holder of an insurance producer license with a
10944 property, casualty and/or personal lines line of authority, who is



10945 regularly commissioned to represent a fire and casualty insurance
10946 company licensed to do business in the state.

10947 (3) The privilege license shall continue from the date of
10948 issuance until the last day of the month of the licensee's
10949 birthday in the second year following issuance or renewal of the
10950 license, with a minimum term of twelve (12) months.

10951 (4) A nonresident person shall receive a surplus lines
10952 insurance producer license if:

10953 (a) The person is currently licensed as a surplus lines
10954 insurance producer or equivalent and in good standing in his or
10955 her home state;

10956 (b) The person has submitted the proper request for
10957 licensure and has paid the biennial fee of One Hundred Dollars
10958 (\$100.00); and

10959 (c) The person's home state awards nonresident surplus
10960 lines licenses to residents of this state on the same basis.

10961 (5) The commissioner may verify a person's licensing status
10962 through the National Producer Database maintained by the National
10963 Association of Insurance Commissioners, its affiliates or
10964 subsidiaries.

10965 (6) A nonresident surplus lines insurance producer licensee
10966 who moves from one (1) state to another state, or a resident
10967 surplus lines licensee who moves from this state to another state,
10968 shall file a change of address and provide certification from the



10969 new resident state within thirty (30) days of the change of legal
10970 residence. No fee or license application is required.

10971 (7) The commissioner may deny, suspend, revoke or refuse the
10972 license of a surplus lines insurance producer licensee and/or levy
10973 a civil penalty in an amount not to exceed Two Thousand Five
10974 Hundred Dollars (\$2,500.00) per violation, after notice and
10975 hearing as provided hereunder, for one or more of the following
10976 grounds:

10977 (a) Providing incorrect, misleading, incomplete or
10978 materially untrue information in the license application;

10979 (b) Violating any insurance laws, or violating any
10980 regulation, subpoena or order of the commissioner or of another
10981 state's commissioner;

10982 (c) Obtaining or attempting to obtain a license through
10983 misrepresentation or fraud;

10984 (d) Improperly withholding, misappropriating or
10985 converting any monies or properties received in the course of
10986 doing the business of insurance;

10987 (e) Intentionally misrepresenting the terms of an
10988 actual or proposed insurance contract or application for
10989 insurance;

10990 (f) Having been convicted of a * * * disqualifying
10991 crime as provided in the Fresh Start Act;

10992 (g) Having admitted or been found to have committed any
10993 insurance unfair trade practice or fraud;



10994 (h) Using fraudulent, coercive or dishonest practices
10995 or demonstrating incompetence, untrustworthiness or financial
10996 irresponsibility in the conduct of business in this state or
10997 elsewhere;

10998 (i) Having an insurance producer license, or its
10999 equivalent, denied, suspended or revoked in any other state,
11000 province, district or territory;

11001 (j) Forging another's name to an application for
11002 insurance or to any document related to an insurance transaction;

11003 (k) Improperly using notes or any other reference
11004 material to complete an examination for an insurance license;

11005 (l) Knowingly accepting insurance business from an
11006 individual who is not licensed;

11007 (m) Failing to comply with an administrative or court
11008 order imposing a child support obligation; or

11009 (n) Failing to pay state income tax or comply with any
11010 administrative or court order directing payment of state income
11011 tax.

11012 (8) If the action by the commissioner is to nonrenew,
11013 suspend, revoke or to deny an application for a license, the
11014 commissioner shall notify the applicant or licensee and advise, in
11015 writing, the applicant or licensee of the reason for the denial or
11016 nonrenewal of the applicant's or licensee's license. The
11017 applicant or licensee may make written demand upon the
11018 commissioner within ten (10) days for a hearing before the



11019 commissioner to determine the reasonableness of the commissioner's
11020 action. The hearing shall be held within thirty (30) days.

11021 (9) Every surplus lines insurance contract procured and
11022 delivered according to Sections 83-21-17 through 83-21-31 shall
11023 have stamped upon it in bold ten-point type, and bear the name of
11024 the surplus lines insurance producer who procured it, the
11025 following: "NOTE: This insurance policy is issued pursuant to
11026 Mississippi law covering surplus lines insurance. The company
11027 issuing the policy is not licensed by the State of Mississippi,
11028 but is authorized to do business in Mississippi as a nonadmitted
11029 company. The policy is not protected by the Mississippi Insurance
11030 Guaranty Association in the event of the insurer's insolvency."
11031 No diminution of the license fee herein provided shall occur as to
11032 any license effective after January 1 of any year.

11033 **SECTION 126.** Section 83-49-11, Mississippi Code of 1972, is
11034 amended as follows:

11035 83-49-11. The commissioner may revoke or suspend or refuse
11036 to renew the license of any sponsor or representative of such
11037 sponsor when and if after investigation the commissioner finds
11038 that:

11039 (a) Any license issued to such sponsor or
11040 representative of such sponsor was obtained by fraud;

11041 (b) There was any misrepresentation in the application
11042 for the license;



11043 (c) The sponsor or representative of such sponsor has
11044 otherwise shown itself untrustworthy or incompetent to act as a
11045 sponsor or representative of such sponsor;

11046 (d) Such sponsor or representative of such sponsor has
11047 violated any of the provisions of this chapter or of the rules and
11048 regulations of the commissioner;

11049 (e) The sponsor or representative of such sponsor has
11050 misappropriated, converted, illegally withheld, or refused to pay
11051 over upon proper demand any monies entrusted to the sponsor or
11052 representative of such sponsor in its fiduciary capacity belonging
11053 to an insurer or insured;

11054 (f) The sponsor or representative of such sponsor is
11055 found to be in an unsound condition or in such condition as to
11056 render the future transaction of business in this state hazardous
11057 to the public; or

11058 (g) The sponsor or representative of such sponsor is
11059 found guilty of fraudulent, deceptive, unfair or dishonest
11060 practices as defined in Section 83-5-35 or 83-5-45, Mississippi
11061 Code of 1972, or has been convicted of a * * * disqualifying crime
11062 as provided in the Fresh Start Act.

11063 Before any license shall be refused, suspended, revoked or
11064 the renewal thereof refused hereunder, the commissioner shall give
11065 notice of his intention so to do, by certified mail, return
11066 receipt requested, to the applicant for or holder of such license
11067 and to any sponsor whom such representative represents or who



11068 desires that he be licensed, and shall set a date not less than
11069 twenty (20) days from the date of mailing such notice when the
11070 applicant or licensee and a duly authorized representative of the
11071 sponsor may appear to be heard and produce evidence. In the
11072 conduct of such hearing, the commissioner or any regular salaried
11073 employee specially designated by him for such purposes shall have
11074 power to administer oaths, to require the appearance of and
11075 examine any person under oath, and to require the production of
11076 books, records or papers relevant to the inquiry upon his own
11077 initiative or upon the request of the applicant or licensee. Upon
11078 the termination of such hearing, findings shall be reduced to
11079 writing and, upon approval by the commissioner, shall be filed in
11080 his office; and notice of the findings shall be sent by certified
11081 mail to the applicant or licensee and the sponsor concerned.

11082 No licensee whose license has been revoked hereunder shall be
11083 entitled to file another application for a license as a sponsor or
11084 a representative of any sponsor within one (1) year from the
11085 effective date of such revocation. Such application, when filed,
11086 may be refused by the commissioner unless the applicant shows good
11087 cause why the revocation of his license shall not be deemed a bar
11088 to the issuance of a new license.

11089 In lieu of revoking, suspending or refusing to renew the
11090 license for any of the causes enumerated in this section, after
11091 hearing as herein provided, the commissioner may place the sponsor
11092 on probation for a period of time not to exceed one (1) year, or



11093 may fine such sponsor not more than One Thousand Dollars
11094 (\$1,000.00) for each offense, or both, when in his judgment he
11095 finds that the public interest would not be harmed by the
11096 continued operation of the sponsor. The amount of any such
11097 penalty shall be paid by such sponsor to the commissioner for the
11098 use of the state. At any hearing provided by this section, the
11099 commissioner shall have authority to administer oaths to
11100 witnesses. Anyone testifying falsely, after having been
11101 administered such oath, shall be subject to the penalty of
11102 perjury.

11103 Any action of the commissioner taken pursuant to the
11104 provisions of this section shall be subject to review as may be
11105 provided in Section 83-17-125.

11106 **SECTION 127.** Section 97-33-315, Mississippi Code of 1972, is
11107 amended as follows:

11108 97-33-315. (1) The executive director shall make
11109 appropriate investigations:

11110 (a) To determine whether there has been any violation
11111 of Sections 97-33-301 through 97-33-317 or of any regulations
11112 adopted thereunder.

11113 (b) To determine any facts, conditions, practices or
11114 matters which it may deem necessary or proper to aid in the
11115 enforcement of any such law or regulation.

11116 (c) To aid in adopting regulations.



11117 (d) To secure information as a basis for recommending
11118 legislation relating to Sections 97-33-301 through 97-33-317.

11119 (e) To determine annual compliance with Sections
11120 97-33-301 through 97-33-317.

11121 (2) If after any investigation the executive director is
11122 satisfied that a license should be limited, conditioned, suspended
11123 or revoked, he shall initiate a hearing by filing a complaint with
11124 the commission and transmit therewith a summary of evidence in his
11125 possession bearing on the matter and the transcript of testimony
11126 at any investigative hearing conducted by or on behalf of the
11127 executive director to the licensee.

11128 (3) Upon receipt of the complaint of the executive director,
11129 the commission shall review all matter presented in support
11130 thereof and shall appoint a hearing examiner to conduct further
11131 proceedings.

11132 (4) After proceedings required by Sections 97-33-301 through
11133 97-33-317, the hearing examiner may recommend that the commission
11134 take any or all of the following actions:

11135 (a) As to operations at a licensed gaming establishment
11136 under Section 97-33-307(5):

11137 (i) Limit, condition, suspend or revoke the
11138 license of any licensed gaming establishment or the individual
11139 license of any licensee without affecting the license of the
11140 establishment; and



11141 (ii) Order an operator to exclude an individual
11142 licensee from the operation of the registered business or not to
11143 pay the licensee any remuneration for services or any profits,
11144 income or accruals on his investment in the licensed gaming
11145 establishment;

11146 (b) Limit, condition, suspend or revoke any license
11147 granted to any applicant by the commission;

11148 (c) Fine each licensee for any act or transaction for
11149 which commission approval was required or permitted, as provided
11150 in Section 97-33-309.

11151 (5) The hearing examiner shall prepare a written decision
11152 containing his recommendation to the commission and shall serve it
11153 on all parties. Any party disagreeing with the hearing examiner's
11154 recommendation may ask the commission to review the recommendation
11155 within ten (10) days of service of the recommendation. The
11156 commission may hold a hearing to consider the recommendation
11157 whether there has been a request to review the recommendation or
11158 not.

11159 (6) If the commission decides to review the recommendation,
11160 it shall give notice of that fact to all parties within thirty
11161 (30) days of the recommendation and shall schedule a hearing to
11162 review the recommendation. The commission's review shall be de
11163 novo but shall be based upon the evidence presented before the
11164 hearing examiner. The commission may remand the case to the
11165 hearing examiner for the presentation of additional evidence upon



11166 a showing of good cause why the evidence could not have been
11167 presented at the previous hearing.

11168 (7) If the commission does not decide to review the
11169 recommendation within thirty (30) days, the recommendation becomes
11170 the final order of the commission.

11171 (8) If the commission limits, conditions, suspends or
11172 revokes any license, or imposes a fine, it shall issue its written
11173 order therefor after causing to be prepared and filed the hearing
11174 examiner's written decision upon which the order is based.

11175 (9) Any limitation, condition, revocation, suspension or
11176 fine is effective until reversed upon judicial review, except that
11177 the commission may stay its order pending a rehearing or judicial
11178 review upon such terms and conditions as it deems proper.

11179 (10) Judicial review of an order or decision of the
11180 commission may be had to the Chancery Court of the First Judicial
11181 District of Hinds County, Mississippi, as a case in equity.

11182 (11) A license * * * may be revoked if the individual is
11183 convicted of a * * * disqualifying crime as provided in the Fresh
11184 Start Act. An appeal from the conviction shall not act as a
11185 supersedeas to the revocation required by this subsection.

11186 **SECTION 128.** Section 73-15-201, Mississippi Code of 1972, is
11187 brought forward as follows:

11188 73-15-201. The Nurse Licensure Compact is enacted into law
11189 and entered into by this state with any and all states legally



11190 joining in the compact in accordance with its term, in the form
11191 substantially as follows:

11192 **ARTICLE I.**

11193 **Findings and declaration of purpose.**

11194 (a) The party states find that:

11195 1. The health and safety of the public are
11196 affected by the degree of compliance with and the effectiveness of
11197 enforcement activities related to state nurse licensure laws;

11198 2. Violations of nurse licensure and other laws
11199 regulating the practice of nursing may result in injury or harm to
11200 the public;

11201 3. The expanded mobility of nurses and the use of
11202 advanced communication technologies as part of our nation's health
11203 care delivery system require greater coordination and cooperation
11204 among states in the areas of nurse licensure and regulation;

11205 4. New practice modalities and technology make
11206 compliance with individual state nurse licensure laws difficult
11207 and complex;

11208 5. The current system of duplicative licensure for
11209 nurses practicing in multiple states is cumbersome and redundant
11210 for both nurses and states; and

11211 6. Uniformity of nurse licensure requirements
11212 throughout the states promotes public safety and public health
11213 benefits.

11214 (b) The general purposes of this compact are to:



- 11215 1. Facilitate the states' responsibility to
11216 protect the public's health and safety;
- 11217 2. Ensure and encourage the cooperation of party
11218 states in the areas of nurse licensure and regulation;
- 11219 3. Facilitate the exchange of information between
11220 party states in the areas of nurse regulation, investigation and
11221 adverse actions;
- 11222 4. Promote compliance with the laws governing the
11223 practice of nursing in each jurisdiction;
- 11224 5. Invest all party states with the authority to
11225 hold a nurse accountable for meeting all state practice laws in
11226 the state in which the patient is located at the time care is
11227 rendered through the mutual recognition of party state licenses;
- 11228 6. Decrease redundancies in the consideration and
11229 issuance of nurse licenses; and
- 11230 7. Provide opportunities for interstate practice
11231 by nurses who meet uniform licensure requirements.

11232 **ARTICLE II.**

11233 **Definitions.**

11234 As used in this compact:

- 11235 (a) "Adverse action" means any administrative, civil,
11236 equitable or criminal action permitted by a state's laws which is
11237 imposed by a licensing board or other authority against a
11238 nurse, including actions against an individual's license or
11239 multistate licensure privilege such as revocation, suspension,



11240 probation, monitoring of the licensee, limitation on the
11241 licensee's practice, or any other encumbrance on licensure
11242 affecting a nurse's authorization to practice, including issuance
11243 of a cease and desist action.

11244 (b) "Alternative program" means a nondisciplinary
11245 monitoring program approved by a licensing board.

11246 (c) "Coordinated licensure information system" means an
11247 integrated process for collecting, storing and sharing information
11248 on nurse licensure and enforcement activities related to nurse
11249 licensure laws that is administered by a nonprofit organization
11250 composed of and controlled by licensing boards.

11251 (d) "Current significant investigative information"
11252 means:

11253 1. Investigative information that a licensing
11254 board, after a preliminary inquiry that includes notification and
11255 an opportunity for the nurse to respond, if required by state law,
11256 has reason to believe is not groundless and, if proved true, would
11257 indicate more than a minor infraction; or

11258 2. Investigative information that indicates that
11259 the nurse represents an immediate threat to public health and
11260 safety regardless of whether the nurse has been notified and had
11261 an opportunity to respond.

11262 (e) "Encumbrance" means a revocation or suspension of,
11263 or any limitation on, the full and unrestricted practice of
11264 nursing imposed by a licensing board.



11265 (f) "Home state" means the party state which is the
11266 nurse's primary state of residence.

11267 (g) "Licensing board" means a party state's regulatory
11268 body responsible for issuing nurse licenses.

11269 (h) "Multistate license" means a license to practice as
11270 a registered or a licensed practical/vocational nurse (LPN/VN)
11271 issued by a home state licensing board that authorizes the
11272 licensed nurse to practice in all party states under a multistate
11273 licensure privilege.

11274 (i) "Multistate licensure privilege" means a legal
11275 authorization associated with a multistate license permitting the
11276 practice of nursing as either a registered nurse (RN) or LPN/VN in
11277 a remote state.

11278 (j) "Nurse" means RN or LPN/VN, as those terms are
11279 defined by each party state's practice laws.

11280 (k) "Party state" means any state that has adopted this
11281 compact.

11282 (l) "Remote state" means a party state, other than the
11283 home state.

11284 (m) "Single-state license" means a nurse license issued
11285 by a party state that authorizes practice only within the issuing
11286 state and does not include a multistate licensure privilege to
11287 practice in any other party state.

11288 (n) "State" means a state, territory or possession of
11289 the United States and the District of Columbia.



11290 (o) "State practice laws" means a party state's laws,
11291 rules and regulations that govern the practice of nursing, define
11292 the scope of nursing practice, and create the methods and grounds
11293 for imposing discipline. "State practice laws" do not include
11294 requirements necessary to obtain and retain a license, except for
11295 qualifications or requirements of the home state.

11296 **ARTICLE III.**

11297 General provisions and jurisdiction.

11298 (a) A multistate license to practice registered or
11299 licensed practical/vocational nursing issued by a home state to a
11300 resident in that state will be recognized by each party state as
11301 authorizing a nurse to practice as a registered nurse (RN) or as a
11302 licensed practical/vocational nurse (LPN/VN), under a multistate
11303 licensure privilege, in each party state.

11304 (b) A state must implement procedures for considering
11305 the criminal history records of applicants for initial multistate
11306 license or licensure by endorsement. Such procedures shall
11307 include the submission of fingerprints or other biometric-based
11308 information by applicants for the purpose of obtaining an
11309 applicant's criminal history record information from the Federal
11310 Bureau of Investigation and the agency responsible for retaining
11311 that state's criminal records.

11312 (c) Each party state shall require the following for an
11313 applicant to obtain or retain a multistate license in the home
11314 state:



11315 1. Meets the home state's qualifications for
11316 licensure or renewal of licensure, as well as, all other
11317 applicable state laws;
11318 2. (i) Has graduated or is eligible to graduate
11319 from a licensing board-approved RN or LPN/VN prelicensure
11320 education program; or
11321 (ii) Has graduated from a foreign RN or
11322 LPN/VN prelicensure education program that (a) has been approved
11323 by the authorized accrediting body in the applicable country and
11324 (b) has been verified by an independent credentials review agency
11325 to be comparable to a licensing board-approved prelicensure
11326 education program;
11327 3. Has, if a graduate of a foreign prelicensure
11328 education program not taught in English or if English is not the
11329 individual's native language, successfully passed an English
11330 proficiency examination that includes the components of reading,
11331 speaking, writing and listening;
11332 4. Has successfully passed a National Council
11333 Licensure Examination-Registered Nurse (NCLEX-RN®) or National
11334 Council Licensure Examination-Practical Nurse (NCLEX-PN®)
11335 Examination or recognized predecessor, as applicable;
11336 5. Is eligible for or holds an active,
11337 unencumbered license;
11338 6. Has submitted, in connection with an
11339 application for initial licensure or licensure by endorsement,



11340 fingerprints or other biometric data for the purpose of obtaining
11341 criminal history record information from the Federal Bureau of
11342 Investigation and the agency responsible for retaining that
11343 state's criminal records;

11344 7. Has not been convicted or found guilty, or has
11345 entered into an agreed disposition, of a felony offense under
11346 applicable state or federal criminal law;

11347 8. Has not been convicted or found guilty, or has
11348 entered into an agreed disposition, of a misdemeanor offense
11349 related to the practice of nursing as determined on a case-by-case
11350 basis;

11351 9. Is not currently enrolled in an alternative
11352 program;

11353 10. Is subject to self-disclosure requirements
11354 regarding current participation in an alternative program; and

11355 11. Has a valid United States social security
11356 number.

11357 (d) All party states shall be authorized, in accordance
11358 with existing state due process law, to take adverse action
11359 against a nurse's multistate licensure privilege such as
11360 revocation, suspension, probation or any other action that affects
11361 a nurse's authorization to practice under a multistate licensure
11362 privilege, including cease and desist actions. If a party state
11363 takes such action, it shall promptly notify the administrator of
11364 the coordinated licensure information system. The administrator



11365 of the coordinated licensure information system shall promptly
11366 notify the home state of any such actions by remote states.

11367 (e) A nurse practicing in a party state must comply
11368 with the state practice laws of the state in which the client is
11369 located at the time service is provided. The practice of nursing
11370 is not limited to patient care, but shall include all nursing
11371 practice as defined by the state practice laws of the party state
11372 in which the client is located. The practice of nursing in a
11373 party state under a multistate licensure privilege will subject a
11374 nurse to the jurisdiction of the licensing board, the courts and
11375 the laws of the party state in which the client is located at the
11376 time service is provided.

11377 (f) Individuals not residing in a party state shall
11378 continue to be able to apply for a party state's single-state
11379 license as provided under the laws of each party state. However,
11380 the single-state license granted to these individuals will not be
11381 recognized as granting the privilege to practice nursing in any
11382 other party state. Nothing in this compact shall affect the
11383 requirements established by a party state for the issuance of a
11384 single-state license.

11385 (g) Any nurse holding a home state multistate license,
11386 on the effective date of this compact, may retain and renew the
11387 multistate license issued by the nurse's then-current home state,
11388 provided that:



11389 1. A nurse, who changes primary state of residence
11390 after this compact's effective date, must meet all applicable
11391 Article III(c) requirements to obtain a multistate license from a
11392 new home state.

11393 2. A nurse who fails to satisfy the multistate
11394 licensure requirements in subsection (c) of this article due to a
11395 disqualifying event occurring after this compact's effective date
11396 shall be ineligible to retain or renew a multistate license, and
11397 the nurse's multistate license shall be revoked or deactivated in
11398 accordance with applicable rules adopted by the Interstate
11399 Commission of Nurse Licensure Compact Administrators
11400 ("commission").

11401 **ARTICLE IV.**

11402 **Applications for licensure in a party state.**

11403 (a) Upon application for a multistate license, the
11404 licensing board in the issuing party state shall ascertain,
11405 through the coordinated licensure information system, whether the
11406 applicant has ever held, or is the holder of, a license issued by
11407 any other state, whether there are any encumbrances on any license
11408 or multistate licensure privilege held by the applicant, whether
11409 any adverse action has been taken against any license or
11410 multistate licensure privilege held by the applicant and whether
11411 the applicant is currently participating in an alternative
11412 program.



11413 (b) A nurse may hold a multistate license, issued by
11414 the home state, in only one (1) party state at a time.

11415 (c) If a nurse changes primary state of residence by
11416 moving between two (2) party states, the nurse must apply for
11417 licensure in the new home state, and the multistate license issued
11418 by the prior home state will be deactivated in accordance with
11419 applicable rules adopted by the commission.

11420 1. The nurse may apply for licensure in advance of
11421 a change in primary state of residence.

11422 2. A multistate license shall not be issued by the
11423 new home state until the nurse provides satisfactory evidence of a
11424 change in primary state of residence to the new home state and
11425 satisfies all applicable requirements to obtain a multistate
11426 license from the new home state.

11427 (d) If a nurse changes primary state of residence by
11428 moving from a party state to a nonparty state, the multistate
11429 license issued by the prior home state will convert to a
11430 single-state license, valid only in the former home state.

11431 **ARTICLE V.**

11432 **Additional authorities invested in party state licensing boards.**

11433 (a) In addition to the other powers conferred by state
11434 law, a licensing board shall have the authority to:

11435 1. Take adverse action against a nurse's
11436 multistate licensure privilege to practice within that party
11437 state.



11438 (i) Only the home state shall have the power
11439 to take adverse action against a nurse's license issued by the
11440 home state.

11441 (ii) For purposes of taking adverse action,
11442 the home state licensing board shall give the same priority and
11443 effect to reported conduct received from a remote state as it
11444 would if such conduct had occurred within the home state.

11445 In so doing, the home state shall apply its own state laws to
11446 determine appropriate action.

11447 2. Issue cease and desist orders or impose an
11448 encumbrance on a nurse's authority to practice within that party
11449 state.

11450 3. Complete any pending investigations of a nurse
11451 who changes primary state of residence during the course of such
11452 investigations. The licensing board shall also have the authority
11453 to take appropriate action(s) and shall promptly report the
11454 conclusions of such investigations to the administrator of the
11455 coordinated licensure information system. The administrator of
11456 the coordinated licensure information system shall promptly notify
11457 the new home state of any such actions.

11458 4. Issue subpoenas for both hearings and
11459 investigations that require the attendance and testimony of
11460 witnesses, as well as, the production of evidence.

11461 Subpoenas issued by a licensing board in a party state for
11462 the attendance and testimony of witnesses or the production of



11463 evidence from another party state shall be enforced in the latter
11464 state by any court of competent jurisdiction, according to the
11465 practice and procedure of that court applicable to subpoenas
11466 issued in proceedings pending before it. The issuing authority
11467 shall pay any witness fees, travel expenses, mileage and other
11468 fees required by the service statutes of the state in which the
11469 witnesses or evidence are located.

11470 5. Obtain and submit, for each nurse licensure
11471 applicant, fingerprint or other biometric-based information to the
11472 Federal Bureau of Investigation for criminal background checks,
11473 receive the results of the Federal Bureau of Investigation record
11474 search on criminal background checks and use the results in making
11475 licensure decisions.

11476 6. If otherwise permitted by state law, recover
11477 from the affected nurse the costs of investigations and
11478 disposition of cases resulting from any adverse action taken
11479 against that nurse.

11480 7. Take adverse action based on the factual
11481 findings of the remote state, provided that the licensing board
11482 follows its own procedures for taking such adverse action.

11483 (b) If adverse action is taken by the home state
11484 against a nurse's multistate license, the nurse's multistate
11485 licensure privilege to practice in all other party states shall be
11486 deactivated until all encumbrances have been removed from the
11487 multistate license. All home state disciplinary orders that



11488 impose adverse action against a nurse's multistate license shall
11489 include a statement that the nurse's multistate licensure
11490 privilege is deactivated in all party states during the pendency
11491 of the order.

11492 (c) Nothing in this compact shall override a party
11493 state's decision that participation in an alternative program may
11494 be used in lieu of adverse action. The home state licensing board
11495 shall deactivate the multistate licensure privilege under the
11496 multistate license of any nurse for the duration of the nurse's
11497 participation in an alternative program.

11498 **ARTICLE VI.**

11499 **Coordinated licensure information system and exchange of**
11500 **information.**

11501 (a) All party states shall participate in a coordinated
11502 licensure information system of all licensed registered nurses
11503 (RNs) and licensed practical/vocational nurses (LPNs/VNs). This
11504 system will include information on the licensure and disciplinary
11505 history of each nurse, as submitted by party states, to assist in
11506 the coordination of nurse licensure and enforcement efforts.

11507 (b) The commission, in consultation with the
11508 administrator of the coordinated licensure information system,
11509 shall formulate necessary and proper procedures for the
11510 identification, collection and exchange of information under this
11511 compact.



11512 (c) All licensing boards shall promptly report to the
11513 coordinated licensure information system any adverse action, any
11514 current significant investigative information, denials of
11515 applications (with the reasons for such denials) and nurse
11516 participation in alternative programs known to the licensing board
11517 regardless of whether such participation is deemed nonpublic or
11518 confidential under state law.

11519 (d) Current significant investigative information and
11520 participation in nonpublic or confidential alternative programs
11521 shall be transmitted through the coordinated licensure information
11522 system only to party state licensing boards.

11523 (e) Notwithstanding any other provision of law, all
11524 party state licensing boards contributing information to the
11525 coordinated licensure information system may designate information
11526 that may not be shared with nonparty states or disclosed to other
11527 entities or individuals without the express permission of the
11528 contributing state.

11529 (f) Any personally identifiable information obtained
11530 from the coordinated licensure information system by a party state
11531 licensing board shall not be shared with nonparty states or
11532 disclosed to other entities or individuals except to the extent
11533 permitted by the laws of the party state contributing the
11534 information.

11535 (g) Any information contributed to the coordinated
11536 licensure information system that is subsequently required to be



11537 expunged by the laws of the party state contributing that
11538 information shall also be expunged from the coordinated licensure
11539 information system.

11540 (h) The compact administrator of each party state shall
11541 furnish a uniform data set to the compact administrator of each
11542 other party state, which shall include, at a minimum:

- 11543 1. Identifying information;
- 11544 2. Licensure data;
- 11545 3. Information related to alternative program
11546 participation; and
- 11547 4. Other information that may facilitate the
11548 administration of this compact, as determined by commission rules.

11549 (i) The compact administrator of a party state shall
11550 provide all investigative documents and information requested by
11551 another party state.

11552 **ARTICLE VII.**

11553 **Establishment of the Interstate Commission of Nurse Licensure**
11554 **Compact administrators.**

11555 (a) The party states hereby create and establish a
11556 joint public entity known as the Interstate Commission of Nurse
11557 Licensure Compact Administrators.

- 11558 1. The commission is an instrumentality of the
11559 party states.
- 11560 2. Venue is proper, and judicial proceedings by or
11561 against the commission shall be brought solely and exclusively, in



11562 a court of competent jurisdiction where the principal office of
11563 the commission is located. The commission may waive venue and
11564 jurisdictional defenses to the extent it adopts or consents to
11565 participate in alternative dispute resolution proceedings.

11566 3. Nothing in this compact shall be construed to
11567 be a waiver of sovereign immunity.

11568 (b) Membership, voting and meetings.

11569 1. Each party state shall have and be limited to
11570 one (1) administrator. The head of the state licensing board or
11571 designee shall be the administrator of this compact for each party
11572 state. Any administrator may be removed or suspended from office
11573 as provided by the law of the state from which the administrator
11574 is appointed. Any vacancy occurring in the commission shall be
11575 filled in accordance with the laws of the party state in which the
11576 vacancy exists.

11577 2. Each administrator shall be entitled to one (1)
11578 vote with regard to the promulgation of rules and creation of
11579 bylaws and shall otherwise have an opportunity to participate in
11580 the business and affairs of the commission. An administrator
11581 shall vote in person or by such other means as provided in the
11582 bylaws. The bylaws may provide for an administrator's
11583 participation in meetings by telephone or other means of
11584 communication.

11585 3. The commission shall meet at least once during
11586 each calendar year.



11587 Additional meetings shall be held as set forth in the bylaws
11588 or rules of the commission.

11589 4. All meetings shall be open to the public, and
11590 public notice of meetings shall be given in the same manner as
11591 required under the rulemaking provisions in Article VIII.

11592 5. The commission may convene in a closed,
11593 nonpublic meeting if the commission must discuss:

11594 (i) Noncompliance of a party state with its
11595 obligations under this compact;

11596 (ii) The employment, compensation, discipline
11597 or other personnel matters, practices or procedures related to
11598 specific employees or other matters related to the commission's
11599 internal personnel practices and procedures;

11600 (iii) Current, threatened or reasonably
11601 anticipated litigation;

11602 (iv) Negotiation of contracts for the
11603 purchase or sale of goods, services or real estate;

11604 (v) Accusing any person of a crime or
11605 formally censuring any person;

11606 (vi) Disclosure of trade secrets or
11607 commercial or financial information that is privileged or
11608 confidential;

11609 (vii) Disclosure of information of a personal
11610 nature where disclosure would constitute a clearly unwarranted
11611 invasion of personal privacy;



11612 (viii) Disclosure of investigatory records
11613 compiled for law enforcement purposes;
11614 (ix) Disclosure of information related to any
11615 reports prepared by or on behalf of the commission for the purpose
11616 of investigation of compliance with this compact; or
11617 (x) Matters specifically exempted from
11618 disclosure by federal or state statute.

11619 6. If a meeting, or portion of a meeting, is
11620 closed pursuant to this provision, the commission's legal counsel
11621 or designee shall certify that the meeting may be closed and shall
11622 reference each relevant exempting provision. The commission shall
11623 keep minutes that fully and clearly describe all matters discussed
11624 in a meeting and shall provide a full and accurate summary of
11625 actions taken, and the reasons therefor, including a description
11626 of the views expressed. All documents considered in connection
11627 with an action shall be identified in such minutes. All minutes
11628 and documents of a closed meeting shall remain under seal, subject
11629 to release by a majority vote of the commission or order of a
11630 court of competent jurisdiction.

11631 (c) The commission shall, by a majority vote of the
11632 administrators, prescribe bylaws or rules to govern its conduct as
11633 may be necessary or appropriate to carry out the purposes and
11634 exercise the powers of this compact, including, but not limited
11635 to:

11636 1. Establishing the fiscal year of the commission;



11637 2. Providing reasonable standards and procedures:
11638 (i) For the establishment and meetings of
11639 other committees; and
11640 (ii) Governing any general or specific
11641 delegation of any authority or function of the commission;
11642 3. Providing reasonable procedures for calling and
11643 conducting meetings of the commission, ensuring reasonable advance
11644 notice of all meetings and providing an opportunity for attendance
11645 of such meetings by interested parties, with enumerated exceptions
11646 designed to protect the public's interest, the privacy of
11647 individuals, and proprietary information, including trade secrets.
11648 The commission may meet in closed session only after a majority of
11649 the administrators vote to close a meeting in whole or in part.
11650 As soon as practicable, the commission must make public a copy of
11651 the vote to close the meeting revealing the vote of each
11652 administrator, with no proxy votes allowed;
11653 4. Establishing the titles, duties and authority
11654 and reasonable procedures for the election of the officers of the
11655 commission;
11656 5. Providing reasonable standards and procedures
11657 for the establishment of the personnel policies and programs of
11658 the commission. Notwithstanding any civil service or other
11659 similar laws of any party state, the bylaws shall exclusively
11660 govern the personnel policies and programs of the commission; and



11661 6. Providing a mechanism for winding up the
11662 operations of the commission and the equitable disposition of any
11663 surplus funds that may exist after the termination of this compact
11664 after the payment or reserving of all of its debts and
11665 obligations;

11666 (d) The commission shall publish its bylaws and rules,
11667 and any amendments thereto, in a convenient form on the website of
11668 the commission.

11669 (e) The commission shall maintain its financial records
11670 in accordance with the bylaws.

11671 (f) The commission shall meet and take such actions as
11672 are consistent with the provisions of this compact and the bylaws.

11673 (g) The commission shall have the following powers:

11674 1. To promulgate uniform rules to facilitate and
11675 coordinate implementation and administration of this compact. The
11676 rules shall have the force and effect of law and shall be binding
11677 in all party states;

11678 2. To bring and prosecute legal proceedings or
11679 actions in the name of the commission, provided that the standing
11680 of any licensing board to sue or be sued under applicable law
11681 shall not be affected;

11682 3. To purchase and maintain insurance and bonds;

11683 4. To borrow, accept or contract for services of
11684 personnel, including, but not limited to, employees of a party
11685 state or nonprofit organizations;



11686 5. To cooperate with other organizations that
11687 administer state compacts related to the regulation of nursing,
11688 including, but not limited to, sharing administrative or staff
11689 expenses, office space or other resources;

11690 6. To hire employees, elect or appoint officers,
11691 fix compensation, define duties, grant such individuals
11692 appropriate authority to carry out the purposes of this compact,
11693 and to establish the commission's personnel policies and programs
11694 relating to conflicts of interest, qualifications of personnel and
11695 other related personnel matters;

11696 7. To accept any and all appropriate donations,
11697 grants and gifts of money, equipment, supplies, materials and
11698 services, and to receive, utilize and dispose of the same;
11699 provided that at all times the commission shall avoid any
11700 appearance of impropriety or conflict of interest;

11701 8. To lease, purchase, accept appropriate gifts or
11702 donations of, or otherwise to own, hold, improve or use, any
11703 property, whether real, personal or mixed; provided that at all
11704 times the commission shall avoid any appearance of impropriety;

11705 9. To sell, convey, mortgage, pledge, lease,
11706 exchange, abandon or otherwise dispose of any property, whether
11707 real, personal or mixed;

11708 10. To establish a budget and make expenditures;

11709 11. To borrow money;



11710 12. To appoint committees, including advisory
11711 committees comprised of administrators, state nursing regulators,
11712 state legislators or their representatives, and consumer
11713 representatives, and other such interested persons;

11714 13. To provide and receive information from, and
11715 to cooperate with, law enforcement agencies;

11716 14. To adopt and use an official seal; and

11717 15. To perform such other functions as may be
11718 necessary or appropriate to achieve the purposes of this compact
11719 consistent with the state regulation of nurse licensure and
11720 practice.

11721 (h) Financing of the commission.

11722 1. The commission shall pay, or provide for the
11723 payment of, the reasonable expenses of its establishment,
11724 organization and ongoing activities.

11725 2. The commission may also levy on and collect an
11726 annual assessment from each party state to cover the cost of its
11727 operations, activities and staff in its annual budget as approved
11728 each year. The aggregate annual assessment amount, if any, shall
11729 be allocated based upon a formula to be determined by the
11730 commission, which shall promulgate a rule that is binding upon all
11731 party states.

11732 3. The commission shall not incur obligations of
11733 any kind prior to securing the funds adequate to meet the same;



11734 nor shall the commission pledge the credit of any of the party
11735 states, except by, and with the authority of, such party state.

11736 4. The commission shall keep accurate accounts of
11737 all receipts and disbursements. The receipts and disbursements of
11738 the commission shall be subject to the audit and accounting
11739 procedures established under its bylaws. However, all receipts
11740 and disbursements of funds handled by the commission shall be
11741 audited yearly by a certified or licensed public accountant, and
11742 the report of the audit shall be included in and become part of
11743 the annual report of the commission.

11744 (i) Qualified immunity, defense and indemnification.

11745 1. The administrators, officers, executive
11746 director, employees and representatives of the commission shall be
11747 immune from suit and liability, either personally or in their
11748 official capacity, for any claim for damage to or loss of property
11749 or personal injury or other civil liability caused by or arising
11750 out of any actual or alleged act, error or omission that occurred,
11751 or that the person against whom the claim is made had a reasonable
11752 basis for believing occurred, within the scope of commission
11753 employment, duties or responsibilities; provided that nothing in
11754 this paragraph shall be construed to protect any such person from
11755 suit or liability for any damage, loss, injury or liability caused
11756 by the intentional, willful or wanton misconduct of that person.

11757 2. The commission shall defend any administrator,
11758 officer, executive director, employee or representative of the



11759 commission in any civil action seeking to impose liability arising
11760 out of any actual or alleged act, error or omission that occurred
11761 within the scope of commission employment, duties or
11762 responsibilities, or that the person against whom the claim is
11763 made had a reasonable basis for believing occurred within the
11764 scope of commission employment, duties or responsibilities;
11765 provided that nothing herein shall be construed to prohibit that
11766 person from retaining his or her own counsel; and provided further
11767 that the actual or alleged act, error or omission did not result
11768 from that person's intentional, willful or wanton misconduct.

11769 3. The commission shall indemnify and hold
11770 harmless any administrator, officer, executive director, employee
11771 or representative of the commission for the amount of any
11772 settlement or judgment obtained against that person arising out of
11773 any actual or alleged act, error or omission that occurred within
11774 the scope of commission employment, duties or responsibilities, or
11775 that such person had a reasonable basis for believing occurred
11776 within the scope of commission employment, duties or
11777 responsibilities, provided that the actual or alleged act, error
11778 or omission did not result from the intentional, willful or wanton
11779 misconduct of that person.

11780 **ARTICLE VIII.**

11781 **Rulemaking.**

11782 (a) The commission shall exercise its rulemaking powers
11783 pursuant to the criteria set forth in this article and the rules



11784 adopted thereunder. Rules and amendments shall become binding as
11785 of the date specified in each rule or amendment and shall have the
11786 same force and effect as provisions of this compact.

11787 (b) Rules or amendments to the rules shall be adopted
11788 at a regular or special meeting of the commission.

11789 (c) Prior to promulgation and adoption of a final rule
11790 or rules by the commission, and at least sixty (60) days in
11791 advance of the meeting at which the rule will be considered and
11792 voted upon, the commission shall file a notice of proposed
11793 rulemaking:

- 11794 1. On the website of the commission; and
11795 2. On the website of each licensing board or the
11796 publication in which each state would otherwise publish proposed
11797 rules.

11798 (d) The notice of proposed rulemaking shall include:

- 11799 1. The proposed time, date and location of the
11800 meeting in which the rule will be considered and voted upon;
11801 2. The text of the proposed rule or amendment, and
11802 the reason for the proposed rule;
11803 3. A request for comments on the proposed rule
11804 from any interested person; and
11805 4. The manner in which interested persons may
11806 submit notice to the commission of their intention to attend the
11807 public hearing and any written comments.



11808 (e) Prior to adoption of a proposed rule, the
11809 commission shall allow persons to submit written data, facts,
11810 opinions and arguments, which shall be made available to the
11811 public.

11812 (f) The commission shall grant an opportunity for a
11813 public hearing before it adopts a rule or amendment.

11814 (g) The commission shall publish the place, time and
11815 date of the scheduled public hearing.

11816 1. Hearings shall be conducted in a manner
11817 providing each person who wishes to comment a fair and reasonable
11818 opportunity to comment orally or in writing.

11819 All hearings will be recorded, and a copy will be made
11820 available upon request.

11821 2. Nothing in this section shall be construed as
11822 requiring a separate hearing on each rule. Rules may be grouped
11823 for the convenience of the commission at hearings required by this
11824 section.

11825 (h) If no one appears at the public hearing, the
11826 commission may proceed with promulgation of the proposed rule.

11827 (i) Following the scheduled hearing date, or by the
11828 close of business on the scheduled hearing date if the hearing was
11829 not held, the commission shall consider all written and oral
11830 comments received.

11831 (j) The commission shall, by majority vote of all
11832 administrators, take final action on the proposed rule and shall



11833 determine the effective date of the rule, if any, based on the
11834 rulemaking record and the full text of the rule.

11835 (k) Upon determination that an emergency exists, the
11836 commission may consider and adopt an emergency rule without prior
11837 notice, opportunity for comment or hearing, provided that the
11838 usual rulemaking procedures provided in this compact and in this
11839 section shall be retroactively applied to the rule as soon as
11840 reasonably possible, in no event later than ninety (90) days after
11841 the effective date of the rule. For the purposes of this
11842 provision, an emergency rule is one that must be adopted
11843 immediately in order to:

- 11844 1. Meet an imminent threat to public health,
11845 safety or welfare;
- 11846 2. Prevent a loss of commission or party state
11847 funds; or
- 11848 3. Meet a deadline for the promulgation of an
11849 administrative rule that is required by federal law or rule.

11850 (l) The commission may direct revisions to a previously
11851 adopted rule or amendment for purposes of correcting typographical
11852 errors, errors in format, errors in consistency or grammatical
11853 errors. Public notice of any revisions shall be posted on the
11854 website of the commission. The revision shall be subject to
11855 challenge by any person for a period of thirty (30) days after
11856 posting. The revision may be challenged only on grounds that the
11857 revision results in a material change to a rule. A challenge



11858 shall be made in writing, and delivered to the commission, prior
11859 to the end of the notice period. If no challenge is made, the
11860 revision will take effect without further action. If the revision
11861 is challenged, the revision may not take effect without the
11862 approval of the commission.

11863 **ARTICLE IX.**

11864 **Oversight, dispute resolution and enforcement.**

11865 (a) Oversight:

11866 1. Each party state shall enforce this compact and
11867 take all actions necessary and appropriate to effectuate this
11868 compact's purposes and intent.

11869 2. The commission shall be entitled to receive
11870 service of process in any proceeding that may affect the powers,
11871 responsibilities or actions of the commission, and shall have
11872 standing to intervene in such a proceeding for all purposes.
11873 Failure to provide service of process in such proceeding to the
11874 commission shall render a judgment or order void as to the
11875 commission, this compact or promulgated rules.

11876 (b) Default, technical assistance and termination:

11877 1. If the commission determines that a party state
11878 has defaulted in the performance of its obligations or
11879 responsibilities under this compact or the promulgated rules, the
11880 commission shall:

11881 (i) Provide written notice to the defaulting
11882 state and other party states of the nature of the default, the



11883 proposed means of curing the default or any other action to be
11884 taken by the commission; and

11885 (ii) Provide remedial training and specific
11886 technical assistance regarding the default.

11887 2. If a state in default fails to cure the
11888 default, the defaulting state's membership in this compact may be
11889 terminated upon an affirmative vote of a majority of the
11890 administrators, and all rights, privileges and benefits conferred
11891 by this compact may be terminated on the effective date of
11892 termination. A cure of the default does not relieve the offending
11893 state of obligations or liabilities incurred during the period of
11894 default.

11895 3. Termination of membership in this compact shall
11896 be imposed only after all other means of securing compliance have
11897 been exhausted. Notice of intent to suspend or terminate shall be
11898 given by the commission to the Governor of the defaulting state
11899 and to the executive officer of the defaulting state's licensing
11900 board and each of the party states.

11901 4. A state whose membership in this compact has
11902 been terminated is responsible for all assessments, obligations
11903 and liabilities incurred through the effective date of
11904 termination, including obligations that extend beyond the
11905 effective date of termination.

11906 5. The commission shall not bear any costs related
11907 to a state that is found to be in default or whose membership in



11908 this compact has been terminated unless agreed upon in writing
11909 between the commission and the defaulting state.

11910 6. The defaulting state may appeal the action of
11911 the commission by petitioning the United States District Court for
11912 the District of Columbia or the federal district in which the
11913 commission has its principal offices. The prevailing party shall
11914 be awarded all costs of such litigation, including reasonable
11915 attorneys' fees.

11916 (c) Dispute resolution:

11917 1. Upon request by a party state, the commission
11918 shall attempt to resolve disputes related to the compact that
11919 arise among party states and between party and nonparty states.

11920 2. The commission shall promulgate a rule
11921 providing for both mediation and binding dispute resolution for
11922 disputes, as appropriate.

11923 3. In the event the commission cannot resolve
11924 disputes among party states arising under this compact:

11925 (i) The party states may submit the issues in
11926 dispute to an arbitration panel, which will be comprised of
11927 individuals appointed by the compact administrator in each of the
11928 affected party states and an individual mutually agreed upon by
11929 the compact administrators of all the party states involved in the
11930 dispute.

11931 (ii) The decision of a majority of the
11932 arbitrators shall be final and binding.



11933 (d) Enforcement:

11934 1. The commission, in the reasonable exercise of
11935 its discretion, shall enforce the provisions and rules of this
11936 compact.

11937 2. By majority vote, the commission may initiate
11938 legal action in the United States District Court for the District
11939 of Columbia or the federal district in which the commission has
11940 its principal offices against a party state that is in default to
11941 enforce compliance with the provisions of this compact and its
11942 promulgated rules and bylaws.

11943 The relief sought may include both injunctive relief and
11944 damages. In the event judicial enforcement is necessary, the
11945 prevailing party shall be awarded all costs of such litigation,
11946 including reasonable attorneys' fees.

11947 3. The remedies herein shall not be the exclusive
11948 remedies of the commission. The commission may pursue any other
11949 remedies available under federal or state law.

11950 **ARTICLE X.**

11951 **Effective date, withdrawal and amendment.**

11952 (a) This compact shall become effective and binding on
11953 the earlier of the date of legislative enactment of this compact
11954 into law by no less than twenty-six (26) states or December 31,
11955 2018. All party states to this compact, that also were parties to
11956 the prior Nurse Licensure Compact, superseded by this compact,
11957 ("prior compact"), shall be deemed to have withdrawn from the



11958 prior compact within six (6) months after the effective date of
11959 this compact.

11960 (b) Each party state to this compact shall continue to
11961 recognize a nurse's multistate licensure privilege to practice in
11962 that party state issued under the prior compact until such party
11963 state has withdrawn from the prior compact.

11964 (c) Any party state may withdraw from this compact by
11965 enacting a statute repealing the same. A party state's withdrawal
11966 shall not take effect until six (6) months after enactment of the
11967 repealing statute.

11968 (d) A party state's withdrawal or termination shall not
11969 affect the continuing requirement of the withdrawing or terminated
11970 state's licensing board to report adverse actions and significant
11971 investigations occurring prior to the effective date of such
11972 withdrawal or termination.

11973 (e) Nothing contained in this compact shall be
11974 construed to invalidate or prevent any nurse licensure agreement
11975 or other cooperative arrangement between a party state and a
11976 nonparty state that is made in accordance with the other
11977 provisions of this compact.

11978 (f) This compact may be amended by the party states.
11979 No amendment to this compact shall become effective and binding
11980 upon the party states unless and until it is enacted into the laws
11981 of all party states.



