

By: Senator(s) Bryan

To: Public Health and
WelfareCOMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2075

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



BOARD OF MEDICAL LICENSURE; TO AMEND SECTION 73-43-3, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR ADDITIONAL MEMBERS OF THE BOARD WHO SHALL BE MEMBERS OF THE PUBLIC NOT RELATED TO THE HEALTHCARE 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; WHICH PROVIDES FOR THE FEE CHARGED BY THE STATE BOARD OF MEDICAL LICENSURE TO APPLY FOR A LICENSE TO PRACTICE; WHICH PROVIDES FOR THE PROCEDURES FOR LOST MEDICAL LICENSES; WHICH PROVIDES FOR CERTAIN PROVISIONS RELATED TO NONRESIDENT PHYSICIANS; WHICH PROVIDES FOR CERTAIN PROCEDURES FOR THOSE DESIRING TO PRACTICE OSTEOPATHIC MEDICINE IN THE STATE; WHICH ALLOWS THE STATE BOARD OF MEDICAL LICENSURE TO CONTRACT FOR THE ACQUISITION OF BOOKS AND OTHER RECORDS; WHICH PROVIDES A TECHNICAL REFERENCE TO THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE; 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. (1) For the purposes of this chapter:

(a) "Practice of medicine" or "practice medicine" means the practice of allopathic and osteopathic medicine; and

(b) "Physician" means a medical doctor or a doctor of osteopathic medicine.

(2) 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.

(3) This chapter shall not apply to the following individuals:



67 (a) Students while engaged in training in a medical
68 school approved or recognized by the State Board of Medical
69 Licensure, unless the board licenses the student;

70 (b) Those providing services in cases of emergency
71 where no fee or other consideration is contemplated, charged or
72 received by the physician or anyone on behalf of the physician;

73 (c) Commissioned medical officers of the armed forces
74 of the United States, medical officers of the United States Public
75 Health Service or medical officers of the United States Department
76 of Veterans Affairs in the discharge of their official duties
77 within federally controlled facilities;

78 (i) Such persons who hold medical licenses in the
79 state shall be subject to the provisions of this chapter;

80 (ii) Such persons shall be fully licensed to
81 practice medicine in one or more jurisdictions of the United
82 States; and

83 (iii) Such a military physician shall be subject
84 to the Military Health System Clinical Quality Assurance (CQA)
85 Program, 10 USC § 1094 and DoD Instruction 6025.13;

86 (d) Those practicing dentistry, nursing, optometry,
87 podiatry, psychology, as a chiropractor, as a veterinarian, as a
88 physician assistant or practicing any other of the healing arts in
89 accordance with and as provided by the laws of the state and
90 within their respective scope of practice;



91 (e) Those practicing the tenants of a religion or
92 ministering religious-based medical procedure or ministering to
93 the sick or suffering by mental or spiritual means in accordance
94 with such tenants;

95 (f) A person administering a lawful domestic or family
96 remedy to a member of his or her own family;

97 (g) Those fully licensed to practice medicine in
98 another jurisdiction of the United States who briefly render
99 emergency medical treatment or briefly provide critical medical
100 service at the specific lawful direction of a medical institution
101 or a federal agency that assumes full responsibility for the
102 treatment or service and is approved by the state medical board;
103 and

104 (h) Athletic team physicians as defined by Sections
105 73-25-121 through 73-25-127.

106 (4) Nothing in this chapter shall apply to individuals
107 engaged solely in the practice of midwifery.

108 (5) For the purpose of this chapter, the practice of
109 medicine is determined to occur where the patient is located in
110 order that the full resources of the state are available for the
111 protection of that patient.

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

114 73-25-3. Every person who desires to obtain a license to
115 practice medicine must apply therefor, in writing, to the



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

To qualify for a Mississippi medical license, an applicant must have successfully been cleared for licensure through an investigation that shall consist of a determination as to good moral character and verification that the prospective licensee is not guilty of or in violation of any statutory ground for denial of licensure as set forth in Sections 73-25-29 and 73-25-83. 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.



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

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

The board shall charge and collect from the applicant, 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.

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

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



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

Each application or filing made under this section shall include the active and valid social security number(s) of the applicant in accordance with Section 93-11-64, Mississippi Code of 1972.

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

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

On or before May 1 of each year, the Mississippi State Board of Medical Licensure shall mail or electronically transmit a notice of renewal of license to every physician or osteopath to whom a license was issued or renewed during the current licensing year. The notice shall provide instructions for obtaining and submitting applications for renewal. The Mississippi State Board of Medical Licensure is authorized to make applications for renewal available via electronic means. The applicant shall obtain and complete the application and submit it to the board in the manner prescribed by the board in the notice before June 30 with the renewal fee of an amount established by the board, but not to exceed Three Hundred Dollars (\$300.00) * * *. A portion of * * * the fee shall be used to support a program to aid



190 impaired * * * licensees. * * * Upon receipt of the application
191 and fee, the board shall verify the accuracy of the application
192 and issue to applicant a certificate of renewal for the ensuing
193 year, beginning July 1 and expiring June 30 of the succeeding
194 calendar year. That renewal shall render the holder thereof a
195 legal practitioner as stated on the renewal form.

196 (2) * * * Any physician practicing in the State of
197 Mississippi whose license has lapsed may petition the board for
198 reinstatement of his or her license on a retroactive basis, if the
199 physician was unable to meet the June 30 deadline due to
200 extraordinary or other legitimate reasons, and retroactive
201 reinstatement of licensure shall be granted or may be denied by
202 the board only for good cause. Failure to advise the board of
203 change of address shall not be considered a good cause for
204 reinstatement.

205 (3) * * * A physician who wishes to retain his or her
206 license but not actively practice medicine may request "retired
207 status" for the license by submitting the proper paperwork as
208 prescribed by the board with the renewal fee. A physician holding
209 a retired status medical license is exempt from license renewal
210 and from continuing medical education requirements. A licensed
211 retired status physician shall not practice medicine unless the
212 licensee applies for and is granted reinstatement and pays the
213 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



288 state. The special volunteer physician assistant license shall be
289 issued by the State Board of Medical Licensure to eligible
290 physician assistants without the payment of any application fee,
291 examination fee, license fee or renewal fee, shall be issued for a
292 fiscal year or part thereof, and shall be renewable annually upon
293 approval of the board.

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

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

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

306 (iii) Acknowledgement and documentation that the
307 physician assistant's practice under the special volunteer
308 physician assistant license will be exclusively and totally
309 devoted to providing care to needy and indigent persons in
310 Mississippi or persons in medically underserved areas in
311 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 Mississippi 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 Mississippi State Board of Medical Licensure. The application shall be made



on a form prescribed by the Board of Medical Licensure 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 Mississippi State Board of Medical Licensure is hereby 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.

* * *

Such license shall be for one (1) year and shall be in such form as the Mississippi State Board of Medical Licensure shall prescribe, and shall be issued for practice in a particular institution and shall not be endorsable to another state. The license must be renewed annually, after such review as the Mississippi State Board of Medical Licensure considers necessary. A graduate of a foreign medical school so licensed may hold such limited institutional license no longer than * * * eight (8) years. * * * In addition, the Mississippi State Board of Medical Licensure, in its discretion, may waive the * * * eight-year limitation on limited institutional licenses for any graduate of a foreign medical school who holds such license.

It is the intent of this section to enable Mississippi institutions to utilize the services of qualified graduates of



foreign medical colleges during the period necessary for them to secure citizenship papers, and to meet other requirements for a regular license, including Educational Council for Foreign Medical Graduates certification. The Mississippi State Board of Medical Licensure is hereby authorized, in its discretion, to refuse to renew, or to revoke such limited license if the holder of such license * * * fails to apply for a regular license.

The Mississippi State Board of Medical Licensure may establish reasonable and uniform license fees and shall make such rules and regulations as it considers necessary to carry out the purposes of this section.

* * *

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

73-25-27. * * * With respect to any licensee of the Mississippi State Board of Medical Licensure, after notice and opportunity for a hearing to such licensee, the board may take one or more of the actions authorized in Section 73-25-87 for any of the grounds enumerated in Section 73-25-29. 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.

The notice shall be effected by * * * certified mail, electronic acknowledgment or personal service, or by any means set forth in the federal or state rules of civil procedure, setting forth the particular reasons for the proposed action and fixing a date not less than thirty (30) days * * * from the date of the mailing or the service, at which time the * * * licensee shall be given an opportunity for a prompt and fair hearing. For the purpose of the hearing the board, acting by and through its executive office, may subpoena persons and papers on its own behalf and on behalf of the * * * licensee, including records obtained under Section 73-25-28 and Section 73-25-83(c), may administer oaths and the testimony when properly transcribed, together with the papers and exhibits, shall be admissible in evidence for or against the * * * licensee. At the hearing the * * * licensee may appear by counsel and personally in his own behalf. Any person sworn and examined as a witness in the hearing shall not be held to answer criminally, nor shall any papers or documents produced by the witness be competent evidence in any criminal proceedings against the witness other than for perjury in delivering his evidence. The board or its designee, in the conduct of any hearing, shall not be bound by strict laws or rules of evidence. The board may adopt rules and discovery and



412 procedure governing all proceedings before it. On the basis of
413 any such hearing, or upon default of the * * * licensee, the board
414 shall make a determination specifying its findings of fact and
415 conclusions of law. The board shall make its determination based
416 upon * * * clear and convincing evidence.

417 A copy of the determination shall be sent by * * * certified
418 mail, electronic acknowledgement or served personally upon
419 the * * * licensee, or by any means set forth in the federal or
420 state rules of civil procedure. * * *

421 For the purpose of conducting investigations, the * * *
422 executive director, may issue subpoenas to any individual * * * or
423 other entity having in its possession papers, documents, medical
424 charts, prescriptions or any other nonfinancial records. * * *
425 Investigatory subpoenas, as provided in this section, may be
426 served either by personal process or by * * * certified mail, and
427 upon service shall command production of the papers and documents
428 to the board at the time and place so specified. The board shall
429 be entitled to the assistance of the chancery court or the
430 chancellor in vacation, which, on petition by the board, shall
431 issue ancillary subpoenas and petitions and may punish as for
432 contempt of court in the event of noncompliance with the subpoenas
433 or petitions.

434 In addition to investigatory subpoenas, the board may seek
435 the issuance of Administrative Inspection Warrants, via the
436 issuance and service processes described in Section 41-29-157, for



437 patient records or other information relevant to the
438 investigation. Those warrants may be issued under this section in
439 any investigatory matter involving potential violation(s) of the
440 Medical Practice Act and/or the Administrative Code of the board,
441 regardless as to whether controlled substance violations are the
442 subject of the investigation. Any person or entity who refuses to
443 comply with any warrant duly issued under this section shall be in
444 violation of Section 9-1-17 and shall be subject to all fines and
445 penalties stated in that section.

446 For the purpose of conducting hearings, the board through its
447 executive director may subpoena persons and papers on its own
448 behalf and on behalf of the respondent, including records obtained
449 under Section 73-25-28 and Section 73-25-83(c), may administer
450 oaths, and may compel the testimony of witnesses. * * * It may
451 issue subpoenas to take testimony at hearings, and testimony so
452 taken and sworn to shall be admissible in evidence for and against
453 the respondent. No depositions shall be taken in preparation for
454 matters to be heard by the board. The board shall be entitled to
455 the assistance of the chancery court or the chancellor in
456 vacation, which, on petition by the board, shall issue ancillary
457 subpoenas and petitions and may punish as for contempt of court in
458 the event of noncompliance with the subpoenas or petitions.

459 Unless the court otherwise decrees, a license that has been
460 suspended by the board * * * shall become again valid if and when
461 the board so orders, which it may do on its own motion or on the



petition of the respondent. A license that has been revoked shall not be restored to validity except: (1) by order of the board based on petition for reinstatement filed under Section 73-25-32 or (2) by order of the chancery court or Supreme Court following appeal. * * * Nothing in this chapter shall be construed as limiting or revoking the authority of any court or of any licensing or registering officer or board, other than the State Board of Medical Licensure, to suspend, revoke and reinstate licenses and to cancel registrations under the provisions of Section 41-29-311.

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

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



487 controlled substances; (c) an act of incompetence or negligence
488 causing death or serious bodily injury; (d) a pattern of
489 substandard medical care; (e) a pattern of unnecessary surgery or
490 unindicated medical procedures; (f) disciplinary action taken
491 against a physician or podiatrist by a licensed hospital or by the
492 medical staff of the hospital; (g) voluntary termination by a
493 physician or podiatrist of staff privileges or having restrictions
494 placed thereon; or (h) habitual personal use of narcotic drugs or
495 other drugs having addiction-forming or addiction-sustaining
496 liability, or the habitual personal use of intoxicating liquors or
497 alcoholic beverages, to an extent which affects professional
498 competency. Whether reasonable cause exists shall be determined
499 by the executive * * * director and/or executive committee of the
500 board, and documentation of that determination shall be provided
501 to the hospital, clinic, office or emergency care facility before
502 entry for inspection and copying hereunder.

503 (2) A certified copy of any record inspected or copied
504 pursuant to subsection (1) shall be subject to subpoena by the
505 board to be used as evidence before it in a licensure disciplinary
506 proceeding initiated pursuant to the provisions of Sections
507 73-25-1 through 73-25-39, 73-25-51 through 73-25-67, 73-25-81
508 through 73-25-95 and 73-27-1 through 73-27-19, Mississippi Code of
509 1972. All references to a patient's name and address or other
510 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, Mississippi Code of 1972, 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, acting without malice in providing the documents or information hereunder, shall be immune from civil or criminal liability.



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

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

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

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

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

(4) Conviction of 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.

(5) Procuring, or attempting to procure, or aiding in, 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 refuses to divulge to the board upon request.

(f) Use of any false, fraudulent or forged statement or document, or the use of any fraudulent, deceitful,



dishonest or immoral practice in connection with any of the licensing requirements, including the signing in his professional capacity any certificate that is known to be false at the time he makes or signs such certificate.

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

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

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



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

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

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

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



632 (14) Violation(s) of the provisions of Sections
633 41-121-1 through 41-121-9 relating to deceptive advertisement by
634 health care practitioners.

635 (15) Performing or inducing an abortion on a woman in
636 violation of any provision of Sections 41-41-131 through
637 41-41-145.

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

642 (17) Violation(s) of any provision of Title 41, Chapter
643 141, Mississippi Code of 1972.

644 In addition to the grounds specified above, the board shall
645 be authorized to suspend the license of any licensee for being out
646 of compliance with an order for support, as defined in Section
647 93-11-153. The procedure for suspension of a license for being
648 out of compliance with an order for support, and the procedure for
649 the reissuance or reinstatement of a license suspended for that
650 purpose, and the payment of any fees for the reissuance or
651 reinstatement of a license suspended for that purpose, shall be
652 governed by Section 93-11-157 or 93-11-163, as the case may be.
653 If there is any conflict between any provision of Section
654 93-11-157 or 93-11-163 and any provision of this chapter, the
655 provisions of Section 93-11-157 or 93-11-163, as the case may be,
656 shall control.



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

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

664 73-25-30. (1) The Mississippi State Board of Medical
665 Licensure, in exercising its authority under the provisions of
666 Section 73-25-29, shall have the power to discipline the holder of
667 a license who has been found by the board in violation of that
668 statute after notice and a hearing as provided by law * * *.

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

679 (3) An assessment of costs under this section shall be paid
680 to the board by the licensee, upon the expiration of the period
681 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 Mississippi 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



732 from the date of the revocation. The procedure for the
733 reinstatement of a license that is suspended for being out of
734 compliance with an order for support, as defined in Section
735 93-11-153, shall be governed by Section 93-11-157 or 93-11-163, as
736 the case may be.

737 (2) * * * The petition may be heard at the next regular
738 meeting of the Board of Medical Licensure but not earlier than
739 thirty (30) days after the petition was filed. No petition shall
740 be considered while the petitioner is under sentence for any
741 criminal offense, including any period during which he is under
742 probation or parole. The hearing may be continued from time to
743 time as the Board of Medical Licensure finds necessary.

744 (3) In determining whether the disciplinary penalty should
745 be set aside and the terms and conditions, if any, that should be
746 imposed if the disciplinary penalty is set aside, the Mississippi
747 State Board of Medical Licensure may investigate and consider all
748 activities of the petitioner since the disciplinary action was
749 taken * * *, the offense for which he was disciplined, his
750 activity during the time * * * the petitioner was in good
751 standing, his general reputation for truth, professional ability
752 and good character; and * * * require the petitioner to * * *
753 submit to a professional competency evaluation.

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



Investigation criminal history database. Each petitioner shall submit a full set of the petitioner'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.

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

The board shall provide to the department the fingerprints of the petitioner, any additional information that may be required by the department, and a form signed by the petitioner consenting to the check of the criminal records and to the use of the fingerprints and other identifying information required by the 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 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;



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

810 (d) Using the title "M.D.," "D.O.," "physician" or
811 "surgeon"; or

812 (e) Performing any kind of surgical operation upon
813 another person.

814 (2) Nothing herein shall be construed to prohibit, sanction,
815 or to require a license with respect to any of the following:

816 The practice of the following doctors as defined by the laws
817 of this state. Furthermore, this chapter is not intended to
818 limit, restrict, enlarge or alter the medical and/or surgical
819 privileges and practice of the following professions as provided
820 by the laws of this state:

821 (a) Dentistry (DDS or DMD);

822 (b) Optometry (OD);

823 (c) Chiropractic (DC); or

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

825 (3) Nothing herein shall be construed to prohibit, sanction
826 or punish licensed nurses, nurse practitioners or advanced
827 practice nurses who are practicing within their scope of practice.

828 (* * *4) The practice of medicine shall not mean to provide
829 gender transition procedures for any person under eighteen (18)
830 years of age; or



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

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

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



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

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

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

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

(2) Except as hereinafter provided, no person shall engage in the practice of medicine across state lines (telemedicine) in this state, hold himself out as qualified to do the same, or use any title, word or abbreviation to indicate to or induce others to believe that he is duly licensed to practice medicine across state lines in this state unless he has first obtained a license to do so from the State Board of Medical Licensure and has met all educational and licensure requirements as determined by the State Board of Medical Licensure.

* * *



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

882 73-25-53. * * * Any person holding a professional license
883 from the Mississippi State Board of Medical Licensure shall be
884 subject to restriction, suspension or revocation, as hereinafter
885 provided, in case of inability of the licensee to practice
886 medicine with reasonable skill or safety to patients by reason of
887 one or more of the following:

- 888 (a) Mental illness;
- 889 (b) Physical illness, including, but not limited to,
890 deterioration through the aging process, or loss of motor skill;
- 891 (c) Excessive use or abuse of drugs, including
892 alcohol * * *;
893 (d) Behavioral conduct that could be addressed by
894 treatment.

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

897 73-25-55. (1) If the State Board Of Medical Licensure has
898 reasonable cause to believe that a * * * licensee is unable to
899 practice medicine with reasonable skill and safety to patients
900 because of a condition described in Section 73-25-53, * * * the
901 board * * * shall cause an examination of such * * * licensee to
902 be made as described in subsection (2) of this section and shall,
903 following such examination, take appropriate action within the
904 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 ten (10) days' notice of time and place of the examination, together with a statement of the cause for such examination. Such notice shall be served upon the * * * licensee either personally or by registered or certified mail with return receipt requested.

(2) If the examining committee, in its discretion, should deem an independent mental or physical examination of the * * * licensee necessary to its determination of the fitness of the * * * licensee to practice, the committee shall order



930 the * * * licensee to submit to such examination. Any person
931 licensed to practice medicine in this state shall be deemed to
932 have waived all objections to the admissibility of the examining
933 committee's report in any proceedings before the board under
934 Sections 73-25-51 through 73-25-67 on the grounds of privileged
935 communication. Any * * * licensee ordered to an examination
936 before the committee under subsection (2) shall be entitled to an
937 independent mental or physical examination if * * * the licensee
938 makes request therefor.

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

943 (4) Failure of a * * * licensee to comply with a committee
944 order under subsection (2) to appear before it for examination or
945 to submit to mental or physical examination under this section or
946 upon the withdrawal of advocacy by the Mississippi Physician
947 Health Program (MPHP) or successor entity, shall be reported by
948 the committee or MPHP to the board, and unless due to
949 circumstances beyond the control of the * * * licensee, shall be
950 grounds for suspension by the board of the * * * licensee's
951 license to practice medicine in this state until such time as
952 such * * * licensee has complied with the order of the committee,
953 or regained advocacy from MPHP.



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

956 (6) All patient records, investigative reports and other
957 documents in possession of the board and examining committee shall
958 be deemed confidential and not subject to subpoena or disclosure
959 unless so ordered by the court from which the subpoena issued, but
960 the court, in its discretion, may limit use or disclosure of such
961 records. Notwithstanding, and to encourage the prompt reporting
962 of disabled practitioners, neither the board nor examining
963 committee shall reveal the identity of any source of information
964 where the source has requested anonymity.

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

967 73-25-59. A * * * licensee may request in writing to the
968 board a restriction of his or her license to practice * * *. The
969 board may grant such request for restriction and shall have
970 authority, if it deems appropriate, to attach conditions to the
971 licensure * * * within specified limitations, and waive the
972 commencement of any proceeding under Section 73-25-63. Removal of
973 a voluntary restriction on licensure to practice medicine shall be
974 subject to the procedure for reinstatement of license in Section
975 73-25-65.

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



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

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

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

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

73-25-63. (1) The board may proceed against a * * * licensee under Sections 73-25-51 through 73-25-67 by serving upon such physician at least fifteen (15) days' notice of a time and place fixed for a hearing, together with copies of the examining committee's report and diagnosis, or a copy of the official notice



1003 from MPHP withdrawing advocacy. Such notice and reports shall be
1004 served upon the * * * licensee either personally or by * * *
1005 certified mail with return receipt requested or by electronic
1006 acknowledgement.

1007 (2) At said hearing the * * * licensee shall have the right
1008 to be present, to be represented by counsel, to produce witnesses
1009 or evidence in his or her behalf, to cross-examine witnesses, and
1010 to have subpoenas issued by the board.

1011 (3) At the conclusion of the hearing, the board shall make a
1012 determination of the merits and may issue an order imposing one or
1013 more of the following:

1014 (a) Make a recommendation that the * * * licensee
1015 submit to the care, counseling or treatment by physicians
1016 acceptable to the board * * *;

1017 (b) Suspend or restrict the license of the * * *
1018 licensee to practice medicine for the duration of his or her
1019 impairment * * *; or

1020 (c) Revoke the license of the * * * licensee to
1021 practice medicine.

1022 (4) The board may temporarily suspend the license of
1023 any * * * licensee without a hearing, simultaneously with the
1024 institution of proceedings for a hearing under this section, if it
1025 finds that the evidence * * * is clear, competent and unequivocal
1026 and that his or her continuation in practice would constitute an
1027 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), (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, said 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 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 medical staff of said hospital, or the voluntary surrender or restriction of hospital staff privileges while an investigation or disciplinary proceeding is being conducted by a licensed hospital or medical staff or medical staff committee of said hospital.

Provided further, anybody taking action as set forth in this



1077 paragraph shall report such action to the board within thirty (30)
1078 days of its occurrence.

1079 **SECTION 25.** Section 73-25-87, Mississippi Code of 1972, is
1080 amended as follows:

1081 73-25-87. (1) Whenever the board finds any person
1082 unqualified because of any of the grounds set forth in this act,
1083 or in violation of any the grounds set forth in Section 73-25-83,
1084 it may enter an order imposing one or more of the following:

1085 (a) Deny * * * a application for a license or other
1086 authorization to practice medicine;

1087 (b) Administer a public or private reprimand;

1088 (c) Suspend, limit or restrict * * * a license or other
1089 authorization to practice medicine for up to five (5) years,
1090 including limiting the practice of such person to, or by the
1091 exclusion of, one or more specified branches of medicine,
1092 including limitation on hospital privileges;

1093 (d) Revoke * * * a license or other authorization to
1094 practice medicine;

1095 (e) Require * * * a licensee to submit to care,
1096 counseling or treatment by physicians designated by the board, as
1097 a condition for initial, continued or renewal of licensure or
1098 other authorization to practice medicine;

1099 (f) Require * * * a licensee to participate in a
1100 program of education prescribed by the board; * * *



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

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

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

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

By July 1, 2026, the board shall create and implement a penalty matrix in its rules and regulations to guide the board's decisions for appropriate penalties for violations, and which shall be available to the public. For purposes of this subsection, a penalty matrix shall be guidelines that recommend specific disciplinary actions based on a weighing of specific 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:



1126 73-25-89. If the board determines that evidence in its
1127 possession indicates that a physician's continuation in practice
1128 or unrestricted practice would constitute an immediate danger to
1129 the public, the board may take any of the same actions on a
1130 temporary basis, without a hearing, which it could otherwise take
1131 under Sections 73-25-81 through 73-25-95 following a hearing,
1132 provided proceedings for a hearing before the board are initiated
1133 simultaneously with such temporary action without a hearing.
1134 Provided, further, that in the event of such temporary action
1135 without a hearing, a hearing must be held within * * * thirty (30)
1136 days of such action.

1137 **SECTION 27.** Section 73-43-3, Mississippi Code of 1972, is
1138 amended as follows:

1139 73-43-3. (1) The State Board of Medical Licensure shall
1140 consist of nine (9) physicians. Each of the physicians shall have
1141 graduated from a medical school which has been accredited by the
1142 liaison committee on medical education as sponsored by the
1143 American Medical Association and the Association of American
1144 Medical Colleges or from an osteopathic medical school which has
1145 been accredited by the Bureau of Professional Education of the
1146 American Osteopathic Association, and have at least six (6) years'
1147 experience in the practice of medicine. No more than two (2)
1148 members of the board shall be a member of the faculty of the
1149 University of Mississippi School of Medicine. No more than four



1150 (4) members of the board shall be from the same Mississippi
1151 Supreme Court district.

1152 (2) Three (3) physicians shall be nominated to the Governor
1153 for each appointive position by the Mississippi State Medical
1154 Association; and said nominations shall give due regard to
1155 geographic distribution, race and sex. The Governor shall appoint
1156 from said nominations the members of the board with the advice and
1157 consent of the Senate, but may also select nominees who are not
1158 nominated by the Mississippi State Medical Association and satisfy
1159 the requirements of this section. The original appointments of
1160 the board shall be made no later than June 30, 1980, for terms to
1161 begin on July 1, 1980. The Governor shall designate the initial
1162 terms of the members as follows: three (3) members shall be
1163 appointed for a term which expires July 1, 1982, three (3) members
1164 shall be appointed for a term which expires July 1, 1984, and
1165 three (3) members shall be appointed for a term which expires July
1166 1, 1986. Thereafter, all succeeding appointments shall be for
1167 terms of six (6) years from the expiration of the previous term.
1168 Vacancies in office shall be filled by appointment of the Governor
1169 in the same manner as the appointment to the position which
1170 becomes vacant, subject to the advice and consent of the Senate at
1171 the next regular session of the Legislature.

1172 (3) In addition to the physician board members, there shall
1173 be three (3) members appointed by the Governor, with the advice
1174 and consent of the Senate, who shall be members of the public not



related to the healthcare industry. No more than one (1) consumer member shall be from each Supreme Court District as they currently exist. 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.

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

73-43-19. The Mississippi 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 can be used to evaluate the program's effectiveness. The Mississippi State Board of Medical Licensure shall have the authority to request and, if necessary, conduct performance audits of any additional information the board deems appropriate, which shall also be made public as long as the



1199 information does not include personal identifiable information or
1200 protected health information of program participants.

1201 **SECTION 29.** Sections 73-25-7, 73-25-9, 73-25-15, 73-25-19,
1202 73-25-25, 73-25-39, and 73-25-81, which relate to the regulation
1203 of the practice of medicine in the State of Mississippi, shall
1204 stand repealed from and after July 1, 2025.

1205 **SECTION 30.** This act shall take effect and be in force from
1206 and after July 1, 2025.

