

By: Representative Creekmore IV

To: Public Health and Human
Services; Accountability,
Efficiency, Transparency

HOUSE BILL NO. 1437

1 AN ACT TO AMEND SECTIONS 73-25-1, 73-25-3, 73-25-5, 73-25-14,
2 73-25-17, 73-25-21, 73-25-23, 73-25-27, 73-25-28, 73-25-29,
3 73-25-30, 73-25-31, 73-25-32, 73-25-33, 73-25-34, 73-25-53,
4 73-25-55, 73-25-57, 73-25-59, 73-25-61, 73-25-63, 73-25-65,
5 73-25-83, 73-25-87, 73-25-89 AND 73-25-18, MISSISSIPPI CODE OF
6 1972, TO REVISE CERTAIN DEFINITIONS UNDER THE MEDICAL PRACTICE
7 ACT; TO CLARIFY CERTAIN PROCEDURES TO OBTAIN A LICENSE TO PRACTICE
8 MEDICINE; TO PROVIDE FOR ELECTRONIC NOTICE OF LICENSE RENEWAL; TO
9 PROVIDE PROCEDURES FOR PHYSICIANS TO REQUEST RETIRED STATUS; TO
10 CLARIFY PROCEDURES FOR THE ISSUANCE OF A TEMPORARY LICENSE TO
11 PRACTICE MEDICINE; TO CLARIFY PROCEDURES FOR ISSUANCE OF A LICENSE
12 BY RECIPROCITY; TO REVISE CERTAIN PROCEDURES FOR DISCIPLINARY
13 ACTION AGAINST LICENSES, THE ISSUANCE OF SUBPOENAS BY THE BOARD OF
14 MEDICAL LICENSURE, THE GROUNDS FOR DISCIPLINARY ACTION, THE
15 OPTIONS AVAILABLE TO THE BOARD FOLLOWING DISCIPLINARY HEARINGS
16 AGAINST LICENSEES, AND PETITIONS FOR REINSTATEMENT OF LICENSES; TO
17 CLARIFY THE ACTION OF THE UNLAWFUL PRACTICE OF MEDICINE AND THE
18 AUTHORITY OF THE BOARD TO SEEK INJUNCTIVE RELIEF; TO DELETE A
19 CERTAIN EXCEPTION TO LICENSURE; TO INCLUDE BEHAVIORAL CONDUCT THAT
20 COULD BE ADDRESSED BY TREATMENT TO THE LIST OF REASONS A LICENSEE
21 SHALL BE SUBJECT TO RESTRICTION OF THEIR LICENSE; TO CLARIFY
22 CERTAIN PROCEDURES UNDER THE DISABLED PHYSICIAN LAW; TO REVISE
23 DISCIPLINARY ACTION THAT THE BOARD IS AUTHORIZED TO TAKE,
24 INCLUDING PLACING A LICENSEE ON PROBATION OR IMPOSING A PUNITIVE
25 FINE; TO PROVIDE THAT A HEARING MUST BE HELD WITHIN 30 DAYS IF THE
26 BOARD DETERMINES THAT A PHYSICIAN'S CONTINUATION OF PRACTICE IS AN
27 IMMEDIATE DANGER; TO EXCLUDE INDIVIDUALS ENGAGED SOLELY IN THE
28 PRACTICE OF MIDWIFERY FROM THE CHAPTER; TO CREATE NEW SECTION
29 73-43-19, MISSISSIPPI CODE OF 1972, TO REQUIRE THE MISSISSIPPI
30 PHYSICIAN HEALTH PROGRAM TO PROVIDE PERFORMANCE STATISTICS TO THE
31 STATE BOARD OF MEDICAL LICENSURE; TO AMEND SECTION 73-43-3,
32 MISSISSIPPI CODE OF 1972, TO PROVIDE FOR ADDITIONAL MEMBERS OF THE
33 BOARD WHO SHALL BE MEMBERS OF THE PUBLIC NOT RELATED TO THE HEALTH
34 CARE INDUSTRY; TO REPEAL SECTIONS 73-25-7, 73-25-9, 73-25-15,



73-25-19, 73-25-25, 73-25-39 AND 73-25-81, MISSISSIPPI CODE OF 1972, WHICH REQUIRE THE STATE BOARD OF MEDICAL LICENSURE TO MEET AT THE CAPITOL AT LEAST ONCE EACH YEAR FOR THE PURPOSE OF EXAMINING APPLICANTS; PROVIDE FOR THE FEE CHARGED BY THE BOARD TO APPLY FOR A LICENSE TO PRACTICE; PROVIDE FOR THE PROCEDURES FOR LOST MEDICAL LICENSES; PROVIDE FOR CERTAIN PROVISIONS RELATED TO NONRESIDENT PHYSICIANS; PROVIDE FOR CERTAIN PROCEDURES FOR THOSE DESIRING TO PRACTICE OSTEOPATHIC MEDICINE IN THE STATE; ALLOW THE BOARD TO CONTRACT FOR THE ACQUISITION OF BOOKS AND OTHER RECORDS; PROVIDE A TECHNICAL REFERENCE TO THE BOARD; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 73-25-1, Mississippi Code of 1972, is amended as follows:

73-25-1. For the purposes of this chapter, the "practice of medicine" means the practice of allopathic and osteopathic medicine; however, nothing in this chapter shall apply to individuals engaged solely in the practice of midwifery. For the purposes of this chapter, "physician" means a medical doctor or a doctor of osteopathic medicine. Every person who desires to practice medicine must first obtain a license to do so from the State Board of Medical Licensure, but this section shall not apply to physicians now holding permanent license, the same having been recorded as required by law.

SECTION 2. Section 73-25-3, Mississippi Code of 1972, is amended as follows:

73-25-3. Every person who desires to obtain a license to practice medicine must apply therefor, in writing, to the State Board of Medical Licensure * * *. If the applicant is found by the board, upon examination, to possess sufficient * * * qualifications, the board shall issue * * * the applicant a



66 license to practice medicine; however, no applicant shall be
67 granted a license unless the applicant holds a diploma from
68 a * * * medical college or college of osteopathic medicine * * *
69 listed in the World Directory of Medical Schools or its successor,
70 or by an equivalent board-approved directory or entity.

71 To qualify for a Mississippi medical license, an applicant
72 must have successfully been cleared for licensure through an
73 investigation that shall consist of a determination as to good
74 moral character and verification that the prospective licensee is
75 not guilty of or in violation of any statutory ground for denial
76 of licensure as set forth in Sections 73-25-29 and 73-25-83. To
77 assist the board in conducting its licensure investigation, all
78 applicants shall undergo a fingerprint-based criminal history
79 records check of the Mississippi central criminal database and the
80 Federal Bureau of Investigation criminal history database. Each
81 applicant shall submit a full set of the applicant's fingerprints
82 in a form and manner prescribed by the board, which shall be
83 forwarded to the Mississippi Department of Public Safety
84 (department) and the Federal Bureau of Investigation
85 Identification Division for this purpose.

86 Any and all state or national criminal history records
87 information obtained by the board that is not already a matter of
88 public record shall be deemed nonpublic and confidential
89 information restricted to the exclusive use of the board, its
90 members, officers, investigators, agents and attorneys in



91 evaluating the applicant's eligibility or disqualification for
92 licensure, and shall be exempt from the Mississippi Public Records
93 Act of 1983. Except when introduced into evidence in a hearing
94 before the board to determine licensure, no such information or
95 records related thereto shall, except with the written consent of
96 the applicant or by order of a court of competent jurisdiction, be
97 released or otherwise disclosed by the board to any other person
98 or agency.

99 The board shall * * * require a form signed by the applicant
100 consenting to the check of the criminal records and to the use of
101 the fingerprints or other biometrics, and any other identifying
102 information required by the state or national repositories.

103 The board shall charge and collect from the applicant, in
104 addition to all other applicable fees and costs, such amount as
105 may be incurred by the board in requesting and obtaining state and
106 national criminal history records information on the applicant.

107 This section shall not apply to applicants for a special
108 volunteer medical license authorized under Section 73-25-18.

109 **SECTION 3.** Section 73-25-5, Mississippi Code of 1972, is
110 amended as follows:

111 73-25-5. The application for license must include such
112 information as the State Board of Medical Licensure shall require.

113 Each application or filing made under this section shall
114 include the active and valid social security number(s) of the
115 applicant in accordance with Section 93-11-64.



116 **SECTION 4.** Section 73-25-14, Mississippi Code of 1972, is
117 amended as follows:

118 73-25-14. (1) Except as provided in Section 33-1-39, the
119 license of every person licensed to practice medicine or
120 osteopathy in the State of Mississippi shall be renewed annually.

121 On or before May 1 of each year, the State Board of Medical
122 Licensure shall mail or electronically transmit a notice of
123 renewal of license to every physician or osteopath to whom a
124 license was issued or renewed during the current licensing year.
125 The notice shall provide instructions for obtaining and submitting
126 applications for renewal. The * * * board * * * is authorized to
127 make applications for renewal available via electronic means. The
128 applicant shall obtain and complete the application and submit it
129 to the board in the manner prescribed by the board in the notice
130 before June 30 with the renewal fee of an amount established by
131 the board, but not to exceed Three Hundred Dollars
132 (\$300.00) * * *. A portion of * * * the fee shall be used to
133 support a program to aid impaired * * * licensees. * * * Upon
134 receipt of the application and fee, the board shall verify the
135 accuracy of the application and issue to applicant a certificate
136 of renewal for the ensuing year, beginning July 1 and expiring
137 June 30 of the succeeding calendar year. That renewal shall
138 render the holder thereof a legal practitioner as stated on the
139 renewal form.



(2) * * * Any physician practicing in the State of Mississippi whose license has lapsed may petition the board for reinstatement of his or her license on a retroactive basis, if the physician 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.

(3) * * * A physician who wishes to retain his or her license but not actively practice medicine may request "retired status" for the license by submitting the proper paperwork as prescribed by the board with the renewal fee. A physician holding a retired status medical license is exempt from license renewal and from continuing medical education requirements. A licensed retired status physician shall not practice medicine unless the licensee applies for and is granted reinstatement and pays the reinstatement fee as determined by the board.

(4) Any physician or osteopath who allows his or her license to lapse shall be notified by the board within thirty (30) days of that lapse.

* * *

SECTION 5. Section 73-25-17, Mississippi Code of 1972, is amended as follows:

73-25-17. (1) * * * The executive officer of the * * * board * * * may issue * * * a temporary license to practice medicine * * * in compliance with the rules and regulations of the



board, provided that such license shall not exceed fourteen (14) days for a physician who does not plan to study or practice in the state permanently. The executive director may issue a temporary license to practice medicine for up to one (1) year if the applicant is a person in an internship, residency or fellowship program created through the Office of Mississippi Physician Workforce or accredited through the Accreditation Council for Graduate Medical Education. * * * Any extension may only be granted by the executive committee. The temporary license of a person enrolled in any * * * Accreditation Council for Graduate Medical Education (ACGME), residency or fellowship program within the state, * * * may be renewed annually for the duration of the internship, residency or fellowship program for a period not to exceed * * * eight (8) years, except when in combination with a Ph.D. program.

(2) The State Board of Medical Licensure may issue a temporary license to practice medicine at a youth camp licensed by the State Board of Health to nonresident physicians and retired resident physicians under the provisions of Section 75-74-8.

* * *

SECTION 6. Section 73-25-18, Mississippi Code of 1972, is amended as follows:

73-25-18. (1) (a) There is established a special volunteer medical license for physicians who are retired from active practice, or are currently serving on active duty in the Armed



Forces of the United States or in the National Guard or a reserve component of the Armed Forces of the United States, or are working as physicians for the Department of Veterans Affairs, and wish to donate their expertise for the medical care and treatment of indigent and needy persons or persons in medically underserved areas of the state. The special volunteer medical license shall be issued by the State Board of Medical Licensure to eligible physicians without the payment of any application fee, examination fee, license fee or renewal fee, shall be issued for a fiscal year or part thereof, and shall be renewable annually upon approval of the board.

(b) A physician must meet the following requirements to be eligible for a special volunteer medical license:

(i) Completion of a special volunteer medical license application, including documentation of the physician's medical school or osteopathic school graduation and practice history;

(ii) Documentation that the physician * * * otherwise qualifies for an unrestricted license to practice medicine in Mississippi or in another state of the United States and that he or she has never been the subject of any medical disciplinary action in any jurisdiction;

(iii) Acknowledgement and documentation that the physician's practice under the special volunteer medical license will be exclusively and totally devoted to providing medical care



to needy and indigent persons in Mississippi or persons in medically underserved areas in Mississippi; and

(iv) Acknowledgement and documentation that the physician will not receive any payment or compensation, either direct or indirect, or have the expectation of any payment or compensation, for any medical services rendered under the special volunteer medical license.

(2) (a) There is established a special volunteer license for physician assistants who are retired from active practice, or are currently serving on active duty in the Armed Forces of the United States or in the National Guard or a reserve component of the Armed Forces of the United States, or are working as physician assistants for the Department of Veterans Affairs, and wish to donate their expertise for the care and treatment of indigent and needy persons or persons in medically underserved areas of the state. The special volunteer physician assistant license shall be issued by the State Board of Medical Licensure to eligible physician assistants without the payment of any application fee, examination fee, license fee or renewal fee, shall be issued for a fiscal year or part thereof, and shall be renewable annually upon approval of the board.

(b) A physician assistant must meet the following requirements to be eligible for a special volunteer physician assistant license:



(i) Completion of an application for a special volunteer physician assistant license, including documentation of the physician assistant's educational qualifications and practice history;

(ii) Documentation that the physician assistant * * * otherwise qualifies for an unrestricted physician assistant license in Mississippi or in another state of the United States and that he or she has never been the subject of any disciplinary action in any jurisdiction;

(iii) Acknowledgement and documentation that the physician assistant's practice under the special volunteer physician assistant license will be exclusively and totally devoted to providing care to needy and indigent persons in Mississippi or persons in medically underserved areas in Mississippi; and

(iv) Acknowledgement and documentation that the physician assistant will not receive any payment or compensation, either direct or indirect, or have the expectation of any payment or compensation, for any services rendered under the special volunteer physician assistant license.

SECTION 7. Section 73-25-21, Mississippi Code of 1972, is amended as follows:

73-25-21. * * * 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.

SECTION 8. Section 73-25-23, Mississippi Code of 1972, is amended as follows:

73-25-23. The State Board of Medical Licensure is * * * authorized and empowered to grant limited institutional license for the practice of medicine in state institutions to graduates of foreign medical colleges approved by the National Educational Council for Foreign Medical Graduates or its successor, subject to the conditions as set out herein.

Any graduate of a foreign medical college approved by the organizations specified in the foregoing paragraph who is employed or is being considered for employment to practice medicine in one or more Mississippi state-supported institution(s) located in the same county shall make application for license to the * * * board * * *. The application shall be made on a form prescribed by the board * * * as required by laws of the State of Mississippi. The application shall also state the institution or institutions in which the applicant has assurance of employment. The * * * board * * * is * * * authorized to establish minimum standards of qualifications including moral, experience and proficiency for such applicants. * * * Upon review of the application, and upon the satisfaction of all requirements set forth by the board, the board may issue a limited institutional license to practice medicine.



288 * * *

289 Such license shall be for one (1) year and shall be in such
290 form as the * * * board * * * prescribes, and shall be issued for
291 practice in a particular institution and shall not be endorsable
292 to another state. The license must be renewed annually, after
293 such review as the * * * board * * * considers necessary. A
294 graduate of a foreign medical school so licensed may hold such
295 limited institutional license no longer than * * * eight (8)
296 years. * * * In addition, the * * * board * * *, in its
297 discretion, may waive the * * * eight-year limitation on limited
298 institutional licenses for any graduate of a foreign medical
299 school who holds such license.

300 It is the intent of this section to enable Mississippi
301 institutions to utilize the services of qualified graduates of
302 foreign medical colleges during the period necessary for them to
303 secure citizenship papers, and to meet other requirements for a
304 regular license, including Educational Council for Foreign Medical
305 Graduates certification. The * * * board * * * is * * *
306 authorized, in its discretion, to refuse to renew, or to revoke
307 such limited license if the holder of such license * * * fails to
308 apply for a regular license.

309 The * * * board * * * may establish reasonable and uniform
310 license fees and shall make such rules and regulations as it
311 considers necessary to carry out the purposes of this section.

312 * * *



313 **SECTION 9.** Section 73-25-27, Mississippi Code of 1972, is
314 amended as follows:

315 73-25-27. * * * With respect to any licensee of the State
316 Board of Medical Licensure, after notice and opportunity for a
317 hearing to such licensee, the board may take one or more of the
318 actions authorized in Section 73-25-87 for any of the grounds
319 enumerated in Section 73-25-29. The procedure for suspension of a
320 license for being out of compliance with an order for support, and
321 the procedure for the reissuance or reinstatement of a license
322 suspended for that purpose, and the payment of any fees for the
323 reissuance or reinstatement of a license suspended for that
324 purpose, shall be governed by Section 93-11-157 or 93-11-163, as
325 the case may be. If there is any conflict between any provision
326 of Section 93-11-157 or 93-11-163 and any provision of this
327 chapter, the provisions of Section 93-11-157 or 93-11-163, as the
328 case may be, shall control.

329 The notice shall be effected by * * * certified mail or
330 personal service setting forth the particular reasons for the
331 proposed action and fixing a date not less than thirty (30)
332 days * * * from the date of the mailing or the service, at which
333 time the * * * licensee shall be given an opportunity for a prompt
334 and fair hearing. For the purpose of the hearing the board,
335 acting by and through its executive office, may subpoena persons
336 and papers on its own behalf and on behalf of the * * * licensee,
337 including records obtained under Section 73-25-28 and Section



338 73-25-83(c), may administer oaths and the testimony when properly
339 transcribed, together with the papers and exhibits, shall be
340 admissible in evidence for or against the * * * licensee. At the
341 hearing the * * * licensee may appear by counsel and personally in
342 his or her own behalf. Any person sworn and examined as a witness
343 in the hearing shall not be held to answer criminally, nor shall
344 any papers or documents produced by the witness be competent
345 evidence in any criminal proceedings against the witness other
346 than for perjury in delivering his or her evidence. The board or
347 its designee, in the conduct of any hearing, shall not be bound by
348 strict laws or rules of evidence. The board may adopt rules and
349 discovery and procedure governing all proceedings before it. On
350 the basis of any such hearing, or upon default of the * * *
351 licensee, the board shall make a determination specifying its
352 findings of fact and conclusions of law. The board shall make its
353 determination based upon a preponderance of the evidence.

354 A copy of the determination shall be sent by * * * certified
355 mail or served personally upon the * * * licensee. * * *

356 For the purpose of conducting investigations, the board,
357 through its executive director, may issue subpoenas to any
358 individual * * * or other entity having in its possession papers,
359 documents, medical charts, prescriptions or any other nonfinancial
360 records. Any such subpoenas issued by the executive director
361 shall be made pursuant to an order of the board entered on its
362 minutes, determined on a case-by-case basis. Investigatory



subpoenas, as provided in this section, may be served either by personal process or by * * * certified mail, and upon service shall command production of the papers and documents to the board at the time and place so specified. The board shall be entitled to the assistance of the chancery court or the chancellor in vacation, which, on petition by the board, shall issue ancillary subpoenas and petitions and may punish as for contempt of court in the event of noncompliance with the subpoenas or petitions.

For the purpose of conducting hearings, the board through its executive director may subpoena persons and papers on its own behalf and on behalf of the respondent, including records obtained under Section 73-25-28 and Section 73-25-83(c), may administer oaths, and may compel the testimony of witnesses. Any such subpoenas issued by the executive director shall be made pursuant to an order of the board entered on its minutes, determined on a case-by-case basis. It may issue subpoenas to take testimony at hearings, and testimony so taken and sworn to shall be admissible in evidence for and against the respondent. No depositions shall be taken in preparation for matters to be heard by the board. The board shall be entitled to the assistance of the chancery court or the chancellor in vacation, which, on petition by the board, shall issue ancillary subpoenas and petitions and may punish as for contempt of court in the event of noncompliance with the subpoenas or petitions.



387 Unless the court otherwise decrees, a license that has been
388 suspended by the board * * * shall become again valid if and when
389 the board so orders, which it may do on its own motion or on the
390 petition of the respondent. A license that has been revoked shall
391 not be restored to validity except: (1) by order of the board
392 based on petition for reinstatement filed under Section 73-25-32
393 or (2) by order of the chancery court or Supreme Court following
394 appeal. * * * Nothing in this chapter shall be construed as
395 limiting or revoking the authority of any court or of any
396 licensing or registering officer or board, other than the State
397 Board of Medical Licensure, to suspend, revoke and reinstate
398 licenses and to cancel registrations under the provisions of
399 Section 41-29-311.

400 **SECTION 10.** Section 73-25-28, Mississippi Code of 1972, is
401 amended as follows:

402 73-25-28. (1) In any case in which disciplinary action
403 against a * * * licensee is being considered by the State Board of
404 Medical Licensure, the executive * * * director of the board, or
405 its investigators * * *, upon reasonable cause as defined below,
406 may enter, at a time convenient to all parties, any hospital,
407 clinic, surgical center, office of a * * * licensee or emergency
408 care facility to inspect and copy patient records, charts,
409 emergency room records or any other document * * * that would
410 assist the board in its investigation of a * * * licensee.

411 Reasonable cause shall be demonstrated by allegations of



violations of state law or the Administrative Code, including one
or more of the following: (a) a single incident of gross
negligence; (b) a pattern of inappropriate prescribing of
controlled substances; (c) an act of incompetence or negligence
causing death or serious bodily injury; (d) a pattern of
substandard medical care; (e) a pattern of unnecessary surgery or
unindicated medical procedures; (f) disciplinary action taken
against a physician or podiatrist by a licensed hospital or by the
medical staff of the hospital; (g) voluntary termination by a
physician or podiatrist of staff privileges or having restrictions
placed thereon; or (h) habitual personal use of narcotic drugs or
other drugs having addiction-forming or addiction-sustaining
liability, or the habitual personal use of intoxicating liquors or
alcoholic beverages, to an extent which affects professional
competency. Whether reasonable cause exists shall be determined
by the executive * * * director and/or executive committee of the
board, and documentation of that determination shall be provided
to the hospital, clinic, office or emergency care facility before
entry for inspection and copying hereunder.

(2) A certified copy of any record inspected or copied
pursuant to subsection (1) shall be subject to subpoena by the
board to be used as evidence before it in a licensure disciplinary
proceeding initiated pursuant to the provisions of Sections
73-25-1 through 73-25-39, 73-25-51 through 73-25-67, 73-25-81
through 73-25-95 and 73-27-1 through 73-27-19, * * *. All



references to a patient's name and address or other information which would identify the patient shall be deleted from the records unless a waiver of the medical privilege is obtained from the patient.

(3) All records of the investigation and all patient charts, records, emergency room records or any other document that may have been copied shall be kept confidential and shall not be subject to discovery or subpoena. If no disciplinary proceedings are initiated within a period of five (5) years after the determination of insufficient cause, then the board shall destroy all records obtained pursuant to this section.

(4) Notwithstanding any right to privacy, confidentiality, privilege or exemption from public access conferred by this section, Section 73-52-1, or otherwise by statute or at law, the board shall provide to any hospital, as defined in Section 41-9-3, any and all information it may have concerning any physician who has applied for a license, other than information contained in records exempt from the provisions of the Mississippi Public Records Act of 1983 pursuant to Sections 45-29-1 and 45-29-3, * * * upon receipt by the board of a written request from the hospital for such information and documentation that the physician has applied for appointment or reappointment to the medical staff of the hospital or staff privileges at the hospital. The board, any member of the board, and its agents or employees,



461 acting without malice in providing the documents or information
462 hereunder, shall be immune from civil or criminal liability.

463 **SECTION 11.** Section 73-25-29, Mississippi Code of 1972, is
464 amended as follows:

465 73-25-29. The grounds for the nonissuance, suspension,
466 revocation or restriction of a license or the denial of
467 reinstatement or renewal of a license are:

468 (1) Habitual personal use of narcotic drugs, or any
469 other drug having addiction-forming or addiction-sustaining
470 liability.

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

473 (3) Administering, dispensing or prescribing any
474 narcotic drug, or any other drug having addiction-forming or
475 addiction-sustaining liability otherwise than in the course of
476 legitimate professional practice.

477 (4) Conviction of violation of any federal or state law
478 regulating the possession, distribution or use of any narcotic
479 drug or any drug considered a controlled substance under state or
480 federal law, a certified copy of the conviction order or judgment
481 rendered by the trial court being prima facie evidence thereof,
482 notwithstanding the pendency of any appeal.

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



(6) Conviction of a felony or misdemeanor involving moral turpitude, a certified copy of the conviction order or judgment rendered by the trial court being prima facie evidence thereof, notwithstanding the pendency of any appeal.

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

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

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

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

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

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

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



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

516 (g) Failing to identify a physician's school of
517 practice in all professional uses of his or her name by use of his
518 or her earned degree or a description of his or her school of
519 practice.

520 (h) When a licensee makes, or knowingly permits
521 any person to make, an agreement with a patient or person, or any
522 person or entity representing patients or persons, or provides any
523 form of consideration that would prohibit, restrict, discourage,
524 or otherwise limit a person's ability to file a complaint with the
525 board; to truthfully and fully answer any questions posed by an
526 agent or representative of the board; or to participate as a
527 witness in a board proceeding.

528 (9) The refusal of a licensing authority of another
529 state or jurisdiction to issue or renew a license, permit or
530 certificate to practice medicine in that jurisdiction or the
531 revocation, suspension or other restriction imposed on a license,
532 permit or certificate issued by such licensing authority which
533 prevents or restricts practice in that jurisdiction, a certified
534 copy of the disciplinary order or action taken by the other state



or jurisdiction being prima facie evidence thereof,
notwithstanding the pendency of any appeal.

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

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

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

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



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

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

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

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

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



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

SECTION 12. Section 73-25-30, Mississippi Code of 1972, is amended as follows:

73-25-30. (1) The * * * State Board of Medical Licensure, in exercising its authority under the provisions of Section 73-25-29, shall have the power to discipline the holder of a license who has been found by the board in violation of that statute after notice and a hearing as provided by law * * *.

(2) Upon the execution of a disciplinary order by the board, either following a hearing or in lieu of a hearing, the board * * * may assess the licensee for those reasonable costs that are expended by the board in the investigation and conduct of a proceeding for licensure disciplinary action including, but not limited to, the cost of process service, court reporters, witness fees, expert witnesses, investigators, and other related expenses. Money collected by the board under this section shall be deposited to the credit of the special fund of the board to reimburse the existing current year appropriated budget.

(3) An assessment of costs under this section shall be paid to the board by the licensee, upon the expiration of the period allowed for appeals under Section 73-25-27, or may be paid sooner



if the licensee elects. Cost assessed under this section shall not exceed * * * Twenty-Five Thousand Dollars (\$25,000.00).

(4) When an assessment of costs by the board against a licensee in accordance with this section is not paid by the licensee when due under this section, the licensee shall be prohibited from practicing medicine until the full amount is paid. In addition, the board may institute and maintain proceedings in its name for enforcement of payment in the Chancery Court of the First Judicial District of Hinds County. When those proceedings are instituted, the board shall certify the record of its proceedings, together with all documents and evidence, to the chancery court. The matter shall be heard in due course by the court, which shall review the record and make its determination thereon. The hearing on the matter, in the discretion of the chancellor, may be tried in vacation.

SECTION 13. Section 73-25-31, Mississippi Code of 1972, is amended as follows:

73-25-31. Every order and judgment of the board shall take effect immediately on its promulgation unless the board in such order or judgment fixes a probationary period for * * * licensee. Such order and judgment shall continue in effect unless upon appeal the court by proper order or decree terminates it earlier. The board may make public its orders and judgments in such manner and form as it deems proper. * * * Any decision of the board must be appealed to the chancery court under the provisions of this



section within thirty (30) days after being so mailed or served.
The appeal period may not be extended. The appeal to the chancery
court shall be based solely on the record made before the board.
A transcript of the proceedings and evidence, together with
exhibits presented at the hearing before the board in the event of
appeal, shall be a part of the record before the chancery court.
The chancery court shall dispose of the appeal and enter its
decision promptly. The hearing on the appeal may, in the
discretion of the chancellor, be tried in vacation. Appeals may
be taken to the Supreme Court of the State of Mississippi as
provided by law from any final action of the chancery court. No
such person shall be allowed to practice medicine in violation of
any action of the chancery court affirming, in whole or in part,
the determination of the board while any such appeal to the
Supreme Court is pending.

SECTION 14. Section 73-25-32, Mississippi Code of 1972, is amended as follows:

73-25-32. (1) A person whose license to practice * * * has been * * * suspended or previously surrendered may petition the * * * State Board of Medical Licensure to reinstate this license after a period of not less than one (1) year has elapsed from the date of the * * * suspension or surrender. A person whose license to practice has been revoked may petition the board to reinstate his or her license after a period of not less than three (3) years, but not greater than five (5) years, has elapsed



660 from the date of the revocation. The procedure for the
661 reinstatement of a license that is suspended for being out of
662 compliance with an order for support, as defined in Section
663 93-11-153, shall be governed by Section 93-11-157 or 93-11-163, as
664 the case may be.

665 (2) * * * The petition may be heard at the next regular
666 meeting of the board * * * but not earlier than thirty (30) days
667 after the petition was filed. No petition shall be considered
668 while the petitioner is under sentence for any criminal offense,
669 including any period during which he or she is under probation or
670 parole. The hearing may be continued from time to time as the
671 board * * * finds necessary.

672 (3) In determining whether the disciplinary penalty should
673 be set aside and the terms and conditions, if any, that should be
674 imposed if the disciplinary penalty is set aside, the board * * *
675 may investigate and consider all activities of the petitioner
676 since the disciplinary action was taken * * *, the offense for
677 which he or she was disciplined, his or her activity during the
678 time * * * the petitioner was in good standing, his general
679 reputation for truth, professional ability and good character;
680 and * * * require the petitioner to * * * submit to a professional
681 competency evaluation.

682 (4) The investigation shall require the petitioner to
683 undergo a fingerprint-based criminal history records check of the
684 Mississippi central criminal database and the Federal Bureau of



685 Investigation criminal history database. Each petitioner shall
686 submit a full set of the petitioner's fingerprints in a form and
687 manner prescribed by the board, which shall be forwarded to the
688 Mississippi Department of Public Safety (department) and the
689 Federal Bureau of Investigation Identification Division for this
690 purpose.

691 Any and all state or national criminal history records
692 information obtained by the board that is not already a matter of
693 public record shall be deemed nonpublic and confidential
694 information restricted to the exclusive use of the board, its
695 members, officers, investigators, agents and attorneys in
696 evaluating the applicant's eligibility or disqualification for
697 licensure, and shall be exempt from the Mississippi Public Records
698 Act of 1983. Except when introduced into evidence in a hearing
699 before the board to determine licensure, no such information or
700 records related thereto shall, except with the written consent of
701 the applicant or by order of a court of competent jurisdiction, be
702 released or otherwise disclosed by the board to any other person
703 or agency.

704 The board shall provide to the department the fingerprints of
705 the petitioner, any additional information that may be required by
706 the department, and a form signed by the petitioner consenting to
707 the check of the criminal records and to the use of the
708 fingerprints and other identifying information required by the
709 state or national repositories.



The board shall charge and collect from the petitioner, in addition to all other applicable fees and costs, such amount as may be incurred by the board in requesting and obtaining state and national criminal history records information on the applicant.

* * *

SECTION 15. Section 73-25-33, Mississippi Code of 1972, is amended as follows:

73-25-33. (1) The practice of medicine shall mean * * * one (1) or more of the following, provided that nothing in this chapter shall be construed to limit duly licensed health care professionals from providing medical services within the scope of their authorizing license:

(a) Holding oneself out to the public within this state as being able to diagnose, treat, prescribe for, palliate, or prevent any human disease, ailment, injury, deformity, or physical or mental condition, whether by the use of drugs, surgery, manipulation, technology, or any physical, mechanical, or other means whatsoever;

(b) Suggesting, recommending, prescribing, or administering any form of treatment, operation, or healing for the intended palliation, relief, or cure of any physical or mental disease, ailment, injury, condition, or defect of any person, with or without the intention of receiving, either directly or indirectly, any fee, gift, or compensation;



734 (c) Maintaining an office or other place to meet
735 persons or patients for the purpose of examining or treating
736 persons afflicted with disease, injury, defect of the body or
737 mind, or other condition for which treatment is sought;

738 (d) Using the title "M.D.," "D.O.," "physician,"
739 "surgeon," or any other word or abbreviation to indicate or induce
740 others to believe that one is engaged in the diagnosis or
741 treatment of persons afflicted with disease, injury, defect of the
742 body or mind, or other conditions for which treatment is sought;
743 or

744 (e) Performing any kind of surgical operation upon
745 another person.

746 (2) Nothing in this section shall be construed to prohibit,
747 sanction, or to require a license with respect to any of the
748 following:

749 The practice of the following doctors as defined by the laws
750 of this state. Furthermore, this chapter is not intended to
751 limit, restrict, enlarge, or alter the medical and/or surgical
752 privileges and practice of the following professions as provided
753 by the laws of this state:

754 (a) Dentistry (DDS or DMD);

755 (b) Optometry (OD);

756 (c) Chiropractic (DC); or

757 (d) Veterinarian (DVM) or (VDM).



758 (3) Nothing in this section shall be construed to prohibit,
759 sanction or punish licensed nurses, nurse practitioners or
760 advanced practice registered nurses who are practicing within
761 their scope of practice.

762 (* * *4) The practice of medicine shall not mean to provide
763 gender transition procedures for any person under eighteen (18)
764 years of age * * *.

765 (* * *5) For purposes of this section, "gender transition
766 procedures" means the same as defined in Section 41-141-3.

767 (6) The board may, for the purposes of this chapter, issue
768 cease and desist orders to any person(s) it has probable cause to
769 believe is practicing medicine without first obtaining a license.
770 Thereafter, and in addition to any other civil remedy or criminal
771 penalty provided for by law, or in lieu thereof, the board shall
772 be authorized to seek injunctive relief and/or imposition of civil
773 penalties against the unlawful practice of medicine, provided that
774 the venue for any such action shall be the Chancery Court for the
775 First Judicial District of Hinds County. Civil penalties from
776 such actions shall be no less than One Thousand Dollars
777 (\$1,000.00) and no more than Twenty-Five Thousand Dollars
778 (\$25,000.00) for each offense. The court may also award the
779 prevailing party court costs and reasonable attorney fees and, if
780 the board prevails, may also award reasonable costs of
781 investigation and prosecution.



782 Any monetary penalty or assessment levied against an illegal
783 practitioner under this section shall be paid to the state upon
784 the expiration of the period allowed for appealing those
785 penalties, or may be paid sooner if the illegal practitioner so
786 chooses. Monetary penalties collected by the court under this
787 section shall be deposited to the credit of the State General
788 Fund. Any monies collected for investigation and prosecution by
789 the board shall be deposited into the special fund of the board.

790 **SECTION 16.** Section 73-25-34, Mississippi Code of 1972, is
791 amended as follows:

792 73-25-34. (1) For the purposes of this section,
793 telemedicine, or the practice of medicine across state lines,
794 shall be defined to include any one (1) or both of the following:

795 (a) Rendering of a medical opinion concerning diagnosis
796 or treatment of a patient within this state by a physician located
797 outside this state as a result of transmission of individual
798 patient data by electronic or other means from within this state
799 to such physician or his or her agent; or

800 (b) The rendering of treatment to a patient within this
801 state by a physician located outside this state as a result of
802 transmission of individual patient data by electronic or other
803 means from within this state to such physician or his or her
804 agent.

805 (2) Except as hereinafter provided, no person shall engage
806 in the practice of medicine across state lines (telemedicine) in



807 this state, hold himself or herself out as qualified to do the
808 same, or use any title, word or abbreviation to indicate to or
809 induce others to believe that he or she is duly licensed to
810 practice medicine across state lines in this state unless he or
811 she has first obtained a license to do so from the State Board of
812 Medical Licensure and has met all educational and licensure
813 requirements as determined by the * * * board * * *.

814 * * *

815 **SECTION 17.** Section 73-25-53, Mississippi Code of 1972, is
816 amended as follows:

817 73-25-53. * * * Any person holding a professional license
818 from the State Board of Medical Licensure shall be subject to
819 restriction, suspension or revocation, as hereinafter provided, in
820 case of inability of the licensee to practice medicine with
821 reasonable skill or safety to patients by reason of one or more of
822 the following:

823 (a) Mental illness;

824 (b) Physical illness, including, but not limited to,
825 deterioration through the aging process, or loss of motor skill;

826 (c) Excessive use or abuse of drugs, including
827 alcohol * * *; and

828 (d) Behavioral conduct that could be addressed by
829 treatment.

830 **SECTION 18.** Section 73-25-55, Mississippi Code of 1972, is
831 amended as follows:



73-25-55. (1) If the State Board of Medical Licensure has reasonable cause to believe that a * * * licensee is unable to practice medicine with reasonable skill and safety to patients because of a condition described in Section 73-25-53, * * * the board * * * shall cause an examination of such * * * licensee to be made as described in subsection (2) of this section and shall, following such examination, take appropriate action within the provisions of Sections 73-25-51 through 73-25-67.

(2) Examination of a * * * licensee under this section shall be conducted by an examining committee. * * * The members of the examining committee shall be designated by the Medical Director of the Mississippi Physician Health Program (MPHP), and shall include three (3) practicing physicians and at least one (1) psychiatrist if a question of mental illness is involved.

SECTION 19. Section 73-25-57, Mississippi Code of 1972, is amended as follows:

73-25-57. (1) The examining committee assigned to examine a physician pursuant to referral by the board under Section 73-25-55 shall conduct an examination of such * * * licensee for the purpose of determining the * * * licensee's fitness to practice medicine with reasonable skill and safety to patients, either on a restricted or unrestricted basis, and shall report its findings and recommendations to the board. The committee shall order the * * * licensee to appear before the committee for examination and give him or her ten (10) days' notice of time and place of the



857 examination, together with a statement of the cause for such
858 examination. Such notice shall be served upon the * * * licensee
859 either personally or by registered or certified mail with return
860 receipt requested.

861 (2) If the examining committee, in its discretion, * * *
862 deems an independent mental or physical examination of the * * *
863 licensee necessary to its determination of the fitness of
864 the * * * licensee to practice, the committee shall order
865 the * * * licensee to submit to such examination. Any person
866 licensed to practice medicine in this state shall be deemed to
867 have waived all objections to the admissibility of the examining
868 committee's report in any proceedings before the board under
869 Sections 73-25-51 through 73-25-67 on the grounds of privileged
870 communication. Any * * * licensee ordered to an examination
871 before the committee under subsection (2) shall be entitled to an
872 independent mental or physical examination if * * * the licensee
873 makes request therefor.

874 (3) Any * * * licensee who submits to a diagnostic mental or
875 physical examination as ordered by the examining committee shall
876 have a right to designate another physician to be present at the
877 examination and make an independent report to the board.

878 (4) Failure of a * * * licensee to comply with a committee
879 order under subsection (2) to appear before it for examination or
880 to submit to mental or physical examination under this section or
881 upon the withdrawal of advocacy by the Mississippi Physician



882 Health Program (MPHP) or successor entity, shall be reported by
883 the committee or MPHP to the board, and unless due to
884 circumstances beyond the control of the * * * licensee, shall be
885 grounds for suspension by the board of the * * * licensee's
886 license to practice medicine in this state until such time as
887 such * * * licensee has complied with the order of the committee,
888 or regained advocacy from MPHP.

889 (5) The examining committee may inspect patient records in
890 accordance with the provisions of Section 73-25-28.

891 (6) All patient records, investigative reports and other
892 documents in possession of the board and examining committee shall
893 be deemed confidential and not subject to subpoena or disclosure
894 unless so ordered by the court from which the subpoena issued, but
895 the court, in its discretion, may limit use or disclosure of such
896 records. Notwithstanding, and to encourage the prompt reporting
897 of disabled practitioners, neither the board nor examining
898 committee shall reveal the identity of any source of information
899 where the source has requested anonymity.

900 **SECTION 20.** Section 73-25-59, Mississippi Code of 1972, is
901 amended as follows:

902 73-25-59. A * * * licensee may request in writing to the
903 board a restriction of his or her license to practice * * *. The
904 board may grant such request for restriction and shall have
905 authority, if it deems appropriate, to attach conditions to the
906 licensure * * * within specified limitations, and waive the



907 commencement of any proceeding under Section 73-25-63. Removal of
908 a voluntary restriction on licensure to practice medicine shall be
909 subject to the procedure for reinstatement of license in Section
910 73-25-65.

911 **SECTION 21.** Section 73-25-61, Mississippi Code of 1972, is
912 amended as follows:

913 73-25-61. (1) The examining committee shall report to the
914 board its findings on the examination of the * * * licensee under
915 Section 73-25-57, the determination of the committee as to the
916 fitness of the * * * licensee to engage in the practice of
917 medicine with reasonable skill and safety to patients, either on a
918 restricted or unrestricted basis, and any management that the
919 committee may recommend. Such recommendation by the committee
920 shall be advisory only and shall not be binding on the board.

921 (2) The board may accept or reject the recommendation of the
922 examining committee to permit a * * * licensee to continue to
923 practice with or without any restriction on his or her license to
924 practice medicine, or may refer the matter back to the examining
925 committee for further examination and report thereon.

926 (3) In the absence of a voluntary agreement by a * * *
927 licensee under Section 73-25-59 * * *, any * * * licensee shall be
928 entitled to a hearing in formal proceedings before the board and a
929 determination on the evidence as to whether or not restriction,
930 suspension or revocation of licensure shall be imposed.



931 **SECTION 22.** Section 73-25-63, Mississippi Code of 1972, is
932 amended as follows:

933 73-25-63. (1) The board may proceed against a * * *
934 licensee under Sections 73-25-51 through 73-25-67 by serving upon
935 such physician at least fifteen (15) days' notice of a time and
936 place fixed for a hearing, together with copies of the examining
937 committee's report and diagnosis, or a copy of the official notice
938 from MPHP withdrawing advocacy. Such notice and reports shall be
939 served upon the * * * licensee either personally or by * * *
940 certified mail with return receipt requested.

941 (2) At * * * the hearing the * * * licensee shall have the
942 right to be present, to be represented by counsel, to produce
943 witnesses or evidence in his or her behalf, to cross-examine
944 witnesses, and to have subpoenas issued by the board.

945 (3) At the conclusion of the hearing, the board shall make a
946 determination of the merits and may issue an order imposing one or
947 more of the following:

948 (a) Make a recommendation that the * * * licensee
949 submit to the care, counseling or treatment by physicians
950 acceptable to the board * * *;

951 (b) Suspend or restrict the license of the * * *
952 licensee to practice medicine for the duration of his or her
953 impairment * * *; or

954 (c) Revoke the license of the * * * licensee to
955 practice medicine.



(4) The board may temporarily suspend the license of any * * * licensee without a hearing, simultaneously with the institution of proceedings for a hearing under this section, if it finds that the evidence * * * is clear, competent and unequivocal and that his or her continuation in practice would constitute an imminent danger to public health and safety.

(5) Neither the record of the proceedings nor any order entered against a * * * licensee may be used against him or her in any other legal proceedings except upon judicial review as provided herein.

SECTION 23. Section 73-25-65, Mississippi Code of 1972, is amended as follows:

73-25-65. (1) A * * * licensee whose licensure has been restricted, suspended or revoked under Sections 73-25-51 through 73-25-67, voluntarily or by action of the board, shall have a right, at reasonable intervals, to petition for reinstatement of his or her license and to demonstrate that he or she can resume the competent practice of medicine with reasonable skill and safety to patients. Such petition shall be made in writing and on a form prescribed by the board. Action of the board on such petition shall be initiated by referral to and examination by the examining committee pursuant to the provisions of Sections 73-25-55 and 73-25-57. The board may, upon written recommendation of the examining committee, restore the licensure of the * * * licensee on a general or limited basis or institute a proceeding



pursuant to Section 73-25-63 for the determination of the fitness of the * * * licensee to resume his or her practice.

(2) All orders of the board entered under Section 73-25-63(3) * * * or (4) shall be subject to judicial review by appeal to the chancery court of the county of the residence of the * * * licensee involved against whom the order is rendered, within twenty (20) days following the date of entry of the order, * * * the appeal to be taken and perfected in the same manner as appeals from orders of boards of supervisors.

SECTION 24. Section 73-25-83, Mississippi Code of 1972, is amended as follows:

73-25-83. The board shall have authority to deny an application for licensure or other authorization to practice medicine in this state and to discipline a physician licensed or otherwise lawfully practicing within this state who, after a hearing, has been adjudged by the board as unqualified due to one or more of the following reasons:

(a) Unprofessional conduct as defined in the physician licensure and disciplinary laws, pursuant to Section 73-25-29;

(b) Professional incompetency in the practice of medicine or surgery; or

(c) Having disciplinary action taken by his or her peers within any professional medical association or society, whether any such association or society is local, regional, state or national in scope, or being disciplined by a * * * hospital or



1006 medical staff of * * * the hospital, or the voluntary surrender or
1007 restriction of hospital staff privileges while an investigation or
1008 disciplinary proceeding is being conducted by a licensed hospital
1009 or medical staff or medical staff committee of * * * the hospital.
1010 Provided further, anybody taking action as set forth in this
1011 paragraph shall report such action to the board within thirty (30)
1012 days of its occurrence.

1013 **SECTION 25.** Section 73-25-87, Mississippi Code of 1972, is
1014 amended as follows:

1015 73-25-87. (1) Whenever the board finds any person
1016 unqualified because of any of the grounds set forth in this
1017 chapter, or in violation of any of the grounds set forth in
1018 Section 73-25-83, it may enter an order imposing one or more of
1019 the following:

1020 (a) Deny * * * a application for a license or other
1021 authorization to practice medicine;

1022 (b) Administer a public or private reprimand;

1023 (c) Suspend, limit or restrict * * * a license or other
1024 authorization to practice medicine for up to five (5) years,
1025 including limiting the practice of such person to, or by the
1026 exclusion of, one or more specified branches of medicine,
1027 including limitation on hospital privileges;

1028 (d) Revoke * * * a license or other authorization to
1029 practice medicine;



1030 (e) Require * * * a licensee to submit to care,
1031 counseling or treatment by physicians designated by the board, as
1032 a condition for initial, continued or renewal of licensure or
1033 other authorization to practice medicine;

1034 (f) Require * * * a licensee to participate in a
1035 program of education prescribed by the board; * * *

1036 (g) Require * * * a licensee to practice under the
1037 direction of a physician designated by the board for a specified
1038 period of time * * *;

1039 (h) Place a licensee on probation, the terms of which
1040 may be set by the board;

1041 (i) In lieu of suspension, impose a punitive fine not
1042 to exceed Twenty-five Thousand Dollars (\$25,000.00) per offense,
1043 with the cumulative total of all fines imposed not to exceed One
1044 Hundred Thousand Dollars (\$100,000.00). All fines collected under
1045 this provision shall be deposited into the State General Fund; or,

1046 (j) Take any other action which the board deems
1047 necessary.

1048 By July 1, 2026, the board shall create and implement a
1049 penalty matrix in its rules and regulations to guide the board's
1050 decisions for appropriate penalties for violations, and which
1051 shall be available to the public. For purposes of this
1052 subsection, a penalty matrix shall be guidelines that recommend
1053 specific disciplinary actions based on a weighing of specific
1054 violations and the mitigating factors of a case, such as the



severity of violations, disciplinary history of the respondent licensee, and degree of patient injury, if applicable, and seek to create more consistent and predictable outcomes to disciplinary hearings.

SECTION 26. Section 73-25-89, Mississippi Code of 1972, is amended as follows:

73-25-89. If the board determines that evidence in its possession indicates that a physician's continuation in practice or unrestricted practice would constitute an immediate danger to the public, the board may take any of the same actions on a temporary basis, without a hearing, which it could otherwise take under Sections 73-25-81 through 73-25-95 following a hearing, provided proceedings for a hearing before the board are initiated simultaneously with such temporary action without a hearing. Provided, further, that in the event of such temporary action without a hearing, a hearing must be held within * * * thirty (30) days of such action.

SECTION 27. Section 73-43-3, Mississippi Code of 1972, is amended as follows:

73-43-3. (1) The State Board of Medical Licensure shall consist of nine (9) physicians. Each of the physicians shall have graduated from a medical school which has been accredited by the liaison committee on medical education as sponsored by the American Medical Association and the Association of American Medical Colleges or from an osteopathic medical school which has



1080 been accredited by the Bureau of Professional Education of the
1081 American Osteopathic Association, and have at least six (6) years'
1082 experience in the practice of medicine. No more than two (2)
1083 members of the board shall be a member of the faculty of the
1084 University of Mississippi School of Medicine. No more than four
1085 (4) members of the board shall be from the same Mississippi
1086 Supreme Court district.

1087 (2) Three (3) physicians shall be nominated to the Governor
1088 for each appointive position by the Mississippi State Medical
1089 Association; and * * * those nominations shall give due regard to
1090 geographic distribution, race and sex. The Governor shall appoint
1091 from * * * those nominations the members of the board with the
1092 advice and consent of the Senate, but may also select nominees who
1093 are not nominated by the Mississippi State Medical Association and
1094 satisfy the requirements of this section. The original
1095 appointments of the board shall be made no later than June 30,
1096 1980, for terms to begin on July 1, 1980. The Governor shall
1097 designate the initial terms of the members as follows: three (3)
1098 members shall be appointed for a term which expires July 1, 1982,
1099 three (3) members shall be appointed for a term which expires July
1100 1, 1984, and three (3) members shall be appointed for a term which
1101 expires July 1, 1986. Thereafter, all succeeding appointments
1102 shall be for terms of six (6) years from the expiration of the
1103 previous term. Vacancies in office shall be filled by appointment
1104 of the Governor in the same manner as the appointment to the



position which becomes vacant, subject to the advice and consent of the Senate at the next regular session of the Legislature.

(3) In addition to the physician board members, there shall be three (3) members appointed by the Governor, with the advice and consent of the Senate, who shall be members of the public not related to the health care industry. No more than one (1) consumer member shall be from each Supreme Court District as they exist on January 1, 2025. The initial term of office for the member appointed from the First Supreme Court District shall be two (2) years and thereafter shall be six (6) years; the initial term of office for the member appointed from the Second Supreme Court District shall be three (3) years and thereafter shall be six (6) years; and the initial term of office for the member appointed from the Third Supreme Court District shall be four (4) years and thereafter shall be six (6) years. The six-year terms shall be from the expiration date of the previous terms.

SECTION 28. The following shall be codified as Section 73-43-19, Mississippi Code of 1972:

73-43-19. The State Board of Medical Licensure shall be provided with annual performance statistics from the Mississippi Physician's Health Program or its successor entity, which shall be available to the board and the public. These statistics shall not include information that constitutes personally identifiable information or protected health information of program participants, but instead shall include general statistics that



1130 can be used to evaluate the program's effectiveness. The board
1131 shall have the authority to request and, if necessary, conduct
1132 performance audits of any additional information the board deems
1133 appropriate, which shall also be made public as long as the
1134 information does not include personal identifiable information or
1135 protected health information of program participants.

1136 **SECTION 29.** Sections 73-25-7, 73-25-9, 73-25-15, 73-25-19,
1137 73-25-25, 73-25-39, and 73-25-81, which relate to the regulation
1138 of the practice of medicine in the State of Mississippi, shall
1139 stand repealed.

1140 **SECTION 30.** This act shall take effect and be in force from
1141 and after July 1, 2025.

