

By: Senator(s) Sparks

To: Economic and Workforce
Development

SENATE BILL NO. 2248

1 AN ACT TO AMEND SECTIONS 73-77-1, 73-77-3, 73-77-5, 73-77-7
2 AND 73-77-9, MISSISSIPPI CODE OF 1972, TO REVISE THE FRESH START
3 ACT; TO PROVIDE THAT THE FRESH START ACT SHALL SUPERSEDE ANY OTHER
4 PROVISION OF LAW TO THE CONTRARY; TO MAKE TECHNICAL,
5 NONSUBSTANTIVE CHANGES; TO AMEND SECTIONS 19-5-353, 45-4-9,
6 45-6-11, 73-1-13, 73-3-339, 73-9-61, 73-11-57, 73-14-35, 73-15-29,
7 73-19-23, 73-21-97, 73-25-29, 73-25-101, 73-27-13, 73-29-13,
8 73-29-31, 73-31-21, 73-34-109, 73-39-77, 73-42-9, 73-42-11,
9 73-53-8, 73-55-19, 73-65-13, 73-71-33, 73-73-7, 73-75-19,
10 75-76-35, 75-76-131, 83-7-207, 83-39-15, 9-13-109, 21-27-131,
11 21-27-151, 27-109-5, 37-3-2, 41-29-303, 51-5-3, 67-3-19, 73-2-7,
12 73-3-2, 73-3-25, 73-4-17, 73-6-13, 73-9-23, 73-11-51, 73-13-23,
13 73-13-77, 73-15-19, 73-15-21, 73-17-9, 73-17-11, 73-19-17,
14 73-21-85, 73-21-87, 73-21-111, 73-23-47, 73-23-51, 73-24-19,
15 73-24-21, 73-25-3, 73-25-14, 73-25-32, 73-26-3, 73-27-5, 73-27-12,
16 73-27-16, 73-29-19, 73-30-9, 73-31-13, 73-33-1, 73-38-9, 73-39-67,
17 73-39-71, 73-53-13, 73-54-13, 73-63-27, 73-67-21, 73-71-19,
18 75-27-305, 75-57-49, 75-60-31, 75-60-33, 75-76-67, 81-18-9,
19 83-17-75, 83-39-9, 73-34-14, 73-35-10, 73-69-7, 73-69-11,
20 75-15-11, 75-67-323, 75-67-421, 75-67-509, 75-67-609, 27-115-55,
21 37-13-89, 37-9-17, 37-29-232, 73-3-41, 73-4-25, 73-6-19, 73-7-27,
22 73-17-15, 73-23-59, 73-30-21, 73-35-21, 73-38-27, 73-53-17,
23 73-60-31, 73-67-27, 73-75-13, 75-15-9, 75-60-19, 75-76-137,
24 77-8-25, 83-1-191, 83-17-71, 83-17-421, 83-17-519, 83-21-19,
25 83-49-11 AND 97-33-315, MISSISSIPPI CODE OF 1972, TO CONFORM TO
26 THE PROVISIONS OF THIS ACT; TO BRING FORWARD SECTIONS 73-15-201,
27 73-15-29, 73-3-339, 73-15-19 AND 73-15-21, MISSISSIPPI CODE OF
28 1972, FOR THE PURPOSE OF POSSIBLE AMENDMENT; AND FOR RELATED
29 PURPOSES.

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



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

33 73-77-1. This chapter shall be known and may be cited as the
34 "Fresh Start Act * * *."

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

37 73-77-3. **Definitions.** As used in this chapter, the
38 following words and phrases shall have the meanings as defined in
39 this section unless the context clearly indicates otherwise:

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

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

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

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

50 73-77-5. (1) * * * Notwithstanding any other provision of
51 law to the contrary, no person shall be disqualified from
52 pursuing, practicing * * * or engaging in any occupation for which
53 a license is required solely or in part because of a prior
54 conviction of a crime, unless the crime for which * * * the person
55 was convicted directly relates to the duties and responsibilities



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

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

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

73-77-7. (1) * * * Notwithstanding any other provision of law to the contrary, licensing authorities shall not * * * use vague or generic terms including, but not limited to, "moral turpitude," "any felony," and "good character * * *" when promulgating rules and regulations related to the qualifications for licensure. * * * Notwithstanding any other provision of law to the contrary, when promulgating rules and regulations related to the qualifications for licensure, licensing authorities * * * shall only consider criminal records that are specific and directly related to the duties and responsibilities * * * of the licensed occupation * * *. Anywhere the terms "felony," "moral turpitude," "good character" or other such terms are used to provide for the qualification or disqualification of a person for licensure, they shall mean a "disqualifying crime"; as provided in the Fresh Start Act.

(2) Notwithstanding any other provision of law to the contrary, the licensing authority shall * * * apply the clear and



convincing standard of proof * * * when examining the following
factors to determine whether * * * a person with a * * * criminal
record will be disqualified from receiving a license:

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

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

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

(d) Any evidence of rehabilitation or treatment
undertaken by the individual that might mitigate against a direct
relation. Nothing in this section shall preclude any board,
commission or other licensing entity from granting licenses to
individuals convicted of disqualifying convictions, after
considering the factors listed under this subsection (2).

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

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

* * *



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

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

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

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

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

- (a) The grounds and reasons for * * * disqualification;
- (b) That the * * * person has the right to a hearing to challenge the licensing authority's decision;



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

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

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

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

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

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

(7) The provisions of the Fresh Start Act shall supersede any other provision of law to the contrary.

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



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

155 19-5-353. (1) The initial minimum standard of training for
156 local public safety and 911 telecommunications shall be determined
157 by the Board of Emergency Telecommunications Standards and
158 Training. All courses approved for minimum standards shall be
159 taught by instructors certified by the course originator as
160 instructors for such courses.

161 (2) The minimum standards may be changed at any time by the
162 Board of Emergency Telecommunications Standards and Training, but
163 shall always include at least two (2) hours of training related to
164 handling complaints and/or calls of human trafficking and
165 commercial sexual exploitation of children as defined in Section
166 43-21-105, communicating with such victims and requiring the local
167 public safety and 911 telecommunications to contact the Department
168 of Child Protection Services when human trafficking or commercial
169 sexual exploitation is suspected.

170 (3) Changes in the minimum standards may be made upon
171 request from any bona fide public safety, emergency medical or
172 fire organization operating within the State of Mississippi.
173 Requests for change shall be in writing submitted to either the
174 State Law Enforcement Training Academy; the State Fire Academy;
175 the Mississippi Chapter of the Associated Public Safety
176 Communications Officers, Incorporated; the Mississippi Chapter of
177 the National Emergency Number Association; the Mississippi State



178 Board of Health, Emergency Medical Services Division; the
179 Mississippi Justice Information Center; the Mississippi Sheriff's
180 Association; the Mississippi Fire Chief's Association; the
181 Mississippi Association of Chiefs of Police; or Mississippians for
182 Emergency Medical Services.

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

187 (5) Persons in the employment of any public safety, fire,
188 911 PSAP or emergency medical agency as a telecommunicator on July
189 1, 1993, shall have three (3) years to be certified in the minimum
190 standards courses provided they have been employed by such agency
191 for a period of more than one (1) year prior to July 1, 1993.

192 (6) Persons having been employed by any public safety, fire,
193 911 PSAP or emergency medical agency as a telecommunicator for
194 less than one (1) year prior to July 1, 1993, shall be required to
195 have completed all the requirements for minimum training
196 standards, as set forth in Sections 19-5-351 through 19-5-361,
197 within one (1) year from July 1, 1993. Persons certified on or
198 before July 1, 1993, in any course or courses chosen shall be
199 given credit for these courses, provided the courses are still
200 current and such persons can provide a course completion
201 certificate.



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

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

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

* * *

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

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

When the board believes there is a reasonable basis for either the reprimand, suspension, cancellation of, or recalling the certification of a telecommunicator, notice and opportunity for a hearing shall be provided. Any telecommunicator aggrieved by the findings and order of the board may file an appeal with the chancery court of the county in which such person is employed from



the final order of the board. Any telecommunicator whose certification has been cancelled pursuant to Sections 19-5-351 through 19-5-361 may reapply for certification but not sooner than two (2) years after the date on which the order of the board canceling such certification became final.

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

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

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

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

(b) No person who is required to be certified shall be appointed or employed as a jail officer by any sheriff or police department for a period to exceed two (2) years without being



certified. The prohibition against the appointment or employment of a jail officer for a period not to exceed two (2) years may not be nullified by terminating the appointment or employment of such a person before the expiration of the time period and then rehiring the person for another period. Any person who, due to illness or other events beyond his control, as may be determined by the Board on Jail Officer Standards and Training, does not attend the required school or training as scheduled, may serve with full pay and benefits in such a capacity until he can attend the required school or training.

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

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



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

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



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

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

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

(a) The certificate was issued by administrative error;

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

* * *

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

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

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



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

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

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

45-6-11. (1) Law enforcement officers already serving under permanent appointment on July 1, 1981, and personnel of the Division of Community Services under Section 47-7-9, Mississippi Code of 1972, serving on July 1, 1994, shall not be required to meet any requirement of subsections (3) and (4) of this section as a condition of continued employment; nor shall failure of any such law enforcement officer to fulfill such requirements make that person ineligible for any promotional examination for which that person is otherwise eligible. Provided, however, if any law enforcement officer certified under the provisions of this chapter leaves his employment as such and does not become employed as a law enforcement officer within two (2) years from the date of termination of his prior employment, he shall be required to comply with board policy as to rehiring standards in order to be employed as a law enforcement officer; except, that, if any law



enforcement officer certified under this chapter leaves his employment as such to serve as a sheriff, he may be employed as a law enforcement officer after he has completed his service as a sheriff without being required to comply with board policy as to rehiring standards. Part-time law enforcement officers serving on or before July 1, 1998, shall have until July 1, 2001, to obtain certification as a part-time officer.

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

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

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



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

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

(4) In addition to the requirements of subsections (3), (7) and (8) of this section, the board, by rules and regulations consistent with other provisions of law, shall fix other qualifications for the employment of law enforcement officers, including minimum age, education, physical and mental standards,



citizenship, * * * experience and such other matters as relate to the competence and reliability of persons to assume and discharge the responsibilities of law enforcement officers, and the board shall prescribe the means for presenting evidence of fulfillment of these requirements. Additionally, the board shall fix qualifications for the appointment or employment of part-time law enforcement officers to essentially the same standards and requirements as law enforcement officers. The board shall develop and implement a part-time law enforcement officer training program that meets the same performance objectives and has essentially the same or similar content as the programs approved by the board for full-time law enforcement officers and the board shall provide that such training shall be available locally and held at times convenient to the persons required to receive such training.

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

(6) The board shall issue a certificate evidencing satisfaction of the requirements of subsections (3) and (4) of this section to any applicant who presents such evidence as may be



required by its rules and regulations of satisfactory completion of a program or course of instruction in another jurisdiction or military training equivalent in content and quality to that required by the board for approved law enforcement officer education and training programs in this state, and has satisfactorily passed any and all diagnostic testing and evaluation as required by the board to ensure competency.

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

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

* * *

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

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

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

(8) When the board believes there is a reasonable basis for either the reprimand, suspension, cancellation of, or recalling the certification of a law enforcement officer or a part-time law enforcement officer, notice and opportunity for a hearing shall be



provided in accordance with law prior to such reprimand,
suspension or revocation.

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

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

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

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

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

(a) The applicant must have a professional degree in architecture from a school or college of architecture on the list



of accredited schools of architecture issued by the National Architectural Accrediting Board;

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

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

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

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

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



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

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

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

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

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

Additionally, notwithstanding the provisions of paragraph (b) of this subsection, if the applicant can provide sufficient and satisfactory evidence that he is unable to obtain the intern-architect development program certification, the board may accept in lieu thereof certification by the applicant that he has completed not less than three (3) continuous years of actual engagement in architectural work in the office or offices of a licensed architect or architects. Such certification shall be on



such terms, conditions and requirements as the board may establish.

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

SECTION 10. Section 73-3-339, Mississippi Code of 1972, is amended as follows:

73-3-339. Whenever any attorney subject to the disciplinary jurisdiction of the court shall be convicted in any state court or in any federal court, or enter a plea of guilty or a plea of nolo contendere therein, of any * * * disqualifying crime as provided in the Fresh Start Act or any violation of the United States Internal Revenue Code, or of any offense involving fraud, dishonesty, misrepresentation, deceit, or failure to account for money or property of a client, * * * a certified copy of the judgment of conviction shall be presented to the court by the Board of Commissioners. Upon the presentation of such certified copy of judgment, the court shall forthwith strike the name of the attorney so convicted or who entered such a plea from the rolls of The Mississippi Bar and order his immediate suspension from practice, pending an appeal and final disposition of disciplinary proceedings. Such attorney will be reinstated immediately upon the reversal of his conviction for the offense that has resulted in his automatic suspension, but such reinstatement shall not terminate any disciplinary proceeding then pending against the attorney.



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

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

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

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

566 73-9-61. (1) Upon satisfactory proof, and in accordance
567 with statutory provisions elsewhere set out for such hearings and
568 protecting the rights of the accused as well as the public, the
569 State Board of Dental Examiners may deny the issuance or renewal
570 of a license or may revoke or suspend the license of any licensed
571 dentist or dental hygienist practicing in the State of



Mississippi, or take any other action in relation to the license as the board may deem proper under the circumstances, for any of the following reasons:

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

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

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

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

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



597 controlled substance under state or federal law, a certified copy
598 of the conviction order or judgment rendered by the trial court
599 being prima facie evidence thereof, notwithstanding the pendency
600 of any appeal.

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

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

609 (h) Being convicted or found guilty of or entering a
610 plea of nolo contendere to * * * a disqualifying crime as provided
611 in the Fresh Start Act in any jurisdiction, a certified copy of
612 the conviction order or judgment rendered by the trial court being
613 prima facie evidence thereof, notwithstanding the pendency of any
614 appeal.

615 (i) Delegating professional responsibilities to a
616 person who is not qualified by training, experience or licensure
617 to perform them.

618 (j) The refusal of a licensing authority of another
619 state or jurisdiction to issue or renew a license, permit or
620 certificate to practice dentistry or dental hygiene in that
621 jurisdiction or the revocation, suspension or other restriction



imposed on a license, permit or certificate issued by the
licensing authority that prevents or restricts practice in that
jurisdiction, a certified copy of the disciplinary order or action
taken by the other state or jurisdiction being prima facie
evidence thereof, notwithstanding the pendency of any appeal.

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

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

* * *

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

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

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

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



647 (m) Failure to provide and maintain reasonable sanitary
648 facilities and conditions or failure to follow board rules
649 regarding infection control.

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

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

655 (ii) Conduct of a licensee that is intended to
656 intimidate, coerce, influence or trick any person employed by or
657 for the licensee in a dental practice or educational setting for
658 the purpose of engaging in sexual activity or activity intended
659 for the sexual gratification of the licensee.

660 (o) Violation of a lawful order of the board previously
661 entered in a disciplinary or licensure hearing; failure to
662 cooperate with any lawful request or investigation by the board;
663 or failure to comply with a lawfully issued subpoena of the board.

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

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

669 (r) Violation(s) of the provisions of Sections 41-121-1
670 through 41-121-9 relating to deceptive advertisement by health



671 care practitioners. This paragraph shall stand repealed on July
672 1, 2025.

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

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

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



695 (a) For the first violation of any of * * * paragraph
696 (a), (b), (c), (d), (f), (i), (l), (m), (n), (o) or (q) of
697 subsection (1) of this section, a monetary penalty of not less
698 than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars
699 (\$500.00).

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

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

710 (d) For any violation of any of * * * paragraphs (a)
711 through (q) of subsection (1) of this section, those reasonable
712 costs that are expended by the board in the investigation and
713 conduct of a proceeding for licensure revocation or suspension,
714 including, but not limited to, the cost of process service, court
715 reporters, expert witnesses and investigators.

716 (5) The power and authority of the board to assess and levy
717 monetary penalties under this section shall not be affected or
718 diminished by any other proceeding, civil or criminal, concerning



the same violation or violations except as provided in this section.

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

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

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

(9) When payment of a monetary penalty assessed and levied by the board against a licensee in accordance with this section is not paid by the licensee when due under this section, the board shall have power to institute and maintain proceedings in its name



for enforcement of payment in the chancery court of the county and judicial district of residence of the licensee, and if the licensee is a nonresident of the State of Mississippi, the proceedings shall be in the Chancery Court of the First Judicial District of Hinds County, Mississippi.

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

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

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



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

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

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

779 (c) The conviction of a * * * disqualifying crime as
780 provided in the Fresh Start Act by the court of any other state or
781 territory of the United States; having been convicted of or pled
782 guilty to a * * * disqualifying crime as provided in the Fresh
783 Start Act in the courts of this state or any other state,
784 territory or country which would prevent a person from holding
785 elected office. Conviction, as used in this paragraph, shall
786 include a deferred conviction, deferred prosecution, deferred
787 sentence, finding or verdict of guilt, an admission of guilty, or
788 a plea of nolo contendere;

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

791 (e) The impersonation of another funeral service or
792 funeral directing licensee;



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

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

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

(i) Solicitation of dead human bodies by the licensee, his agents, assistants or employees, whether such solicitation occurs after death or when death is imminent; if the person solicited has made known a desire not to receive the communication, or if the solicitation involves coercion, duress or harassment, or if the solicitation takes place at the residence of the client or prospective client and is uninvited by the client or prospective client and has not been previously agreed to by the client or prospective client; however, this shall not be deemed to prohibit general advertising;



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

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

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

829 (ii) Not furnishing, in writing, an adequate
830 explanation covering the matter contained in a complaint filed
831 with the board;

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

835 (iv) Not reasonably providing access, as directed
836 by the board for its authorized agents or representatives seeking
837 to perform reviews or inspections at facilities or places utilized
838 by the license holder in the practice of funeral service or
839 funeral directing and/or in performing any other activity
840 regulated by the board under this chapter;



841 (v) Failure to provide information within the
842 specified time allotted and as required by the board and/or its
843 representatives or designees;

844 (vi) Failure to cooperate with the board or its
845 designees or representatives in the investigation of any alleged
846 misconduct or interfering with a board investigation by willful
847 misrepresentation of facts;

848 (vii) Deceiving or attempting to deceive the board
849 regarding any matter under investigation, including altering or
850 destroying any records; and

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

853 (l) Knowingly performing any act that in any way
854 assists an unlicensed person to practice funeral service or
855 funeral directing;

856 (m) Knowingly making a false statement on death
857 certificates;

858 * * *

859 (* * *n) Violating any statute, ordinance, rule or
860 regulation of the state or any of its boards, agencies or
861 political subdivisions affecting the registration of deaths or the
862 handling, custody, care or transportation of dead human bodies; or

863 (* * *o) Unprofessional conduct in the practice of
864 funeral service or funeral directing which includes, but is not
865 limited to:



866 (i) Retaining a dead human body for the payment of
867 a fee for the performance of services that are not authorized;
868 (ii) Knowingly performing any act which in any way
869 assists an unlicensed person to practice funeral service or
870 funeral directing;
871 (iii) Being guilty of any dishonorable conduct
872 likely to deceive, defraud or harm the public;
873 (iv) Any act or omission in the practice of
874 funeral service or directing which constitutes dishonesty, fraud
875 or misrepresentation with the intent to benefit the licensee,
876 another person or funeral establishment, or with the intent to
877 substantially injure another person, licensee or funeral
878 establishment; or
879 (v) Any act or conduct, whether the same or of a
880 different character than specified above, which constitutes or
881 demonstrates bad faith, incompetency or untrustworthiness; or
882 dishonest, fraudulent or improper dealing; or any other violation
883 of the provisions of this chapter, the rules and regulations
884 established by the board or any rule or regulation promulgated by
885 the Federal Trade Commission relative to the practice of funeral
886 service or funeral directing.
887 (2) Any person, including a member of the board, may
888 initiate a complaint against a licensee of the board by filing
889 with the board a written complaint on a form prescribed by the
890 board.



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

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

911 (c) Any party appearing before the board may be
912 accompanied by counsel.

913 (d) Before commencing a hearing, the chairman or
914 designee of the board shall determine if all parties are present
915 and ready to proceed. If the complainant fails to attend a



916 hearing without good cause shown, the complaint shall be dismissed
917 summarily and all fees and expenses of convening the hearing shall
918 be assessed to, and paid by, the complainant. If any affected
919 licensee fails to appear for a hearing without good cause shown,
920 such licensee shall be presumed to have waived his right to appear
921 before the board and be heard.

922 (e) Upon the chair's determination that all parties are
923 ready to proceed, the chair or designee shall call the hearing to
924 order and the complainant and the licensee may give opening
925 statements. The board may order the sequestration of nonparty
926 witnesses.

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

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

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

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



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

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

949 (5) The board may, upon satisfactory proof that the
950 applicant or licensee has been guilty of any of the offenses above
951 enumerated, take the action authorized by this section against an
952 applicant or licensee of the board upon a majority vote of the
953 board members, after a hearing thereon. The board is vested with
954 full power and authority to hold and conduct such hearings, compel
955 the attendance of witnesses and the production of books, records
956 and documents, issue subpoenas therefor, administer oaths, examine
957 witnesses, and do all things necessary to properly conduct such
958 hearings. The board may waive the necessity of a hearing if the
959 person accused of a violation admits that he has been guilty of
960 such offense. Any person who has been refused a license or whose
961 license has been revoked or suspended may, within thirty (30) days
962 after the decision of the board, file with the board a written
963 notice stating that he feels himself aggrieved by such decision
964 and may appeal therefrom to the circuit court of the county and
965 judicial district of residence of the person, or if the person is



966 a nonresident of the State of Mississippi, to the Circuit Court of
967 the First Judicial District of Hinds County. The circuit court
968 shall determine the action of the board was in accord or
969 consistent with law, or was arbitrary, unwarranted or an abuse of
970 discretion. The appeal shall be perfected upon filing notice of
971 the appeal with the circuit court and by the prepayment of all
972 costs, including the cost of the preparation of the record of the
973 proceedings by the board. An appeal from the circuit court
974 judgment or decree may be reviewed by the Supreme Court as is
975 provided by law for other appeals. An appeal of a decision or
976 order of the board does not act as a supersedeas.

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

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

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

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



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

996 (7) The power and authority of the board to assess and levy
997 such monetary penalties hereunder shall not be affected or
998 diminished by any other proceeding, civil or criminal, concerning
999 the same violation or violations except as provided in this
1000 section.

1001 (8) A licensee shall have the right of appeal from the
1002 assessment and levy of a monetary penalty as provided in this
1003 section under the same conditions as a right of appeal is provided
1004 elsewhere for appeals from an adverse ruling, order or decision of
1005 the board.

1006 (9) Any monetary penalty assessed and levied under this
1007 section shall not take effect until after the time for appeal
1008 shall have expired.

1009 (10) A monetary penalty assessed and levied under this
1010 section shall be paid to the board by the licensee upon the
1011 expiration of the period allowed for appeal of such penalties
1012 under this section or may be paid sooner if the licensee elects.

1013 With the exception of subsection (5)(d) of this section,
1014 monetary penalties collected by the board under this section shall



1015 be deposited in the State Treasury to the credit of the State
1016 Board of Funeral Service. Any monies collected by the board under
1017 subsection (5) (d) of this section shall be deposited into the
1018 special fund operating account of the board.

1019 (11) When payment of a monetary penalty assessed and levied
1020 by the board against a licensee in accordance with this section is
1021 not paid by the licensee when due under this section, the board
1022 shall have power to institute and maintain proceedings in its name
1023 for enforcement of payment in the chancery court of the county and
1024 judicial district of residence of the licensee, or if the licensee
1025 is a nonresident of the State of Mississippi, in the Chancery
1026 Court of the First Judicial District of Hinds County, Mississippi.

1027 (12) In any administrative or judicial proceeding in which
1028 the board prevails, the board shall have the right to recover
1029 reasonable attorney fees.

1030 (13) In addition to the reasons specified in subsection (1)
1031 of this section, the board shall be authorized to suspend the
1032 license of any licensee for being out of compliance with an order
1033 for support, as defined in Section 93-11-153. The procedure for
1034 suspension of a license for being out of compliance with an order
1035 for support, and the procedure for the reissuance or reinstatement
1036 of a license suspended for that purpose, and the payment of any
1037 fees for the reissuance or reinstatement of a license suspended
1038 for that purpose, shall be governed by Section 93-11-157 or
1039 93-11-163, as the case may be. Actions taken by the board in



1040 suspending a license when required by Section 93-11-157 or
1041 93-11-163 are not actions from which an appeal may be taken under
1042 this section. Any appeal of a license suspension that is required
1043 by Section 93-11-157 or 93-11-163 shall be taken in accordance
1044 with the appeal procedure specified in Section 93-11-157 or
1045 93-11-163, as the case may be, rather than the procedure specified
1046 in this section. If there is any conflict between any provision
1047 of Section 93-11-157 or 93-11-163 and any provision of this
1048 chapter, the provisions of Section 93-11-157 or 93-11-163, as the
1049 case may be, shall control.

1050 **SECTION 13.** Section 73-14-35, Mississippi Code of 1972, is
1051 amended as follows:

1052 73-14-35. (1) Any person registered under this chapter may
1053 have his license or certificate revoked or suspended for a fixed
1054 period to be determined by the board for any of the following
1055 causes:

1056 (a) Being convicted of * * * a disqualifying crime as
1057 provided in the Fresh Start Act. The record of such conviction,
1058 or certified copy thereof from the clerk of the court where such
1059 conviction occurred or by the judge of that court, shall be
1060 sufficient evidence to warrant revocation or suspension.

1061 (b) By securing a license or certificate under this
1062 chapter through fraud or deceit.

1063 (c) For unethical conduct or for gross ignorance or
1064 inefficiency in the conduct of his practice.



1065 (d) For knowingly practicing while suffering with a
1066 contagious or infectious disease.

1067 (e) For the use of a false name or alias in the
1068 practice of his profession.

1069 (f) For violating any of the provisions of this chapter
1070 or any rules or regulations promulgated pursuant to this chapter.

1071 (g) For violating the provisions of any applicable
1072 federal laws or regulations.

1073 (h) Discipline by another jurisdiction if at least one
1074 (1) of the grounds for the discipline is the same or substantially
1075 equivalent to those set forth in this chapter or rules and
1076 regulations promulgated pursuant to this chapter.

1077 (2) In addition to the causes specified in subsection (1) of
1078 this section, the board shall be authorized to suspend the license
1079 of any licensee for being out of compliance with an order for
1080 support, as defined in Section 93-11-153. The procedure for
1081 suspension of a license for being out of compliance with an order
1082 for support, and the procedure for the reissuance or reinstatement
1083 of a license suspended for that purpose, and the payment of any
1084 fees for the reissuance or reinstatement of a license suspended
1085 for that purpose, shall be governed by Section 93-11-157 or
1086 93-11-163, as the case may be. If there is any conflict between
1087 any provision of Section 93-11-157 or 93-11-163 and any provision
1088 of this chapter, the provisions of Section 93-11-157 or 93-11-163,
1089 as the case may be, shall control.



1090 **SECTION 14.** Section 73-15-29, Mississippi Code of 1972, is
1091 amended as follows:

1092 73-15-29. (1) The board shall have power to revoke, suspend
1093 or refuse to renew any license issued by the board, or to revoke
1094 or suspend any privilege to practice, or to deny an application
1095 for a license, or to fine, place on probation and/or discipline a
1096 licensee, in any manner specified in this article, upon proof that
1097 such person:

1098 (a) Has committed fraud or deceit in securing or
1099 attempting to secure such license;

1100 (b) Has been convicted of a * * * disqualifying crime
1101 as provided in the Fresh Start Act has had accepted by a court a
1102 plea of nolo contendere to a * * * disqualifying crime as provided
1103 in the Fresh Start Act (a certified copy of the judgment of the
1104 court of competent jurisdiction of such conviction or pleas shall
1105 be prima facie evidence of such conviction);

1106 (c) Has negligently or willfully acted in a manner
1107 inconsistent with the health or safety of the persons under the
1108 licensee's care;

1109 (d) Has had a license or privilege to practice as a
1110 registered nurse or a licensed practical nurse suspended or
1111 revoked in any jurisdiction, has voluntarily surrendered such
1112 license or privilege to practice in any jurisdiction, has been
1113 placed on probation as a registered nurse or licensed practical
1114 nurse in any jurisdiction or has been placed under a disciplinary



1115 order(s) in any manner as a registered nurse or licensed practical
1116 nurse in any jurisdiction, (a certified copy of the order of
1117 suspension, revocation, probation or disciplinary action shall be
1118 prima facie evidence of such action);

1119 (e) Has negligently or willfully practiced nursing in a
1120 manner that fails to meet generally accepted standards of such
1121 nursing practice;

1122 (f) Has negligently or willfully violated any order,
1123 rule or regulation of the board pertaining to nursing practice or
1124 licensure;

1125 (g) Has falsified or in a repeatedly negligent manner
1126 made incorrect entries or failed to make essential entries on
1127 records;

1128 (h) Is addicted to or dependent on alcohol or other
1129 habit-forming drugs or is a habitual user of narcotics,
1130 barbiturates, amphetamines, hallucinogens, or other drugs having
1131 similar effect, or has misappropriated any medication;

1132 (i) Has a physical, mental or emotional condition that
1133 renders the licensee unable to perform nursing services or duties
1134 with reasonable skill and safety;

1135 (j) Has engaged in any other conduct, whether of the
1136 same or of a different character from that specified in this
1137 article, that would constitute a disqualifying crime as defined
1138 in * * * the Fresh Start Act;



1139 (k) Engages in conduct likely to deceive, defraud or
1140 harm the public;

1141 (l) Engages in any unprofessional conduct as identified
1142 by the board in its rules;

1143 (m) Has violated any provision of this article;

1144 (n) Violation(s) of the provisions of Sections 41-121-1
1145 through 41-121-9 relating to deceptive advertisement by health
1146 care practitioners. This paragraph shall stand repealed on July
1147 1, 2025; or

1148 (o) Violation(s) of any provision of Title 41, Chapter
1149 141, Mississippi Code of 1972.

1150 (2) When the board finds any person unqualified because of
1151 any of the grounds set forth in subsection (1) of this section, it
1152 may enter an order imposing one or more of the following
1153 penalties:

1154 (a) Denying application for a license or other
1155 authorization to practice nursing or practical nursing;

1156 (b) Administering a reprimand;

1157 (c) Suspending or restricting the license or other
1158 authorization to practice as a registered nurse or licensed
1159 practical nurse for up to two (2) years without review;

1160 (d) Revoking the license or other authorization to
1161 practice nursing or practical nursing;

1162 (e) Requiring the discipline to submit to care,
1163 counseling or treatment by persons and/or agencies approved or



1164 designated by the board as a condition for initial, continued or
1165 renewed licensure or other authorization to practice nursing or
1166 practical nursing;

1167 (f) Requiring the disciplinee to participate in a
1168 program of education prescribed by the board as a condition for
1169 initial, continued or renewed licensure or other authorization to
1170 practice;

1171 (g) Requiring the disciplinee to practice under the
1172 supervision of a registered nurse for a specified period of time;
1173 or

1174 (h) Imposing a fine not to exceed Five Hundred Dollars
1175 (\$500.00).

1176 (3) In addition to the grounds specified in subsection (1)
1177 of this section, the board shall be authorized to suspend the
1178 license or privilege to practice of any licensee for being out of
1179 compliance with an order for support, as defined in Section
1180 93-11-153. The procedure for suspension of a license or privilege
1181 to practice for being out of compliance with an order for support,
1182 and the procedure for the reissuance or reinstatement of a license
1183 or privilege to practice suspended for that purpose, and the
1184 payment of any fees for the reissuance or reinstatement of a
1185 license or privilege to practice suspended for that purpose, shall
1186 be governed by Section 93-11-157 or 93-11-163, as the case may be.
1187 If there is any conflict between any provision of Section
1188 93-11-157 or 93-11-163 and any provision of this article, the



1189 provisions of Section 93-11-157 or 93-11-163, as the case may be,
1190 shall control.

1191 (4) If the public health, safety or welfare imperatively
1192 requires emergency action and the board incorporates a finding to
1193 that effect in an order, the board may order summary suspension of
1194 a license pending proceedings for revocation or other action.
1195 These proceedings shall be promptly instituted and determined by
1196 the board.

1197 (5) The board may establish by rule an alternative to
1198 discipline program for licensees who have an impairment as a
1199 result of substance abuse or a mental health condition, which
1200 program shall include at least the following components:

1201 (a) Participation in the program is voluntary with the
1202 licensee, and the licensee must enter the program before the board
1203 holds a disciplinary action hearing regarding the licensee;

1204 (b) The full cost of participation in the program,
1205 including the cost of any care, counseling, treatment and/or
1206 education received by the licensee, shall be borne by the
1207 licensee;

1208 (c) All of the procedures and records regarding the
1209 licensee's participation in the program shall be confidential,
1210 shall not be disclosed and shall be exempt from the provisions of
1211 the Mississippi Public Records Act of 1983; and



1212 (d) A licensee may not participate in the program more
1213 often than one (1) time during any period of five (5) years or
1214 such longer period as set by the board.

1215 (6) A nurse practitioner who provides a written
1216 certification as authorized under the Mississippi Medical Cannabis
1217 Act and in compliance with rules and regulations adopted
1218 thereunder shall not be subject to any disciplinary action under
1219 this section solely due to providing the written certification.

1220 **SECTION 15.** Section 73-19-23, Mississippi Code of 1972, is
1221 amended as follows:

1222 73-19-23. (1) (a) The board shall refuse to grant a
1223 certificate of licensure to any applicant and may cancel, revoke
1224 or suspend the operation of any certificate by it granted for any
1225 or all of the following reasons: unprofessional and unethical
1226 conduct * * *, habitual intemperance in the use of ardent spirits,
1227 or stimulants, narcotics, or any other substance that impairs the
1228 intellect and judgment to such an extent as to incapacitate one
1229 for the performance of the duties of an optometrist. The
1230 certificate of licensure of any person can be revoked for
1231 violating any section of this chapter.

1232 (b) The board shall conduct a criminal history records
1233 check on licensure applicants and on licensees whose licenses are
1234 subject to investigation.

1235 (i) The applicant or licensee shall undergo a
1236 fingerprint-based criminal history records check of the



1237 Mississippi central criminal database and the Federal Bureau of
1238 Investigation criminal history database. Each applicant or
1239 licensee shall submit a full set of the applicant's fingerprints
1240 in a form or manner prescribed by the board, which shall be
1241 forwarded to the Bureau of Investigation Identification Division
1242 for this purpose.

1243 (ii) Any and all state or national criminal
1244 history records information obtained by the board that is not
1245 already a matter of public record shall be deemed nonpublic and
1246 confidential information restricted to the exclusive use of the
1247 board, its members, officers, investigators, agents and attorneys
1248 in evaluating the applicant's eligibility or disqualification for
1249 licensure, and shall be exempt from the Mississippi Public Records
1250 Act of 1983. Except when introduced into evidence in a hearing
1251 before the board to determine licensure, no such information or
1252 records related thereto shall, except with the written consent of
1253 the applicant or licensee or by order of a court of competent
1254 jurisdiction, be released or otherwise disclosed by the board to
1255 any other person or agency.

1256 (iii) The board shall provide to the department
1257 the fingerprints of the applicant or licensee, any additional
1258 information that may be required by the department, and a form
1259 signed by the applicant consenting to the check of the criminal
1260 records and to the use of the fingerprints and other identifying
1261 information required by the state or national repositories.



1262 (iv) The board shall charge and collect from the
1263 applicant or licensee, in addition to all other applicable fees
1264 and costs, such amount as may be incurred by the board in
1265 requesting and obtaining state and national criminal history
1266 records information on the applicant or licensee.

1267 (2) The board shall further be authorized to take
1268 disciplinary action against a licensee for any unlawful acts,
1269 which shall include violations of regulations promulgated by the
1270 board, as well as the following acts:

1271 (a) Fraud or misrepresentation in applying for or
1272 procuring an optometric license or in connection with applying for
1273 or procuring periodic renewal of an optometric license.

1274 (b) Cheating on or attempting to subvert the optometric
1275 licensing examination(s).

1276 (c) The conviction of a * * * disqualifying crime as
1277 provided in the Fresh Start Act in this state or any other
1278 jurisdiction, or the entry of a guilty or nolo contendere plea to
1279 a * * * disqualifying crime.

1280 (d) The conviction of a * * * disqualifying crime as
1281 provided in the Fresh Start Act as defined by federal law, or the
1282 entry of a guilty or nolo contendere plea to a * * * disqualifying
1283 crime as provided in the Fresh Start Act.

1284 (e) Conduct likely to deceive, defraud or harm the
1285 public.



1286 (f) Making a false or misleading statement regarding
1287 his or her skill or the efficacy or value of the medicine, device,
1288 treatment or remedy prescribed by him or her or used at his or her
1289 direction in the treatment of any disease or other condition.

1290 (g) Willfully or negligently violating the
1291 confidentiality between doctor and patient, except as required by
1292 law.

1293 (h) Negligence or gross incompetence in the practice of
1294 optometry as determined by the board.

1295 (i) Being found to be a person with mental illness or
1296 with an intellectual disability by any court of competent
1297 jurisdiction.

1298 (j) The use of any false, fraudulent, deceptive or
1299 misleading statement in any document connected with the practice
1300 of optometry.

1301 (k) Aiding or abetting the practice of optometry by an
1302 unlicensed, incompetent or impaired person.

1303 (l) Commission of any act of sexual abuse, misconduct
1304 or exploitation related to the licensee's practice of optometry.

1305 (m) Being addicted or habituated to a drug or
1306 intoxicant.

1307 (n) Violating any state or federal law or regulation
1308 relating to a drug legally classified as a controlled substance.

1309 (o) Obtaining any fee by fraud, deceit or
1310 misrepresentation.



1311 (p) Disciplinary action of another state or
1312 jurisdiction against a licensee or other authorization to practice
1313 optometry based upon acts or conduct by the licensee similar to
1314 acts or conduct that would constitute grounds for action as
1315 defined in this chapter, a certified copy of the record of the
1316 action taken by the other state or jurisdiction being conclusive
1317 evidence thereof.

1318 (q) Failure to report to the board the relocation of
1319 his or her office in or out of the jurisdiction, or to furnish
1320 floor plans as required by regulation.

1321 (r) Violation of any provision(s) of the Optometry
1322 Practice Act or the rules and regulations of the board or of an
1323 action, stipulation or agreement of the board.

1324 (s) To advertise in a manner that tends to deceive,
1325 mislead or defraud the public.

1326 (t) The designation of any person licensed under this
1327 chapter, other than by the terms "optometrist," "Doctor of
1328 Optometry" or "O.D.," which through June 30, 2025, shall include
1329 any violation(s) of the provisions of Sections 41-121-1 through
1330 41-121-9 relating to deceptive advertisement by health care
1331 practitioners.

1332 (u) To knowingly submit or cause to be submitted any
1333 misleading, deceptive or fraudulent representation on a claim
1334 form, bill or statement.



1335 (v) To practice or attempt to practice optometry while
1336 his or her license is suspended.

1337 (3) Any person who is a holder of a certificate of licensure
1338 or who is an applicant for examination for a certificate of
1339 licensure, against whom is preferred any charges, shall be
1340 furnished by the board with a copy of the complaint and shall have
1341 a hearing in Jackson, Mississippi, before the board, at which
1342 hearing he may be represented by counsel. At the hearing,
1343 witnesses may be examined for and against the accused respecting
1344 those charges, and the hearing orders or appeals will be conducted
1345 according to the procedure now provided in Section 73-25-27. The
1346 suspension of a certificate of licensure by reason of the use of
1347 stimulants or narcotics may be removed when the holder of the
1348 certificate has been adjudged by the board to be cured and capable
1349 of practicing optometry.

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



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

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

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

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

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

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

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

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

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



1384 (iii) Violation of pharmacy or drug laws of this
1385 state or rules or regulations pertaining thereto, or of statutes,
1386 rules or regulations of any other state or the federal government;
1387 (d) Fraud or intentional misrepresentation by a
1388 licensee or permit holder in securing the issuance or renewal of a
1389 license or permit;
1390 (e) Engaging or aiding and abetting an individual to
1391 engage in the practice of pharmacy without a license;
1392 (f) Violation of any of the provisions of this chapter
1393 or rules or regulations adopted pursuant to this chapter;
1394 (g) Failure to comply with lawful orders of the board;
1395 (h) Negligently or willfully acting in a manner
1396 inconsistent with the health or safety of the public;
1397 (i) Addiction to or dependence on alcohol or controlled
1398 substances or the unauthorized use or possession of controlled
1399 substances;
1400 (j) Misappropriation of any prescription drug;
1401 (k) Being found guilty by the licensing agency in
1402 another state of violating the statutes, rules or regulations of
1403 that jurisdiction;
1404 (l) The unlawful or unauthorized possession of a
1405 controlled substance;
1406 (m) Willful failure to submit drug monitoring
1407 information or willful submission of incorrect dispensing



1408 information as required by the Prescription Monitoring Program
1409 under Section 73-21-127;

1410 (n) Failure to obtain the license, registration or
1411 permit required by this chapter; or

1412 (o) Violation(s) of the provisions of Sections 41-121-1
1413 through 41-121-9 relating to deceptive advertisement by health
1414 care practitioners. This paragraph shall stand repealed on July
1415 1, 2025.

1416 (2) In lieu of suspension, revocation or restriction of a
1417 license as provided for above, the board may warn or reprimand the
1418 offending pharmacist.

1419 (3) In addition to the grounds specified in subsection (1)
1420 of this section, the board shall be authorized to suspend the
1421 license, registration or permit of any person for being out of
1422 compliance with an order for support, as defined in Section
1423 93-11-153. The procedure for suspension of a license,
1424 registration or permit for being out of compliance with an order
1425 for support, and the procedure for the reissuance or reinstatement
1426 of a license, registration or permit suspended for that purpose,
1427 and the payment of any fees for the reissuance or reinstatement of
1428 a license, registration or permit suspended for that purpose,
1429 shall be governed by Section 93-11-157 or 93-11-163, as the case
1430 may be. If there is any conflict between any provision of Section
1431 93-11-157 or 93-11-163 and any provision of this chapter, the



1432 provisions of Section 93-11-157 or 93-11-163, as the case may be,
1433 shall control.

1434 **SECTION 17.** Section 73-25-29, Mississippi Code of 1972, is
1435 amended as follows:

1436 73-25-29. The grounds for the nonissuance, suspension,
1437 revocation or restriction of a license or the denial of
1438 reinstatement or renewal of a license are:

1439 (1) Habitual personal use of narcotic drugs, or any
1440 other drug having addiction-forming or addiction-sustaining
1441 liability.

1442 (2) Habitual use of intoxicating liquors, or any
1443 beverage, to an extent which affects professional competency.

1444 (3) Administering, dispensing or prescribing any
1445 narcotic drug, or any other drug having addiction-forming or
1446 addiction-sustaining liability otherwise than in the course of
1447 legitimate professional practice.

1448 (4) Conviction of violation of any federal or state law
1449 regulating the possession, distribution or use of any narcotic
1450 drug or any drug considered a controlled substance under state or
1451 federal law, a certified copy of the conviction order or judgment
1452 rendered by the trial court being prima facie evidence thereof,
1453 notwithstanding the pendency of any appeal.

1454 (5) Procuring, or attempting to procure, or aiding in,
1455 an abortion that is not medically indicated.



1456 (6) Conviction of a * * * disqualifying crime as
1457 provided in the Fresh Start Act, a certified copy of the
1458 conviction order or judgment rendered by the trial court being
1459 prima facie evidence thereof, notwithstanding the pendency of any
1460 appeal.

1461 (7) Obtaining or attempting to obtain a license by
1462 fraud or deception.

1463 (8) Unprofessional conduct, which includes, but is not
1464 limited to:

1465 (a) Practicing medicine under a false or assumed
1466 name or impersonating another practitioner, living or dead.

1467 (b) Knowingly performing any act which in any way
1468 assists an unlicensed person to practice medicine.

1469 (c) Making or willfully causing to be made any
1470 flamboyant claims concerning the licensee's professional
1471 excellence.

1472 (d) Being guilty of any dishonorable or unethical
1473 conduct likely to deceive, defraud or harm the public.

1474 (e) Obtaining a fee as personal compensation or
1475 gain from a person on fraudulent representation of a disease or
1476 injury condition generally considered incurable by competent
1477 medical authority in the light of current scientific knowledge and
1478 practice can be cured or offering, undertaking, attempting or
1479 agreeing to cure or treat the same by a secret method, which he
1480 refuses to divulge to the board upon request.



1481 (f) Use of any false, fraudulent or forged
1482 statement or document, or the use of any fraudulent, deceitful,
1483 dishonest or immoral practice in connection with any of the
1484 licensing requirements, including the signing in his professional
1485 capacity any certificate that is known to be false at the time he
1486 makes or signs such certificate.

1487 (g) Failing to identify a physician's school of
1488 practice in all professional uses of his name by use of his earned
1489 degree or a description of his school of practice.

1490 (9) The refusal of a licensing authority of another
1491 state or jurisdiction to issue or renew a license, permit or
1492 certificate to practice medicine in that jurisdiction or the
1493 revocation, suspension or other restriction imposed on a license,
1494 permit or certificate issued by such licensing authority which
1495 prevents or restricts practice in that jurisdiction, a certified
1496 copy of the disciplinary order or action taken by the other state
1497 or jurisdiction being prima facie evidence thereof,
1498 notwithstanding the pendency of any appeal.

1499 (10) Surrender of a license or authorization to
1500 practice medicine in another state or jurisdiction or surrender of
1501 membership on any medical staff or in any medical or professional
1502 association or society while under disciplinary investigation by
1503 any of those authorities or bodies for acts or conduct similar to
1504 acts or conduct which would constitute grounds for action as
1505 defined in this section.



1506 (11) Final sanctions imposed by the United States
1507 Department of Health and Human Services, Office of Inspector
1508 General or any successor federal agency or office, based upon a
1509 finding of incompetency, gross misconduct or failure to meet
1510 professionally recognized standards of health care; a certified
1511 copy of the notice of final sanction being prima facie evidence
1512 thereof. As used in this paragraph, the term "final sanction"
1513 means the written notice to a physician from the United States
1514 Department of Health and Human Services, Officer of Inspector
1515 General or any successor federal agency or office, which
1516 implements the exclusion.

1517 (12) Failure to furnish the board, its investigators or
1518 representatives information legally requested by the board.

1519 (13) Violation of any provision(s) of the Medical
1520 Practice Act or the rules and regulations of the board or of any
1521 order, stipulation or agreement with the board.

1522 (14) Violation(s) of the provisions of Sections
1523 41-121-1 through 41-121-9 relating to deceptive advertisement by
1524 health care practitioners.

1525 (15) Performing or inducing an abortion on a woman in
1526 violation of any provision of Sections 41-41-131 through
1527 41-41-145.

1528 (16) Performing an abortion on a pregnant woman after
1529 determining that the unborn human individual that the pregnant



1530 woman is carrying has a detectable fetal heartbeat as provided in
1531 Section 41-41-34.1.

1532 (17) Violation(s) of any provision of Title 41, Chapter
1533 141, Mississippi Code of 1972.

1534 In addition to the grounds specified above, the board shall
1535 be authorized to suspend the license of any licensee for being out
1536 of compliance with an order for support, as defined in Section
1537 93-11-153. The procedure for suspension of a license for being
1538 out of compliance with an order for support, and the procedure for
1539 the reissuance or reinstatement of a license suspended for that
1540 purpose, and the payment of any fees for the reissuance or
1541 reinstatement of a license suspended for that purpose, shall be
1542 governed by Section 93-11-157 or 93-11-163, as the case may be.
1543 If there is any conflict between any provision of Section
1544 93-11-157 or 93-11-163 and any provision of this chapter, the
1545 provisions of Section 93-11-157 or 93-11-163, as the case may be,
1546 shall control.

1547 A physician who provides a written certification as
1548 authorized under the Mississippi Medical Cannabis Act and in
1549 compliance with rules and regulations adopted thereunder shall not
1550 be subject to any disciplinary action under this section solely
1551 due to providing the written certification.

1552 **SECTION 18.** Section 73-25-101, Mississippi Code of 1972, is
1553 amended as follows:



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

INTERSTATE MEDICAL LICENSURE COMPACT

SECTION 1

Purpose

In order to strengthen access to health care, and in recognition of the advances in the delivery of health care, the member states of the Interstate Medical Licensure Compact have allied in common purpose to develop a comprehensive process that complements the existing licensing and regulatory authority of state medical boards, provides a streamlined process that allows physicians to become licensed in multiple states, thereby enhancing the portability of a medical license and ensuring the safety of patients. The Compact creates another pathway for licensure and does not otherwise change a state's existing Medical Practice Act. The Compact also adopts the prevailing standard for licensure and affirms that the practice of medicine occurs where the patient is located at the time of the physician-patient encounter, and therefore, requires the physician to be under the jurisdiction of the state medical board where the patient is located. State medical boards that participate in the Compact retain the jurisdiction to impose an adverse action against a



license to practice medicine in that state issued to a physician through the procedures in the Compact.

SECTION 2

Definitions

In this Compact:

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

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

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

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

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

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



1602 (g) "Medical Practice Act" means laws and regulations
1603 governing the practice of allopathic and osteopathic medicine
1604 within a member state.

1605 (h) "Member board" means a state agency in a member
1606 state that acts in the sovereign interests of the state by
1607 protecting the public through licensure, regulation, and education
1608 of physicians as directed by the state government.

1609 (i) "Member state" means a state that has enacted the
1610 Compact.

1611 (j) "Practice of medicine" means the clinical
1612 prevention, diagnosis, or treatment of human disease, injury, or
1613 condition requiring a physician to obtain and maintain a license
1614 in compliance with the Medical Practice Act of a member state.

1615 (k) "Physician" means any person who:

1616 (1) Is a graduate of a medical school accredited
1617 by the Liaison Committee on Medical Education, the Commission on
1618 Osteopathic College Accreditation, or a medical school listed in
1619 the International Medical Education Directory or its equivalent;

1620 (2) Passed each component of the United States
1621 Medical Licensing Examination (USMLE) or the Comprehensive
1622 Osteopathic Medical Licensing Examination (COMLEX-USA) within
1623 three (3) attempts, or any of its predecessor examinations
1624 accepted by a state medical board as an equivalent examination for
1625 licensure purposes;



1626 (3) Successfully completed graduate medical
1627 education approved by the Accreditation Council for Graduate
1628 Medical Education or the American Osteopathic Association;
1629 (4) Holds specialty certification or a
1630 time-unlimited specialty certificate recognized by the American
1631 Board of Medical Specialties or the American Osteopathic
1632 Association's Bureau of Osteopathic Specialists;
1633 (5) Possesses a full and unrestricted license to
1634 engage in the practice of medicine issued by a member board;
1635 (6) Has never been convicted, received
1636 adjudication, deferred adjudication, community supervision, or
1637 deferred disposition for any offense by a court of appropriate
1638 jurisdiction;
1639 (7) Has never held a license authorizing the
1640 practice of medicine subjected to discipline by a licensing agency
1641 in any state, federal, or foreign jurisdiction, excluding any
1642 action related to nonpayment of fees related to a license;
1643 (8) Has never had a controlled substance license
1644 or permit suspended or revoked by a state or the United States
1645 Drug Enforcement Administration; and
1646 (9) Is not under active investigation by a
1647 licensing agency or law enforcement authority in any state,
1648 federal, or foreign jurisdiction.
1649 (1) "Offense" means a * * * disqualifying crime as
1650 provided in the Fresh Start Act.



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

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

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

SECTION 3

Eligibility

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

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

SECTION 4



1676 **Designation of State of Principal License**

1677 (a) A physician shall designate a member state as the state
1678 of principal license for purposes of registration for expedited
1679 licensure through the Compact if the physician possesses a full
1680 and unrestricted license to practice medicine in that state, and
1681 the state is:

1682 (1) The state of primary residence for the physician,
1683 or

1684 (2) The state where at least twenty-five percent (25%)
1685 of the practice of medicine occurs, or

1686 (3) The location of the physician's employer, or

1687 (4) If no state qualifies under subsection (1),
1688 subsection (2), or subsection (3), the state designated as state
1689 of residence for purpose of federal income tax.

1690 (b) A physician may redesignate a member state as state of
1691 principal license at any time, as long as the state meets the
1692 requirements in subsection (a).

1693 (c) The Interstate Commission is authorized to develop rules
1694 to facilitate redesignation of another member state as the state
1695 of principal license.

1696 **SECTION 5**

1697 **Application and Issuance of Expedited Licensure**

1698 (a) A physician seeking licensure through the Compact shall
1699 file an application for an expedited license with the member board



1700 of the state selected by the physician as the state of principal
1701 license.

1702 (b) Upon receipt of an application for an expedited license,
1703 the member board within the state selected as the state of
1704 principal license shall evaluate whether the physician is eligible
1705 for expedited licensure and issue a letter of qualification,
1706 verifying or denying the physician's eligibility, to the
1707 Interstate Commission.

1708 (i) Static qualifications, which include verification
1709 of medical education, graduate medical education, results of any
1710 medical or licensing examination, and other qualifications as
1711 determined by the Interstate Commission through rule, shall not be
1712 subject to additional primary source verification where already
1713 primary source verified by the state of principal license.

1714 (ii) The member board within the state selected as the
1715 state of principal license shall, in the course of verifying
1716 eligibility, perform a criminal background check of an applicant,
1717 including the use of the results of fingerprint or other biometric
1718 data checks compliant with the requirements of the Federal Bureau
1719 of Investigation, with the exception of federal employees who have
1720 suitability determination in accordance with United States Code of
1721 Federal Regulation Section 731.202.

1722 (iii) Appeal on the determination of eligibility shall
1723 be made to the member state where the application was filed and
1724 shall be subject to the law of that state.



1725 (c) Upon verification in subsection (b), physicians eligible
1726 for an expedited license shall complete the registration process
1727 established by the Interstate Commission to receive a license in a
1728 member state selected pursuant to subsection (a), including the
1729 payment of any applicable fees.

1730 (d) After receiving verification of eligibility under
1731 subsection (b) and any fees under subsection (c), a member board
1732 shall issue an expedited license to the physician. This license
1733 shall authorize the physician to practice medicine in the issuing
1734 state consistent with the Medical Practice Act and all applicable
1735 laws and regulations of the issuing member board and member state.

1736 (e) An expedited license shall be valid for a period
1737 consistent with the licensure period in the member state and in
1738 the same manner as required for other physicians holding a full
1739 and unrestricted license within the member state.

1740 (f) An expedited license obtained through the Compact shall
1741 be terminated if a physician fails to maintain a license in the
1742 state of principal licensure for a nondisciplinary reason, without
1743 redesignation of a new state of principal licensure.

1744 (g) The Interstate Commission is authorized to develop rules
1745 regarding the application process, including payment of any
1746 applicable fees, and the issuance of an expedited license.

1747 SECTION 6

1748 Fees for Expedited Licensure



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

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

SECTION 7

Renewal and Continued Participation

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

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

(2) Has not been convicted, received adjudication, deferred adjudication, community supervision, or deferred disposition for any offense by a court of appropriate jurisdiction;

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

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



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

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

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

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

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

SECTION 8

Coordinated Information System

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

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

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



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

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

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

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

SECTION 9

Joint Investigations

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

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

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

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



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

SECTION 10

Disciplinary Actions

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

(b) If a license granted to a physician by the member board in the state of principal license is revoked, surrendered or relinquished in lieu of discipline, or suspended, then all licenses issued to the physician by member boards shall automatically be placed, without further action necessary by any member board, on the same status. If the member board in the state of principal license subsequently reinstates the physician's license, a license issued to the physician by any other member board shall remain encumbered until that respective member board takes action to reinstate the license in a manner consistent with the Medical Practice Act of that state.

(c) If disciplinary action is taken against a physician by a member board not in the state of principal license, any other



1846 member board may deem the action conclusive as to matter of law
1847 and fact decided, and:

1848 (i) Impose the same or lesser sanction(s) against the
1849 physician so long as such sanctions are consistent with the
1850 Medical Practice Act of that state; or

1851 (ii) Pursue separate disciplinary action against the
1852 physician under its respective Medical Practice Act, regardless of
1853 the action taken in other member states.

1854 (d) If a license granted to a physician by a member board is
1855 revoked, surrendered or relinquished in lieu of discipline, or
1856 suspended, then any license(s) issued to the physician by any
1857 other member board(s) shall be suspended, automatically and
1858 immediately without further action necessary by the other member
1859 board(s), for ninety (90) days upon entry of the order by the
1860 disciplining board, to permit the member board(s) to investigate
1861 the basis for the action under the Medical Practice Act of that
1862 state. A member board may terminate the automatic suspension of
1863 the license it issued prior to the completion of the ninety (90)
1864 day suspension period in a manner consistent with the Medical
1865 Practice Act of that state.

1866 **SECTION 11**

1867 **Interstate Medical Licensure Compact Commission**

1868 (a) The member states create the "Interstate Medical
1869 Licensure Compact Commission."



1870 (b) The purpose of the Interstate Commission is the
1871 administration of the Interstate Medical Licensure Compact, which
1872 is a discretionary state function.

1873 (c) The Interstate Commission shall be a body corporate and
1874 joint agency of the member states and shall have all the
1875 responsibilities, powers, and duties set forth in the Compact, and
1876 such additional powers as may be conferred upon it by a subsequent
1877 concurrent action of the respective legislatures of the member
1878 states in accordance with the terms of the Compact.

1879 (d) The Interstate Commission shall consist of two (2)
1880 voting representatives appointed by each member state who shall
1881 serve as Commissioners. In states where allopathic and
1882 osteopathic physicians are regulated by separate member boards, or
1883 if the licensing and disciplinary authority is split between
1884 multiple member boards within a member state, the member state
1885 shall appoint one (1) representative from each member board. A
1886 Commissioner shall be a(n):

1887 (1) Allopathic or osteopathic physician appointed to a
1888 member board;

1889 (2) Executive director, executive secretary, or similar
1890 executive of a member board; or

1891 (3) Member of the public appointed to a member board.

1892 (e) The Interstate Commission shall meet at least once each
1893 calendar year. A portion of this meeting shall be a business
1894 meeting to address such matters as may properly come before the



1895 Commission, including the election of officers. The chairperson
1896 may call additional meetings and shall call for a meeting upon the
1897 request of a majority of the member states.

1898 (f) The bylaws may provide for meetings of the Interstate
1899 Commission to be conducted by telecommunication or electronic
1900 communication.

1901 (g) Each Commissioner participating at a meeting of the
1902 Interstate Commission is entitled to one (1) vote. A majority of
1903 Commissioners shall constitute a quorum for the transaction of
1904 business, unless a larger quorum is required by the bylaws of the
1905 Interstate Commission. A Commissioner shall not delegate a vote
1906 to another Commissioner. In the absence of its Commissioner, a
1907 member state may delegate voting authority for a specified meeting
1908 to another person from that state who shall meet the requirements
1909 of subsection (d).

1910 (h) The Interstate Commission shall provide public notice of
1911 all meetings and all meetings shall be open to the public. The
1912 Interstate Commission may close a meeting, in full or in portion,
1913 where it determines by a two-thirds (2/3) vote of the
1914 Commissioners present that an open meeting would be likely to:

1915 (1) Relate solely to the internal personnel practices
1916 and procedures of the Interstate Commission;

1917 (2) Discuss matters specifically exempted from
1918 disclosure by federal statute;



1919 (3) Discuss trade secrets, commercial, or financial
1920 information that is privileged or confidential;
1921 (4) Involve accusing a person of a crime, or formally
1922 censuring a person;
1923 (5) Discuss information of a personal nature where
1924 disclosure would constitute a clearly unwarranted invasion of
1925 personal privacy;
1926 (6) Discuss investigative records compiled for law
1927 enforcement purposes; or
1928 (7) Specifically relate to the participation in a civil
1929 action or other legal proceeding.
1930 (i) The Interstate Commission shall keep minutes which shall
1931 fully describe all matters discussed in a meeting and shall
1932 provide a full and accurate summary of actions taken, including
1933 record of any roll call votes.
1934 (j) The Interstate Commission shall make its information and
1935 official records, to the extent not otherwise designated in the
1936 Compact or by its rules, available to the public for inspection.
1937 (k) The Interstate Commission shall establish an executive
1938 committee, which shall include officers, members, and others as
1939 determined by the bylaws. The executive committee shall have the
1940 power to act on behalf of the Interstate Commission, with the
1941 exception of rulemaking, during periods when the Interstate
1942 Commission is not in session. When acting on behalf of the
1943 Interstate Commission, the executive committee shall oversee the



administration of the Compact including enforcement and compliance with the provisions of the Compact, its bylaws and rules, and other such duties as necessary.

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

SECTION 12

Powers and Duties of the Interstate Commission

The Interstate Commission shall have the duty and power to:

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

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

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

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

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

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



1969 (g) Establish and maintain one or more offices;
1970 (h) Borrow, accept, hire, or contract for services of
1971 personnel;
1972 (i) Purchase and maintain insurance and bonds;
1973 (j) Employ an executive director who shall have such powers
1974 to employ, select or appoint employees, agents, or consultants,
1975 and to determine their qualifications, define their duties, and
1976 fix their compensation;
1977 (k) Establish personnel policies and programs relating to
1978 conflicts of interest, rates of compensation, and qualifications
1979 of personnel;
1980 (l) Accept donations and grants of money, equipment,
1981 supplies, materials and services, and to receive, utilize, and
1982 dispose of it in a manner consistent with the conflict of interest
1983 policies established by the Interstate Commission;
1984 (m) Lease, purchase, accept contributions or donations of,
1985 or otherwise to own, hold, improve or use, any property, real,
1986 personal, or mixed;
1987 (n) Sell, convey, mortgage, pledge, lease, exchange,
1988 abandon, or otherwise dispose of any property, real, personal, or
1989 mixed;
1990 (o) Establish a budget and make expenditures;
1991 (p) Adopt a seal and bylaws governing the management and
1992 operation of the Interstate Commission;



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

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

(s) Maintain records in accordance with the bylaws;

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

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

SECTION 13

Finance Powers

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

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



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

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

SECTION 14

Organization and Operation of the Interstate Commission

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

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

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

(d) The officers and employees of the Interstate Commission shall be immune from suit and liability, either personally or in



2042 their official capacity, for a claim for damage to or loss of
2043 property or personal injury or other civil liability caused or
2044 arising out of, or relating to, an actual or alleged act, error,
2045 or omission that occurred, or that such person had a reasonable
2046 basis for believing occurred, within the scope of Interstate
2047 Commission employment, duties, or responsibilities; provided that
2048 such person shall not be protected from suit or liability for
2049 damage, loss, injury, or liability caused by the intentional or
2050 willful and wanton misconduct of such person.

2051 (1) The liability of the executive director and
2052 employees of the Interstate Commission or representatives of the
2053 Interstate Commission, acting within the scope of such person's
2054 employment or duties for acts, errors, or omissions occurring
2055 within such person's state, may not exceed the limits of liability
2056 set forth under the constitution and laws of that state for state
2057 officials, employees, and agents. The Interstate Commission is
2058 considered to be an instrumentality of the states for the purposes
2059 of any such action. Nothing in this subsection shall be construed
2060 to protect such person from suit or liability for damage, loss,
2061 injury, or liability caused by the intentional or willful and
2062 wanton misconduct of such person.

2063 (2) The Interstate Commission shall defend the
2064 executive director, its employees, and subject to the approval of
2065 the attorney general or other appropriate legal counsel of the
2066 member state represented by an Interstate Commission



representative, shall defend such Interstate Commission representative in any civil action seeking to impose liability arising out of an actual or alleged act, error or omission that occurred within the scope of Interstate Commission employment, duties or responsibilities, or that the defendant had a reasonable basis for believing occurred within the scope of Interstate Commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from intentional or willful and wanton misconduct on the part of such person.

(3) To the extent not covered by the state involved, member state, or the Interstate Commission, the representatives or employees of the Interstate Commission shall be held harmless in the amount of a settlement or judgment, including attorney's fees and costs, obtained against such persons arising out of an actual or alleged act, error, or omission that occurred within the scope of Interstate Commission employment, duties, or responsibilities, or that such persons had a reasonable basis for believing occurred within the scope of Interstate Commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from intentional or willful and wanton misconduct on the part of such persons.

SECTION 15

Rulemaking Functions of the Interstate Commission



2091 (a) The Interstate Commission shall promulgate reasonable
2092 rules in order to effectively and efficiently achieve the purposes
2093 of the Compact. Notwithstanding the foregoing, in the event the
2094 Interstate Commission exercises its rulemaking authority in a
2095 manner that is beyond the scope of the purposes of the Compact, or
2096 the powers granted hereunder, then such an action by the
2097 Interstate Commission shall be invalid and have no force or
2098 effect.

2099 (b) Rules deemed appropriate for the operations of the
2100 Interstate Commission shall be made pursuant to a rulemaking
2101 process that substantially conforms to the "Model State
2102 Administrative Procedure Act" of 2010, and subsequent amendments
2103 thereto.

2104 (c) Not later than thirty (30) days after a rule is
2105 promulgated, any person may file a petition for judicial review of
2106 the rule in the United States District Court for the District of
2107 Columbia or the federal district where the Interstate Commission
2108 has its principal offices, provided that the filing of such a
2109 petition shall not stay or otherwise prevent the rule from
2110 becoming effective unless the court finds that the petitioner has
2111 a substantial likelihood of success. The court shall give
2112 deference to the actions of the Interstate Commission consistent
2113 with applicable law and shall not find the rule to be unlawful if
2114 the rule represents a reasonable exercise of the authority granted
2115 to the Interstate Commission.



2116 **SECTION 16**

2117 **Oversight of Interstate Compact**

2118 (a) The executive, legislative, and judicial branches of
2119 state government in each member state shall enforce the Compact
2120 and shall take all actions necessary and appropriate to effectuate
2121 the Compact's purposes and intent. The provisions of the Compact
2122 and the rules promulgated hereunder shall have standing as
2123 statutory law but shall not override existing state authority to
2124 regulate the practice of medicine.

2125 (b) All courts shall take judicial notice of the Compact and
2126 the rules in any judicial or administrative proceeding in a member
2127 state pertaining to the subject matter of the Compact which may
2128 affect the powers, responsibilities or actions of the Interstate
2129 Commission.

2130 (c) The Interstate Commission shall be entitled to receive
2131 all service of process in any such proceeding, and shall have
2132 standing to intervene in the proceeding for all purposes. Failure
2133 to provide service of process to the Interstate Commission shall
2134 render a judgment or order void as to the Interstate Commission,
2135 the Compact, or promulgated rules.

2136 **SECTION 17**

2137 **Enforcement of Interstate Compact**

2138 (a) The Interstate Commission, in the reasonable exercise of
2139 its discretion, shall enforce the provisions and rules of the
2140 Compact.



2141 (b) The Interstate Commission may, by majority vote of the
2142 Commissioners, initiate legal action in the United States District
2143 Court for the District of Columbia, or, at the discretion of the
2144 Interstate Commission, in the federal district where the
2145 Interstate Commission has its principal offices, to enforce
2146 compliance with the provisions of the Compact, and its promulgated
2147 rules and bylaws, against a member state in default. The relief
2148 sought may include both injunctive relief and damages. In the
2149 event judicial enforcement is necessary, the prevailing party
2150 shall be awarded all costs of such litigation including reasonable
2151 attorney's fees.

2152 (c) The remedies herein shall not be the exclusive remedies
2153 of the Interstate Commission. The Interstate Commission may avail
2154 itself of any other remedies available under state law or the
2155 regulation of a profession.

2156 **SECTION 18**

2157 **Default Procedures**

2158 (a) The grounds for default include, but are not limited to,
2159 failure of a member state to perform such obligations or
2160 responsibilities imposed upon it by the Compact, or the rules and
2161 bylaws of the Interstate Commission promulgated under the Compact.

2162 (b) If the Interstate Commission determines that a member
2163 state has defaulted in the performance of its obligations or
2164 responsibilities under the Compact, or the bylaws or promulgated
2165 rules, the Interstate Commission shall:



2166 (1) Provide written notice to the defaulting state and
2167 other member states, of the nature of the default, the means of
2168 curing the default, and any action taken by the Interstate
2169 Commission. The Interstate Commission shall specify the
2170 conditions by which the defaulting state must cure its default;
2171 and

2172 (2) Provide remedial training and specific technical
2173 assistance regarding the default.

2174 (c) If the defaulting state fails to cure the default, the
2175 defaulting state shall be terminated from the Compact upon an
2176 affirmative vote of a majority of the Commissioners and all
2177 rights, privileges, and benefits conferred by the Compact shall
2178 terminate on the effective date of termination. A cure of the
2179 default does not relieve the offending state of obligations or
2180 liabilities incurred during the period of the default.

2181 (d) Termination of membership in the Compact shall be
2182 imposed only after all other means of securing compliance have
2183 been exhausted. Notice of intent to terminate shall be given by
2184 the Interstate Commission to the Governor, the majority and
2185 minority leaders of the defaulting state's legislature, and each
2186 of the member states.

2187 (e) The Interstate Commission shall establish rules and
2188 procedures to address licenses and physicians that are materially
2189 impacted by the termination of a member state, or the withdrawal
2190 of a member state.



2191 (f) The member state which has been terminated is
2192 responsible for all dues, obligations, and liabilities incurred
2193 through the effective date of termination including obligations,
2194 the performance of which extends beyond the effective date of
2195 termination.

2196 (g) The Interstate Commission shall not bear any costs
2197 relating to any state that has been found to be in default or
2198 which has been terminated from the Compact, unless otherwise
2199 mutually agreed upon in writing between the Interstate Commission
2200 and the defaulting state.

2201 (h) The defaulting state may appeal the action of the
2202 Interstate Commission by petitioning the United States District
2203 Court for the District of Columbia or the federal district where
2204 the Interstate Commission has its principal offices. The
2205 prevailing party shall be awarded all costs of such litigation
2206 including reasonable attorney's fees.

2207 **SECTION 19**

2208 **Dispute Resolution**

2209 (a) The Interstate Commission shall attempt, upon the
2210 request of a member state, to resolve disputes which are subject
2211 to the Compact and which may arise among member states or member
2212 boards.

2213 (b) The Interstate Commission shall promulgate rules
2214 providing for both mediation and binding dispute resolution as
2215 appropriate.



2216 **SECTION 20**

2217 **Member States, Effective Date and Amendment**

2218 (a) Any state is eligible to become a member state of the
2219 Compact.

2220 (b) The Compact shall become effective and binding upon
2221 legislative enactment of the Compact into law by no less than
2222 seven (7) states. Thereafter, it shall become effective and
2223 binding on a state upon enactment of the Compact into law by that
2224 state.

2225 (c) The governors of nonmember states, or their designees,
2226 shall be invited to participate in the activities of the
2227 Interstate Commission on a nonvoting basis prior to adoption of
2228 the Compact by all states.

2229 (d) The Interstate Commission may propose amendments to the
2230 Compact for enactment by the member states. No amendment shall
2231 become effective and binding upon the Interstate Commission and
2232 the member states unless and until it is enacted into law by
2233 unanimous consent of the member states.

2234 **SECTION 21**

2235 **Withdrawal**

2236 (a) Once effective, the Compact shall continue in force and
2237 remain binding upon each and every member state; provided that a
2238 member state may withdraw from the Compact by specifically
2239 repealing the statute which enacted the Compact into law.



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

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

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

(e) The withdrawing state is responsible for all dues, obligations and liabilities incurred through the effective date of withdrawal, including obligations, the performance of which extend beyond the effective date of withdrawal.

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

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

SECTION 22



2265 **Dissolution**

2266 (a) The Compact shall dissolve effective upon the date of
2267 the withdrawal or default of the member state which reduces the
2268 membership in the Compact to one (1) member state.

2269 (b) Upon the dissolution of the Compact, the Compact becomes
2270 null and void and shall be of no further force or effect, and the
2271 business and affairs of the Interstate Commission shall be
2272 concluded and surplus funds shall be distributed in accordance
2273 with the bylaws.

2274 **SECTION 23**

2275 **Severability and Construction**

2276 (a) The provisions of the Compact shall be severable, and if
2277 any phrase, clause, sentence, or provision is deemed
2278 unenforceable, the remaining provisions of the Compact shall be
2279 enforceable.

2280 (b) The provisions of the Compact shall be liberally
2281 construed to effectuate its purposes.

2282 (c) Nothing in the Compact shall be construed to prohibit
2283 the applicability of other interstate compacts to which the states
2284 are members.

2285 **SECTION 24**

2286 **Binding Effect of Compact and Other Laws**

2287 (a) Nothing herein prevents the enforcement of any other law
2288 of a member state that is not inconsistent with the Compact.



2289 (b) All laws in a member state in conflict with the Compact
2290 are superseded to the extent of the conflict.

2291 (c) All lawful actions of the Interstate Commission,
2292 including all rules and bylaws promulgated by the Commission, are
2293 binding upon the member states.

2294 (d) All agreements between the Interstate Commission and the
2295 member states are binding in accordance with their terms.

2296 (e) In the event any provision of the Compact exceeds the
2297 constitutional limits imposed on the legislature of any member
2298 state, such provision shall be ineffective to the extent of the
2299 conflict with the constitutional provision in question in that
2300 member state.

2301 **SECTION 19.** Section 73-27-13, Mississippi Code of 1972, is
2302 amended as follows:

2303 73-27-13. (1) The State Board of Medical Licensure may
2304 refuse to issue, suspend, revoke or otherwise restrict any license
2305 provided for in this chapter, with the advice of the advisory
2306 committee, based upon the following grounds:

2307 (a) Habitual personal use of narcotic drugs, or any
2308 other drug having addiction-forming or addiction-sustaining
2309 liability.

2310 (b) Habitual use of intoxicating liquors, or any
2311 beverage, to an extent which affects professional competency.

2312 (c) Administering, dispensing or prescribing any
2313 narcotic drug, or any other drug having addiction-forming or



2314 addiction-sustaining liability otherwise than in the course of
2315 legitimate professional practice.

2316 (d) Conviction of violation of any federal or state law
2317 regulating the possession, distribution or use of any narcotic
2318 drug or any drug considered a controlled substance under state or
2319 federal law.

2320 (e) Performing any medical diagnosis or treatment
2321 outside the scope of podiatry as defined in Section 73-27-1.

2322 (f) Conviction of a * * * disqualifying crime as
2323 provided in the Fresh Start Act.

2324 (g) Obtaining or attempting to obtain a license by
2325 fraud or deception.

2326 (h) Unprofessional conduct, which includes, but is not
2327 limited to:

2328 (i) Practicing medicine under a false or assumed
2329 name or impersonating another practitioner, living or dead.

2330 (ii) Knowingly performing any act which in any way
2331 assists an unlicensed person to practice podiatry.

2332 (iii) Making or willfully causing to be made any
2333 flamboyant claims concerning the licensee's professional
2334 excellence.

2335 (iv) Being guilty of any dishonorable or unethical
2336 conduct likely to deceive, defraud or harm the public.

2337 (v) Obtaining a fee as personal compensation or
2338 gain from a person on fraudulent representation a disease or



2339 injury condition generally considered incurable by competent
2340 medical authority in the light of current scientific knowledge and
2341 practice can be cured or offering, undertaking, attempting or
2342 agreeing to cure or treat the same by a secret method, which he
2343 refuses to divulge to the board upon request.

2344 (vi) Use of any false, fraudulent or forged
2345 statement or document, or the use of any fraudulent, deceitful,
2346 dishonest or immoral practice in connection with any of the
2347 licensing requirements, including the signing in his professional
2348 capacity any certificate that is known to be false at the time he
2349 makes or signs such certificate.

2350 (vii) Failing to identify a podiatrist's school of
2351 practice in all professional uses of his name by use of his earned
2352 degree or a description of his school of practice.

2353 (i) The refusal of a licensing authority of another
2354 state to issue or renew a license, permit or certificate to
2355 practice podiatry in that state or the revocation, suspension or
2356 other restriction imposed on a license, permit or certificate
2357 issued by such licensing authority which prevents or restricts
2358 practice in that state.

2359 (j) Violation(s) of the provisions of Sections 41-121-1
2360 through 41-121-9 relating to deceptive advertisement by health
2361 care practitioners. This paragraph shall stand repealed on July
2362 1, 2025.



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

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

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

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



2387 73-29-13. A person is qualified to receive a license as an
2388 examiner:

2389 (1) Who is at least twenty-one (21) years of age;

2390 (2) Who is a citizen of the United States;

2391 (3) Who establishes that he is a person of honesty,
2392 truthfulness, integrity, and moral fitness;

2393 (4) Who has not been convicted of a * * * disqualifying
2394 crime as provided in the Fresh Start Act;

2395 (5) Who holds a baccalaureate degree from a college or
2396 university accredited by the American Association of Collegiate
2397 Registrars and Admissions Officers or, in lieu thereof, has five
2398 (5) consecutive years of active investigative experience
2399 immediately preceding his application;

2400 (6) Who is a graduate of a polygraph examiners course
2401 approved by the board and has satisfactorily completed not less
2402 than six (6) months of internship training, provided that if the
2403 applicant is not a graduate of an approved polygraph examiners
2404 course, satisfactory completion of not less than twelve (12)
2405 months of internship training may satisfy this subdivision; and

2406 (7) Prior to the issuance of a license, the applicant
2407 must furnish to the board evidence of a surety bond or insurance
2408 policy. Said surety bond or insurance policy shall be in the sum
2409 of Five Thousand Dollars (\$5,000.00) and shall be conditioned that
2410 the obligor therein will pay to the extent of the face amount of
2411 such surety bond or insurance policy all judgments which may be



recovered against the licensee by reason of any wrongful or
illegal acts committed by him in the course of his examinations.

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

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

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

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

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

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

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

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



2436 (g) Having demonstrated unworthiness or incompetency to
2437 act as a polygraph examiner as defined by this chapter;

2438 (h) Allowing one's license under this chapter to be
2439 used by any unlicensed person in violation of the provisions of
2440 this chapter;

2441 (i) Willfully aiding or abetting another in the
2442 violation of this chapter or any regulation or rule issued
2443 pursuant thereto;

2444 (j) Where the license holder has been adjudged by a
2445 court of competent jurisdiction as habitual drunkard, mentally
2446 incompetent, or in need of a conservator;

2447 (k) Failing, within a reasonable time, to provide
2448 information requested by the secretary as the result of a formal
2449 complaint to the board which would indicate a violation of this
2450 chapter;

2451 (l) Failing to inform the subject of the results of the
2452 examination if so requested; or

2453 (m) With regard to any polygraph examiner employed for
2454 a fee and not employed by a governmental law enforcement agency or
2455 the Mississippi Department of Corrections:

2456 (i) Requiring a subject, prior to taking the
2457 examination or as a condition of receiving the results of the
2458 examination, to waive any rights or causes of action he may have
2459 or which may accrue in favor of the subject arising out of or
2460 resulting from the administration of the examination; except the



2461 examiner may require, prior to the examination or as a condition
2462 of receiving the results of the examination, a subject to waive
2463 any rights or causes of action that may accrue against the
2464 examiner as a result of any use made of the results of the
2465 examination by the person who employed the examiner;

2466 (ii) Requiring a subject to acknowledge that his
2467 examination is not done for purposes of employment when, in fact,
2468 the results of the examination are to be submitted to an employer
2469 or an agent of an employer; or

2470 (iii) Reporting the results of an examination to
2471 any person not authorized to receive the results of the
2472 examination except for the person who employed the examiner,
2473 unless authorized in writing by the subject.

2474 (2) In addition to the grounds specified in subsection (1)
2475 of this section, the board shall be authorized to suspend the
2476 license of any licensee for being out of compliance with an order
2477 for support, as defined in Section 93-11-153. The procedure for
2478 suspension of a license for being out of compliance with an order
2479 for support, and the procedure for the reissuance or reinstatement
2480 of a license suspended for that purpose, and the payment of any
2481 fees for the reissuance or reinstatement of a license suspended
2482 for that purpose, shall be governed by Section 93-11-157 or
2483 93-11-163, as the case may be. If there is any conflict between
2484 any provision of Section 93-11-157 or 93-11-163 and any provision



2485 of this chapter, the provisions of Section 93-11-157 or 93-11-163,
2486 as the case may be, shall control.

2487 **SECTION 22.** Section 73-31-21, Mississippi Code of 1972, is
2488 amended as follows:

2489 73-31-21. (1) The board, by an affirmative vote of at least
2490 four (4) of its seven (7) members, shall withhold, deny, revoke or
2491 suspend any license issued or applied for in accordance with the
2492 provisions of this article, or otherwise discipline a licensed
2493 psychologist, upon proof that the applicant or licensed
2494 psychologist:

2495 (a) Has violated the current code of ethics of the
2496 American Psychological Association or other codes of ethical
2497 standards adopted by the board; or

2498 (b) Has been convicted of a * * * disqualifying crime
2499 as provided in the Fresh Start Act, the record of conviction being
2500 conclusive evidence thereof; or

2501 (c) Is using any substance or any alcoholic beverage to
2502 an extent or in a manner dangerous to any other person or the
2503 public, or to an extent that the use impairs his or her ability to
2504 perform the work of a professional psychologist with safety to the
2505 public; or

2506 (d) Has impersonated another person holding a
2507 psychologist license or allowed another person to use his or her
2508 license; or



2509 (e) Has used fraud or deception in applying for a
2510 license or in taking an examination provided for in this article;
2511 or

2512 (f) Has accepted commissions or rebates or other forms
2513 of remuneration for referring clients to other professional
2514 persons; or

2515 (g) Has performed psychological services outside of the
2516 area of his or her training, experience or competence; or

2517 (h) Has allowed his or her name or license issued under
2518 this article to be used in connection with any person or persons
2519 who perform psychological services outside of the area of their
2520 training, experience or competence; or

2521 (i) Is legally adjudicated mentally incompetent, the
2522 record of that adjudication being conclusive evidence thereof; or

2523 (j) Has willfully or negligently violated any of the
2524 provisions of this article. The board may recover from any person
2525 disciplined under this article, the costs of investigation,
2526 prosecution, and adjudication of the disciplinary action.

2527 (2) Notice shall be effected by registered mail or personal
2528 service setting forth the particular reasons for the proposed
2529 action and fixing a date not less than thirty (30) days nor more
2530 than sixty (60) days from the date of the mailing or that service,
2531 at which time the applicant or licensee shall be given an
2532 opportunity for a prompt and fair hearing. For the purpose of the
2533 hearing, the board, acting by and through its executive secretary,



2534 may subpoena persons and papers on its own behalf and on behalf of
2535 the applicant or licensee, may administer oaths and may take
2536 testimony. That testimony, when properly transcribed, together
2537 with the papers and exhibits, shall be admissible in evidence for
2538 or against the applicant or licensee. At the hearing, the
2539 applicant or licensee may appear by counsel and personally in his
2540 or her own behalf. Any person sworn and examined by a witness in
2541 the hearing shall not be held to answer criminally, nor shall any
2542 papers or documents produced by the witness be competent evidence
2543 in any criminal proceedings against the witness other than for
2544 perjury in delivering his or her evidence. On the basis of any
2545 such hearing, or upon default of applicant or licensee, the board
2546 shall make a determination specifying its findings of fact and
2547 conclusions of law. A copy of that determination shall be sent by
2548 registered mail or served personally upon the applicant or
2549 licensee. The decision of the board denying, revoking or
2550 suspending the license shall become final thirty (30) days after
2551 so mailed or served, unless within that period the applicant or
2552 licensee appeals the decision to the chancery court, under the
2553 provisions hereof, and the proceedings in chancery shall be
2554 conducted as other matters coming before the court. All
2555 proceedings and evidence, together with exhibits, presented at the
2556 hearing before the board shall be admissible in evidence in court
2557 in the appeal.



2558 (3) The board may subpoena persons and papers on its own
2559 behalf and on behalf of the respondent, may administer oaths and
2560 may compel the testimony of witnesses. It may issue commissions
2561 to take testimony, and testimony so taken and sworn to shall be
2562 admissible in evidence for and against the respondent. The board
2563 shall be entitled to the assistance of the chancery court or the
2564 chancellor in vacation, which, on petition by the board, shall
2565 issue ancillary subpoenas and petitions and may punish as for
2566 contempt of court in the event of noncompliance therewith.

2567 (4) Every order and judgment of the board shall take effect
2568 immediately on its promulgation unless the board in the order or
2569 judgment fixes a probationary period for the applicant or
2570 licensee. The order and judgment shall continue in effect unless
2571 upon appeal the court by proper order or decree terminates it
2572 earlier. The board may make public its order and judgments in
2573 any manner and form as it deems proper. It shall, in event of the
2574 suspension or revocation of a license, direct the clerk of the
2575 circuit court of the county in which that license was recorded to
2576 cancel that record.

2577 (5) Nothing in this section shall be construed as limiting
2578 or revoking the authority of any court or of any licensing or
2579 registering officer or board, other than the Mississippi Board of
2580 Psychology, to suspend, revoke and reinstate licenses and to
2581 cancel registrations under the provisions of Section 41-29-311.



2582 (6) Suspension by the board of the license of a psychologist
2583 shall be for a period not exceeding one (1) year. At the end of
2584 this period the board shall reevaluate the suspension, and shall
2585 either reinstate or revoke the license. A person whose license
2586 has been revoked under the provisions of this section may reapply
2587 for a license after more than two (2) years have elapsed from the
2588 date that the denial or revocation is legally effective.

2589 (7) In addition to the reasons specified in subsection (1)
2590 of this section, the board shall be authorized to suspend the
2591 license of any licensee for being out of compliance with an order
2592 for support, as defined in Section 93-11-153. The procedure for
2593 suspension of a license for being out of compliance with an order
2594 for support, and the procedure for the reissuance or reinstatement
2595 of a license suspended for that purpose, and the payment of any
2596 fees for the reissuance or reinstatement of a license suspended
2597 for that purpose, shall be governed by Section 93-11-157. Actions
2598 taken by the board in suspending a license when required by
2599 Section 93-11-157 or 93-11-163 are not actions from which an
2600 appeal may be taken under this section. Any appeal of a license
2601 suspension that is required by Section 93-11-157 or 93-11-163
2602 shall be taken in accordance with the appeal procedure specified
2603 in Section 93-11-157 or 93-11-163, as the case may be, rather than
2604 the procedure specified in this section. If there is any conflict
2605 between any provision of Section 93-11-157 or 93-11-163 and any



2606 provision of this article, the provisions of Section 93-11-157 or
2607 93-11-163, as the case may be, shall control.

2608 (8) The board may issue a nondisciplinary, educational
2609 letter to licensees as provided in Section 73-31-7(2)(g). The
2610 board may also direct a psychologist to obtain a formal assessment
2611 of ability to practice safely if there is reason to believe there
2612 may be impairment due to substance abuse or mental incapacity.
2613 Licensees who may be impaired, but who are able to practice
2614 safely, may be required by the board to seek appropriate treatment
2615 and/or supervision. That action by the board in itself will not
2616 be considered disciplinary.

2617 (9) The board may discipline any person who has been granted
2618 the authority to practice interjurisdictional telepsychology or
2619 the temporary authorization to practice under the Psychology
2620 Interjurisdictional Compact provided for under Section 73-31-51,
2621 for any of the grounds specified in subsection (1) of this section
2622 in the same manner as the board disciplines a licensed
2623 psychologist under this section.

2624 **SECTION 23.** Section 73-34-109, Mississippi Code of 1972, is
2625 amended as follows:

2626 73-34-109. (1) An appraisal management company applying for
2627 registration in this state shall not:

2628 (a) Be owned, in whole or in part, directly or
2629 indirectly, by any person who has had an appraiser license or



2630 certificate in this state or in any other state, refused, denied,
2631 cancelled, surrendered in lieu of revocation, or revoked; or

2632 (b) Be owned by more than ten percent (10%) by a person
2633 who * * * has been convicted of a disqualifying crime as provided
2634 in the Fresh Start Act.

2635 (2) (a) For purposes of subsection (1)(b) to qualify for
2636 initial registration and every third annual renewed registration
2637 thereafter as an appraisal management company, each individual
2638 owner of more than ten percent (10%) of an appraisal management
2639 company must have successfully been cleared for registration
2640 through an investigation that shall consist of a * * *
2641 verification that the owner is not guilty of or in violation of
2642 any statutory ground for denial of registration as set forth in
2643 this chapter. If no individual owns more than ten percent (10%)
2644 of the appraisal management company, then an investigation of an
2645 owner is not required, but in such instances, the controlling
2646 person designated by the appraisal management company shall be
2647 subject to the requirements of this subsection. If following the
2648 initial registration, any individual becomes either an owner of
2649 more than ten percent (10%) of the appraisal management company or
2650 the designated controlling person of the appraisal management
2651 company, then each such person shall be subject to the
2652 requirements of this subsection at the appraisal management
2653 company's next annual renewal. To assist the board in conducting
2654 its registration investigation, each individual owner of more than



2655 ten percent (10%) of an appraisal management company shall undergo
2656 a fingerprint-based criminal history records check of the
2657 Mississippi central criminal database and the Federal Bureau of
2658 Investigation criminal history database. Each applicant shall
2659 submit a full set of the applicant's fingerprints, in a form and
2660 manner prescribed by the board, which shall be forwarded to the
2661 Mississippi Department of Public Safety (department) and the
2662 Federal Bureau of Investigation Identification Division for this
2663 purpose.

2664 (b) Any state or national criminal history records
2665 information obtained by the board that is not already a matter of
2666 public record shall be deemed nonpublic and confidential
2667 information restricted to the exclusive use of the board, its
2668 members, officers, investigators, agents and attorneys in
2669 evaluating the applicant's eligibility or disqualification for
2670 registration, and shall be exempt from the Mississippi Public
2671 Records Act, Section 25-61-1 et seq. Except upon written consent
2672 of the applicant, or by order of a court of competent
2673 jurisdiction, or when introduced into evidence in a hearing before
2674 the board to determine registration, no such information or
2675 records related thereto shall be released or otherwise disclosed
2676 by the board to any other person or agency.

2677 (c) The board shall provide to the department the
2678 fingerprints of the applicant, any additional information that may
2679 be required by the department, a form signed by the applicant



2680 consenting to the check of the criminal records and to the use of
2681 the fingerprints and other identifying information required by the
2682 state or national repositories.

2683 (d) The board shall charge and collect from the
2684 applicant, in addition to all other applicable fees and costs,
2685 such amount as may be incurred by the board in requesting and
2686 obtaining state and national criminal history records information
2687 on the applicant.

2688 **SECTION 24.** Section 73-39-77, Mississippi Code of 1972, is
2689 amended as follows:

2690 73-39-77. (1) Upon a written complaint sworn to by any
2691 person, the board, in its sole discretion, may, after a hearing,
2692 revoke, suspend or limit for a certain time a license, impose an
2693 administrative fine not to exceed One Thousand Dollars (\$1,000.00)
2694 for each separate offense, or otherwise discipline any licensed
2695 veterinarian for any of the following reasons:

2696 (a) The employment of fraud, misrepresentation or
2697 deception in obtaining a license.

2698 (b) The inability to practice veterinary medicine with
2699 reasonable skill and safety because of a physical or mental
2700 disability, including deterioration of mental capacity, loss of
2701 motor skills or abuse of drugs or alcohol of sufficient degree to
2702 diminish the person's ability to deliver competent patient care.

2703 (c) The use of advertising or solicitation that is
2704 false or misleading.



2705 (d) Conviction of the following in any federal court or
2706 in the courts of this state or any other jurisdiction, regardless
2707 of whether the sentence is deferred:

2708 (i) Any * * * disqualifying crime as provided in
2709 the Fresh Start Act;

2710 (ii) Any crime involving cruelty, abuse or neglect
2711 of animals, including bestiality;

2712 * * *

2713 (* * * iii) Any crime involving unlawful sexual
2714 contact, child abuse, the use or threatened use of a weapon, the
2715 infliction of injury, indecent exposure, perjury, false reporting,
2716 criminal impersonation, forgery and any other crime involving a
2717 lack of truthfulness, veracity or honesty, intimidation of a
2718 victim or witness, larceny, or alcohol or drugs.

2719 For the purposes of this paragraph, a plea of guilty or a
2720 plea of nolo contendere accepted by the court shall be considered
2721 as a conviction.

2722 (e) Incompetence, gross negligence or other malpractice
2723 in the practice of veterinary medicine.

2724 (f) Aiding the unlawful practice of veterinary
2725 medicine.

2726 (g) Fraud or dishonesty in the application or reporting
2727 of any test for disease in animals.



2728 (h) Failure to report, as required by law, or making
2729 false or misleading report of, any contagious or infectious
2730 disease.

2731 (i) Failure to keep accurate patient records.

2732 (j) Dishonesty or gross negligence in the performance
2733 of food safety inspections or in the issuance of any health or
2734 inspection certificates.

2735 (k) Failure to keep veterinary premises and equipment,
2736 including practice vehicles, in a clean and sanitary condition.

2737 (l) Failure to permit the board or its agents to enter
2738 and inspect veterinary premises and equipment, including practice
2739 vehicles, as set by rules promulgated by the board.

2740 (m) Revocation, suspension or limitation of a license
2741 to practice veterinary medicine by another state, territory or
2742 district of the United States.

2743 (n) Loss or suspension of accreditation by any federal
2744 or state agency.

2745 (o) Unprofessional conduct as defined in regulations
2746 adopted by the board.

2747 (p) The dispensing, distribution, prescription or
2748 administration of any veterinary prescription drug, or the
2749 extralabel use of any drug in the absence of a
2750 veterinarian-client-patient relationship.

2751 (q) Violations of state or federal drug laws.

2752 (r) Violations of any order of the board.



2753 (s) Violations of this chapter or of the rules
2754 promulgated under this chapter.

2755 (t) Violation(s) of the provisions of Sections 41-121-1
2756 through 41-121-9 relating to deceptive advertisement by health
2757 care practitioners. This paragraph shall stand repealed on July
2758 1, 2025.

2759 (2) A certified copy of any judgment of conviction or
2760 finding of guilt by a court of competent jurisdiction or by a
2761 governmental agency, or agency authorized to issue licenses or
2762 permits, including the United States Department of Agriculture,
2763 Animal and Plant Health Inspection Service, the Mississippi Board
2764 of Animal Health and the Mississippi Board of Health, of a
2765 veterinarian or veterinary technician of any matters listed in
2766 this section shall be admissible in evidence in any hearing held
2767 by the board to discipline such veterinarian or technician and
2768 shall constitute prima facie evidence of the commission of any
2769 such act.

2770 **SECTION 25.** Section 73-42-9, Mississippi Code of 1972, is
2771 amended as follows:

2772 73-42-9. (1) An applicant for registration shall submit an
2773 application for registration to the Secretary of State in a form
2774 prescribed by the Secretary of State. An application filed under
2775 this section is a public record. Except as otherwise provided in
2776 subsection (2), the application must be in the name of an



2777 individual, signed by the applicant under penalty of perjury and
2778 must state or contain:

2779 (a) The name of the applicant and the address of the
2780 applicant's principal place of business;

2781 (b) The name of the applicant's business or employer,
2782 if applicable;

2783 (c) Any business or occupation engaged in by the
2784 applicant for the five (5) years next preceding the date of
2785 submission of the application;

2786 (d) A description of the applicant's:

2787 (i) Formal training as an athlete agent;

2788 (ii) Practical experience as an athlete agent; and

2789 (iii) Educational background relating to the
2790 applicant's activities as an athlete agent;

2791 (e) The names and addresses of three (3) individuals
2792 not related to the applicant who are willing to serve as
2793 references;

2794 (f) The name, sport and last known team for each
2795 individual for whom the applicant provided services as an athlete
2796 agent during the five (5) years next preceding the date of
2797 submission of the application;

2798 (g) The names and addresses of all persons who are:

2799 (i) With respect to the athlete agent's business
2800 if it is not a corporation, the partners, officers, associates,
2801 individuals or profit-sharers; and



2802 (ii) With respect to a company or corporation
2803 employing the athlete agent, the officers, directors and any
2804 shareholder of the corporation or member with a five percent (5%)
2805 or greater interest;

2806 (h) Whether the applicant or any other person named
2807 pursuant to paragraph (g) has been convicted of a crime that, if
2808 committed in this state, would be a * * * disqualifying crime as
2809 provided in the Fresh Start Act, and identify the crime;

2810 (i) Whether there has been any administrative or
2811 judicial determination that the applicant or any other person
2812 named pursuant to paragraph (g) has made a false, misleading,
2813 deceptive or fraudulent representation;

2814 (j) Any instance in which the conduct of the applicant
2815 or any other person named pursuant to paragraph (g) resulted in
2816 the imposition of a sanction, suspension or declaration of
2817 ineligibility to participate in an interscholastic or
2818 intercollegiate athletic event on a student-athlete or educational
2819 institution;

2820 (k) Any sanction, suspension or disciplinary action
2821 taken against the applicant or any other person named pursuant to
2822 paragraph (g) arising out of occupational or professional conduct;

2823 (l) Whether there has been any denial of an application
2824 for, suspension or revocation of, or refusal to renew, the
2825 certification, registration or licensure of the applicant or any



2826 other person named pursuant to paragraph (g) as an athlete agent
2827 in any state;

2828 (m) Any pending litigation against the applicant in the
2829 applicant's capacity as an agent;

2830 (n) A list of all other states in which the applicant
2831 is currently licensed or registered as an athlete agent and a copy
2832 of each state's license or registration, as applicable; and

2833 (o) Consent to submit to a criminal background check
2834 before being issued a certificate of registration. Any fees
2835 connected with the background check shall be assessed to the
2836 applicant.

2837 (2) An individual who has submitted an application for, and
2838 received a certificate of, registration or licensure as an athlete
2839 agent in another state, may submit a copy of the application and a
2840 valid certificate of registration or licensure from the other
2841 state in lieu of submitting an application in the form prescribed
2842 pursuant to subsection (1), along with the information requested
2843 in paragraphs (l), (m), (n) and (o) of subsection (1). The
2844 Secretary of State shall accept the application and the
2845 certificate from the other state as an application for
2846 registration in this state if the application to the other state:

2847 (a) Was submitted in the other state within the six (6)
2848 months next preceding the submission of the application in this
2849 state and the applicant certifies the information contained in the
2850 application is current;



2851 (b) Contains information substantially similar to or
2852 more comprehensive than that required in an application submitted
2853 in this state; and

2854 (c) Was signed by the applicant under penalty of
2855 perjury.

2856 (3) An athlete agent must notify the Secretary of State
2857 within thirty (30) days whenever the information contained in any
2858 application for registration as an athlete agent in this state
2859 changes in a material way or is, or becomes, inaccurate or
2860 incomplete in any respect. Events requiring notice shall include,
2861 but are not limited to, the following:

2862 (a) Change in address of the athlete agent's principal
2863 place of business;

2864 (b) Conviction of a * * * disqualifying crime as
2865 provided in the Fresh Start Act by the athlete agent;

2866 (c) Denial, suspension, refusal to renew, or revocation
2867 of a registration or license of the athlete agent as an athlete
2868 agent in any state; or

2869 (d) Sanction, suspension or other disciplinary action
2870 taken against the athlete agent arising out of occupational or
2871 professional conduct.

2872 **SECTION 26.** Section 73-42-11, Mississippi Code of 1972, is
2873 amended as follows:

2874 73-42-11. (1) Except as otherwise provided in subsection
2875 (3), the Secretary of State shall issue a certificate of



2876 registration to an individual who complies with Section
2877 73-42-9(1) .

2878 (2) Except as otherwise provided in subsection (3), the
2879 Secretary of State shall issue a certificate of registration to an
2880 individual whose application has been accepted under Section
2881 73-42-9(2) .

2882 (3) The Secretary of State may refuse to issue a certificate
2883 of registration if they determine that the applicant has engaged
2884 in conduct that has a significant adverse effect on the
2885 applicant's fitness to serve as an athlete agent. In making the
2886 determination, the Secretary of State may consider whether the
2887 applicant has:

2888 (a) Been convicted of a crime in another state that, if
2889 committed in this state, would be a * * * disqualifying crime as
2890 provided in the Fresh Start Act;

2891 (b) Made a materially false, misleading, deceptive or
2892 fraudulent representation as an athlete agent or in the
2893 application;

2894 (c) Engaged in conduct that would disqualify the
2895 applicant from serving in a fiduciary capacity;

2896 (d) Engaged in conduct prohibited by Section 73-42-27;

2897 (e) Had a registration, licensure or certification as
2898 an athlete agent suspended, revoked, or denied or been refused
2899 renewal of registration, licensure or certification in any state;



2900 (f) Engaged in conduct or failed to engage in conduct
2901 the consequence of which was that a sanction, suspension or
2902 declaration of ineligibility to participate in an interscholastic
2903 or intercollegiate athletic event was imposed on a student-athlete
2904 or educational institution; or

2905 (g) Engaged in conduct that significantly adversely
2906 reflects on the applicant's trustworthiness or credibility.

2907 (4) In making a determination under subsection (3), the
2908 Secretary of State shall consider:

2909 (a) How recently the conduct occurred;

2910 (b) The nature of the conduct and the context in which
2911 it occurred; and

2912 (c) Any other relevant conduct of the applicant.

2913 (5) An athlete agent may apply to renew a registration by
2914 submitting an application for renewal in a form prescribed by the
2915 Secretary of State. An application filed under this section is a
2916 public record. The application for renewal must be signed by the
2917 applicant under penalty of perjury and must contain current
2918 information on all matters required in an original registration.

2919 (6) An individual who has submitted an application for
2920 renewal of registration or licensure in another state, in lieu of
2921 submitting an application for renewal in the form prescribed
2922 pursuant to subsection (5), may file a copy of the application for
2923 renewal and a valid certificate of registration from the other
2924 state. The Secretary of State shall accept the application for



2925 renewal from the other state as an application for renewal in this
2926 state if the application to the other state:

2927 (a) Was submitted in the other state within the last
2928 six (6) months and the applicant certifies the information
2929 contained in the application for renewal is current;

2930 (b) Contains information substantially similar to or
2931 more comprehensive than that required in an application for
2932 renewal submitted in this state; and

2933 (c) Was signed by the applicant under penalty of
2934 perjury.

2935 (7) Except as provided in Section 33-1-39, a certificate of
2936 registration or a renewal of a registration is valid for two (2)
2937 years.

2938 **SECTION 27.** Section 73-53-8, Mississippi Code of 1972, is
2939 amended as follows:

2940 73-53-8. (1) There is created the Board of Examiners for
2941 Social Workers and Marriage and Family Therapists to license and
2942 regulate social workers and marriage and family therapists. The
2943 board shall be composed of ten (10) members, six (6) of which
2944 shall be social workers and four (4) of which shall be marriage
2945 and family therapists.

2946 (2) Of the social worker members of the board, two (2) must
2947 be licensed social workers, and four (4) must be licensed master
2948 social workers or licensed certified social workers or a
2949 combination thereof. The marriage and family therapist members of



2950 the board must be licensed marriage and family therapists. For at
2951 least two (2) years immediately preceding his or her appointment,
2952 each marriage and family therapist appointee must have been
2953 actively engaged as a marriage and family therapist in rendering
2954 professional services in marriage and family therapy, or in the
2955 education and training of master's, doctoral or post-doctoral
2956 students of marriage and family therapy, or in marriage and family
2957 therapy research, and during the two (2) years preceding his or
2958 her appointment, must have spent the majority of the time devoted
2959 to that activity in this state. The initial marriage and family
2960 therapist appointees shall be deemed to be and shall become
2961 licensed practicing marriage and family therapists immediately
2962 upon their appointment and qualification as members of the board.
2963 All subsequent marriage and family therapist appointees to the
2964 board must be licensed marriage and family therapists before their
2965 appointment.

2966 (3) The Governor shall appoint six (6) members of the board,
2967 four (4) of which shall be social workers and two (2) of which
2968 shall be marriage and family therapists, and the Lieutenant
2969 Governor shall appoint four (4) members of the board, two (2) of
2970 which shall be social workers and two (2) of which shall be
2971 marriage and family therapists. Social worker members of the
2972 board shall be appointed from nominations submitted by the
2973 Mississippi Chapter of the National Association of Social Workers,
2974 and marriage and family therapist members of the board shall be



2975 appointed from nominations submitted by the Mississippi
2976 Association for Marriage and Family Therapy. All appointments
2977 shall be made with the advice and consent of the Senate.

2978 (4) The initial appointments to the board shall be made as
2979 follows: The Governor shall appoint one (1) social worker member
2980 for a term that expires on June 30, 1999, one (1) social worker
2981 member for a term that expires on June 30, 2001, two (2) social
2982 worker members for terms that expire on June 30, 2002, one (1)
2983 marriage and family therapist member for a term that expires on
2984 June 30, 1998, and one (1) marriage and family therapist member
2985 for a term that expires on June 30, 2000. The Lieutenant Governor
2986 shall appoint one (1) social worker member for a term that expires
2987 on June 30, 1998, one (1) social worker member for a term that
2988 expires on June 30, 2000, one (1) marriage and family therapist
2989 member for a term that expires on June 30, 1999, and one (1)
2990 marriage and family therapist member of the board for a term that
2991 expires on June 30, 2001. After the expiration of the initial
2992 terms, all subsequent appointments shall be made by the original
2993 appointing authorities for terms of four (4) years from the
2994 expiration date of the previous term. Upon the expiration of his
2995 or her term of office, a board member shall continue to serve
2996 until his or her successor has been appointed and has qualified.
2997 No person may be appointed more than once to fill an unexpired
2998 term or more than two (2) consecutive full terms.



2999 (5) Any vacancy on the board before the expiration of a term
3000 shall be filled by appointment of the original appointing
3001 authority for the remainder of the unexpired term. Appointments
3002 to fill vacancies shall be made from nominations submitted by the
3003 appropriate organization as specified in subsection (2) of this
3004 section for the position being filled.

3005 (6) The appointing authorities shall give due regard to
3006 geographic distribution, race and sex in making all appointments
3007 to the board.

3008 (7) The board shall select one (1) of its members to serve
3009 as chairman during the term of his or her appointment to the
3010 board. No person may serve as chairman for more than four (4)
3011 years. The board may remove any member of the board or the
3012 chairman from his or her position as chairman for (a) malfeasance
3013 in office, or (b) conviction of a * * * disqualifying crime as
3014 provided in the Fresh Start Act while in office, or (c) failure to
3015 attend three (3) consecutive board meetings. However, no member
3016 may be removed until after a public hearing of the charges against
3017 him or her, and at least thirty (30) days' prior written notice to
3018 the accused member of the charges against him or her and of the
3019 date fixed for such hearing. No board member shall participate in
3020 any matter before the board in which he has a pecuniary interest,
3021 personal bias or other similar conflict of interest.

3022 (8) Board members shall receive no compensation for their
3023 services, but shall be reimbursed for their actual and necessary



3024 expenses incurred in the performance of official board business as
3025 provided in Section 25-3-41.

3026 (9) Four (4) social worker members and three (3) marriage
3027 and family therapist members of the board shall constitute a
3028 quorum of the board. In making its decisions and taking actions
3029 affecting the members of one (1) of the professions regulated by
3030 the board, the board shall consider the recommendations of the
3031 board members who are members of that profession. If the board is
3032 unable to have a quorum present at a regularly scheduled meeting
3033 location, the board may allow other members to participate in the
3034 meeting by telephone or other electronic means. In the case of an
3035 administrative hearing, when recusals from the process are
3036 necessary, a quorum may consist of a simple majority of six (6)
3037 members.

3038 (10) The principal office of the board shall be in the City
3039 of Jackson, but the board may act and exercise all of its powers
3040 at any other place. The board shall adopt an official seal, which
3041 shall be judicially noticed and which shall be affixed to all
3042 licenses issued by the board.

3043 (11) The board is authorized to employ, subject to the
3044 approval of the State Personnel Board, an executive director and
3045 such attorneys, experts and other employees as it may, from time
3046 to time, find necessary for the proper performance of its duties
3047 and for which the necessary funds are available, and to set the



3048 salary of the executive director, subject to the approval of the
3049 State Personnel Board.

3050 (12) The board, by a majority vote, from time to time, may
3051 make such provisions as it deems appropriate to authorize the
3052 performance by any board member or members, employee or other
3053 agent of the board of any function given the board in this chapter
3054 or Sections 73-54-1 through 73-54-39.

3055 **SECTION 28.** Section 73-55-19, Mississippi Code of 1972, is
3056 amended as follows:

3057 73-55-19. (1) Any person licensed under this chapter may
3058 have his license revoked or suspended for a fixed period to be
3059 determined by the board for any of the following causes:

3060 (a) Being convicted of an offense involving * * * a
3061 disqualifying crime as provided in the Fresh Start Act. The
3062 record of such conviction, or certified copy thereof from the
3063 clerk of the court where such conviction occurred or by the judge
3064 of that court, shall be sufficient evidence to warrant revocation
3065 or suspension.

3066 (b) By securing a license under this chapter through
3067 fraud or deceit.

3068 (c) For unethical conduct or for gross ignorance or
3069 inefficiency in the conduct of his practice.

3070 (d) For knowingly practicing while suffering with a
3071 contagious or infectious disease.



3072 (e) For the use of a false name or alias in the
3073 practice of his profession.

3074 (f) For violating any of the provisions of this
3075 chapter.

3076 (2) Any person, whose license is sought to be revoked or
3077 suspended under the provisions of this chapter, shall be given
3078 thirty (30) days' notice, in writing, enumerating the charges and
3079 specifying a date for public hearing thereon. The hearing shall
3080 be held in the county where the person's business is conducted.
3081 The board may issue subpoenas, compel the attendance and testimony
3082 of witnesses, and place them under oath, the same as any court of
3083 competent jurisdiction where the hearing takes place.

3084 (3) At all hearings the board may designate in writing one
3085 or more persons deemed competent by the board to conduct the
3086 hearing as trial examiner or trial committee, with the decision to
3087 be rendered in accordance with the provisions of subsection (4) of
3088 this section.

3089 (4) After a hearing has been completed the trial examiner or
3090 trial committee who conducted the hearing shall proceed to
3091 consider the case and, as soon as practicable, shall render a
3092 decision. In any case, the decision must be rendered within sixty
3093 (60) days after the hearing. The decision shall contain:

3094 (a) The findings of fact made by the trial examiner or
3095 trial committee;



3096 (b) Conclusions of law reached by the trial examiner or
3097 trial committee; and

3098 (c) The order based upon these findings of fact and
3099 conclusions of law.

3100 (5) From any revocation or suspension, the person charged
3101 may, within thirty (30) days thereof, appeal to the chancery court
3102 of the county where the hearing was held.

3103 (6) Notice of appeals shall be filed in the office of the
3104 clerk of the court, who shall issue a writ of certiorari directed
3105 to the board, commanding it within ten (10) days after service
3106 thereof to certify to such court its entire record in the matter
3107 in which the appeal has been taken. The appeal shall thereupon be
3108 heard in the due course by said court without a jury, and the
3109 court shall review the record and make its determination of the
3110 cause between the parties.

3111 (7) If there is an appeal, such appeal may, in the
3112 discretion of and on motion to the chancery court, act as a
3113 supersedeas. The chancery court shall dispose of the appeal and
3114 enter its decision promptly. The hearing on the appeal may, in
3115 the discretion of the chancellor, be tried in vacation.

3116 (8) Any person taking an appeal shall post a satisfactory
3117 bond in the amount of Two Hundred Dollars (\$200.00) for payment of
3118 any costs which may be adjudged against him.

3119 (9) In addition to the reasons specified in subsection (1)
3120 of this section, the board shall be authorized to suspend the



3121 license of any licensee for being out of compliance with an order
3122 for support, as defined in Section 93-11-153. The procedure for
3123 suspension of a license for being out of compliance with an order
3124 for support, and the procedure for the reissuance or reinstatement
3125 of a license suspended for that purpose, and the payment of any
3126 fees for the reissuance or reinstatement of a license suspended
3127 for that purpose, shall be governed by Section 93-11-157 or
3128 93-11-163, as the case may be. Actions taken by the board in
3129 suspending a license when required by Section 93-11-157 or
3130 93-11-163 are not actions from which an appeal may be taken under
3131 this section. Any appeal of a license suspension that is required
3132 by Section 93-11-157 or 93-11-163 shall be taken in accordance
3133 with the appeal procedure specified in Section 93-11-157 or
3134 93-11-163, as the case may be, rather than the procedure specified
3135 in this section. If there is any conflict between any provision
3136 of Section 93-11-157 or 93-11-163 and any provision of this
3137 chapter, the provisions of Section 93-11-157 or 93-11-163, as the
3138 case may be, shall control.

3139 **SECTION 29.** Section 73-65-13, Mississippi Code of 1972, is
3140 amended as follows:

3141 73-65-13. (1) The board may deny any application, or
3142 suspend or revoke any license held or applied for under the
3143 provisions of Section 73-65-7 if the person:



3144 (a) Is found guilty of fraud, deceit, or
3145 misrepresentation in procuring or attempting to procure a license
3146 to practice art therapy;

3147 (b) Is adjudicated mentally incompetent;

3148 (c) Is found guilty of a * * * disqualifying crime as
3149 provided in the Fresh Start Act;

3150 (d) Is found guilty of unprofessional or unethical
3151 conduct in this or any other jurisdiction;

3152 (e) Has been using any controlled substance or
3153 alcoholic beverage to an extent or in a manner dangerous to the
3154 person, any other person, or the public, or to an extent that the
3155 use impairs the ability to perform as a licensed professional art
3156 therapist;

3157 (f) Has violated any provision of this chapter; or

3158 (g) Willfully or negligently divulges a professional
3159 confidence.

3160 (2) A certified copy of the record of conviction shall be
3161 conclusive evidence of the conviction.

3162 (3) Disciplinary proceedings may be initiated upon the
3163 receipt by the board of a sworn complaint by any person, including
3164 members of the board.

3165 **SECTION 30.** Section 73-71-33, Mississippi Code of 1972, is
3166 amended as follows:

3167 73-71-33. The following acts constitute grounds for which
3168 the board may initiate disciplinary actions:



3169 (a) Attempting to obtain, or renewing a license to
3170 practice acupuncture by bribery or misinterpretation;

3171 (b) Having a license to practice acupuncture revoked,
3172 suspended, or otherwise acted against, including the denial of
3173 licensure by the licensing authority of another state or territory
3174 for reasons that would preclude licensure in this state;

3175 (c) Being convicted or found guilty, regardless of
3176 adjudication, in any jurisdiction of a * * * disqualifying crime
3177 as provided in the Fresh Start Act or a crime that directly
3178 relates to acupuncture. For the purposes of this paragraph, a
3179 plea of guilty or a plea of nolo contendere accepted by the court
3180 shall be considered as a conviction;

3181 (d) Advertising, practicing, or attempting to practice
3182 under a name other than one's own;

3183 (e) The use of advertising or solicitation that is
3184 false or misleading;

3185 (f) Aiding, assisting, procuring, employing or
3186 advertising an unlicensed person to practice acupuncture contrary
3187 to this chapter or a rule of the board;

3188 (g) Failing to perform any statutory or legal
3189 obligation placed upon an acupuncture practitioner;

3190 (h) Making or filing a report that the licensee knows
3191 to be false, intentionally or negligently failing to file a report
3192 required by state or federal law, willfully impeding or
3193 obstructing that filing or inducing another person to do so.



3194 Those reports shall include only those that are signed in the
3195 capacity of an acupuncture practitioner;

3196 (i) Exercising coercion, intimidation or undue
3197 influence in entering into sexual relations with a patient, or
3198 continuing the patient-practitioner relationship with a patient
3199 with whom the licensee has sexual relations, if those sexual
3200 relations cause the licensee to perform services incompetently.
3201 This paragraph shall not apply to sexual relations between
3202 acupuncture practitioners and their spouses;

3203 (j) Making deceptive, untrue or fraudulent
3204 misrepresentations in the practice of acupuncture;

3205 (k) Soliciting patients, either personally or through
3206 an agent, through the use of fraud, intimidation or undue
3207 influence, or a form of overreaching conduct;

3208 (l) Failing to keep written medical records justifying
3209 the course of treatment of the patient;

3210 (m) Exercising undue influence on the patient to
3211 exploit the patient for financial gain of the licensee or of a
3212 third party;

3213 (n) Being unable to practice acupuncture with
3214 reasonable skill and safety to patients by reason of illness or
3215 intemperate use of alcohol, drugs, narcotics, chemicals, or any
3216 other type of material or as a result of any mental or physical
3217 condition;



3218 (o) Malpractice or the failure to practice acupuncture
3219 to that level of care, skill and treatment that is recognized by a
3220 reasonably prudent similar practitioner of acupuncture as being
3221 acceptable under similar conditions and circumstances;

3222 (p) Practicing or offering to practice beyond the scope
3223 permitted by law or accepting or performing professional
3224 responsibilities that the licensee knows or has reason to know
3225 that he or she is not qualified by training, experience or
3226 certification to perform;

3227 (q) Delegating professional responsibilities to a
3228 person when the licensee delegating those responsibilities knows,
3229 or has reason to know, that the person is not qualified by
3230 training, experience or licensure to perform them;

3231 (r) Violating any provision of this chapter, a rule of
3232 the board, or a lawful order of the board previously entered in a
3233 disciplinary hearing or failing to comply with a lawfully issued
3234 subpoena of the board;

3235 (s) Conspiring with another to commit an act, or
3236 committing an act, that coerces, intimidates or precludes another
3237 licensee from lawfully advertising or providing his or her
3238 services;

3239 (t) Fraud or deceit, or gross negligence, incompetence
3240 or misconduct in the operation of a course of study;



3241 (u) Failing to comply with state, county or municipal
3242 regulations or reporting requirements relating to public health
3243 and the control of contagious and infectious disease;

3244 (v) Failing to comply with any rule of the board
3245 relating to health and safety, including, but not limited to,
3246 sterilization of equipment and the disposal of potentially
3247 infectious materials;

3248 (w) Incompetence, gross negligence or other malpractice
3249 in the practice of acupuncture;

3250 (x) Aiding the unlawful practice of acupuncture;

3251 (y) Fraud or dishonesty in the application or reporting
3252 of any test for disease;

3253 (z) Failure to report, as required by law, or making
3254 false or misleading report of, any contagious or infectious
3255 disease;

3256 (aa) Failure to keep accurate patient records; or

3257 (bb) Failure to permit the board or its agents to enter
3258 and inspect acupuncture premises and equipment as set by rules
3259 promulgated by the board.

3260 **SECTION 31.** Section 73-73-7, Mississippi Code of 1972, is
3261 amended as follows:

3262 73-73-7. (1) Beginning on July 1, 2012, the board and
3263 Interior Design Advisory Committee shall receive applications for
3264 certification as a Mississippi Certified Interior Designer on
3265 forms prescribed and furnished by the board and IDAC.



3266 (2) Upon receipt of an application, the board, upon the
3267 recommendation of IDAC, may approve the application, provided the
3268 applicant meets one (1) of the following requirements:

3269 (a) The applicant passed the IDQE as administered by
3270 NCIDQ before January 1, 2012;

3271 (b) The applicant has a degree in interior design from
3272 a program accredited by the CIDA, a degree in architecture from a
3273 program accredited by the National Architectural Accreditation
3274 Board (NAAB), or a four-year degree in interior design from a
3275 college or university approved by the regulatory board.
3276 Additionally, the applicant must have passed the IDQE as
3277 administered by NCIDQ or its approved successor;

3278 (c) The applicant is a licensed architect in the State
3279 of Mississippi who has passed the IDQE as administered by NCIDQ or
3280 its approved successor; or

3281 (d) The applicant is a licensed engineer in the State
3282 of Mississippi who has passed the IDQE as administered by NCIDQ or
3283 its approved successor.

3284 (3) The applicant must exhibit to the regulatory board and
3285 IDAC the applicant's good standing in the profession * * *.
3286 Except as otherwise provided in this subsection, any of the
3287 following acts shall preclude an applicant's eligibility as a
3288 candidate for certification:

3289 (a) Conviction by any court for commission of any * * *
3290 disqualifying crime as provided in the Fresh Start Act.



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

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

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

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

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

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

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

SECTION 32. Section 73-75-19, Mississippi Code of 1972, is amended as follows:



3316 73-75-19. **License denial, suspension, or revocation.** (1)
3317 The board, by an affirmative vote of at least three (3) of its
3318 five (5) members, shall withhold, deny, revoke or suspend any
3319 license issued or applied for in accordance with the provisions of
3320 this chapter, or otherwise discipline a licensed behavior analyst
3321 or licensed assistant behavior analyst upon finding that the
3322 applicant or licensee:

3323 (a) Has violated the current Behavior Analyst
3324 Certification Board Professional Disciplinary and Ethical
3325 Standards, the Behavior Analyst Certification Board Guidelines for
3326 Responsible Conduct for Behavior Analysts, or other codes of
3327 ethical standards adopted by the board, or has lost or failed to
3328 renew certification by the Behavior Analyst Certification Board;
3329 or

3330 (b) Has been convicted of a * * * disqualifying crime
3331 as provided in the Fresh Start Act, the record of conviction being
3332 conclusive evidence thereof; or

3333 (c) Is using any narcotic or any alcoholic beverage to
3334 an extent or in a manner dangerous to any other person or the
3335 public, or to an extent that such use impairs his ability to
3336 perform the work of a licensed behavior analyst or licensed
3337 assistant behavior analyst; or

3338 (d) Has impersonated another person holding a license
3339 issued under this chapter or allowed another person to use his
3340 license; or



3341 (e) Has used fraud or deception in applying for a
3342 license provided for in this chapter; or

3343 (f) Has accepted commissions or rebates or other forms
3344 of remuneration for referring clients to other professional
3345 persons; or

3346 (g) Has allowed his name or license issued under this
3347 chapter to be used in connection with any person or persons who
3348 perform applied behavior analysis services outside the area of
3349 their training, experience or competence; or

3350 (h) Is legally adjudicated mentally incompetent, the
3351 record of such adjudication being conclusive evidence thereof; or

3352 (i) Has willfully or negligently violated any of the
3353 provisions of this chapter.

3354 (2) The board may recover from any person disciplined under
3355 this chapter the costs of investigation, prosecution, and
3356 adjudication of the disciplinary action.

3357 (3) Notice shall be effected by registered mail or personal
3358 service setting forth the particular reasons for the proposed
3359 action and fixing a date not less than thirty (30) days nor more
3360 than sixty (60) days from the date of such mailing or such
3361 service, at which time the applicant or licensee shall be given an
3362 opportunity for a prompt and fair hearing. For the purpose of
3363 such hearing the board, acting by and through its executive
3364 secretary, may exercise all authority granted to conduct
3365 investigations and hearings pursuant to Section 73-75-9(2)(a) and



3366 (b). At such hearing the applicant or licensee may appear by
3367 counsel and personally on his own behalf. On the basis of any
3368 such hearing, or upon default of applicant or licensee, the board
3369 shall make a determination specifying its findings of fact and
3370 conclusions of law. A copy of such determination shall be sent by
3371 registered mail or served personally upon the applicant or
3372 licensee. The decision of the board denying, revoking or
3373 suspending the license shall become final thirty (30) days after
3374 so mailed or served unless within that period the licensee appeals
3375 the decision to the Chancery Court of Madison or Rankin Counties,
3376 pursuant to the provisions hereof, and the proceedings in chancery
3377 shall be conducted as other matters coming before the court. All
3378 proceedings and evidence, together with exhibits, presented at
3379 such hearing before the board in the event of appeal, shall be
3380 admissible in evidence in the court.

3381 (4) Nothing in this subsection shall be interpreted to
3382 prohibit the board from immediately suspending any license prior
3383 to a hearing under subsection (3) of this section, when in its
3384 sole discretion the suspension is required for the instruction,
3385 safety or well-being of any member of the public.

3386 (5) Every order and judgment of the board shall take effect
3387 immediately upon its promulgation unless the board in such order
3388 or judgment fixes a probationary period for applicant or licensee.
3389 Such order and judgment shall continue in effect unless upon
3390 appeal the court by proper order or decree terminates it earlier.



3391 The board may make public its order and judgments in such manner
3392 and form as it deems proper.

3393 (6) Suspension by the board of a license issued under this
3394 chapter shall be for a period not to exceed one (1) year. At the
3395 end of this period the board shall reevaluate the suspension, and
3396 shall either reinstate or revoke the license. A person whose
3397 license has been revoked under the provisions of this section may
3398 reapply for license after more than two (2) years have elapsed
3399 from the date such revocation is legally effective.

3400 (7) In addition to the reasons specified in subsection (1)
3401 of this section, the board shall be authorized to suspend the
3402 license of any licensee for being out of compliance with an order
3403 for support, in compliance with the procedures set forth in
3404 Sections 93-11-151 through 93-11-163.

3405 **SECTION 33.** Section 75-76-35, Mississippi Code of 1972, is
3406 amended as follows:

3407 75-76-35. (1) The Legislature hereby declares that the
3408 exclusion or ejection of certain persons from licensed gaming
3409 establishments is necessary to effectuate the policies of this
3410 chapter and to maintain effectively the strict regulation of
3411 licensed gaming.

3412 (2) The commission may by regulation provide for the
3413 establishment of a list of persons who are to be excluded or
3414 ejected from any licensed gaming establishment. The list may
3415 include any person whose presence in the establishment is



3416 determined by the commission or the executive director to pose a
3417 threat to the interests of this state or to licensed gaming, or
3418 both.

3419 (3) In making that determination, the commission and the
3420 executive director may consider any:

3421 (a) Prior conviction of a crime which is a * * *
3422 disqualifying crime as provided in the Fresh Start Act or a
3423 violation of the gaming laws of any state;

3424 (b) Violation or conspiracy to violate the provisions
3425 of this chapter relating to:

3426 (i) The failure to disclose an interest in a
3427 gaming establishment for which the person must obtain a license;
3428 or

3429 (ii) Willful evasion of fees or taxes;

3430 (c) Notorious or unsavory reputation which would
3431 adversely affect public confidence and trust that the gaming
3432 industry is free from criminal or corruptive elements; or

3433 (d) Written order of a governmental agency which
3434 authorizes the exclusion or ejection of the person from an
3435 establishment at which gaming is conducted.

3436 (4) Race, color, creed, national origin or ancestry, or sex
3437 shall not be grounds for placing the name of a person upon the
3438 list.

3439 **SECTION 34.** Section 75-76-131, Mississippi Code of 1972, is
3440 amended as follows:



3441 75-76-131. (1) The executive director shall:

3442 (a) Ascertain and keep himself informed of the

3443 identity, prior activities and present location of all gaming

3444 employees in the State of Mississippi; and

3445 (b) Maintain confidential records of such information.

3446 (2) No person may be employed as a gaming employee unless he

3447 is the holder of a work permit issued by the commission.

3448 (3) A work permit issued to a gaming employee must have

3449 clearly imprinted thereon a statement that it is valid for gaming

3450 purposes only.

3451 (4) Application for a work permit is to be made to the

3452 executive director and may be granted or denied for any cause

3453 deemed reasonable by the commission. Whenever the executive

3454 director denies such an application, he shall include in the

3455 notice of the denial a statement of the facts upon which he relied

3456 in denying the application.

3457 (5) Any person whose application for a work permit has been

3458 denied by the executive director may, not later than sixty (60)

3459 days after receiving notice of the denial or objection, apply to

3460 the commission for a hearing before a hearing examiner. A failure

3461 of a person whose application has been denied to apply for a

3462 hearing within sixty (60) days or his failure to appear at a

3463 hearing conducted pursuant to this section shall be deemed to be

3464 an admission that the denial or objection is well founded and

3465 precludes administrative or judicial review. At the hearing, the



3466 hearing examiner appointed by the commission shall take any
3467 testimony deemed necessary. After the hearing the hearing
3468 examiner shall within thirty (30) days after the date of the
3469 hearing announce his decision sustaining or reversing the denial
3470 of the work permit or the objection to the issuance of a work
3471 permit. The executive director may refuse to issue a work permit
3472 if the applicant has:

3473 (a) Failed to disclose, misstated or otherwise
3474 attempted to mislead the commission with respect to any material
3475 fact contained in the application for the issuance or renewal of a
3476 work permit;

3477 (b) Knowingly failed to comply with the provisions of
3478 this chapter or the regulations of the commission at a place of
3479 previous employment;

3480 (c) Committed, attempted or conspired to commit any
3481 crime of * * * embezzlement or larceny or any violation of any law
3482 pertaining to gaming, or any crime which is inimical to the
3483 declared policy of this state concerning gaming;

3484 (d) Been identified in the published reports of any
3485 federal or state legislative or executive body as being a member
3486 or associate of organized crime, or as being of notorious and
3487 unsavory reputation;

3488 (e) Been placed and remains in the constructive custody
3489 of any federal, state or municipal law enforcement authority;



3490 (f) Had a work permit revoked or committed any act
3491 which is a ground for the revocation of a work permit or would
3492 have been a ground for revoking his work permit if he had then
3493 held a work permit; or

3494 (g) For any other reasonable cause.

3495 The executive director shall refuse to issue a work permit if
3496 the applicant has committed, attempted or conspired to commit a
3497 crime which is a * * * disqualifying crime as provided in the
3498 Fresh Start Act in this state or an offense in another state or
3499 jurisdiction which would be a * * * disqualifying crime as
3500 provided in the Fresh Start Act if committed in this state.

3501 (6) Any applicant aggrieved by the decision of the hearing
3502 examiner may, within fifteen (15) days after the announcement of
3503 the decision, apply in writing to the commission for review of the
3504 decision. Review is limited to the record of the proceedings
3505 before the hearing examiner. The commission may sustain or
3506 reverse the hearing examiner's decision. The commission may
3507 decline to review the hearing examiner's decision, in which case
3508 the hearing examiner's decision becomes the final decision of the
3509 commission. The decision of the commission is subject to judicial
3510 review.

3511 (7) All records acquired or compiled by the commission
3512 relating to any application made pursuant to this section and all
3513 lists of persons to whom work permits have been issued or denied
3514 and all records of the names or identity of persons engaged in the



3515 gaming industry in this state are confidential and must not be
3516 disclosed except in the proper administration of this chapter or
3517 to an authorized law enforcement agency. Any record of the
3518 commission which shows that the applicant has been convicted of a
3519 disqualifying crime in another state must show whether the crime
3520 was a misdemeanor, gross misdemeanor, felony or other class of
3521 crime as classified by the state in which the crime was committed.
3522 In a disclosure of the conviction, reference to the classification
3523 of the crime must be based on the classification in the state
3524 where it was committed.

3525 (8) A work permit expires unless renewed within ten (10)
3526 days after a change of place of employment or if the holder
3527 thereof is not employed as a gaming employee within the
3528 jurisdiction of the issuing authority for more than ninety (90)
3529 days.

3530 (9) Notice of any objection to or denial of a work permit by
3531 the executive director as provided pursuant to this section is
3532 sufficient if it is mailed to the applicant's last known address
3533 as indicated on the application for a work permit. The date of
3534 mailing may be proven by a certificate signed by the executive
3535 director or his designee that specifies the time the notice was
3536 mailed. The notice is presumed to have been received by the
3537 applicant five (5) days after it is deposited with the United
3538 States Postal Service with the postage thereon prepaid.



3539 **SECTION 35.** Section 83-7-207, Mississippi Code of 1972, is
3540 amended as follows:

3541 83-7-207. (1) The commissioner may suspend, revoke or
3542 refuse to renew the license of a viatical settlement provider,
3543 viatical settlement representative or viatical settlement broker
3544 if the commissioner finds that:

3545 (a) There was any material misrepresentation in the
3546 application for the license;

3547 (b) The licensee or any officer, partner or key
3548 management personnel has been convicted of fraudulent or dishonest
3549 practices, is subject to a final administrative action or is
3550 otherwise shown to be untrustworthy or incompetent;

3551 (c) The viatical settlement provider demonstrates a
3552 pattern of unreasonable payments to viators;

3553 (d) The licensee has been found guilty of, or has
3554 pleaded guilty or nolo contendere to, any * * * disqualifying
3555 crime as provided in the Fresh Start;

3556 (e) The viatical settlement provider has failed to
3557 honor contractual obligations set out in a viatical settlement
3558 contract;

3559 (f) The licensee no longer meets the requirements for
3560 initial licensure;

3561 (g) The viatical settlement provider has assigned,
3562 transferred or pledged a viaticated policy to a person other than



3563 a viatical settlement provider licensed in this state or a
3564 financing entity; or

3565 (h) The licensee has violated any provisions of
3566 Sections 83-7-201 through 83-7-223.

3567 (2) Before the commissioner shall deny a license application
3568 or suspend, revoke or refuse to renew the license of a viatical
3569 settlement provider, viatical settlement broker or viatical
3570 settlement representative, the commissioner shall conduct a
3571 hearing in accordance with Section 25-43-1.101 et seq.

3572 **SECTION 36.** Section 83-39-15, Mississippi Code of 1972, is
3573 amended as follows:

3574 83-39-15. (1) The department may deny, suspend, revoke or
3575 refuse to renew, as may be appropriate, a license to engage in the
3576 business of professional bail agent, soliciting bail agent, or
3577 bail enforcement agent for any of the following reasons:

3578 (a) Any cause for which the issuance of the license
3579 would have been refused had it then existed and been known to the
3580 department.

3581 (b) Failure to post a qualification bond in the
3582 required amount with the department during the period the person
3583 is engaged in the business within this state or, if the bond has
3584 been posted, the forfeiture or cancellation of the bond.

3585 (c) Material misstatement, misrepresentation or fraud
3586 in obtaining the license.



3587 (d) Willful failure to comply with, or willful
3588 violation of, any provision of this chapter or of any proper
3589 order, rule or regulation of the department or any court of this
3590 state.

3591 (e) Conviction of * * * a disqualifying crime as
3592 provided in the Fresh Start Act.

3593 (f) Default in payment to the court should any bond
3594 issued by such bail agent be forfeited by order of the court.

3595 (g) Being elected or employed as a law enforcement or
3596 judicial official.

3597 (h) Engaging in the practice of law.

3598 (i) Writing a bond in violation of Section
3599 83-39-3(2)(b)(i) and (ii).

3600 (j) Giving legal advice or a legal opinion in any form.

3601 (k) Acting as or impersonating a bail agent without a
3602 license.

3603 (l) Use of any other trade name than what is submitted
3604 on a license application to the department.

3605 (m) Issuing a bail bond that contains information
3606 intended to mislead a court about the proper delivery by personal
3607 service or certified mail of a writ of scire facias, judgment nisi
3608 or final judgment.

3609 (2) In addition to the grounds specified in subsection (1)
3610 of this section, the department shall be authorized to suspend the
3611 license, registration or permit of any person for being out of



3612 compliance with an order for support, as defined in Section
3613 93-11-153. The procedure for suspension of a license,
3614 registration or permit for being out of compliance with an order
3615 for support, and the procedure for the reissuance or reinstatement
3616 of a license, registration or permit suspended for that purpose,
3617 and the payment of any fees for the reissuance or reinstatement of
3618 a license, registration or permit suspended for that purpose,
3619 shall be governed by Section 93-11-157 or 93-11-163, as the case
3620 may be. If there is any conflict between any provision of Section
3621 93-11-157 or 93-11-163 and any provision of this chapter, the
3622 provisions of Section 93-11-157 or 93-11-163, as the case may be,
3623 shall control.

3624 (3) In addition to the sanctions provided in this section,
3625 the department may assess an administrative fine in an amount not
3626 to exceed One Thousand Dollars (\$1,000.00) per violation. Such
3627 administrative fines shall be in addition to any criminal
3628 penalties assessed under Section 99-5-1.

3629 **SECTION 37.** Section 9-13-109, Mississippi Code of 1972, is
3630 amended as follows:

3631 9-13-109. Every applicant for certification shall have
3632 reached the age of majority * * * and be a resident citizen of the
3633 State of Mississippi. Further, every applicant shall meet the
3634 criteria established by the board for certification or shall meet
3635 the requirements of Section 9-13-109.



3636 **SECTION 38.** Section 21-27-131, Mississippi Code of 1972, is
3637 amended as follows:

3638 21-27-131. No person may drive or operate motor vehicles for
3639 hire in any city or town in this state unless he shall first have
3640 been licensed so to do as follows: he shall make application to
3641 the mayor of such municipality in writing, accompanied by a
3642 statement of some reputable citizen thereof, that the applicant is
3643 over the age of eighteen (18) years, an experienced driver, * * *
3644 and physically and mentally capacitated to drive and operate such
3645 motor vehicle. The mayor shall place such application before the
3646 board of aldermen, or other governing authorities, whereupon
3647 inquiry may be made by such governing authorities into the * * *
3648 mental and physical fitness of the applicant. If the permit shall
3649 be granted the applicant shall receive a certificate of such
3650 permit, signed by the mayor, together with an identification
3651 badge, and the name of the municipality thereon, and which shall
3652 be worn so that the same will be displayed while engaged in or
3653 about such occupation. The governing authorities of the
3654 municipality may require the applicant to give a reasonable bond,
3655 of not more than Five Hundred Dollars (\$500.00), to guarantee the
3656 faithful observance of the law as well as the rules and
3657 regulations which may be prescribed by the said municipality, and
3658 they may also require a reasonable fee, for such permit and badge.
3659 In the event the governing authority of such municipality refuse
3660 to grant such permit to an applicant, an appeal may be taken to



the circuit court, in the manner provided by law for appealing from other orders of the governing authorities of municipalities, and the questions to be tried upon appeal will be as to the age and experience and the moral, mental and physical fitness of the said applicant to pursue such vocation in such municipality.

SECTION 39. Section 21-27-151, Mississippi Code of 1972, is amended as follows:

21-27-151. No person may drive or operate any bus of a transportation system for the transportation of passengers within any city or town in this state, where the operation of such bus is subject to regulation by the authorities of such city or town under Section 21-27-121, unless he shall first have been licensed so to do as follows: he shall make application to the mayor of such municipality in writing, accompanied by a statement of some reputable citizen thereof, that the applicant is over the age of eighteen (18) years, an experienced driver, * * * and physically and mentally capacitated to drive and operate such motor vehicle. The mayor shall place such application before the board of aldermen, or other governing authorities, whereupon inquiry may be made by such governing authorities into the * * * and mental and physical fitness of the applicant. If the permit shall be granted the applicant shall receive a license, signed by the mayor, together with a metallic badge, which shall have a number and the name of the municipality thereon, and which shall be worn so that the same will be displayed while engaged in or about such



3686 occupation. The governing authorities of the municipality may
3687 require the applicant to give a reasonable bond, of not more than
3688 Five Hundred Dollars (\$500.00), to guarantee the faithful
3689 observance of the law as well as the rules and regulations which
3690 may be prescribed by the said municipality, and they may also
3691 require a reasonable fee, not to exceed Five Dollars (\$5.00) for
3692 such license, which said license fee shall be paid into the
3693 general fund of such municipality. In the event the governing
3694 authority of such municipality refuse to grant such license to an
3695 applicant, an appeal may be taken to the circuit court, in the
3696 manner provided by law for appealing from other orders of the
3697 governing authorities of municipalities, and the questions to be
3698 tried upon appeal will be as to the age and experience and
3699 the * * * mental and physical fitness of the said applicant to
3700 pursue such vocation in such municipality.

3701 **SECTION 40.** Section 27-109-5, Mississippi Code of 1972, is
3702 amended as follows:

3703 27-109-5. (1) Any person who the tax commission determines
3704 is qualified to receive a license or is found suitable under the
3705 provisions of this chapter, having due consideration for the
3706 proper protection of the health, safety, morals, good order and
3707 general welfare of the inhabitants of the State of Mississippi and
3708 the declared policy of this state, may be issued a state privilege
3709 license for the operation of a cruise vessel. The burden of



3710 proving his qualification to receive any license or be found
3711 suitable is on the applicant.

3712 (2) An application to receive a license shall not be granted
3713 unless the commission is satisfied that the applicant is:

3714 (a) A person of * * * honesty and integrity;

3715 (b) A person whose prior activities, criminal record,
3716 if any, reputation, habits and associations do not pose a threat
3717 to the public interest of this state or to the effective
3718 regulation and control of cruise vessels, or create or enhance the
3719 dangers of unsuitable, unfair or illegal practices, methods and
3720 activities in the operation of cruise vessels or the carrying on
3721 of the business and financial arrangements incidental thereto; and
3722 (c) In all other respects qualified to be licensed or
3723 found suitable consistently with the declared policy of the state.

3724 (3) A license to operate a cruise vessel shall not be
3725 granted unless the applicant has satisfied the commission that:

3726 (a) He has adequate business probity, competence and
3727 experience, in the operation of cruise vessels or generally; and

3728 (b) The proposed financing of the entire operation is:

3729 (i) Adequate for the nature of the proposed
3730 operation; and

3731 (ii) From a suitable source. Any lender or other
3732 source of money or credit which the commission finds does not meet
3733 the standards set forth in subsection (2) may be deemed
3734 unsuitable.



3735 **SECTION 41.** Section 37-3-2, Mississippi Code of 1972, is
3736 amended as follows:

3737 37-3-2. (1) There is established within the State
3738 Department of Education the Commission on Teacher and
3739 Administrator Education, Certification and Licensure and
3740 Development. It shall be the purpose and duty of the commission
3741 to make recommendations to the State Board of Education regarding
3742 standards for the certification and licensure and continuing
3743 professional development of those who teach or perform tasks of an
3744 educational nature in the public schools of Mississippi.

3745 (2) (a) The commission shall be composed of fifteen (15)
3746 qualified members. The membership of the commission shall be
3747 composed of the following members to be appointed, three (3) from
3748 each of the four (4) congressional districts, as such districts
3749 existed on January 1, 2011, in accordance with the population
3750 calculations determined by the 2010 federal decennial census,
3751 including: four (4) classroom teachers; three (3) school
3752 administrators; one (1) representative of schools of education of
3753 public institutions of higher learning located within the state to
3754 be recommended by the Board of Trustees of State Institutions of
3755 Higher Learning; one (1) representative from the schools of
3756 education of independent institutions of higher learning to be
3757 recommended by the Board of the Mississippi Association of
3758 Independent Colleges; one (1) representative from public community
3759 and junior colleges located within the state to be recommended by



3760 the Mississippi Community College Board; one (1) local school
3761 board member; and four (4) laypersons. Three (3) members of the
3762 commission, at the sole discretion of the State Board of
3763 Education, shall be appointed from the state at large.

3764 (b) All appointments shall be made by the State Board
3765 of Education after consultation with the State Superintendent of
3766 Public Education. The first appointments by the State Board of
3767 Education shall be made as follows: five (5) members shall be
3768 appointed for a term of one (1) year; five (5) members shall be
3769 appointed for a term of two (2) years; and five (5) members shall
3770 be appointed for a term of three (3) years. Thereafter, all
3771 members shall be appointed for a term of four (4) years.

3772 (3) The State Board of Education when making appointments
3773 shall designate a chairman. The commission shall meet at least
3774 once every two (2) months or more often if needed. Members of the
3775 commission shall be compensated at a rate of per diem as
3776 authorized by Section 25-3-69 and be reimbursed for actual and
3777 necessary expenses as authorized by Section 25-3-41.

3778 (4) (a) An appropriate staff member of the State Department
3779 of Education shall be designated and assigned by the State
3780 Superintendent of Public Education to serve as executive secretary
3781 and coordinator for the commission. No less than two (2) other
3782 appropriate staff members of the State Department of Education
3783 shall be designated and assigned by the State Superintendent of
3784 Public Education to serve on the staff of the commission.



3785 (b) An Office of Educator Misconduct Evaluations shall
3786 be established within the State Department of Education to assist
3787 the commission in responding to infractions and violations, and in
3788 conducting hearings and enforcing the provisions of subsections
3789 (11), (12), (13), (14) and (15) of this section, and violations of
3790 the Mississippi Educator Code of Ethics.

3791 (5) It shall be the duty of the commission to:

3792 (a) Set standards and criteria, subject to the approval
3793 of the State Board of Education, for all educator preparation
3794 programs in the state;

3795 (b) Recommend to the State Board of Education each year
3796 approval or disapproval of each educator preparation program in
3797 the state, subject to a process and schedule determined by the
3798 State Board of Education;

3799 (c) Establish, subject to the approval of the State
3800 Board of Education, standards for initial teacher certification
3801 and licensure in all fields;

3802 (d) Establish, subject to the approval of the State
3803 Board of Education, standards for the renewal of teacher licenses
3804 in all fields;

3805 (e) Review and evaluate objective measures of teacher
3806 performance, such as test scores, which may form part of the
3807 licensure process, and to make recommendations for their use;

3808 (f) Review all existing requirements for certification
3809 and licensure;



3810 (g) Consult with groups whose work may be affected by
3811 the commission's decisions;

3812 (h) Prepare reports from time to time on current
3813 practices and issues in the general area of teacher education and
3814 certification and licensure;

3815 (i) Hold hearings concerning standards for teachers'
3816 and administrators' education and certification and licensure with
3817 approval of the State Board of Education;

3818 (j) Hire expert consultants with approval of the State
3819 Board of Education;

3820 (k) Set up ad hoc committees to advise on specific
3821 areas;

3822 (l) Perform such other functions as may fall within
3823 their general charge and which may be delegated to them by the
3824 State Board of Education; and

3825 (m) Establish standards, subject to the approval of the
3826 State Board of Education, for supplemental endorsements, provided
3827 that the standards allow teachers as many options as possible to
3828 receive a supplemental endorsement, including, but not limited to,
3829 the option of taking additional coursework or earning at least the
3830 minimum qualifying score or higher on the required licensure
3831 subject assessment relevant to the endorsement area for which the
3832 licensure is sought. The subject assessment option shall not
3833 apply to certain subject areas, including, but not limited to,
3834 Early/Primary Education PreK-3, Elementary Education, or Special



3835 Education, except by special approval by the State Board of
3836 Education.

3837 (6) (a) **Standard License - Approved Program Route.** An
3838 educator entering the school system of Mississippi for the first
3839 time and meeting all requirements as established by the State
3840 Board of Education shall be granted a standard five-year license.
3841 Persons who possess two (2) years of classroom experience as an
3842 assistant teacher or who have taught for one (1) year in an
3843 accredited public or private school shall be allowed to fulfill
3844 student teaching requirements under the supervision of a qualified
3845 participating teacher approved by an accredited college of
3846 education. The local school district in which the assistant
3847 teacher is employed shall compensate such assistant teachers at
3848 the required salary level during the period of time such
3849 individual is completing student teaching requirements.

3850 Applicants for a standard license shall submit to the department:

- 3851 (i) An application on a department form;
3852 (ii) An official transcript of completion of a
3853 teacher education program approved by the department or a
3854 nationally accredited program, subject to the following:
3855 Licensure to teach in Mississippi prekindergarten through
3856 kindergarten classrooms shall require completion of a teacher
3857 education program or a Bachelor of Science degree with child
3858 development emphasis from a program accredited by the American
3859 Association of Family and Consumer Sciences (AAFCS) or by the



3860 National Association for Education of Young Children (NAEYC) or by
3861 the National Council for Accreditation of Teacher Education
3862 (NCATE). Licensure to teach in Mississippi kindergarten, for
3863 those applicants who have completed a teacher education program,
3864 and in Grade 1 through Grade 4 shall require the completion of an
3865 interdisciplinary program of studies. Licenses for Grades 4
3866 through 8 shall require the completion of an interdisciplinary
3867 program of studies with two (2) or more areas of concentration.
3868 Licensure to teach in Mississippi Grades 7 through 12 shall
3869 require a major in an academic field other than education, or a
3870 combination of disciplines other than education. Students
3871 preparing to teach a subject shall complete a major in the
3872 respective subject discipline. All applicants for standard
3873 licensure shall demonstrate that such person's college preparation
3874 in those fields was in accordance with the standards set forth by
3875 the National Council for Accreditation of Teacher Education
3876 (NCATE) or the National Association of State Directors of Teacher
3877 Education and Certification (NASDTEC) or, for those applicants who
3878 have a Bachelor of Science degree with child development emphasis,
3879 the American Association of Family and Consumer Sciences (AAFCS).
3880 Effective July 1, 2016, for initial elementary education
3881 licensure, a teacher candidate must earn a passing score on a
3882 rigorous test of scientifically research-based reading instruction
3883 and intervention and data-based decision-making principles as
3884 approved by the State Board of Education;



3885 (iii) A copy of test scores evidencing
3886 satisfactory completion of nationally administered examinations of
3887 achievement, such as the Educational Testing Service's teacher
3888 testing examinations;

3889 (iv) Any other document required by the State
3890 Board of Education; and

3891 (v) From and after July 1, 2020, no teacher
3892 candidate shall be licensed to teach in Mississippi who did not
3893 meet the following criteria for entrance into an approved teacher
3894 education program:

3895 1. An ACT Score of twenty-one (21) (or SAT
3896 equivalent); or

3897 2. Achieve a qualifying passing score on the
3898 Praxis Core Academic Skills for Educators examination as
3899 established by the State Board of Education; or

3900 3. A minimum GPA of 3.0 on coursework prior
3901 to admission to an approved teacher education program.

3902 (b) (i) **Standard License - Nontraditional Teaching**
3903 **Route.** From and after July 1, 2020, no teacher candidate shall be
3904 licensed to teach in Mississippi under the alternate route who did
3905 not meet the following criteria:

3906 1. An ACT Score of twenty-one (21) (or SAT
3907 equivalent); or



3908 2. Achieve a qualifying passing score on the
3909 Praxis Core Academic Skills for Educators examination as
3910 established by the State Board of Education; or

3911 3. A minimum GPA of 3.0 on coursework prior
3912 to admission to an approved teacher education program.

3913 (ii) Beginning July 1, 2020, an individual who has
3914 attained a passing score on the Praxis Core Academic Skills for
3915 Educators or an ACT Score of twenty-one (21) (or SAT equivalent)
3916 or a minimum GPA of 3.0 on coursework prior to admission to an
3917 approved teacher education program and a passing score on the
3918 Praxis Subject Assessment in the requested area of endorsement may
3919 apply for admission to the Teach Mississippi Institute (TMI)
3920 program to teach students in Grades 7 through 12 if the individual
3921 meets the requirements of this paragraph (b). The State Board of
3922 Education shall adopt rules requiring that teacher preparation
3923 institutions which provide the Teach Mississippi Institute (TMI)
3924 program for the preparation of nontraditional teachers shall meet
3925 the standards and comply with the provisions of this paragraph.

3926 1. The Teach Mississippi Institute (TMI)
3927 shall include an intensive eight-week, nine-semester-hour summer
3928 program or a curriculum of study in which the student matriculates
3929 in the fall or spring semester, which shall include, but not be
3930 limited to, instruction in education, effective teaching
3931 strategies, classroom management, state curriculum requirements,
3932 planning and instruction, instructional methods and pedagogy,



3933 using test results to improve instruction, and a one (1) semester
3934 three-hour supervised internship to be completed while the teacher
3935 is employed as a full-time teacher intern in a local school
3936 district. The TMI shall be implemented on a pilot program basis,
3937 with courses to be offered at up to four (4) locations in the
3938 state, with one (1) TMI site to be located in each of the three
3939 (3) Mississippi Supreme Court districts.

3940 2. The school sponsoring the teacher intern
3941 shall enter into a written agreement with the institution
3942 providing the Teach Mississippi Institute (TMI) program, under
3943 terms and conditions as agreed upon by the contracting parties,
3944 providing that the school district shall provide teacher interns
3945 seeking a nontraditional provisional teaching license with a
3946 one-year classroom teaching experience. The teacher intern shall
3947 successfully complete the one (1) semester three-hour intensive
3948 internship in the school district during the semester immediately
3949 following successful completion of the TMI and prior to the end of
3950 the one-year classroom teaching experience.

3951 3. Upon completion of the nine-semester-hour
3952 TMI or the fall or spring semester option, the individual shall
3953 submit his transcript to the commission for provisional licensure
3954 of the intern teacher, and the intern teacher shall be issued a
3955 provisional teaching license by the commission, which will allow
3956 the individual to legally serve as a teacher while the person
3957 completes a nontraditional teacher preparation internship program.



3958 4. During the semester of internship in the
3959 school district, the teacher preparation institution shall monitor
3960 the performance of the intern teacher. The school district that
3961 employs the provisional teacher shall supervise the provisional
3962 teacher during the teacher's intern year of employment under a
3963 nontraditional provisional license, and shall, in consultation
3964 with the teacher intern's mentor at the school district of
3965 employment, submit to the commission a comprehensive evaluation of
3966 the teacher's performance sixty (60) days prior to the expiration
3967 of the nontraditional provisional license. If the comprehensive
3968 evaluation establishes that the provisional teacher intern's
3969 performance fails to meet the standards of the approved
3970 nontraditional teacher preparation internship program, the
3971 individual shall not be approved for a standard license.

3972 5. An individual issued a provisional
3973 teaching license under this nontraditional route shall
3974 successfully complete, at a minimum, a one-year beginning teacher
3975 mentoring and induction program administered by the employing
3976 school district with the assistance of the State Department of
3977 Education.

3978 6. Upon successful completion of the TMI and
3979 the internship provisional license period, applicants for a
3980 Standard License - Nontraditional Route shall submit to the
3981 commission a transcript of successful completion of the twelve
3982 (12) semester hours required in the internship program, and the



3983 employing school district shall submit to the commission a
3984 recommendation for standard licensure of the intern. If the
3985 school district recommends licensure, the applicant shall be
3986 issued a Standard License - Nontraditional Route which shall be
3987 valid for a five-year period and be renewable.

3988 7. At the discretion of the teacher
3989 preparation institution, the individual shall be allowed to credit
3990 the twelve (12) semester hours earned in the nontraditional
3991 teacher internship program toward the graduate hours required for
3992 a Master of Arts in Teacher (MAT) Degree.

3993 8. The local school district in which the
3994 nontraditional teacher intern or provisional licensee is employed
3995 shall compensate such teacher interns at Step 1 of the required
3996 salary level during the period of time such individual is
3997 completing teacher internship requirements and shall compensate
3998 such Standard License - Nontraditional Route teachers at Step 3 of
3999 the required salary level when they complete license requirements.

4000 (iii) Implementation of the TMI program provided
4001 for under this paragraph (b) shall be contingent upon the
4002 availability of funds appropriated specifically for such purpose
4003 by the Legislature. Such implementation of the TMI program may
4004 not be deemed to prohibit the State Board of Education from
4005 developing and implementing additional alternative route teacher
4006 licensure programs, as deemed appropriate by the board. The



4007 emergency certification program in effect prior to July 1, 2002,
4008 shall remain in effect.

4009 (iv) A Standard License - Approved Program Route
4010 shall be issued for a five-year period, and may be renewed.
4011 Recognizing teaching as a profession, a hiring preference shall be
4012 granted to persons holding a Standard License - Approved Program
4013 Route or Standard License - Nontraditional Teaching Route over
4014 persons holding any other license.

4015 (c) **Special License - Expert Citizen.** In order to
4016 allow a school district to offer specialized or technical courses,
4017 the State Department of Education, in accordance with rules and
4018 regulations established by the State Board of Education, may grant
4019 a five-year expert citizen-teacher license to local business or
4020 other professional personnel to teach in a public school or
4021 nonpublic school accredited or approved by the state. Such person
4022 shall be required to have a high school diploma, an
4023 industry-recognized certification related to the subject area in
4024 which they are teaching and a minimum of five (5) years of
4025 relevant experience but shall not be required to hold an associate
4026 or bachelor's degree, provided that he or she possesses the
4027 minimum qualifications required for his or her profession, and may
4028 begin teaching upon his employment by the local school board and
4029 licensure by the Mississippi Department of Education. If a school
4030 board hires a career technical education pathway instructor who
4031 does not have an industry certification in his or her area of



4032 expertise but does have the required experience, the school board
4033 shall spread their decision on the minutes at their next meeting
4034 and provide a detailed explanation for why they hired the
4035 instructor. Such instructor shall present the minutes of the
4036 school board to the State Department of Education when he or she
4037 applies for an expert citizen license. The board shall adopt
4038 rules and regulations to administer the expert citizen-teacher
4039 license. A Special License - Expert Citizen may be renewed in
4040 accordance with the established rules and regulations of the State
4041 Department of Education.

4042 (d) **Special License - Nonrenewable.** The State Board of
4043 Education is authorized to establish rules and regulations to
4044 allow those educators not meeting requirements in paragraph (a),
4045 (b) or (c) of this subsection (6) to be licensed for a period of
4046 not more than three (3) years, except by special approval of the
4047 State Board of Education.

4048 (e) **Nonlicensed Teaching Personnel.** A nonlicensed
4049 person may teach for a maximum of three (3) periods per teaching
4050 day in a public school district or a nonpublic school
4051 accredited/approved by the state. Such person shall submit to the
4052 department a transcript or record of his education and experience
4053 which substantiates his preparation for the subject to be taught
4054 and shall meet other qualifications specified by the commission
4055 and approved by the State Board of Education. In no case shall
4056 any local school board hire nonlicensed personnel as authorized



under this paragraph in excess of five percent (5%) of the total number of licensed personnel in any single school.

(f) **Special License - Transitional Bilingual Education.**

Beginning July 1, 2003, the commission shall grant special licenses to teachers of transitional bilingual education who possess such qualifications as are prescribed in this section. Teachers of transitional bilingual education shall be compensated by local school boards at not less than one (1) step on the regular salary schedule applicable to permanent teachers licensed under this section. The commission shall grant special licenses to teachers of transitional bilingual education who present the commission with satisfactory evidence that they (i) possess a speaking and reading ability in a language, other than English, in which bilingual education is offered and communicative skills in English; (ii) are in good health * * *; (iii) possess a bachelor's degree or an associate's degree in teacher education from an accredited institution of higher education; (iv) meet such requirements as to courses of study, semester hours therein, experience and training as may be required by the commission; and (v) are legally present in the United States and possess legal authorization for employment. A teacher of transitional bilingual education serving under a special license shall be under an exemption from standard licensure if he achieves the requisite qualifications therefor. Two (2) years of service by a teacher of transitional bilingual education under such an exemption shall be



4082 credited to the teacher in acquiring a Standard Educator License.
4083 Nothing in this paragraph shall be deemed to prohibit a local
4084 school board from employing a teacher licensed in an appropriate
4085 field as approved by the State Department of Education to teach in
4086 a program in transitional bilingual education.

4087 (g) In the event any school district meets the highest
4088 accreditation standards as defined by the State Board of Education
4089 in the accountability system, the State Board of Education, in its
4090 discretion, may exempt such school district from any restrictions
4091 in paragraph (e) relating to the employment of nonlicensed
4092 teaching personnel.

4093 (h) **Highly Qualified Teachers.** Beginning July 1, 2006,
4094 any teacher from any state meeting the federal definition of
4095 highly qualified, as described in the No Child Left Behind Act,
4096 must be granted a standard five-year license by the State
4097 Department of Education.

4098 (7) **Administrator License.** The State Board of Education is
4099 authorized to establish rules and regulations and to administer
4100 the licensure process of the school administrators in the State of
4101 Mississippi. There will be four (4) categories of administrator
4102 licensure with exceptions only through special approval of the
4103 State Board of Education.

4104 (a) **Administrator License - Nonpracticing.** Those
4105 educators holding administrative endorsement but having no



4106 administrative experience or not serving in an administrative
4107 position on January 15, 1997.

4108 (b) **Administrator License - Entry Level.** Those
4109 educators holding administrative endorsement and having met the
4110 department's qualifications to be eligible for employment in a
4111 Mississippi school district. Administrator License - Entry Level
4112 shall be issued for a five-year period and shall be nonrenewable.

4113 (c) **Standard Administrator License - Career Level.** An
4114 administrator who has met all the requirements of the department
4115 for standard administrator licensure.

4116 (d) **Administrator License - Nontraditional Route.** The
4117 board may establish a nontraditional route for licensing
4118 administrative personnel. Such nontraditional route for
4119 administrative licensure shall be available for persons holding,
4120 but not limited to, a master of business administration degree, a
4121 master of public administration degree, a master of public
4122 planning and policy degree or a doctor of jurisprudence degree
4123 from an accredited college or university, with five (5) years of
4124 administrative or supervisory experience. Successful completion
4125 of the requirements of alternate route licensure for
4126 administrators shall qualify the person for a standard
4127 administrator license.

4128 Individuals seeking school administrator licensure under
4129 paragraph (b), (c) or (d) shall successfully complete a training
4130 program and an assessment process prescribed by the State Board of



Education. All applicants for school administrator licensure shall meet all requirements prescribed by the department under paragraph (b), (c) or (d), and the cost of the assessment process required shall be paid by the applicant.

(8) **Reciprocity.** The department shall grant a standard five-year license to any individual who possesses a valid standard license from another state, or another country or political subdivision thereof, within a period of twenty-one (21) days from the date of a completed application. 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.

(9) **Renewal and Reinstatement of Licenses.** The State Board of Education is authorized to establish rules and regulations for the renewal and reinstatement of educator and administrator licenses. Effective May 15, 1997, the valid standard license held by an educator shall be extended five (5) years beyond the expiration date of the license in order to afford the educator adequate time to fulfill new renewal requirements established pursuant to this subsection. An educator completing a master of education, educational specialist or doctor of education degree in May 1997 for the purpose of upgrading the educator's license to a higher class shall be given this extension of five (5) years plus five (5) additional years for completion of a higher degree. For all license types with a current valid expiration date of June 30,



4156 2021, the State Department of Education shall grant a one-year
4157 extension to June 30, 2022. Beginning July 1, 2022, and
4158 thereafter, applicants for licensure renewal shall meet all
4159 requirements in effect on the date that the complete application
4160 is received by the State Department of Education.

4161 (10) All controversies involving the issuance, revocation,
4162 suspension or any change whatsoever in the licensure of an
4163 educator required to hold a license shall be initially heard in a
4164 hearing de novo, by the commission or by a subcommittee
4165 established by the commission and composed of commission members,
4166 or by a hearing officer retained and appointed by the commission,
4167 for the purpose of holding hearings. Any complaint seeking the
4168 denial of issuance, revocation or suspension of a license shall be
4169 by sworn affidavit filed with the Commission on Teacher and
4170 Administrator Education, Certification and Licensure and
4171 Development. The decision thereon by the commission, its
4172 subcommittee or hearing officer, shall be final, unless the
4173 aggrieved party shall appeal to the State Board of Education,
4174 within ten (10) days, of the decision of the commission, its
4175 subcommittee or hearing officer. An appeal to the State Board of
4176 Education shall be perfected upon filing a notice of the appeal
4177 and by the prepayment of the costs of the preparation of the
4178 record of proceedings by the commission, its subcommittee or
4179 hearing officer. An appeal shall be on the record previously made
4180 before the commission, its subcommittee or hearing officer, unless



4181 otherwise provided by rules and regulations adopted by the board.
4182 The decision of the commission, its subcommittee or hearing
4183 officer shall not be disturbed on appeal if supported by
4184 substantial evidence, was not arbitrary or capricious, within the
4185 authority of the commission, and did not violate some statutory or
4186 constitutional right. The State Board of Education in its
4187 authority may reverse, or remand with instructions, the decision
4188 of the commission, its subcommittee or hearing officer. The
4189 decision of the State Board of Education shall be final.

4190 (11) (a) The State Board of Education, acting through the
4191 commission, may deny an application for any teacher or
4192 administrator license for one or more of the following:

4193 (i) Lack of qualifications which are prescribed by
4194 law or regulations adopted by the State Board of Education;

4195 (ii) The applicant has a physical, emotional or
4196 mental disability that renders the applicant unfit to perform the
4197 duties authorized by the license, as certified by a licensed
4198 psychologist or psychiatrist;

4199 (iii) The applicant is actively addicted to or
4200 actively dependent on alcohol or other habit-forming drugs or is a
4201 habitual user of narcotics, barbiturates, amphetamines,
4202 hallucinogens or other drugs having similar effect, at the time of
4203 application for a license;

4204 (iv) Fraud or deceit committed by the applicant in
4205 securing or attempting to secure such certification and license;



4206 (v) Failing or refusing to furnish reasonable
4207 evidence of identification;

4208 (vi) The applicant has been convicted, has pled
4209 guilty or entered a plea of nolo contendere to a * * *
4210 disqualifying crime as provided in the Fresh Start Act. For
4211 purposes of this subparagraph (vi) of this paragraph (a), a
4212 "guilty plea" includes a plea of guilty, entry of a plea of nolo
4213 contendere, or entry of an order granting pretrial or judicial
4214 diversion;

4215 (vii) The applicant or licensee is on probation or
4216 post-release supervision for a * * * disqualifying crime as
4217 provided in the Fresh Start Act. However, this disqualification
4218 expires upon the end of the probationary or post-release
4219 supervision period.

4220 (b) The State Board of Education, acting through the
4221 commission, shall deny an application for any teacher or
4222 administrator license, or immediately revoke the current teacher
4223 or administrator license, for one or more of the following:

4224 (i) If the applicant or licensee has been
4225 convicted, has pled guilty or entered a plea of nolo contendere to
4226 a sex offense as defined by federal or state law. For purposes of
4227 this subparagraph (i) of this paragraph (b), a "guilty plea"
4228 includes a plea of guilty, entry of a plea of nolo contendere, or
4229 entry of an order granting pretrial or judicial diversion;



4230 (ii) The applicant or licensee is on probation or
4231 post-release supervision for a sex offense conviction, as defined
4232 by federal or state law;

4233 (iii) The license holder has fondled a student as
4234 described in Section 97-5-23, or had any type of sexual
4235 involvement with a student as described in Section 97-3-95; or

4236 (iv) The license holder has failed to report
4237 sexual involvement of a school employee with a student as required
4238 by Section 97-5-24.

4239 (12) The State Board of Education, acting through the
4240 commission, may revoke, suspend or refuse to renew any teacher or
4241 administrator license for specified periods of time or may place
4242 on probation, reprimand a licensee, or take other disciplinary
4243 action with regard to any license issued under this chapter for
4244 one or more of the following:

4245 (a) Breach of contract or abandonment of employment may
4246 result in the suspension of the license for one (1) school year as
4247 provided in Section 37-9-57;

4248 (b) Obtaining a license by fraudulent means shall
4249 result in immediate suspension and continued suspension for one
4250 (1) year after correction is made;

4251 (c) Suspension or revocation of a certificate or
4252 license by another state shall result in immediate suspension or
4253 revocation and shall continue until records in the prior state
4254 have been cleared;



4255 (d) The license holder has been convicted, has pled
4256 guilty or entered a plea of nolo contendere to a * * *
4257 disqualifying crime as provided in the Fresh Start Act. For
4258 purposes of this paragraph, a "guilty plea" includes a plea of
4259 guilty, entry of a plea of nolo contendere, or entry of an order
4260 granting pretrial or judicial diversion;

4261 (e) The license holder knowingly and willfully
4262 committing any of the acts affecting validity of mandatory uniform
4263 test results as provided in Section 37-16-4(1);

4264 (f) The license holder has engaged in unethical conduct
4265 relating to an educator/student relationship as identified by the
4266 State Board of Education in its rules;

4267 (g) The license holder served as superintendent or
4268 principal in a school district during the time preceding and/or
4269 that resulted in the Governor declaring a state of emergency and
4270 the State Board of Education appointing a conservator;

4271 (h) The license holder submitted a false certification
4272 to the State Department of Education that a statewide test was
4273 administered in strict accordance with the Requirements of the
4274 Mississippi Statewide Assessment System; or

4275 (i) The license holder has failed to comply with the
4276 Procedures for Reporting Infractions as promulgated by the
4277 commission and approved by the State Board of Education pursuant
4278 to subsection (15) of this section.



4279 For purposes of this subsection, probation shall be defined
4280 as a length of time determined by the commission, its subcommittee
4281 or hearing officer, and based on the severity of the offense in
4282 which the license holder shall meet certain requirements as
4283 prescribed by the commission, its subcommittee or hearing officer.
4284 Failure to complete the requirements in the time specified shall
4285 result in immediate suspension of the license for one (1) year.

4286 (13) (a) Dismissal or suspension of a licensed employee by
4287 a local school board pursuant to Section 37-9-59 may result in the
4288 suspension or revocation of a license for a length of time which
4289 shall be determined by the commission and based upon the severity
4290 of the offense.

4291 (b) Any offense committed or attempted in any other
4292 state shall result in the same penalty as if committed or
4293 attempted in this state.

4294 (c) A person may voluntarily surrender a license. The
4295 surrender of such license may result in the commission
4296 recommending any of the above penalties without the necessity of a
4297 hearing. However, any such license which has voluntarily been
4298 surrendered by a licensed employee may only be reinstated by a
4299 majority vote of all members of the commission present at the
4300 meeting called for such purpose.

4301 (14) (a) A person whose license has been suspended or
4302 surrendered on any grounds except criminal grounds may petition
4303 for reinstatement of the license after one (1) year from the date



4304 of suspension or surrender, or after one-half (1/2) of the
4305 suspended or surrendered time has lapsed, whichever is greater. A
4306 person whose license has been suspended or revoked on any grounds
4307 or violations under subsection (12) of this section may be
4308 reinstated automatically or approved for a reinstatement hearing,
4309 upon submission of a written request to the commission. A license
4310 suspended, revoked or surrendered * * * because of a disqualifying
4311 crime as provided in the Fresh Start Act may be reinstated upon
4312 petition to the commission filed after expiration of the sentence
4313 and parole or probationary period imposed upon conviction. A
4314 revoked, suspended or surrendered license may be reinstated upon
4315 satisfactory showing of evidence of rehabilitation. The
4316 commission shall require all who petition for reinstatement to
4317 furnish evidence satisfactory to the commission of good * * *
4318 mental, emotional and physical health and such other evidence as
4319 the commission may deem necessary to establish the petitioner's
4320 rehabilitation and fitness to perform the duties authorized by the
4321 license.

4322 (b) A person whose license expires while under
4323 investigation by the Office of Educator Misconduct for an alleged
4324 violation may not be reinstated without a hearing before the
4325 commission if required based on the results of the investigation.

4326 (15) Reporting procedures and hearing procedures for dealing
4327 with infractions under this section shall be promulgated by the
4328 commission, subject to the approval of the State Board of



4329 Education. The revocation or suspension of a license shall be
4330 effected at the time indicated on the notice of suspension or
4331 revocation. The commission shall immediately notify the
4332 superintendent of the school district or school board where the
4333 teacher or administrator is employed of any disciplinary action
4334 and also notify the teacher or administrator of such revocation or
4335 suspension and shall maintain records of action taken. The State
4336 Board of Education may reverse or remand with instructions any
4337 decision of the commission, its subcommittee or hearing officer
4338 regarding a petition for reinstatement of a license, and any such
4339 decision of the State Board of Education shall be final.

4340 (16) An appeal from the action of the State Board of
4341 Education in denying an application, revoking or suspending a
4342 license or otherwise disciplining any person under the provisions
4343 of this section shall be filed in the Chancery Court of the First
4344 Judicial District of Hinds County, Mississippi, on the record
4345 made, including a verbatim transcript of the testimony at the
4346 hearing. The appeal shall be filed within thirty (30) days after
4347 notification of the action of the board is mailed or served and
4348 the proceedings in chancery court shall be conducted as other
4349 matters coming before the court. The appeal shall be perfected
4350 upon filing notice of the appeal and by the prepayment of all
4351 costs, including the cost of preparation of the record of the
4352 proceedings by the State Board of Education, and the filing of a
4353 bond in the sum of Two Hundred Dollars (\$200.00) conditioned that



4354 if the action of the board be affirmed by the chancery court, the
4355 applicant or license holder shall pay the costs of the appeal and
4356 the action of the chancery court.

4357 (17) All such programs, rules, regulations, standards and
4358 criteria recommended or authorized by the commission shall become
4359 effective upon approval by the State Board of Education as
4360 designated by appropriate orders entered upon the minutes thereof.

4361 (18) The granting of a license shall not be deemed a
4362 property right nor a guarantee of employment in any public school
4363 district. A license is a privilege indicating minimal eligibility
4364 for teaching in the public school districts of Mississippi. This
4365 section shall in no way alter or abridge the authority of local
4366 school districts to require greater qualifications or standards of
4367 performance as a prerequisite of initial or continued employment
4368 in such districts.

4369 (19) In addition to the reasons specified in subsections
4370 (12) and (13) of this section, the board shall be authorized to
4371 suspend the license of any licensee for being out of compliance
4372 with an order for support, as defined in Section 93-11-153. The
4373 procedure for suspension of a license for being out of compliance
4374 with an order for support, and the procedure for the reissuance or
4375 reinstatement of a license suspended for that purpose, and the
4376 payment of any fees for the reissuance or reinstatement of a
4377 license suspended for that purpose, shall be governed by Section
4378 93-11-157 or 93-11-163, as the case may be. Actions taken by the



4379 board in suspending a license when required by Section 93-11-157
4380 or 93-11-163 are not actions from which an appeal may be taken
4381 under this section. Any appeal of a license suspension that is
4382 required by Section 93-11-157 or 93-11-163 shall be taken in
4383 accordance with the appeal procedure specified in Section
4384 93-11-157 or 93-11-163, as the case may be, rather than the
4385 procedure specified in this section. If there is any conflict
4386 between any provision of Section 93-11-157 or 93-11-163 and any
4387 provision of this chapter, the provisions of Section 93-11-157 or
4388 93-11-163, as the case may be, shall control.

4389 (20) The Department of Education shall grant and renew all
4390 licenses and certifications of teachers and administrators within
4391 twenty-one (21) days from the date of a completed application if
4392 the applicant has otherwise met all established requirements for
4393 the license or certification.

4394 **SECTION 42.** Section 41-29-303, Mississippi Code of 1972, is
4395 amended as follows:

4396 41-29-303. No license shall be issued under Section
4397 41-29-301 * * * until the applicant therefor has furnished proof
4398 satisfactory to the State Board of Pharmacy that the applicant
4399 is * * * properly equipped as to land, buildings, and
4400 paraphernalia to carry on the business described in his
4401 application. No license shall be granted to any person who has
4402 within five (5) years been convicted of a willful violation of any
4403 law of the United States, or of any state, relating to opium, coca



4404 leaves, or other narcotic drugs, or to any person who is a
4405 narcotic drug addict. The state board of pharmacy may suspend or
4406 revoke any license for cause.

4407 **SECTION 43.** Section 51-5-3, Mississippi Code of 1972, is
4408 amended as follows:

4409 51-5-3. In order to be licensed as a water well contractor
4410 in the State of Mississippi, the applicant must be qualified as
4411 set out below:

4412 (a) Be at least twenty-one (21) years of age;

4413 * * *

4414 (* * *b) Demonstrate to the satisfaction of the
4415 commission a reasonable knowledge of this chapter and the rules
4416 and regulations adopted by the commission under the provisions of
4417 this chapter;

4418 (* * *c) Possess the necessary drilling equipment, or
4419 present to the commission sufficient evidence to show that he has
4420 access to the use of such equipment at any time he needs it; and

4421 (* * *d) Have not less than three (3) years'
4422 experience in the work for which he is applying for a license.

4423 **SECTION 44.** Section 67-3-19, Mississippi Code of 1972, is
4424 amended as follows:

4425 67-3-19. Where application is made for a permit to engage in
4426 the business of a retailer of light wine, light spirit product or
4427 beer, the applicant shall show in his application that he
4428 possesses the following qualifications:



4429 (a) Applicant must be a person at least twenty-one (21)
4430 years of age * * * and a resident of the State of Mississippi.

4431 (b) Applicant shall not have been convicted of a * * *
4432 disqualifying crime as provided in the Fresh Start Act, or of
4433 pandering or of keeping or maintaining a house of prostitution, or
4434 have been convicted within two (2) years of the date of his
4435 application of any violation of the laws of this state or the laws
4436 of the United States relating to alcoholic liquor.

4437 (c) Applicant shall not have had revoked, except for a
4438 violation of Section 67-3-52, within two (2) years next preceding
4439 his application, any license or permit issued to him pursuant to
4440 the laws of this state, or any other state, to sell alcoholic
4441 liquor of any kind.

4442 (d) Applicant shall be the owner of the premises for
4443 which the permit is sought or the holder of an existing lease
4444 thereon.

4445 (e) Applicant shall not be residentially domiciled with
4446 any person whose permit has been revoked for cause, except for a
4447 violation of Section 67-3-52, within two (2) years next preceding
4448 the date of the present application for a permit.

4449 (f) The applicant has not had any license or permit to
4450 sell beer, light spirit product or light wine at retail revoked,
4451 within five (5) years next preceding his application, due to a
4452 violation of Section 67-3-52.



4453 (g) Applicant shall not employ any person whose permit
4454 has been revoked when such person owned or operated the business
4455 on the premises for which a permit is sought or allow such person
4456 to have any financial interest in the business of the applicant,
4457 until such person is qualified to obtain a permit in his own name.

4458 (h) The applicant is not indebted to the State of
4459 Mississippi for any taxes.

4460 (i) If applicant is a partnership, all members of the
4461 partnership must be qualified to obtain a permit. Each member of
4462 the partnership must be a resident of the State of Mississippi.

4463 (j) If applicant is a corporation, all officers and
4464 directors thereof, and any stockholder owning more than five
4465 percent (5%) of the stock of such corporation, and the person or
4466 persons who shall conduct and manage the licensed premises for the
4467 corporation shall possess all the qualifications required herein
4468 for any individual permittee. However, the requirements as to
4469 residence shall not apply to officers, directors and stockholders
4470 of such corporation.

4471 Any misstatement or concealment of fact in an application
4472 shall be grounds for denial of the application or for revocation
4473 of the permit issued thereon.

4474 The commissioner may refuse to issue a permit to an applicant
4475 for a place that is frequented by known criminals, prostitutes, or
4476 other law violators or troublemakers who disturb the peace and
4477 quietude of the community and frequently require the assistance of



4478 peace officers to apprehend such law violators or to restore
4479 order. The burden of proof of establishing the foregoing shall
4480 rest upon the commissioner.

4481 **SECTION 45.** Section 73-2-7, Mississippi Code of 1972, is
4482 amended as follows:

4483 73-2-7. In order to qualify for a license as a landscape
4484 architect, an applicant must:

4485 (a) Submit evidence of his * * * integrity to the
4486 examining board.

4487 (b) Have received a degree in landscape architecture
4488 from a college or university having a minimum four-year curriculum
4489 in landscape architecture approved by the board or have completed
4490 seven (7) years of work in the practice of landscape architecture
4491 of a grade and character suitable to the board. Graduation in a
4492 curriculum other than landscape architecture from a college or
4493 university shall be equivalent to two (2) years' experience of the
4494 seven (7) specified above in this section, except that no
4495 applicant shall receive credit for more than two (2) years'
4496 experience for any scholastic training.

4497 (c) Pass such written examination as required in
4498 Section 73-2-9.

4499 Each application or filing made under this section shall
4500 include the social security number(s) of the applicant in
4501 accordance with Section 93-11-64, Mississippi Code of 1972.



4502 **SECTION 46.** Section 73-3-2, Mississippi Code of 1972, is
4503 amended as follows:

4504 73-3-2. (1) **Power to admit persons to practice.** The power
4505 to admit persons to practice as attorneys in the courts of this
4506 state is vested exclusively in the Supreme Court of Mississippi.

4507 (2) **Qualifications.** (a) Each applicant for admission to
4508 the bar, in order to be eligible for examination for admission,
4509 shall be at least twenty-one (21) years of age * * * and shall
4510 present to the Board of Bar Admissions satisfactory evidence:

4511 (i) That he has successfully completed, or is
4512 within sixty (60) days of completion of, a general course of study
4513 of law in a law school which is provisionally or fully approved by
4514 the section on legal education and admission to the bar of the
4515 American Bar Association, and that such applicant has received, or
4516 will receive within sixty (60) days, a diploma or certificate from
4517 such school evidencing the satisfactory completion of such course,
4518 but in no event shall any applicant under this paragraph be
4519 admitted to the bar until such applicant actually receives such
4520 diploma or certificate. However, an applicant who, as of November
4521 1, 1981, was previously enrolled in a law school in active
4522 existence in Mississippi for more than ten (10) years prior to the
4523 date of application shall be eligible for examination for
4524 admission; provided that such an applicant graduated prior to
4525 November 1, 1984;



4526 (ii) That he has notified the Board of Bar
4527 Admissions in writing of an intention to pursue a general course
4528 of study of law under the supervision of a Mississippi lawyer
4529 prior to July 1, 1979, and in fact began study prior to July 1,
4530 1979, and who completed the required course of study prior to
4531 November 1, 1984, in accordance with Sections 73-3-13(b) and
4532 73-3-15 as the same exist prior to November 1, 1979; or

4533 (iii) That in addition to complying with either of
4534 the above requirements, he has received a bachelor's degree from
4535 an accredited college or university or that he has received credit
4536 for the requirements of the first three (3) years of college work
4537 from a college or university offering an integrated six-year
4538 prelaw and law course, and has completed his law course at a
4539 college or university offering such an integrated six-year course.
4540 However, applicants who have already begun the general course of
4541 study of law as of November 1, 1979, either in a law school or
4542 under the supervision of a Mississippi lawyer shall submit proof
4543 they have successfully completed two (2) full years of college
4544 work.

4545 (b) The applicant shall bear the burden of establishing
4546 his or her qualifications for admission to the satisfaction of the
4547 Board of Bar Admissions. An applicant denied admission for
4548 failure to satisfy qualifications for admission shall have the
4549 right to appeal from the final order of the board to the Chancery



4550 Court of Hinds County, Mississippi, within thirty (30) days of
4551 entry of such order of denial.

4552 (3) **Creation of Board of Bar Admissions.** There is hereby
4553 created a board to be known as the "Board of Bar Admissions" which
4554 shall be appointed by the Supreme Court of Mississippi. The board
4555 shall consist of nine (9) members, who shall be members in good
4556 standing of the Mississippi State Bar and shall serve for terms of
4557 three (3) years. Three (3) members shall be appointed from each
4558 Supreme Court district, one (1) by each Supreme Court Justice from
4559 his district, with the original appointments to be as follows:
4560 Three (3) to be appointed for a term of one (1) year, three (3) to
4561 be appointed for a term of two (2) years, and three (3) to be
4562 appointed for a term of three (3) years, one (1) from each
4563 district to be appointed each year. No member of the Board of Bar
4564 Admissions may be a member of the Legislature. Vacancies during a
4565 term shall be filled by the appointing justice or his successor
4566 for the remainder of the unexpired term.

4567 The board shall promulgate the necessary rules for the
4568 administration of their duties, subject to the approval of the
4569 Chief Justice of the Supreme Court.

4570 (4) **Written examination as prerequisite to admission.** Every
4571 person desiring admission to the bar, shall be required to take
4572 and pass a written bar examination in a manner satisfactory to the
4573 Board of Bar Admissions. The Board of Bar Admissions shall
4574 conduct not less than two (2) bar examinations each year.



4575 (5) **Oath and compensation of board members.** The members of
4576 the Board of Bar Admissions shall take and subscribe an oath to be
4577 administered by one (1) of the judges of the Supreme Court to
4578 faithfully and impartially discharge the duties of the office.
4579 The members shall receive compensation as established by the
4580 Supreme Court for preparing, giving and grading the examination
4581 plus all reasonable and necessary travel expenses incurred in the
4582 performance of their duties under the provisions of this section.

4583 (6) **Procedure for applicants who have failed.** Any applicant
4584 who fails the examination shall be allowed to take the next
4585 scheduled examination. A failing applicant may request in writing
4586 from the board, within thirty (30) days after the results of the
4587 examination have been made public, copies of his answers and model
4588 answers used in grading the examination, at his expense. If a
4589 uniform, standardized examination is administered, the board shall
4590 only be required to provide the examination grade and such other
4591 information concerning the applicant's examination results which
4592 are available to the board. Any failing applicant shall have a
4593 right to a review of his failure by the board. The board shall
4594 enter an order on its minutes, prior to the administration of the
4595 next bar examination, either granting or denying the applicant's
4596 review, and shall notify the applicant of such order. The
4597 applicant shall have the right to appeal from this order to the
4598 Chancery Court of Hinds County, Mississippi, within thirty (30)
4599 days of entry of such order.



(7) **Fees.** The board shall set and collect the fees for examination and for admission to the bar. The fees for examination shall be based upon the annual cost of administering the examinations. The fees for admission shall be based upon the cost of conducting an investigation of the applicant and the administrative costs of sustaining the board, which shall include, but shall not be limited to:

- (a) Expenses and travel for board members;
- (b) Office facilities, supplies and equipment; and
- (c) Clerical assistance.

All fees collected by the board shall be paid to the State Treasurer, who shall issue receipts therefor and who shall deposit such funds in the State Treasury in a special fund to the credit of said board. All such funds shall be expended only in accordance with the provisions of Chapter 496, Laws of 1962, as amended, being Section 27-103-1 et seq., Mississippi Code of 1972.

(8) The board, upon finding the applicant qualified for admission, shall issue to the applicant a certificate of admission. The applicant shall file the certificate and a petition for admission in the Chancery Court of Hinds County, Mississippi, or in the chancery court in the county of his residence, or, in the case of an applicant who is a nonresident of the State of Mississippi, in the chancery court of a county in which the applicant intends to practice. The chancery court shall, in termtime or in vacation, enter on the minutes of that



4625 court an order granting to the applicant license to practice in
4626 all courts in this state, upon taking by the applicant in the
4627 presence of the court, the oath prescribed by law, Section
4628 73-3-35, Mississippi Code of 1972.

4629 (9) Each application or filing made under this section shall
4630 include the social security number(s) of the applicant in
4631 accordance with Section 93-11-64, Mississippi Code of 1972.

4632 **SECTION 47.** Section 73-3-25, Mississippi Code of 1972, is
4633 amended as follows:

4634 73-3-25. Any lawyer from another state whose requirements
4635 for admission to the bar are equivalent to those of this state,
4636 who has practiced not less than five (5) years in a state where he
4637 was then admitted may be admitted to * * * practice in this state
4638 upon taking and passing such examination as to his knowledge of
4639 law as may be prescribed by rules adopted by the Board of Bar
4640 Admissions and approved by the Supreme Court and upon complying
4641 with the other requirements as set out in the laws and rules
4642 governing admission to the bar. Provided, however, the laws of
4643 the state from which the applicant comes grant similar privileges
4644 to the applicants from this state.

4645 Any lawyer from another state desiring to be admitted to
4646 practice in Mississippi must make application to the Board of Bar
4647 Admissions. Such applicant shall present to the bar evidence of
4648 his good standing in the state from which he came, including a
4649 certificate from the clerk of the highest appellate court of the



4650 state from which he came, and from two (2) members of the bar of
4651 such state, certifying to his qualifications * * * and good
4652 standing * * *, and may require the submission of additional
4653 evidence by the applicant. Upon satisfactory proof of the
4654 applicant's qualifications and upon the applicant's compliance
4655 with the requirements of this section, the board shall issue a
4656 certificate of admission to the applicant, as prescribed in
4657 Section 73-3-2(8). Each such applicant shall pay an application
4658 fee prescribed by the Board of Bar Admissions according to Section
4659 73-3-2(7).

4660 **SECTION 48.** Section 73-4-17, Mississippi Code of 1972, is
4661 amended as follows:

4662 73-4-17. There shall be two (2) classes of auctioneers'
4663 licenses, which shall be auctioneer and auction firm. All
4664 applicants for a license under this chapter shall possess the
4665 following minimum qualifications:

4666 (a) Applicants shall have attained the age of eighteen
4667 (18) years by the issuance date of the license.

4668 (b) Applicants shall have obtained at a minimum a high
4669 school diploma or G.E.D. equivalent and shall be graduates of an
4670 auctioneering school approved by the commission.

4671 (c) Each applicant for a license under this chapter
4672 shall demonstrate to the commission that he is * * * worthy of
4673 public trust through background information to be provided on his
4674 application form and two (2) letters of reference from persons not



4675 related to the applicant who have known the applicant at least
4676 three (3) years. The commission may require additional
4677 information or a personal interview with the applicant to
4678 determine if such applicant should be granted a license.

4679 (d) Each applicant for a license under this chapter
4680 shall take and successfully complete an examination as prescribed
4681 by the commission. The examination shall include questions on
4682 ethics, reading comprehension, writing, spelling, elementary
4683 arithmetic, elementary principals of land economics, general
4684 knowledge of bulk sales law, contracts of sale, agency, leases,
4685 brokerage, knowledge of various goods commonly sold at auction,
4686 ability to call bids, knowledge of sale preparation and proper
4687 sale advertising and sale summary, and knowledge of the provisions
4688 of this chapter and the commission's rules and regulations. There
4689 shall be separate examinations for auctioneer and auction firm
4690 each based upon relevant subject matter appropriate to the license
4691 classification as set forth herein. Examinations shall be
4692 administered at least once a year and may be administered
4693 quarterly at the commission's discretion provided there are at
4694 least twenty-five (25) examinees. The commission shall ensure
4695 that the various forms of the test remain secure.

4696 (e) In order to defray the cost of administration of
4697 the examinations, applicants for the examination shall pay fees as
4698 follows:

4699 (i) Auctioneer.....\$100.00.



4700 (ii) Auction firm.....\$100.00.

4701 (f) Each applicant desiring to sit for the examination
4702 for any license required under this chapter shall be required to
4703 furnish to the commission at least thirty (30) days prior to the
4704 examination evidence of a surety bond in the following minimum
4705 amounts:

4706 (i) Auctioneer.....\$10,000.00.

4707 (ii) Auction firm.....\$10,000.00.

4708 (g) In addition to the bond required herein, applicants
4709 for the auction firm license shall furnish the commission with all
4710 relevant information concerning the premises to be licensed, to
4711 include location, whether the premises are owned or leased, and an
4712 affidavit that the proposed use of the premises as an auction firm
4713 does not violate zoning or any other use restrictions. A separate
4714 license shall be required for each business location of the owner
4715 of multiple auction galleries.

4716 (h) Except as provided in Section 33-1-39, all licenses
4717 granted pursuant to this chapter shall be for a term of two (2)
4718 years and shall expire on the first day of March at the end of
4719 such two-year term. The biennial license fees shall be set from
4720 time to time by the commission with a maximum fee of Two Hundred
4721 Dollars (\$200.00). License fees shall not be prorated for any
4722 portion of a year but shall be paid for the entire biennial period
4723 regardless of the date of the application. Individuals failing to
4724 submit license renewal fees on or before March 1 of the year for



renewal shall be required to successfully pass the next administration of the examination in order to renew a license.

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

(j) A licensee shall keep such books, accounts and records as will enable the commission to determine whether such licensee is in compliance with the provisions of this chapter, and rules and regulations made pursuant thereto, and any other law, rule and regulation applicable to the conduct of such business. The commission and its employees or representatives shall have the right to enter and make inspections of any place where the auction business is carried on and inspect and copy any record pertaining to the auction business under this chapter. The commission may conduct or cause to be conducted an examination or audit of the books and records of any licensee at any time the commission deems proper, the cost of the examination or audit to be borne by the licensee. The refusal of access to the books and records shall be cause for the revocation of its license.

SECTION 49. Section 73-6-13, Mississippi Code of 1972, is amended as follows:

73-6-13. (1) Any adult * * * who has (a) graduated from a school or college of chiropractic recognized by the State Board of Chiropractic Examiners, preceded by the successful completion of at least two (2) academic years at an accredited institution of



4750 higher learning, or accredited junior college, and (b)
4751 successfully completed parts 1, 2, 3 and 4 and the physical
4752 modality section of the examination prepared by the National Board
4753 of Chiropractic Examiners, shall be entitled to take the
4754 examination for a license to practice chiropractic in Mississippi.
4755 The State Board of Chiropractic Examiners shall keep on file a
4756 list of schools or colleges of chiropractic which are so
4757 recognized. No chiropractic school shall be approved unless it is
4758 recognized and approved by the Council on Chiropractic Education,
4759 its successor or an equivalent accrediting agency, offers an
4760 accredited course of study of not less than four (4) academic
4761 years of at least nine (9) months in length, and requires its
4762 graduates to receive not less than forty (40) clock hours of
4763 instruction in the operation of x-ray machinery and not less than
4764 forty (40) clock hours of instruction in x-ray interpretation and
4765 diagnosis.

4766 (2) Except as otherwise provided in this section, the State
4767 Board of Health shall prescribe rules and regulations for the
4768 operation and use of x-ray machines.

4769 (3) The examination to practice chiropractic used by the
4770 board shall consist of testing on the statutes and the rules and
4771 regulations regarding the practice of chiropractic in the State of
4772 Mississippi.

4773 (4) Reciprocity privileges for a chiropractor from another
4774 state shall be granted at the board's option on an individual



4775 basis and by a majority vote of the State Board of Chiropractic
4776 Examiners to an adult * * * who (a) is currently an active
4777 competent practitioner for at least eight (8) years and holds an
4778 active chiropractic license in another state with no disciplinary
4779 proceeding or unresolved complaint pending anywhere at the time a
4780 license is to be issued by this state, (b) demonstrates having
4781 obtained licensure as a chiropractor in another state under the
4782 same education requirements which were equivalent to the education
4783 requirements in this state to obtain a chiropractic license at the
4784 time the applicant obtained the license in the other state, (c)
4785 satisfactorily passes the examination administered by the State
4786 Board of Chiropractic Examiners, and (d) meets the requirements of
4787 Section 73-6-1(3) pertaining to therapeutic modalities. The
4788 issuance of a license by reciprocity to a military-trained
4789 applicant, military spouse or person who establishes residence in
4790 this state shall be subject to the provisions of Section 73-50-1
4791 or 73-50-2, as applicable.

4792 **SECTION 50.** Section 73-9-23, Mississippi Code of 1972, is
4793 amended as follows:

4794 73-9-23. (1) No person who desires to practice dentistry or
4795 dental hygiene in the State of Mississippi shall be licensed until
4796 that person has passed an examination by the board. Applicants
4797 for examination shall apply in writing to the board for an
4798 examination at least thirty (30) days before the examination and



4799 shall upon application pay a nonrefundable fee as elsewhere
4800 provided in this chapter.

4801 (2) An applicant for licensure by examination as a dentist
4802 who is a graduate of a dental school accredited by the Commission
4803 on Dental Accreditation of the American Dental Association (ADA),
4804 or its successor commission, shall:

4805 (a) Be * * * possessed of a high school education, and
4806 have attained the age of twenty-one (21) years;

4807 (b) Exhibit with the application a diploma or
4808 certificate of graduation from the ADA accredited dental school;
4809 and

4810 (c) Have successfully completed Parts I and II of the
4811 National Board Examinations of the Joint Commission on National
4812 Dental Examinations, or its successor commission, unless the
4813 applicant graduated from an accredited dental school before 1960.

4814 (3) An applicant for licensure by examination as a dentist
4815 who is a graduate of a non-ADA accredited foreign country dental
4816 school shall:

4817 (a) * * * Have attained the age of twenty-one (21)
4818 years;

4819 (b) Be proficient in oral and written communications in
4820 the English language;

4821 (c) Have completed not less than six (6) academic years
4822 of postsecondary study and graduated from a foreign dental school
4823 that is recognized by the licensure authorities in that country;



4824 (d) Have been licensed as a dentist or admitted to the
4825 practice of dentistry in the foreign country in which the
4826 applicant received foreign dental school training;

4827 (e) Present documentation of having completed at least
4828 two (2) or more years of full-time postdoctoral dental education
4829 in a dental school accredited by the Commission on Dental
4830 Accreditation of the American Dental Association, or its successor
4831 commission, and has been certified by the dean of the accredited
4832 dental school as having achieved the same level of didactic and
4833 clinical competence as expected of a graduate of the school; and

4834 (f) Have successfully completed Parts I and II of the
4835 National Board Examinations of the Joint Commission on National
4836 Dental Examinations, or its successor commission, unless the
4837 applicant graduated from an approved dental school before 1960.

4838 (4) An applicant for licensure by examination as a dental
4839 hygienist who is a graduate of a dental hygiene school accredited
4840 by the Commission on Dental Accreditation of the American Dental
4841 Association (ADA), or its successor commission, shall:

4842 (a) Be * * * possessed of a high school education and
4843 have attained the age of eighteen (18) years;

4844 (b) Exhibit with the application a diploma or
4845 certificate of graduation from the ADA accredited dental hygiene
4846 school; and



4847 (c) Have successfully completed the National Board
4848 Dental Hygiene Examinations of the Joint Commission on National
4849 Dental Examinations, or its successor commission.

4850 (5) An applicant for licensure by examination as a dental
4851 hygienist who is a graduate of a non-ADA accredited foreign
4852 country dental hygiene school shall:

4853 (a) * * * Have attained the age of eighteen (18) years;

4854 (b) Be proficient in oral and written communications in
4855 the English language;

4856 (c) Have completed not less than two (2) academic years
4857 of postsecondary study and graduated from a foreign dental hygiene
4858 school that is recognized by the licensure authorities in that
4859 country;

4860 (d) Have been licensed as a dental hygienist or
4861 admitted to the practice of dental hygiene in the foreign country
4862 in which the applicant received foreign dental hygiene school
4863 training;

4864 (e) Present documentation of having completed at least
4865 one or more years of full-time postgraduate clinical education in
4866 a dental hygiene school accredited by the Commission on Dental
4867 Accreditation of the American Dental Association, or its successor
4868 commission, and has been certified by the dean of the accredited
4869 dental hygiene school as having achieved the same level of
4870 didactic and clinical competence as expected of a graduate of the
4871 school; and



4872 (f) Have successfully completed the National Board
4873 Dental Hygiene Examinations of the Joint Commission on National
4874 Dental Examinations, or its successor commission.

4875 (6) Applications shall be made in the form and content as
4876 required in this section and as shall be prescribed by the board,
4877 and each applicant shall submit upon request such proof as the
4878 board may require as to age * * * and qualifications.
4879 Applications must be signed by two (2) citizens of the state of
4880 which the applicant is a resident * * *. All applicants for
4881 licensure shall submit an endorsement from all states in which he
4882 or she is currently licensed or has ever been licensed to practice
4883 dentistry or dental hygiene. The board may disallow the licensure
4884 examination to any applicant who has been found guilty of any of
4885 the grounds for disciplinary action as enumerated in Section
4886 73-9-61.

4887 (7) Examination shall be as elsewhere provided in this
4888 chapter and the board may by its rules and regulations prescribe
4889 reasonable professional standards for oral, written, clinical and
4890 other examinations given to applicants, and, if deemed necessary
4891 by the board, include a requirement that licensure examinations of
4892 applicants be conducted utilizing live human subjects. Each
4893 applicant shall appear before the board and be examined to
4894 determine his or her learning and skill in dentistry or dental
4895 hygiene. If found by the members of the board conducting the
4896 examination to possess sufficient learning and skill



4897 therein * * *, the board shall, as early as practicable, grant to
4898 the person a license to practice dentistry or dental hygiene, as
4899 the case may be, which shall be signed by each member of the board
4900 who attended the examination and approved the issuance of a
4901 license.

4902 (8) The Board of Dental Examiners may, at its own
4903 discretion, accept certification of a licensure applicant, either
4904 dentist or dental hygienist, by the National Board Examinations of
4905 the Joint Commission on National Dental Examinations, or its
4906 successor commission, in lieu of the written examination.
4907 However, in all such instances the board shall retain the right to
4908 administer such further written and practical examinations and
4909 demonstrations as it deems necessary.

4910 (9) Each application or filing made under this section shall
4911 include the social security number(s) of the applicant in
4912 accordance with Section 93-11-64.

4913 **SECTION 51.** Section 73-11-51, Mississippi Code of 1972, is
4914 amended as follows:

4915 73-11-51. (1) No person shall engage in the business or
4916 practice of funeral service, including embalming, and/or funeral
4917 directing or hold himself out as transacting or practicing or
4918 being entitled to transact or practice funeral service, including
4919 embalming, and/or funeral directing in this state unless duly
4920 licensed under the provisions of this chapter.



4921 (2) The board is authorized and empowered to examine
4922 applicants for licenses for the practice of funeral service and
4923 funeral directing and shall issue the proper license to those
4924 persons who successfully pass the applicable examination and
4925 otherwise comply with the provisions of this chapter.

4926 (3) To be licensed for the practice of funeral directing
4927 under this chapter, a person must furnish satisfactory evidence to
4928 the board that he or she:

4929 (a) Is at least eighteen (18) years of age;

4930 (b) Has a high school diploma or the equivalent
4931 thereof;

4932 (c) Has served as a resident trainee for not less than
4933 twelve (12) months under the supervision of a person licensed for
4934 the practice of funeral service or funeral directing in this
4935 state; and

4936 (d) Has successfully passed a written and/or oral
4937 examination as prepared or approved by the board * * *.

4938 * * *

4939 (4) To be licensed for the practice of funeral service under
4940 this chapter, a person must furnish satisfactory evidence to the
4941 board that he or she:

4942 (a) Is at least eighteen (18) years of age;

4943 (b) Has a high school diploma or the equivalent
4944 thereof;



4945 (c) Has successfully completed twelve (12) months or
4946 more of academic and professional instruction from an institution
4947 accredited by the United States Department of Education for
4948 funeral service education and have a certificate of completion
4949 from an institution accredited by the American Board of Funeral
4950 Service Education or any other successor recognized by the United
4951 States Department of Education for funeral service education;

4952 (d) Has served as a resident trainee for not less than
4953 twelve (12) months, either before or after graduation from an
4954 accredited institution mentioned above, under the supervision of a
4955 person licensed for the practice of funeral service in this state
4956 and in an establishment licensed in this state; and

4957 (e) Has successfully passed the National Conference of
4958 Funeral Examiners examination and/or such other examination as
4959 approved by the board * * *.

4960 * * *

4961 (5) All applications for examination and license for the
4962 practice of funeral service or funeral directing shall be upon
4963 forms furnished by the board and shall be accompanied by an
4964 examination fee, a licensing fee and a nonrefundable application
4965 fee in amounts fixed by the board in accordance with Section
4966 73-11-56. The fee for an initial license, however, may be
4967 prorated in proportion to the period of time from the date of
4968 issuance to the date of biennial license renewal prescribed in
4969 subsection (8) of this section. All applications for examination



4970 shall be filed with the board office at least sixty (60) days
4971 before the date of examination. A candidate shall be deemed to
4972 have abandoned the application for examination if he does not
4973 appear on the scheduled date of examination unless such failure to
4974 appear has been approved by the board.

4975 (6) The practice of funeral service or funeral directing
4976 must be engaged in at a licensed funeral establishment, at least
4977 one (1) of which is listed as the licensee's place of business;
4978 and no person, partnership, corporation, association or other
4979 organization shall open or maintain a funeral establishment at
4980 which to engage in or conduct or hold himself or itself out as
4981 engaging in the practice of funeral service or funeral directing
4982 until such establishment has complied with the licensing
4983 requirements of this chapter. A license for the practice of
4984 funeral service or funeral directing shall be used only at
4985 licensed funeral establishments; however, this provision shall not
4986 prevent a person licensed for the practice of funeral service or
4987 funeral directing from conducting a funeral service at a church, a
4988 residence, public hall, lodge room or cemetery chapel, if such
4989 person maintains a fixed licensed funeral establishment of his own
4990 or is in the employ of or an agent of a licensed funeral
4991 establishment.

4992 (7) Any person holding a valid, unrevoked and unexpired
4993 nonreciprocal license in another state or territory having
4994 requirements greater than or equal to those of this state as



4995 determined by the board may apply for a license to practice in
4996 this state by filing with the board a certified statement from the
4997 secretary of the licensing board of the state or territory in
4998 which the applicant holds his license certifying to his
4999 qualifications and good standing with that board. He/she must
5000 also successfully pass a written and/or oral examination on the
5001 Mississippi Funeral Service licensing law and rules and
5002 regulations as prepared or approved by the board, and must pay a
5003 nonrefundable application fee set by the board. If the board
5004 finds that the applicant has fulfilled aforesaid requirements and
5005 has fulfilled substantially similar requirements of those required
5006 for a Mississippi licensee, the board shall grant such license
5007 upon receipt of a fee in an amount equal to the renewal fee set by
5008 the board for a license for the practice of funeral service or
5009 funeral directing, as the case may be, in this state. The board
5010 may issue a temporary funeral service or funeral directing work
5011 permit before a license is granted, before the next regular
5012 meeting of the board, if the applicant for a reciprocal license
5013 has complied with all requirements, rules and regulations of the
5014 board. The temporary permit will expire at the next regular
5015 meeting of the board. The issuance of a license or temporary
5016 permit by reciprocity to a military-trained applicant, military
5017 spouse or person who establishes residence in this state shall be
5018 subject to the provisions of Section 73-50-1 or 73-50-2, as
5019 applicable.



5020 (8) (a) Except as provided in Section 33-1-39, any person
5021 holding a license for the practice of funeral service or funeral
5022 directing may have the same renewed for a period of two (2) years
5023 by making and filing with the board an application on or before
5024 the due date. Payment of the renewal fee shall be in an amount
5025 set by the board in accordance with Section 73-11-56. The board
5026 shall mail the notice of renewal and the due date for the payment
5027 of the renewal fee to the last-known address of each licensee at
5028 least thirty (30) days before that date. It is the responsibility
5029 of the licensee to notify the board in writing of any change of
5030 address. An application will be considered late if the
5031 application and proper fees are not in the board's office or
5032 postmarked by the due date. Failure of a license holder to
5033 receive the notice of renewal shall not exempt or excuse a license
5034 holder from the requirement of renewing the license on or before
5035 the license expiration date.

5036 (b) If the renewal fee is not paid on or postmarked by
5037 the due date, the license of such person shall by operation of law
5038 automatically expire and become void without further action of the
5039 board. The board may reinstate such license if application for
5040 licensure is made within a period of five (5) years, upon payment
5041 of the renewal fee for the current year, all renewal fees in
5042 arrears, and a reinstatement fee. After a period of five (5)
5043 years, the licensee must make application, pay the current renewal



5044 fee, all fees in arrears, and pass a written and/or oral
5045 examination as prepared or approved by the board.

5046 (9) No license shall be assignable or valid for any person
5047 other than the original licensee.

5048 (10) The board may, in its discretion, if there is a major
5049 disaster or emergency where human death is likely to occur,
5050 temporarily authorize the practice of funeral directing and
5051 funeral service by persons licensed to practice in another state
5052 but not licensed to practice in this state. Only persons licensed
5053 in this state, however, may sign death certificates.

5054 (11) Any funeral service technology or mortuary science
5055 program accredited by the American Board of Funeral Service
5056 Education in the State of Mississippi, as well as students
5057 enrolled in such a program, shall be exempt from licensing under
5058 this chapter when embalming or otherwise preparing a deceased
5059 human body for disposition as part of a student practicum
5060 experience, when the student is directly supervised by an
5061 instructor or preceptor who holds a current funeral service
5062 license. This exemption shall apply to practicum experiences
5063 performed at an accredited institution of funeral service
5064 technology or mortuary science program or at a duly licensed
5065 funeral establishment or commercial mortuary service. Nothing in
5066 this subsection shall be construed to allow any funeral service
5067 technology or mortuary science program, or those students enrolled



5068 in such a program, to engage in practicum experiences for
5069 remuneration.

5070 (12) Each application or filing made under this section
5071 shall include the social security number(s) of the applicant in
5072 accordance with Section 93-11-64.

5073 **SECTION 52.** Section 73-13-23, Mississippi Code of 1972, is
5074 amended as follows:

5075 73-13-23. (1) (a) The following shall be considered as
5076 minimum evidence satisfactory to the board that the applicant is
5077 qualified for licensure as a professional engineer:

5078 Graduation in an engineering curriculum of four (4) years or
5079 more from a school or college approved by the board as of
5080 satisfactory standing or graduation in an engineering, engineering
5081 technology, or related science curriculum of four (4) scholastic
5082 years from a school or college other than those approved by the
5083 board plus a graduate degree in an engineering curriculum from a
5084 school or college wherein the same engineering curriculum at the
5085 undergraduate level is approved by the board as of satisfactory
5086 standing; a specific record of four (4) years of qualifying
5087 engineering experience indicating that the applicant is competent
5088 to practice engineering (in counting years of experience, the
5089 board at its discretion may give credit not in excess of three (3)
5090 years for satisfactory graduate study in engineering), and the
5091 successful passing of examinations in engineering as prescribed by
5092 the board.



5093 (b) In considering the qualifications of applicants,
5094 engineering teaching may be construed as engineering experience.

5095 (c) The mere execution, as a contractor, of work
5096 designed by a professional engineer, or the supervision of the
5097 construction of such work as a foreman or superintendent shall not
5098 be deemed to be the practice of engineering.

5099 (d) Any person having the necessary qualifications
5100 prescribed in Sections 73-13-1 through 73-13-45 to entitle him to
5101 licensure shall be eligible for such licensure although he may not
5102 be practicing his profession at the time of making his
5103 application.

5104 (e) No person shall be eligible for licensure as a
5105 professional engineer who * * * presents claims in support of his
5106 application which contain major discrepancies.

5107 (2) The following shall be considered as minimum evidence
5108 satisfactory to the board that the applicant is qualified for
5109 enrollment as an engineer intern:

5110 (a) Graduation in an engineering curriculum of four (4)
5111 scholastic years or more from a school or college approved by the
5112 board as of satisfactory standing or graduation in an engineering,
5113 engineering technology, or related science curriculum of four (4)
5114 scholastic years from a school or college other than those
5115 approved by the board plus a graduate degree in an engineering
5116 curriculum from a school or college wherein that same engineering



5117 curriculum at the undergraduate level is approved by the board as
5118 of satisfactory standing; and

5119 (b) Successfully passing a written examination in the
5120 fundamental engineering subjects.

5121 **SECTION 53.** Section 73-13-77, Mississippi Code of 1972, is
5122 amended as follows:

5123 73-13-77. (1) The following shall be considered as minimum
5124 evidence satisfactory to the board that the applicant is qualified
5125 for licensure as a professional surveyor:

5126 (a) (i) A bachelor's degree in geomatics, surveying or
5127 surveying technology approved by the board consisting of a minimum
5128 of one hundred twenty (120) semester hours, or the equivalent, in
5129 surveying curriculum subjects and a specific record of four (4)
5130 years of qualifying surveying experience; or

5131 (ii) A bachelor's degree in a related science
5132 curriculum defined by board rule, consisting of sixty-two (62)
5133 semester hours in surveying curriculum subjects as defined by
5134 board rule, and a specific record of five (5) years of qualifying
5135 surveying experience; or

5136 (iii) A bachelor's degree in a related science
5137 curriculum defined by board rule, and a specific record of six (6)
5138 years of qualifying surveying experience; or

5139 (iv) An associate degree, or its equivalent, in a
5140 curriculum approved by the board consisting of sixty-two (62)
5141 semester hours in surveying curriculum subjects as defined by



5142 board rule, and a specific record of seven (7) years or more of
5143 qualifying surveying experience; or

5144 (v) A high school diploma, or its equivalent, and
5145 a specific record of twelve (12) years or more of qualifying
5146 surveying experience; and

5147 (b) Successfully passing examinations in surveying
5148 prescribed by the board.

5149 (2) The following shall be considered as minimum evidence
5150 satisfactory to the board that the applicant is qualified for
5151 enrollment as a surveyor intern:

5152 (a) (i) A bachelor's degree in geomatics, surveying or
5153 surveying technology approved by the board consisting of a minimum
5154 of one hundred twenty (120) semester hours, or the equivalent, in
5155 surveying curriculum subjects; or

5156 (ii) A bachelor's degree in a related science
5157 curriculum defined by board rule consisting of sixty-two (62)
5158 semester hours in surveying curriculum subjects as defined by
5159 board rule; or

5160 (iii) A bachelor's degree in a related science
5161 curriculum defined by board rule; or

5162 (iv) An associate degree, or its equivalent, in a
5163 curriculum approved by the board consisting of sixty-two (62)
5164 semester hours in surveying curriculum subjects as defined by
5165 board rule; or



5166 (v) A high school diploma, or its equivalent, and
5167 a specific record of eight (8) years or more of qualifying
5168 surveying experience; and

5169 (b) Successfully passing examinations in surveying
5170 fundamentals prescribed by the board.

5171 * * *

5172 **SECTION 54.** Section 73-15-19, Mississippi Code of 1972, is
5173 amended as follows:

5174 73-15-19. (1) **Registered nurse applicant qualifications.**

5175 Any applicant for a license to practice as a registered nurse
5176 shall submit to the board:

5177 (a) An attested written application on a Board of
5178 Nursing form;

5179 (b) Written official evidence of completion of a
5180 nursing program approved by the Board of Trustees of State
5181 Institutions of Higher Learning, or one approved by a legal
5182 accrediting agency of another state, territory or possession of
5183 the United States, the District of Columbia, or a foreign country
5184 which is satisfactory to this board;

5185 (c) Evidence of competence in English related to
5186 nursing, provided the first language is not English;

5187 (d) Any other official records required by the board.

5188 In addition to the requirements specified in paragraphs (a)
5189 through (d) of this subsection, in order to qualify for a license
5190 to practice as a registered nurse, an applicant must have



5191 successfully been cleared for licensure through an investigation
5192 that shall consist of a * * * verification that the prospective
5193 licensee is not guilty of or in violation of any statutory ground
5194 for denial of licensure as set forth in Section 73-15-29 or guilty
5195 of any offense specified in Section 73-15-33. To assist the board
5196 in conducting its licensure investigation, all applicants shall
5197 undergo a fingerprint-based criminal history records check of the
5198 Mississippi central criminal database and the Federal Bureau of
5199 Investigation criminal history database. Each applicant shall
5200 submit a full set of his or her fingerprints in a form and manner
5201 prescribed by the board, which shall be forwarded to the
5202 Mississippi Department of Public Safety (department) and the
5203 Federal Bureau of Investigation Identification Division for this
5204 purpose.

5205 Any and all state or national criminal history records
5206 information obtained by the board that is not already a matter of
5207 public record shall be deemed nonpublic and confidential
5208 information restricted to the exclusive use of the board, its
5209 members, officers, investigators, agents and attorneys in
5210 evaluating the applicant's eligibility or disqualification for
5211 licensure, and shall be exempt from the Mississippi Public Records
5212 Act of 1983. Except when introduced into evidence in a hearing
5213 before the board to determine licensure, no such information or
5214 records related thereto shall, except with the written consent of
5215 the applicant or by order of a court of competent jurisdiction, be



5216 released or otherwise disclosed by the board to any other person
5217 or agency.

5218 The board shall provide to the department the fingerprints of
5219 the applicant, any additional information that may be required by
5220 the department, and a form signed by the applicant consenting to
5221 the check of the criminal records and to the use of the
5222 fingerprints and other identifying information required by the
5223 state or national repositories.

5224 The board shall charge and collect from the applicant, in
5225 addition to all other applicable fees and costs, such amount as
5226 may be incurred by the board in requesting and obtaining state and
5227 national criminal history records information on the applicant.

5228 The board may, in its discretion, refuse to accept the
5229 application of any person who has been convicted of a criminal
5230 offense under any provision of Title 97 of the Mississippi Code of
5231 1972, as now or hereafter amended, or any provision of this
5232 article.

5233 (2) **Licensure by examination.** (a) Upon the board being
5234 satisfied that an applicant for a license as a registered nurse
5235 has met the qualifications set forth in subsection (1) of this
5236 section, the board shall proceed to examine such applicant in such
5237 subjects as the board shall, in its discretion, determine. The
5238 subjects in which applicants shall be examined shall be in
5239 conformity with curricula in schools of nursing approved by the
5240 Board of Trustees of State Institutions of Higher Learning, or one



approved by a legal accrediting agency of another state, territory or possession of the United States, the District of Columbia, or a foreign country which is satisfactory to the board.

(b) The applicant shall be required to pass the written examination as selected by the board.

(c) Upon successful completion of such examination, the board shall issue to the applicant a license to practice as a registered nurse.

(d) The board may use any part or all of the state board test pool examination for registered nurse licensure, its successor examination, or any other nationally standardized examination identified by the board in its rules. The passing score shall be established by the board in its rules.

(3) **Licensure by endorsement.** The board may issue a license to practice nursing as a registered nurse without examination to an applicant who has been duly licensed as a registered nurse under the laws of another state, territory or possession of the United States, the District of Columbia, or a foreign country if, in the opinion of the board, the applicant meets the qualifications required of licensed registered nurses in this state and has previously achieved the passing score or scores on the licensing examination required by this state, at the time of his or her graduation. The issuance of a license by endorsement to a military-trained applicant, military spouse or person who



5265 establishes residence in this state shall be subject to the
5266 provisions of Section 73-50-1 or 73-50-2, as applicable.

5267 (4) **Requirements for rewriting the examination.** The board
5268 shall establish in its rules the requirements for rewriting the
5269 examination for those persons failing the examination on the first
5270 writing or subsequent rewriting.

5271 (5) **Fee.** The applicant applying for a license by
5272 examination or by endorsement to practice as a registered nurse
5273 shall pay a fee not to exceed One Hundred Dollars (\$100.00) to the
5274 board.

5275 (6) **Temporary permit.** (a) The board may issue a temporary
5276 permit to practice nursing to a graduate of an approved school of
5277 nursing pending the results of the examination in Mississippi, and
5278 to a qualified applicant from another state, territory or
5279 possession of the United States, or District of Columbia, or
5280 pending licensure procedures as provided for elsewhere in this
5281 article. The fee shall not exceed Twenty-five Dollars (\$25.00).

5282 (b) The board may issue a temporary permit for a period
5283 of ninety (90) days to a registered nurse who is currently
5284 licensed in another state, territory or possession of the United
5285 States or the District of Columbia and who is an applicant for
5286 licensure by endorsement. Such permit is not renewable except by
5287 board action. The issuance of a temporary permit to a
5288 military-trained applicant, military spouse or person who



5289 establishes residence in this state shall be subject to the
5290 provisions of Section 73-50-1 or 73-50-2, as applicable.

5291 (c) The board may issue a temporary permit to a
5292 graduate of an approved school of nursing pending the results of
5293 the first licensing examination scheduled after application. Such
5294 permit is not renewable except by board action.

5295 (d) The board may issue a temporary permit for a period
5296 of thirty (30) days to any registered nurse during the time
5297 enrolled in a nursing reorientation program. This time period may
5298 be extended by board action. The fee shall not exceed Twenty-five
5299 Dollars (\$25.00).

5300 (e) The board may adopt such regulations as are
5301 necessary to limit the practice of persons to whom temporary
5302 permits are issued.

5303 (7) **Temporary license.** The board may issue a temporary
5304 license to practice nursing at a youth camp licensed by the State
5305 Board of Health to nonresident registered nurses and retired
5306 resident registered nurses under the provisions of Section
5307 75-74-8.

5308 (8) **Title and abbreviation.** Any person who holds a license
5309 or holds the privilege to practice as a registered nurse in this
5310 state shall have the right to use the title "registered nurse" and
5311 the abbreviation "R.N." No other person shall assume such title
5312 or use such abbreviation, or any words, letters, signs or devices
5313 to indicate that the person using the same is a registered nurse.



5314 (9) **Registered nurses licensed under a previous law.** Any
5315 person holding a license to practice nursing as a registered nurse
5316 issued by this board which is valid on July 1, 1981, shall
5317 thereafter be deemed to be licensed as a registered nurse under
5318 the provisions of this article upon payment of the fee provided in
5319 Section 73-15-27.

5320 (10) Each application or filing made under this section
5321 shall include the social security number(s) of the applicant in
5322 accordance with Section 93-11-64.

5323 **SECTION 55.** Section 73-15-21, Mississippi Code of 1972, is
5324 amended as follows:

5325 73-15-21. (1) **Licensed practical nurse applicant**
5326 **qualifications.** Any applicant for a license to practice practical
5327 nursing as a licensed practical nurse shall submit to the board:

5328 (a) An attested written application on a Board of
5329 Nursing form;

5330 (b) A diploma from an approved high school or the
5331 equivalent thereof, as determined by the appropriate educational
5332 agency;

5333 (c) Written official evidence of completion of a
5334 practical nursing program approved by the State Department of
5335 Education through its Division of Vocational Education, or one
5336 approved by a legal accrediting agency of another state, territory
5337 or possession of the United States, the District of Columbia, or a
5338 foreign country which is satisfactory to this board;



(d) Evidence of competence in English related to nursing, provided the first language is not English;

(e) Any other official records required by the board.

In addition to the requirements specified in paragraphs (a) through (e) of this subsection, in order to qualify for a license to practice practical nursing as a licensed practical nurse, an applicant must have successfully been cleared for licensure through an investigation that shall consist of a * * * verification that the prospective licensee is not guilty of or in violation of any statutory ground for denial of licensure as set forth in Section 73-15-29 or guilty of any offense specified in Section 73-15-33. To assist the board in conducting its licensure investigation, all applicants shall undergo a fingerprint-based criminal history records check of the Mississippi central criminal database and the Federal Bureau of Investigation criminal history database. Each applicant shall submit a full set of his or her fingerprints in a form and manner prescribed by the board, which shall be forwarded to the Mississippi Department of Public Safety (department) and the Federal Bureau of Investigation Identification Division for this purpose.

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



5364 evaluating the applicant's eligibility or disqualification for
5365 licensure, and shall be exempt from the Mississippi Public Records
5366 Act of 1983. Except when introduced into evidence in a hearing
5367 before the board to determine licensure, no such information or
5368 records related thereto shall, except with the written consent of
5369 the applicant or by order of a court of competent jurisdiction, be
5370 released or otherwise disclosed by the board to any other person
5371 or agency.

5372 The board shall provide to the department the fingerprints of
5373 the applicant, any additional information that may be required by
5374 the department, and a form signed by the applicant consenting to
5375 the check of the criminal records and to the use of the
5376 fingerprints and other identifying information required by the
5377 state or national repositories.

5378 The board shall charge and collect from the applicant, in
5379 addition to all other applicable fees and costs, such amount as
5380 may be incurred by the board in requesting and obtaining state and
5381 national criminal history records information on the applicant.

5382 The board may, in its discretion, refuse to accept the
5383 application of any person who has been convicted of a criminal
5384 offense under any provision of Title 97 of the Mississippi Code of
5385 1972, as now or hereafter amended, or any provision of this
5386 article.

5387 (2) **Licensure by examination.** (a) Upon the board being
5388 satisfied that an applicant for a license as a practical nurse has



met the qualifications set forth in subsection (1) of this section, the board shall proceed to examine such applicant in such subjects as the board shall, in its discretion, determine. The subjects in which applicants shall be examined shall be in conformity with curricula in schools of practical nursing approved by the State Department of Education.

(b) The applicant shall be required to pass the written examination selected by the board.

(c) Upon successful completion of such examination, the board shall issue to the applicant a license to practice as a licensed practical nurse.

(d) The board may use any part or all of the state board test pool examination for practical nurse licensure, its successor examination, or any other nationally standardized examination identified by the board in its rules. The passing score shall be established by the board in its rules.

(3) **Licensure by endorsement.** The board may issue a license to practice practical nursing as a licensed practical nurse without examination to an applicant who has been duly licensed as a licensed practical nurse under the laws of another state, territory or possession of the United States, the District of Columbia, or a foreign country if, in the opinion of the board, the applicant meets the qualifications required of licensed practical nurses in this state and has previously achieved the passing score or scores on the licensing examination required by



5414 this state at the time of his or her graduation. The issuance of
5415 a license by endorsement to a military-trained applicant, military
5416 spouse or person who establishes residence in this state shall be
5417 subject to the provisions of Section 73-50-1 or 73-50-2, as
5418 applicable.

5419 (4) **Licensure by equivalent amount of theory and clinical**
5420 **experience.** In the discretion of the board, former students of a
5421 state-accredited school preparing students to become registered
5422 nurses may be granted permission to take the examination for
5423 licensure to practice as a licensed practical nurse, provided the
5424 applicant's record or transcript indicates the former student
5425 completed an equivalent amount of theory and clinical experiences
5426 as required of a graduate of a practical nursing program, and
5427 provided the school attended was, at the time of the student's
5428 attendance, an accredited school of nursing.

5429 (5) **Requirements for rewriting the examination.** The board
5430 shall establish in its rules the requirements for rewriting the
5431 examination for those persons failing the examination on the first
5432 writing or subsequent writing.

5433 (6) **Fee.** The applicant applying for a license by
5434 examination or by endorsement to practice as a licensed practical
5435 nurse shall pay a fee not to exceed Sixty Dollars (\$60.00) to the
5436 board.

5437 (7) **Temporary permit.** (a) The board may issue a temporary
5438 permit to practice practical nursing to a graduate of an approved



5439 school of practical nursing pending the results of the examination
5440 in Mississippi, and to a qualified applicant from another state,
5441 territory or possession of the United States, or the District of
5442 Columbia, pending licensing procedures as provided for elsewhere
5443 in this article. The fee shall not exceed Twenty-five Dollars
5444 (\$25.00).

5445 (b) The board may issue a temporary permit for a period
5446 of ninety (90) days to a licensed practical nurse who is currently
5447 licensed in another state, territory or possession of the United
5448 States or the District of Columbia and who is an applicant for
5449 licensure by endorsement. Such permit is not renewable except by
5450 board action. The issuance of a temporary permit to a
5451 military-trained applicant, military spouse or person who
5452 establishes residence in this state shall be subject to the
5453 provisions of Section 73-50-1 or 73-50-2, as applicable.

5454 (c) The board may issue a temporary permit to a
5455 graduate of an approved practical nursing education program or an
5456 equivalent program satisfactory to the board pending the results
5457 of the first licensing examination scheduled after application.
5458 Such permit is not renewable except by board action.

5459 (d) The board may issue a temporary permit for a period
5460 of thirty (30) days to any licensed practical nurse during the
5461 time enrolled in a nursing reorientation program. This time
5462 period may be extended by board action. The fee shall not exceed
5463 Twenty-five Dollars (\$25.00).



5464 (e) The board may adopt such regulations as are
5465 necessary to limit the practice of persons to whom temporary
5466 permits are issued.

5467 (8) **Title and abbreviation.** Any person who holds a license
5468 or holds the privilege to practice as a licensed practical nurse
5469 in this state shall have the right to use the title "licensed
5470 practical nurse" and the abbreviation "L.P.N." No other person
5471 shall assume such title or use such abbreviation, or any words,
5472 letters, signs or devices to indicate that a person using the same
5473 is a licensed practical nurse.

5474 (9) **Licensed practical nurses licensed under a previous law.**
5475 Any person holding a license to practice nursing as a practical
5476 nurse issued by this board which is valid on July 1, 1981, shall
5477 thereafter be deemed to be licensed as a practical nurse under the
5478 provisions of this article upon payment of the fee prescribed in
5479 Section 73-15-27.

5480 (10) Each application or filing made under this section
5481 shall include the social security number(s) of the applicant in
5482 accordance with Section 93-11-64.

5483 **SECTION 56.** Section 73-17-9, Mississippi Code of 1972, is
5484 amended as follows:

5485 73-17-9. It shall be the function and duty of the board to:

5486 (a) Develop, impose, and enforce standards which must
5487 be met by individuals in order to receive a license as a nursing
5488 home administrator, which standards shall be designed to * * *



5489 ensure that nursing home administrators will be individuals who
5490 are * * * suitable, and who, by training or experience in the
5491 field of institutional administration, are qualified to serve as
5492 nursing home administrators;

5493 (b) Develop and apply appropriate techniques, including
5494 examinations and investigations, for determining whether an
5495 individual meets such standards;

5496 (c) Issue licenses to individuals determined, after the
5497 application of such techniques, to meet such standards, and revoke
5498 or suspend licenses previously issued by the board in any case
5499 where the individual holding any such license is determined
5500 substantially to have failed to conform to the requirements of
5501 such standards;

5502 (d) Establish and carry out procedures designed
5503 to * * * ensure that individuals licensed as nursing home
5504 administrators will, during any period that they serve as such,
5505 comply with the requirements of such standards;

5506 (e) Receive, investigate, and take appropriate action
5507 with respect to any charge or complaint filed with the board to
5508 the effect that any individual licensed as a nursing home
5509 administrator has failed to comply with the requirements of such
5510 standards;

5511 (f) Conduct a continuing study and investigation of
5512 nursing homes and administrators of nursing homes within the state
5513 with a view to the improvement of the standards imposed for the



5514 licensing of such administrators and of procedures and methods for
5515 the enforcement of such standards with respect to administrators
5516 of nursing homes who have been licensed as such; and

5517 (g) To devise and implement an educational program
5518 designed to increase the professional proficiency of nursing home
5519 administrators and to assist otherwise qualified individuals to
5520 prepare for careers in nursing home administration.

5521 **SECTION 57.** Section 73-17-11, Mississippi Code of 1972, is
5522 amended as follows:

5523 73-17-11. (1) From and after July 1, 2011, in order to be
5524 eligible to be licensed as a nursing home administrator, an
5525 individual must submit evidence satisfactory to the board that he
5526 or she:

5527 (a) Is at least twenty-one (21) years of age;

5528 (b) * * * Has not been convicted of a disqualifying
5529 crime as provided in the Fresh Start Act, including evidence of a
5530 criminal background check within the last six (6) months, under
5531 Section 43-11-13 and Section G.407.3 of the Minimum Standards for
5532 Institutions for the Aged or Infirm;

5533 (c) Is in good health;

5534 (d) Has satisfied at least one (1) of the following
5535 requirements for education and experience:

5536 (i) Has sixty-four (64) hours of college work from
5537 an accredited institution and has worked in a supervisory capacity
5538 in a Mississippi-licensed nursing home for a minimum of two (2)



5539 years immediately before making application for the
5540 Administrator-in-Training Program established by board rule;
5541 (ii) Has an associate degree from an accredited
5542 institution and has worked in a supervisory capacity in a
5543 Mississippi-licensed nursing home for a minimum of two (2) years
5544 immediately before making application for the
5545 Administrator-in-Training Program established by board rule;
5546 (iii) Has a bachelor's degree in any other field
5547 of study from an accredited institution before making application
5548 for the Administrator-in-Training Program established by board
5549 rule; or
5550 (iv) Has a bachelor's degree in health care
5551 administration or a health care related field or business from an
5552 accredited institution before making application for the
5553 Administrator-in-Training Program established by board rule;
5554 (e) Has (i) completed a nursing home
5555 Administrator-in-Training Program and successfully completed the
5556 National Association of Long-Term Care Administrator Board (NAB)
5557 examination, or (ii) completed an Administrator-in-Training
5558 Program in Long-Term Care Administration from an academic
5559 institution during which time the institution held National
5560 Association of Long-Term Care Administrator Board (NAB) Program
5561 Approval through the academic approval process, to the
5562 satisfaction of the board;



5563 (f) Has successfully passed the National Association of
5564 Long-Term Care Administrator Board (NAB) examination and the
5565 Mississippi State Board of Nursing Home Administrators examination
5566 to test his or her proficiency and basic knowledge in the area of
5567 nursing home administration. The board may establish the
5568 frequency of the offering of those examinations and the contents
5569 thereof; and

5570 (g) Has met all of the requirements established by
5571 federal law.

5572 (2) The board is authorized to conduct a criminal history
5573 records check on applicants for licensure. In order to determine
5574 the applicant's suitability for licensing, the applicant shall be
5575 fingerprinted. The board shall submit the fingerprints to the
5576 Department of Public Safety for a check of the state criminal
5577 records and forward to the Federal Bureau of Investigation for a
5578 check of the national criminal records. The Department of Public
5579 Safety shall disseminate the results of the state check and the
5580 national check to the board for a suitability determination. The
5581 applicant shall not be charged any of the costs of requesting and
5582 obtaining the state and national criminal history records
5583 information on the applicant.

5584 (3) Reciprocity shall be extended to individuals holding
5585 licenses as nursing home administrators in other states, upon
5586 proper application and a finding on the part of the board that:



5587 (a) The applicant possesses the basic qualifications
5588 listed in this chapter and in the rules and regulations adopted
5589 under federal law;

5590 (b) The applicant has met all of the requirements
5591 established by federal law; and

5592 (c) The standards for licensure in the other states are
5593 at least the substantial equivalent of those in this state,
5594 including education and experience, and the applicant has passed
5595 both the National Association of Long-Term Care Administrator
5596 Board (NAB) and the state exams.

5597 The issuance of a license by reciprocity to a
5598 military-trained applicant, military spouse or person who
5599 establishes residence in this state shall be subject to the
5600 provisions of Section 73-50-1 or 73-50-2, as applicable.

5601 (4) The board may prescribe appropriate fees for the taking
5602 of those examinations and for the issuance of licenses. Those
5603 fees shall be not more than the cost of the examinations and Five
5604 Hundred Fifty Dollars (\$550.00) for the issuance of a license.
5605 However, the fee for an initial license may be prorated in
5606 proportion to the period of time from the date of issuance and the
5607 date of biennial license renewal prescribed in subsection (5).
5608 All licenses issued under this chapter shall be for a maximum
5609 period of two (2) years.

5610 (5) Except as provided in Section 33-1-39, the board may
5611 renew licenses biennially upon the payment of a fee to be



5612 established by the board, which shall be not more than Five
5613 Hundred Fifty Dollars (\$550.00), plus any administrative costs for
5614 late payment.

5615 (6) Any person who is not licensed under this chapter on
5616 July 1, 2011, who makes application with the board on or before
5617 June 30, 2012, may qualify for a license under this chapter
5618 provided that on or before January 31, 2014, he or she
5619 demonstrates to the satisfaction of the board that he or she (a)
5620 meets the eligibility requirements for a nursing home
5621 administrator's license prescribed in this section as those
5622 requirements existed on June 30, 2011; (b) has successfully
5623 completed the Administrator-in-Training Program requirements
5624 existing on June 30, 2011; and (c) has paid all required fees for
5625 licensure.

5626 (7) Current licensure by the Department of Mental Health
5627 under Section 41-4-7(r) as a mental health/intellectual disability
5628 program administrator shall exempt the licensee from the
5629 requirement of licensure as a nursing home administrator if the
5630 licensee is employed in the state mental health system as
5631 Administrator of Intermediate Care Facility or Facilities for
5632 Persons with Intellectual Disabilities (ICF/ID) no larger than
5633 sixteen (16) beds.

5634 (8) Any member of the Legislature who serves on the Public
5635 Health and/or Medicaid Committee who is a licensed nursing home



5636 administrator shall be exempt from continuing education
5637 requirements for license renewal.

5638 **SECTION 58.** Section 73-19-17, Mississippi Code of 1972, is
5639 amended as follows:

5640 73-19-17. Any person over the age of twenty-one (21)
5641 years * * * who has graduated from a reputable school or college
5642 of optometry, shall be entitled to stand for the examination for
5643 license to practice optometry in Mississippi. The examining Board
5644 of Optometry shall keep on file a list of schools or colleges of
5645 optometry which are recognized by said board. The examination to
5646 practice optometry shall consist of tests in practical,
5647 theoretical and physiological optics, in theoretical and practical
5648 optometry and in anatomy and physiology of the eye and in
5649 pathology as applied to optometry. The State Board of Optometry
5650 shall not examine or certify any optometrist in any therapeutic
5651 procedures unless the optometrist has successfully completed the
5652 proper didactic education and supervised clinical training taught
5653 by an institution accredited by a regional or professional
5654 accreditation organization that is recognized or approved by the
5655 Council on Postsecondary Accreditation of the United States
5656 Department of Education, or its successor, and approved by the
5657 State Board of Optometry with the advice and consultation of the
5658 designated members of the State Board of Medical Licensure and the
5659 State Board of Pharmacy.



5660 **SECTION 59.** Section 73-21-85, Mississippi Code of 1972, is
5661 amended as follows:

5662 73-21-85. (1) To obtain a license to engage in the practice
5663 of pharmacy by examination, or by score transfer, the applicant
5664 shall:

5665 (a) Have submitted a written application on the form
5666 prescribed by the board;

5667 * * *

5668 (* * *b) Have graduated from a school or college of
5669 pharmacy accredited by the American Council of Pharmaceutical
5670 Education and have been granted a pharmacy degree therefrom;

5671 (* * *c) Have successfully passed an examination
5672 approved by the board;

5673 (* * *d) Have paid all fees specified by the board for
5674 examination, not to exceed the cost to the board of administering
5675 the examination;

5676 (* * *e) Have paid all fees specified by the board for
5677 licensure; and

5678 (* * *f) Have submitted evidence of externship and/or
5679 internship as specified by the board.

5680 (2) To obtain a license to engage in the practice of
5681 pharmacy, a foreign pharmacy graduate applicant shall obtain the
5682 National Association of Boards of Pharmacy's Foreign Pharmacy
5683 Graduate Examination Committee's certification, which shall
5684 include, but not be limited to, successfully passing the Foreign



5685 Pharmacy Graduate Equivalency Examination and attaining a total
5686 score of at least five hundred fifty (550) on the Test of English
5687 as a Foreign Language (TOEFL), and shall:

5688 (a) Have submitted a written application on the form
5689 prescribed by the board;

5690 * * *

5691 (* * *b) Have graduated and been granted a pharmacy
5692 degree from a college or school of pharmacy recognized and
5693 approved by the National Association of Boards of Pharmacy's
5694 Foreign Pharmacy Graduate Examination Committee;

5695 (* * *c) Have paid all fees specified by the board for
5696 examination, not to exceed the cost to the board of administering
5697 the examination;

5698 (* * *d) Have successfully passed an examination
5699 approved by the board;

5700 (* * *e) Have completed the number of internship hours
5701 as set forth by regulations of the board; and

5702 (* * *f) Have paid all fees specified by the board for
5703 licensure.

5704 (3) Each application or filing made under this section shall
5705 include the social security number(s) of the applicant in
5706 accordance with Section 93-11-64.

5707 (4) * * * The board shall conduct a criminal history records
5708 check on all applicants for a license. In order to determine the
5709 applicant's suitability for licensing, the applicant shall be



5710 fingerprinted. The board shall submit the fingerprints to the
5711 Department of Public Safety for a check of the state criminal
5712 records and forward to the Federal Bureau of Investigation for a
5713 check of the national criminal records. The Department of Public
5714 Safety shall disseminate the results of the state check and the
5715 national check to the board for a suitability determination. The
5716 board shall be authorized to collect from the applicant the amount
5717 of the fee that the Department of Public Safety charges the board
5718 for the fingerprinting, whether manual or electronic, and the
5719 state and national criminal history records checks.

5720 (5) * * * The board, upon request of the Dean of the
5721 University of Mississippi School of Pharmacy, shall be authorized
5722 to conduct a criminal history records check on all applicants for
5723 enrollment into the School of Pharmacy. In order to determine the
5724 applicant's suitability for enrollment and licensing, the
5725 applicant shall be fingerprinted. The board shall submit the
5726 fingerprints to the Department of Public Safety for a check of the
5727 state criminal records and forward to the Federal Bureau of
5728 Investigation for a check of the national criminal records. The
5729 Department of Public Safety shall disseminate the results of the
5730 state check and the national check to the board for a suitability
5731 determination and the board shall forward the results to the Dean
5732 of the School of Pharmacy. The board shall be authorized to
5733 collect from the applicant the amount of the fee that the
5734 Department of Public Safety charges the board for the



5735 fingerprinting, whether manual or electronic, and the state and
5736 national criminal history records checks.

5737 **SECTION 60.** Section 73-21-87, Mississippi Code of 1972, is
5738 amended as follows:

5739 73-21-87. (1) To obtain a license to engage in the practice
5740 of pharmacy by reciprocity or license transfer, the applicant
5741 shall:

5742 (a) Have submitted a written application on the form
5743 prescribed by the board;

5744 * * *

5745 (* * *b) Have possessed at the time of initial
5746 licensure as a pharmacist such other qualifications necessary to
5747 have been eligible for licensure at that time in that state;

5748 (* * *c) Have presented to the board proof that any
5749 license or licenses granted to the applicant by any other states
5750 have not been suspended, revoked, cancelled or otherwise
5751 restricted for any reason except nonrenewal or the failure to
5752 obtain required continuing education credits; and

5753 (* * *d) Have paid all fees specified by the board for
5754 licensure.

5755 (2) No applicant shall be eligible for licensure by
5756 reciprocity or license transfer unless the state in which the
5757 applicant was initially licensed also grants a reciprocal license
5758 or transfer license to pharmacists licensed by this state under
5759 like circumstances and conditions.



5760 (3) The issuance of a license by reciprocity to a
5761 military-trained applicant, military spouse or person who
5762 establishes residence in this state shall be subject to the
5763 provisions of Section 73-50-1 or 73-50-2, as applicable.

5764 (4) Each application or filing made under this section shall
5765 include the social security number(s) of the applicant in
5766 accordance with Section 93-11-64.

5767 **SECTION 61.** Section 73-21-111, Mississippi Code of 1972, is
5768 amended as follows:

5769 73-21-111. (1) The board shall make, adopt, amend and
5770 repeal, from time to time, such rules and regulations for the
5771 regulation of supportive personnel as may be deemed necessary by
5772 the board.

5773 (2) Every person who acts or serves as a pharmacy technician
5774 in a pharmacy that is located in this state and permitted by the
5775 board shall obtain a registration from the board. To obtain a
5776 pharmacy technician registration the applicant must:

5777 (a) Have submitted a written application on a form(s)
5778 prescribed by the board; and

5779 * * *

5780 (* * *b) Have paid the initial registration fee not to
5781 exceed One Hundred Dollars (\$100.00).

5782 (3) Each pharmacy technician shall renew his or her
5783 registration annually. To renew his or her registration, a
5784 technician must:



5785 (a) Submit an application on a form prescribed by the
5786 board; and

5787 (b) Pay a renewal fee not to exceed One Hundred Dollars
5788 (\$100.00) for each annual registration period. The board may add
5789 a surcharge of not more than Five Dollars (\$5.00) to the
5790 registration renewal fee to assist in funding a program that
5791 assists impaired pharmacists, pharmacy students and pharmacy
5792 technicians.

5793 (4) * * * The board shall conduct a criminal history records
5794 check on all applicants for a license. In order to determine the
5795 applicant's suitability for licensing, the applicant shall be
5796 fingerprinted. The board shall submit the fingerprints to the
5797 Department of Public Safety for a check of the state criminal
5798 records and forward to the Federal Bureau of Investigation for a
5799 check of the national criminal records. The Department of Public
5800 Safety shall disseminate the results of the state check and the
5801 national check to the board for a suitability determination. The
5802 board shall be authorized to collect from the applicant the amount
5803 of the fee that the Department of Public Safety charges the board
5804 for the fingerprinting, whether manual or electronic, and the
5805 state and national criminal history records checks.

5806 **SECTION 62.** Section 73-23-47, Mississippi Code of 1972, is
5807 amended as follows:

5808 73-23-47. (1) Any person who desires to be licensed under
5809 this chapter must: (a) * * * have graduated from a physical



5810 therapy or physical therapist assistant program, as the case may
5811 be, accredited by an agency recognized by the United States
5812 Department of Education, Office on Postsecondary Education; and
5813 (* * *b) pay a nonrefundable examination fee as set by the board;
5814 (* * *c) pay an application fee, no part of which shall be
5815 refunded; (* * *d) be examined for licensure by the board; and
5816 meet the requirements established by the rules of the board. The
5817 licensure examination for physical therapists and for physical
5818 therapist assistants shall be selected by the board and may also
5819 include an oral examination or practical examination or both at
5820 the discretion of the board.

5821 (2) Any person who desires to exercise the privilege to
5822 practice under the Physical Therapy Licensure Compact must
5823 complete the terms and provisions of the compact as prescribed in
5824 Section 73-23-101.

5825 (3) Each application or filing made under this section shall
5826 include the social security number(s) of the applicant in
5827 accordance with Section 93-11-64.

5828 **SECTION 63.** Section 73-23-51, Mississippi Code of 1972, is
5829 amended as follows:

5830 73-23-51. (1) The board may license as a physical therapist
5831 or as a physical therapist assistant, and furnish a certificate of
5832 licensure without examination to, any applicant who presents
5833 evidence, satisfactory to the board, of having passed an
5834 examination before a similar lawfully authorized examining agency



5835 or board in physical therapy of another state or the District of
5836 Columbia, if the standards for registration in physical therapy or
5837 for licensure as a physical therapist assistant in such other
5838 state or district are determined by the board to be as high as
5839 those of this state. The issuance of a license by reciprocity to
5840 a military-trained applicant, military spouse or person who
5841 establishes residence in this state shall be subject to the
5842 provisions of Section 73-50-1 or 73-50-2, as applicable.

5843 (2) Any person who has been trained as a physical therapist
5844 in a foreign country and desires to be licensed under this chapter
5845 and who: (a) * * * holds a diploma from an educational program
5846 for physical therapists approved by the board; (* * *b) submits
5847 documentary evidence to the board that he has completed a course
5848 of professional instruction substantially equivalent to that
5849 obtained by an applicant for licensure; (* * *c) demonstrates
5850 satisfactory proof of proficiency in the English language; and
5851 (* * *d) meets other requirements established by rules of the
5852 board, may make application on a form furnished by the board for
5853 examination as a foreign-trained physical therapist. At the time
5854 of making such application, the applicant shall pay the fee
5855 prescribed by the board, no portion of which shall be returned.

5856 Any person who desires to be licensed under this subsection
5857 shall take an examination approved by the board and shall obtain a
5858 permanent license. If this requirement is not met, the license of
5859 the foreign-trained therapist may be revoked.



SECTION 64. Section 73-24-19, Mississippi Code of 1972, is amended as follows:

73-24-19. (1) An applicant applying for a license as an occupational therapist or as an occupational therapy assistant shall file a written application on forms provided by the board, showing to the satisfaction of the board that he or she meets the following requirements:

* * *

(* * *a) Has been awarded a degree from an education program in occupational therapy recognized by the board, with a concentration of instruction in basic human sciences, the human development process, occupational tasks and activities, the health-illness-health continuum, and occupational therapy theory and practice:

(i) For an occupational therapist, such program shall be accredited by the Accreditation Council for Occupational Therapy Education of the American Occupational Therapy Association or the board-recognized accrediting body;

(ii) For an occupational therapy assistant, such a program shall be accredited by the Accreditation Council for Occupational Therapy Education of the American Occupational Therapy Association or the board-recognized accrediting body;

(* * *b) Has successfully completed a period of supervised fieldwork experience at a recognized educational



5884 institution or a training program approved by the educational
5885 institution where he or she met the academic requirements:

5886 (i) For an occupational therapist, the required
5887 supervised fieldwork experience shall meet current national
5888 standards that are published annually by the board;

5889 (ii) For an occupational therapy assistant, the
5890 required supervised fieldwork experience shall meet national
5891 standards that are published annually by the board.

5892 (2) The board shall approve an examination for occupational
5893 therapists and an examination for occupational therapy assistants
5894 that will be used as the examination for licensure.

5895 (3) Any person applying for licensure shall, in addition to
5896 demonstrating his or her eligibility in accordance with the
5897 requirements of this section, make application to the board for
5898 review of proof of his or her eligibility for certification by the
5899 National Board for Certification in Occupational Therapy, Inc.
5900 (NBCOT), or its successor organization, on a form and in such a
5901 manner as the board shall prescribe. The application shall be
5902 accompanied by the fee fixed in accordance with the provisions of
5903 Section 73-24-29. The board shall establish standards for
5904 acceptable performance on the examination. A person who fails an
5905 examination may apply for reexamination upon payment of the
5906 prescribed fee.

5907 (4) Applicants for licensure shall be examined at a time and
5908 place and under such supervision as the board may require. The



5909 board shall give reasonable public notice of these examinations in
5910 accordance with its rules and regulations.

5911 (5) An applicant may be licensed as an occupational
5912 therapist if he or she: (a) has practiced as an occupational
5913 therapy assistant for four (4) years, (b) has completed the
5914 requirements of a period of six (6) months of supervised fieldwork
5915 experience at a recognized educational institution or a training
5916 program approved by a recognized accredited educational
5917 institution before January 1, 1988, and (c) has passed the
5918 examination for occupational therapists.

5919 (6) An applicant applying for a compact privilege to
5920 practice as an occupational therapist or as an occupational
5921 therapy assistant must meet the requirements set out in the
5922 Occupational Therapy Licensure Compact provided for in Section
5923 73-24-51.

5924 (7) Each application or filing made under this section shall
5925 include the social security number(s) of the applicant in
5926 accordance with Section 93-11-64.

5927 **SECTION 65.** Section 73-24-21, Mississippi Code of 1972, is
5928 amended as follows:

5929 73-24-21. (1) The board shall grant a license to any person
5930 certified prior to July 1, 1988, as an Occupational Therapist
5931 Registered (OTR) or a Certified Occupational Therapy Assistant
5932 (COTA) by the American Occupational Therapy Association (AOTA).
5933 The board may waive the examination, education or experience



5934 requirements and grant a license to any person certified by AOTA
5935 after July 1, 1988, if the board determines the requirements for
5936 such certification are equivalent to the requirements for
5937 licensure in this article.

5938 (2) The board may waive the examination, education or
5939 experience requirements and grant a license to any applicant who
5940 shall present proof of current licensure as an occupational
5941 therapist or occupational therapy assistant in another state, the
5942 District of Columbia or territory of the United States which
5943 requires standards for licensure considered by the board to be
5944 equivalent to the requirements for licensure of this article. The
5945 issuance of a license by reciprocity to a military-trained
5946 applicant, military spouse or person who establishes residence in
5947 this state shall be subject to the provisions of Section 73-50-1
5948 or 73-50-2, as applicable.

5949 (3) Foreign-trained occupational therapists and occupational
5950 therapy assistants shall satisfy the examination requirements of
5951 Section 73-24-19. The board shall require foreign-trained
5952 applicants to furnish proof of * * * completion of educational and
5953 supervised fieldwork requirements substantially equal to those
5954 contained in Section 73-24-19 before taking the examination.

5955 **SECTION 66.** Section 73-25-3, Mississippi Code of 1972, is
5956 amended as follows:

5957 73-25-3. Every person who desires to obtain a license to
5958 practice medicine must apply therefor, in writing, to the State



5959 Board of Medical Licensure at least ten (10) days before the date
5960 of the examination and must be examined by the board according to
5961 the methods deemed by it to be the most practical and expeditious
5962 to test the applicants' qualifications. If the applicant is found
5963 by the board, upon examination, to possess sufficient learning in
5964 those branches * * *, the board shall issue him a license to
5965 practice medicine; however, no applicant shall be granted a
5966 license unless the applicant holds a diploma from a reputable
5967 medical college or college of osteopathic medicine that requires a
5968 four-year course of at least thirty-two (32) weeks for each
5969 session, or its equivalent.

5970 To qualify for a Mississippi medical license, an applicant
5971 must have successfully been cleared for licensure through an
5972 investigation that shall consist of a * * * verification that the
5973 prospective licensee is not guilty of or in violation of any
5974 statutory ground for denial of licensure as set forth in Sections
5975 73-25-29 and 73-25-83. To assist the board in conducting its
5976 licensure investigation, all applicants shall undergo a
5977 fingerprint-based criminal history records check of the
5978 Mississippi central criminal database and the Federal Bureau of
5979 Investigation criminal history database. Each applicant shall
5980 submit a full set of the applicant's fingerprints in a form and
5981 manner prescribed by the board, which shall be forwarded to the
5982 Mississippi Department of Public Safety (department) and the



5983 Federal Bureau of Investigation Identification Division for this
5984 purpose.

5985 Any and all state or national criminal history records
5986 information obtained by the board that is not already a matter of
5987 public record shall be deemed nonpublic and confidential
5988 information restricted to the exclusive use of the board, its
5989 members, officers, investigators, agents and attorneys in
5990 evaluating the applicant's eligibility or disqualification for
5991 licensure, and shall be exempt from the Mississippi Public Records
5992 Act of 1983. Except when introduced into evidence in a hearing
5993 before the board to determine licensure, no such information or
5994 records related thereto shall, except with the written consent of
5995 the applicant or by order of a court of competent jurisdiction, be
5996 released or otherwise disclosed by the board to any other person
5997 or agency.

5998 The board shall provide to the department the fingerprints of
5999 the applicant, any additional information that may be required by
6000 the department, and a form signed by the applicant consenting to
6001 the check of the criminal records and to the use of the
6002 fingerprints and other identifying information required by the
6003 state or national repositories.

6004 The board shall charge and collect from the applicant, in
6005 addition to all other applicable fees and costs, such amount as
6006 may be incurred by the board in requesting and obtaining state and
6007 national criminal history records information on the applicant.



6008 This section shall not apply to applicants for a special
6009 volunteer medical license authorized under Section 73-25-18.

6010 **SECTION 67.** Section 73-25-14, Mississippi Code of 1972, is
6011 amended as follows:

6012 73-25-14. (1) Except as provided in Section 33-1-39, the
6013 license of every person licensed to practice medicine or
6014 osteopathy in the State of Mississippi shall be renewed annually.

6015 On or before May 1 of each year, the State Board of Medical
6016 Licensure shall mail a notice of renewal of license to every
6017 physician or osteopath to whom a license was issued or renewed
6018 during the current licensing year. The notice shall provide
6019 instructions for obtaining and submitting applications for
6020 renewal. The State Board of Medical Licensure is authorized to
6021 make applications for renewal available via electronic means. The
6022 applicant shall obtain and complete the application and submit it
6023 to the board in the manner prescribed by the board in the notice
6024 before June 30 with the renewal fee of an amount established by
6025 the board, but not to exceed Three Hundred Dollars (\$300.00), a
6026 portion of which fee shall be used to support a program to aid
6027 impaired physicians and osteopaths. The payment of the annual
6028 license renewal fee shall be optional with all physicians over the
6029 age of seventy (70) years. Upon receipt of the application and
6030 fee, the board shall verify the accuracy of the application and
6031 issue to applicant a certificate of renewal for the ensuing year,
6032 beginning July 1 and expiring June 30 of the succeeding calendar



6033 year. That renewal shall render the holder thereof a legal
6034 practitioner as stated on the renewal form.

6035 (2) Any physician or osteopath practicing in Mississippi who
6036 allows his or her license to lapse by failing to renew the license
6037 as provided in subsection (1) may be reinstated by the board on
6038 satisfactory explanation for the failure to renew, by completion
6039 of a reinstatement form, and upon payment of the renewal fee for
6040 the current year, and shall be assessed a fine of Twenty-five
6041 Dollars (\$25.00) plus an additional fine of Five Dollars (\$5.00)
6042 for each month thereafter that the license renewal remains
6043 delinquent.

6044 (3) Any physician or osteopath not practicing in Mississippi
6045 who allows his or her license to lapse by failing to renew the
6046 license as provided in subsection (1) may be reinstated by the
6047 board on satisfactory explanation for the failure to renew, by
6048 completion of a reinstatement form and upon payment of the
6049 arrearages for the previous five (5) years and the renewal fee for
6050 the current year.

6051 (4) Any physician or osteopath who allows his or her license
6052 to lapse shall be notified by the board within thirty (30) days of
6053 that lapse.

6054 (5) Any person practicing as a licensed physician or
6055 osteopath during the time his or her license has lapsed shall be
6056 considered an illegal practitioner and shall be subject to
6057 penalties provided for violation of the Medical Practice Act, if



6058 he or she had not submitted the required reinstatement form and
6059 fee within fifteen (15) days after notification by the board of
6060 the lapse.

6061 (6) Any physician or osteopath practicing in the State of
6062 Mississippi whose license has lapsed and is deemed an illegal
6063 practitioner under subsection (5) of this section may petition the
6064 board for reinstatement of his or her license on a retroactive
6065 basis, if the physician or osteopath was unable to meet the June
6066 30 deadline due to extraordinary or other legitimate reasons, and
6067 retroactive reinstatement of licensure shall be granted or may be
6068 denied by the board only for good cause. Failure to advise the
6069 board of change of address shall not be considered a basis of
6070 reinstatement.

6071 (7) None of the fees or fines provided for in this section
6072 shall be applicable to the renewal of a special volunteer medical
6073 license authorized under Section 73-25-18.

6074 (8) Fees collected under the provisions of this section
6075 shall be used by the board to defray expenses of administering the
6076 licensure provisions of the Medical Practice Act (Title 73,
6077 Chapter 25, Mississippi Code of 1972) and to support a program to
6078 aid impaired physicians and osteopaths in an amount determined by
6079 the board.

6080 (9) In order for a physician or osteopath whose medical
6081 license has been expired for five (5) years or more to qualify for
6082 reinstatement of license, the physician or osteopath must have



6083 successfully been cleared for reinstatement through an
6084 investigation that shall consist of a * * * verification that the
6085 prospective licensee is not guilty of or in violation of any
6086 statutory ground for denial of licensure as set forth in Sections
6087 73-25-29 and 73-25-83. To assist the board in conducting its
6088 licensure investigation, all applicants shall undergo a
6089 fingerprint-based criminal history records check of the
6090 Mississippi central criminal database and the Federal Bureau of
6091 Investigation criminal history database. Each applicant shall
6092 submit a full set of the applicant's fingerprints in a form and
6093 manner prescribed by the board, which shall be forwarded to the
6094 Mississippi Department of Public Safety (department) and the
6095 Federal Bureau of Investigation Identification Division for this
6096 purpose.

6097 Any and all state or national criminal history records
6098 information obtained by the board that is not already a matter of
6099 public record shall be deemed nonpublic and confidential
6100 information restricted to the exclusive use of the board, its
6101 members, officers, investigators, agents and attorneys in
6102 evaluating the applicant's eligibility or disqualification for
6103 licensure, and shall be exempt from the Mississippi Public Records
6104 Act of 1983. Except when introduced into evidence in a hearing
6105 before the board to determine licensure, no such information or
6106 records related thereto shall, except with the written consent of
6107 the applicant or by order of a court of competent jurisdiction, be



6108 released or otherwise disclosed by the board to any other person
6109 or agency.

6110 The board shall provide to the department the fingerprints of
6111 the applicant, any additional information that may be required by
6112 the department, and a form signed by the applicant consenting to
6113 the check of the criminal records and to the use of the
6114 fingerprints and other identifying information required by the
6115 state or national repositories.

6116 The board shall charge and collect from the applicant, in
6117 addition to all other applicable fees and costs, such amount as
6118 may be incurred by the board in requesting and obtaining state and
6119 national criminal history records information on the applicant.

6120 **SECTION 68.** Section 73-25-32, Mississippi Code of 1972, is
6121 amended as follows:

6122 73-25-32. (1) A person whose license to practice medicine
6123 or osteopathy has been revoked or suspended may petition the
6124 Mississippi State Board of Medical Licensure to reinstate this
6125 license after a period of not less than one (1) year has elapsed
6126 from the date of the revocation or suspension. The procedure for
6127 the reinstatement of a license that is suspended for being out of
6128 compliance with an order for support, as defined in Section
6129 93-11-153, shall be governed by Section 93-11-157 or 93-11-163, as
6130 the case may be.

6131 (2) The petition shall be accompanied by two (2) or more
6132 verified recommendations from physicians or osteopaths licensed by



6133 the Board of Medical Licensure to which the petition is addressed
6134 and by two (2) or more recommendations from citizens each having
6135 personal knowledge of the activities of the petitioner since the
6136 disciplinary penalty was imposed and such facts as may be required
6137 by the Board of Medical Licensure.

6138 The petition may be heard at the next regular meeting of the
6139 Board of Medical Licensure but not earlier than thirty (30) days
6140 after the petition was filed. No petition shall be considered
6141 while the petitioner is under sentence for any criminal offense,
6142 including any period during which he is under probation or parole.
6143 The hearing may be continued from time to time as the Board of
6144 Medical Licensure finds necessary.

6145 (3) In determining whether the disciplinary penalty should
6146 be set aside and the terms and conditions, if any, that should be
6147 imposed if the disciplinary penalty is set aside, the Board of
6148 Medical Licensure may investigate and consider all activities of
6149 the petitioner since the disciplinary action was taken against
6150 him, the offense for which he was disciplined, his activity during
6151 the time his certificate was in good standing, his general
6152 reputation for truth * * * and professional ability * * *; and it
6153 may require the petitioner to pass an oral examination.

6154 (4) The investigation shall require the petitioner to
6155 undergo a fingerprint-based criminal history records check of the
6156 Mississippi central criminal database and the Federal Bureau of
6157 Investigation criminal history database. Each petitioner shall



6158 submit a full set of the petitioner's fingerprints in a form and
6159 manner prescribed by the board, which shall be forwarded to the
6160 Mississippi Department of Public Safety (department) and the
6161 Federal Bureau of Investigation Identification Division for this
6162 purpose.

6163 Any and all state or national criminal history records
6164 information obtained by the board that is not already a matter of
6165 public record shall be deemed nonpublic and confidential
6166 information restricted to the exclusive use of the board, its
6167 members, officers, investigators, agents and attorneys in
6168 evaluating the applicant's eligibility or disqualification for
6169 licensure, and shall be exempt from the Mississippi Public Records
6170 Act of 1983. Except when introduced into evidence in a hearing
6171 before the board to determine licensure, no such information or
6172 records related thereto shall, except with the written consent of
6173 the applicant or by order of a court of competent jurisdiction, be
6174 released or otherwise disclosed by the board to any other person
6175 or agency.

6176 The board shall provide to the department the fingerprints of
6177 the petitioner, any additional information that may be required by
6178 the department, and a form signed by the petitioner consenting to
6179 the check of the criminal records and to the use of the
6180 fingerprints and other identifying information required by the
6181 state or national repositories.



6182 The board shall charge and collect from the petitioner, in
6183 addition to all other applicable fees and costs, such amount as
6184 may be incurred by the board in requesting and obtaining state and
6185 national criminal history records information on the applicant.

6186 (5) The Secretary-Treasurer of the Board of Medical
6187 Licensure shall enter into his records of the case all actions of
6188 the board in setting aside a disciplinary penalty under this
6189 section and he shall certify notices to the proper court clerk.
6190 The clerk shall make such changes on his records as may be
6191 necessary.

6192 **SECTION 69.** Section 73-26-3, Mississippi Code of 1972, is
6193 amended as follows:

6194 73-26-3. (1) The State Board of Medical Licensure shall
6195 license and regulate the practice of physician assistants in
6196 accordance with the provisions of this chapter.

6197 (2) All physician assistants who are employed as physician
6198 assistants by a Department of Veterans Affairs health care
6199 facility, a branch of the United States military or the Federal
6200 Bureau of Prisons, and who are practicing as physician assistants
6201 in a federal facility in Mississippi on July 1, 2000, and those
6202 physician assistants who trained in a Mississippi physician
6203 assistant program and have been continuously practicing as a
6204 physician assistant in Mississippi since 1976, shall be eligible
6205 for licensure if they submit an application for licensure to the
6206 board by December 31, 2000. Physician assistants licensed under



6207 this subsection will be eligible for license renewal so long as
6208 they meet standard renewal requirements.

6209 (3) Before December 31, 2004, applicants for physician
6210 assistant licensure, except those licensed under subsection (2) of
6211 this section, must be graduates of physician assistant educational
6212 programs accredited by the Commission on Accreditation of Allied
6213 Health Educational Programs or its predecessor or successor
6214 agency, have passed the certification examination administered by
6215 the National Commission on Certification of Physician Assistants
6216 (NCCPA), have current NCCPA certification, and possess a minimum
6217 of a baccalaureate degree. Physician assistants meeting these
6218 licensure requirements will be eligible for license renewal so
6219 long as they meet standard renewal requirements.

6220 (4) On or after December 31, 2004, applicants for physician
6221 assistant licensure must meet all of the requirements in
6222 subsection (3) of this section and, in addition, must have
6223 obtained a minimum of a master's degree in a health-related or
6224 science field.

6225 (5) Applicants for licensure who meet all licensure
6226 requirements except for the master's degree may be granted a
6227 temporary license by the board so long as they can show proof of
6228 enrollment in a master's program that will, when completed, meet
6229 the master's degree requirement. The temporary license will be
6230 valid for no longer than one (1) year, and may not be renewed.



6231 (6) For new graduate physician assistants and all physician
6232 assistants receiving initial licenses in the state, except those
6233 licensed under subsection (2) of this section, supervision shall
6234 require the on-site presence of a supervising physician for one
6235 hundred twenty (120) days.

6236 (7) To qualify for a Mississippi physician assistant
6237 license, an applicant must have successfully been cleared for
6238 licensure through an investigation that shall consist of a * * *
6239 verification that the prospective licensee is not guilty of or in
6240 violation of any statutory ground for denial of licensure. To
6241 assist the board in conducting its licensure investigation, all
6242 applicants shall undergo a fingerprint-based criminal history
6243 records check of the Mississippi central criminal database and the
6244 Federal Bureau of Investigation criminal history database. Each
6245 applicant shall submit a full set of the applicant's fingerprints
6246 in a form and manner prescribed by the board, which shall be
6247 forwarded to the Mississippi Department of Public Safety
6248 (department) and the Federal Bureau of Investigation
6249 Identification Division for this purpose.

6250 Any and all state or national criminal history records
6251 information obtained by the board that is not already a matter of
6252 public record shall be deemed nonpublic and confidential
6253 information restricted to the exclusive use of the board, its
6254 members, officers, investigators, agents and attorneys in
6255 evaluating the applicant's eligibility or disqualification for



6256 licensure, and shall be exempt from the Mississippi Public Records
6257 Act of 1983. Except when introduced into evidence in a hearing
6258 before the board to determine licensure, no such information or
6259 records related thereto shall, except with the written consent of
6260 the applicant or by order of a court of competent jurisdiction, be
6261 released or otherwise disclosed by the board to any other person
6262 or agency.

6263 The board shall provide to the department the fingerprints of
6264 the applicant, any additional information that may be required by
6265 the department, and a form signed by the applicant consenting to
6266 the check of the criminal records and to the use of the
6267 fingerprints and other identifying information required by the
6268 state or national repositories.

6269 The board shall charge and collect from the applicant, in
6270 addition to all other applicable fees and costs, such amount as
6271 may be incurred by the board in requesting and obtaining state and
6272 national criminal history records information on the applicant.

6273 **SECTION 70.** Section 73-27-5, Mississippi Code of 1972, is
6274 amended as follows:

6275 73-27-5. All applicants for license shall have attained the
6276 age of twenty-one (21) years, and shall * * * have had at least
6277 four (4) years high school and be graduates of same; they shall
6278 have at least one (1) year prepodiatry college education and be
6279 graduates of some college of podiatry recognized as being in good
6280 standing by the State Board of Medical Licensure. No college of



6281 podiatry or chiropody shall be accredited by the board as a
6282 college of good standing that does not require for graduation a
6283 course of study of at least four (4) years (eight and one-half
6284 (8-1/2) months each) and be recognized by the Council on Education
6285 of the American Podiatry Association. However, all podiatrists
6286 actively engaged in the practice of podiatry in the State of
6287 Mississippi, prior to January 1, 1938, whether graduates or not,
6288 shall, upon furnishing proof thereof by displaying their state
6289 privilege tax license to the Secretary of the State Board of
6290 Medical Licensure, and upon payment of fee of Ten Dollars and
6291 Twenty-five Cents (\$10.25), be entitled to a license without an
6292 examination, and applications for the license shall be filed not
6293 later than sixty (60) days after February 17, 1938. Upon payment
6294 of a fee prescribed by the State Board of Medical Licensure, not
6295 to exceed Five Hundred Dollars (\$500.00), a license without
6296 examination may be issued to podiatrists of other states
6297 maintaining equal statutory requirements for the practice of
6298 podiatry and extending the same reciprocal privileges to this
6299 state. The State Board of Medical Licensure may affiliate with
6300 the National Board of Chiropody or Podiatry Licensure in granting
6301 licenses to practice podiatry in Mississippi, provided the written
6302 examination covers at least two-thirds (2/3) of the subjects set
6303 forth in Section 73-27-9. The issuance of a license by
6304 reciprocity to a military-trained applicant, military spouse or



6305 person who establishes residence in this state shall be subject to
6306 the provisions of Section 73-50-1 or 73-50-2, as applicable.

6307 To qualify for a Mississippi podiatry license, an applicant
6308 must have successfully been cleared for licensure through an
6309 investigation that shall consist of a * * * verification that the
6310 prospective licensee is not guilty of or in violation of any
6311 statutory ground for denial of licensure as set forth in Section
6312 73-27-13. To assist the board in conducting its licensure
6313 investigation, all applicants shall undergo a fingerprint-based
6314 criminal history records check of the Mississippi central criminal
6315 database and the Federal Bureau of Investigation criminal history
6316 database. Each applicant shall submit a full set of the
6317 applicant's fingerprints in a form and manner prescribed by the
6318 board, which shall be forwarded to the Mississippi Department of
6319 Public Safety (department) and the Federal Bureau of Investigation
6320 Identification Division for this purpose.

6321 Any and all state or national criminal history records
6322 information obtained by the board that is not already a matter of
6323 public record shall be deemed nonpublic and confidential
6324 information restricted to the exclusive use of the board, its
6325 members, officers, investigators, agents and attorneys in
6326 evaluating the applicant's eligibility or disqualification for
6327 licensure, and shall be exempt from the Mississippi Public Records
6328 Act of 1983. Except when introduced into evidence in a hearing
6329 before the board to determine licensure, no such information or



6330 records related thereto shall, except with the written consent of
6331 the applicant or by order of a court of competent jurisdiction, be
6332 released or otherwise disclosed by the board to any other person
6333 or agency.

6334 The board shall provide to the department the fingerprints of
6335 the applicant, any additional information that may be required by
6336 the department, and a form signed by the applicant consenting to
6337 the check of the criminal records and to the use of the
6338 fingerprints and other identifying information required by the
6339 state or national repositories.

6340 The board shall charge and collect from the applicant, in
6341 addition to all other applicable fees and costs, such amount as
6342 may be incurred by the board in requesting and obtaining state and
6343 national criminal history records information on the applicant.

6344 Each application or filing made under this section shall
6345 include the social security number(s) of the applicant in
6346 accordance with Section 93-11-64.

6347 **SECTION 71.** Section 73-27-12, Mississippi Code of 1972, is
6348 amended as follows:

6349 73-27-12. (1) Except as provided in Section 33-1-39, the
6350 license of every person licensed to practice podiatry in the State
6351 of Mississippi shall be renewed annually.

6352 On or before May 1 of each year, the board shall mail a
6353 notice of renewal of license to every podiatrist to whom a license
6354 was issued or renewed during the current licensing year. The



6355 notice shall provide instructions for obtaining and submitting
6356 applications for renewal. The State Board of Medical Licensure is
6357 authorized to make applications for renewal available via
6358 electronic means. The applicant shall obtain and complete the
6359 application and submit it to the board in the manner prescribed by
6360 the board in the notice before June 30 with the renewal fee of an
6361 amount established by the board, but not to exceed Three Hundred
6362 Dollars (\$300.00), a portion of which fee shall be used to support
6363 a program to aid impaired podiatrists. Upon receipt of the
6364 application and fee, the board shall verify the accuracy of the
6365 application and issue to applicant a certificate of renewal for
6366 the ensuing year, beginning July 1 and expiring June 30 of the
6367 succeeding calendar year. That renewal shall render the holder
6368 thereof a legal practitioner as stated on the renewal form.

6369 (2) Any podiatrist practicing in Mississippi who allows his
6370 or her license to lapse by failing to renew the license as
6371 provided in subsection (1) may be reinstated by the board on
6372 satisfactory explanation for the failure to renew, by completion
6373 of a reinstatement form, and upon payment of the renewal fee for
6374 the current year, and shall be assessed a fine of Twenty-five
6375 Dollars (\$25.00) plus an additional fine of Five Dollars (\$5.00)
6376 for each month thereafter that the license renewal remains
6377 delinquent.

6378 (3) Any podiatrist not practicing in Mississippi who allows
6379 his or her license to lapse by failing to renew the license as



6380 provided in subsection (1) may be reinstated by the board on
6381 satisfactory explanation for the failure to renew, by completion
6382 of a reinstatement form and upon payment of the arrearages for the
6383 previous five (5) years and the renewal fee for the current year.

6384 (4) Any podiatrist who allows his or her license to lapse
6385 shall be notified by the board within thirty (30) days of that
6386 lapse.

6387 (5) Any person practicing as a licensed podiatrist during
6388 the time his or her license has lapsed shall be considered an
6389 illegal practitioner and shall be subject to penalties set forth
6390 in Section 73-27-17, provided that he or she has not submitted the
6391 required reinstatement form and fee within fifteen (15) days after
6392 notification by the board of the lapse.

6393 (6) Any podiatrist practicing in the State of Mississippi
6394 whose license has lapsed and is deemed an illegal practitioner
6395 under subsection (5) of this section may petition the board for
6396 reinstatement of his or her license on a retroactive basis, if the
6397 podiatrist was unable to meet the June 30 deadline due to
6398 extraordinary or other legitimate reasons, and retroactive
6399 reinstatement of licensure shall be granted or may be denied by
6400 the board only for good cause. Failure to advise the board of
6401 change of address shall not be considered a basis for
6402 reinstatement.

6403 (7) Fees collected under the provisions of this section
6404 shall be used by the board to defray expenses of administering the



6405 licensure provisions of Title 73, Chapter 27, Mississippi Code of
6406 1972, and to support a program to aid impaired podiatrists in an
6407 amount determined by the board.

6408 (8) In order for a podiatrist whose podiatric medical
6409 license has been expired for five (5) years or more to qualify for
6410 reinstatement of license, the podiatrist must have successfully
6411 been cleared for reinstatement through an investigation that shall
6412 consist of a * * * verification that the prospective licensee is
6413 not guilty of or in violation of any statutory ground for denial
6414 of licensure as set forth in Section 73-27-13. To assist the
6415 board in conducting its licensure investigation, all applicants
6416 shall undergo a fingerprint-based criminal history records check
6417 of the Mississippi central criminal database and the Federal
6418 Bureau of Investigation criminal history database. Each applicant
6419 shall submit a full set of the applicant's fingerprints in a form
6420 and manner prescribed by the board, which shall be forwarded to
6421 the Mississippi Department of Public Safety (department) and the
6422 Federal Bureau of Investigation Identification Division for this
6423 purpose.

6424 Any and all state or national criminal history records
6425 information obtained by the board that is not already a matter of
6426 public record shall be deemed nonpublic and confidential
6427 information restricted to the exclusive use of the board, its
6428 members, officers, investigators, agents and attorneys in
6429 evaluating the applicant's eligibility or disqualification for



6430 licensure, and shall be exempt from the Mississippi Public Records
6431 Act of 1983. Except when introduced into evidence in a hearing
6432 before the board to determine licensure, no such information or
6433 records related thereto shall, except with the written consent of
6434 the applicant or by order of a court of competent jurisdiction, be
6435 released or otherwise disclosed by the board to any other person
6436 or agency.

6437 The board shall provide to the department the fingerprints of
6438 the applicant, any additional information that may be required by
6439 the department, and a form signed by the applicant consenting to
6440 the check of the criminal records and to the use of the
6441 fingerprints and other identifying information required by the
6442 state or national repositories.

6443 The board shall charge and collect from the applicant, in
6444 addition to all other applicable fees and costs, such amount as
6445 may be incurred by the board in requesting and obtaining state and
6446 national criminal history records information on the applicant.

6447 **SECTION 72.** Section 73-27-16, Mississippi Code of 1972, is
6448 amended as follows:

6449 73-27-16. (1) A person whose license to practice podiatry
6450 has been revoked or suspended may petition the Mississippi State
6451 Board of Medical Licensure to reinstate this license after a
6452 period of not less than one (1) year has elapsed from the date of
6453 the revocation or suspension. The procedure for the reinstatement
6454 of a license that is suspended for being out of compliance with an



6455 order for support, as defined in Section 93-11-153, shall be
6456 governed by Section 93-11-157 or 93-11-163, as the case may be.

6457 (2) The petition shall be accompanied by two (2) or more
6458 verified recommendations from podiatrists licensed by the Board of
6459 Medical Licensure to which the petition is addressed and by two
6460 (2) or more recommendations from citizens each having personal
6461 knowledge of the activities of the petitioner since the
6462 disciplinary penalty was imposed and such facts as may be required
6463 by the board.

6464 The petition may be heard at the next regular meeting of the
6465 Board of Medical Licensure but not earlier than thirty (30) days
6466 after the petition was filed. No petition shall be considered
6467 while the petitioner is under sentence for any criminal offense,
6468 including any period during which he is under probation or parole.
6469 The hearing may be continued from time to time as the Board of
6470 Medical Licensure finds necessary. Any final action by the board
6471 on a petition under this section shall be made with the advice of
6472 the advisory committee.

6473 (3) In determining whether the disciplinary penalty should
6474 be set aside and the terms and conditions, if any, which should be
6475 imposed if the disciplinary penalty is set aside, the Board of
6476 Medical Licensure may investigate and consider all activities of
6477 the petitioner since the disciplinary action was taken against
6478 him, the offense for which he was disciplined, his activity during
6479 the time his certificate was in good standing, his general



6480 reputation for truth * * * and professional ability * * *; and it
6481 may require the petitioner to pass an oral examination.

6482 (4) The Secretary-Treasurer of the Board of Medical
6483 Licensure shall enter into his records of the case all actions of
6484 the Board of Medical Licensure in setting aside a disciplinary
6485 penalty under this section and he shall certify notices to the
6486 proper court clerk. The clerk shall make such changes on his
6487 records as may be necessary.

6488 **SECTION 73.** Section 73-29-19, Mississippi Code of 1972, is
6489 amended as follows:

6490 73-29-19. An applicant who is a polygraph examiner licensed
6491 under the laws of another state or territory of the United States
6492 may be issued a license upon payment of a fee of Fifty Dollars
6493 (\$50.00) and the production of satisfactory proof that:

6494 (1) He is at least twenty-one (21) years of age;

6495 (2) He is a citizen of the United States;

6496 * * *

6497 (* * *3) The requirements for the licensing of
6498 polygraph examiners in such particular state or territory of the
6499 United States were, at the date of the applicant's licensing
6500 therein, substantially equivalent to the requirements now in force
6501 in this state;

6502 (* * *4) The applicant had lawfully engaged in the
6503 administration of polygraph examinations under the laws of such



6504 state or territory for at least two (2) years prior to his
6505 application for license hereunder;

6506 (* * *5) Such other state or territory grants similar
6507 reciprocity to license holders of this state; and

6508 (* * *6) He has complied with Section 73-29-17.

6509 The issuance of a license by reciprocity to a
6510 military-trained applicant, military spouse or person who
6511 establishes residence in this state shall be subject to the
6512 provisions of Section 73-50-1 or 73-50-2, as applicable.

6513 **SECTION 74.** Section 73-30-9, Mississippi Code of 1972, is
6514 amended as follows:

6515 73-30-9. (1) The board shall issue a license as a
6516 provisional licensed professional counselor, without regard to
6517 race, religion, sex or national origin, to each applicant who
6518 furnishes satisfactory evidence of the following:

6519 (a) The applicant has completed an application on a
6520 form prescribed by the board accompanied by a nonrefundable
6521 application fee of Fifty Dollars (\$50.00).

6522 (b) The applicant is at least twenty-one (21) years of
6523 age.

6524 * * *

6525 (* * *c) The applicant is a citizen of the United
6526 States, or has an immigration document to verify legal alien work
6527 status in the United States. The immigration document must be
6528 current and issued by the United States Immigration Bureau.



6529 (* * *d) The applicant is not in violation of any of
6530 the provisions of this article and the rules and regulations
6531 adopted hereunder.

6532 (* * *e) The applicant shall have a minimum acceptable
6533 graduate semester hour or acceptable quarter-hour master's degree
6534 as determined by the board primarily in counseling or a related
6535 counseling field from a regionally or nationally accredited
6536 college or university program in counselor education or a related
6537 counseling program subject to board approval. All applicants
6538 shall provide official transcripts of all graduate work.

6539 (* * *f) The applicant must pass the examination
6540 approved by the board, as set forth in Section 73-30-7(5).

6541 (* * *g) A provisional license issued under this
6542 section shall require that the individual confine one's practice
6543 to a board-approved site and accrue counseling experience under
6544 the supervision of a board-qualified supervisor.

6545 (* * *h) The limited license shall be renewable for
6546 not more than four (4) years, with a nonrefundable license fee in
6547 the amount provided in Section 73-30-29. Licensees may appeal to
6548 the board for an extension of the renewal period.

6549 (* * *i) Each applicant for licensure shall apply to
6550 undergo a fingerprint-based criminal history records check of the
6551 Mississippi central criminal database and the Federal Bureau of
6552 Investigation criminal history database. Each applicant shall
6553 submit a full set of the applicant's fingerprints in a form and



6554 manner prescribed by the board, which shall be forwarded to the
6555 Mississippi Department of Public Safety and the Federal Bureau of
6556 Investigation Identification Division for this purpose.

6557 (2) The board shall issue a license or the privilege to
6558 practice as a licensed professional counselor, without regard to
6559 race, religion, sex or national origin, to each applicant who
6560 furnishes satisfactory evidence of the following:

6561 (a) The applicant has completed an application on a
6562 form prescribed by the board accompanied by a nonrefundable full
6563 application fee of Fifty Dollars (\$50.00).

6564 (b) The applicant is at least twenty-one (21) years of
6565 age.

6566 * * *

6567 (* * * c) The applicant is a citizen of the United
6568 States, or has an immigration document to verify legal alien work
6569 status in the United States. The immigration document must be
6570 current and issued by the United States Immigration Bureau.

6571 (* * * d) The applicant is not in violation of any of
6572 the provisions of this article and the rules and regulations
6573 adopted hereunder.

6574 (* * * e) The applicant shall have a minimum acceptable
6575 graduate semester hour or acceptable quarter-hour master's degree
6576 as determined by the board primarily in counseling or a related
6577 counseling field from a regionally or nationally accredited
6578 college or university program in counselor education or a related



6579 counseling program subject to board approval. All applicants
6580 shall provide official transcripts of all graduate work.

6581 (* * *f) The applicant for licensure must pass the
6582 examination approved by the board, as set forth in Section
6583 73-30-7(5) .

6584 (* * *g) The applicant has had post graduate
6585 supervised experience in professional counseling acceptable to the
6586 board. Applicant shall submit verification of supervised
6587 experience.

6588 Each application or filing made under this section shall
6589 include the social security number(s) of the applicant in
6590 accordance with Section 93-11-64.

6591 (* * *h) The board shall require each first-time
6592 applicant for licensure or the initial privilege to practice and
6593 may require applicants for license renewal to undergo a
6594 fingerprint-based criminal history records check of the
6595 Mississippi central criminal database and the Federal Bureau of
6596 Investigation criminal history database. Each applicant for
6597 licensure and each renewal applicant as required by the board
6598 shall apply to undergo a fingerprint-based criminal history
6599 records check of the Mississippi central criminal database and the
6600 Federal Bureau of Investigation criminal history database. Each
6601 applicant shall submit a full set of the applicant's fingerprints
6602 in a form and manner prescribed by the board, which shall be
6603 forwarded to the Mississippi Department of Public Safety and the



6604 Federal Bureau of Investigation Identification Division for this
6605 purpose.

6606 (3) The board shall administer the privilege to practice in
6607 accordance with the Professional Counseling Compact.

6608 **SECTION 75.** Section 73-31-13, Mississippi Code of 1972, is
6609 amended as follows:

6610 73-31-13. The board shall issue a license as a psychologist
6611 to each applicant who files an application upon a form and in the
6612 manner as the board prescribes, accompanied by the fee as is
6613 required by this article; and who furnishes evidence satisfactory
6614 to the board that he or she:

6615 (a) Is at least twenty-one (21) years of age; and

6616 (b) * * * Has not been convicted of a disqualifying
6617 crime as provided in the Fresh Start Act. Applicants shall
6618 undergo a fingerprint-based criminal history records check of the
6619 Mississippi central criminal database and the Federal Bureau of
6620 Investigation criminal history database. Each applicant shall
6621 submit a full set of the applicant's fingerprints in a form and
6622 manner prescribed by the board, which shall be forwarded to the
6623 Mississippi Department of Public Safety (department) and the
6624 Federal Bureau of Investigation Identification Division for this
6625 purpose; and

6626 (c) Is not in violation of any of the provisions of
6627 this article and the rules and regulations adopted under this



6628 article, and is not currently under investigation by another
6629 licensure board; and

6630 (d) Holds a doctoral degree in psychology from an
6631 institution of higher education that is: regionally accredited by
6632 an accrediting body recognized by the United States Department of
6633 Education, or authorized by Provincial statute or Royal Charter to
6634 grant doctoral degrees. From a program accredited by the American
6635 Psychological Association, or the Canadian Psychological
6636 Association, and from a program that requires at least one (1)
6637 year of continuous, full-time residence at the educational
6638 institution granting the doctoral degree. For graduates from
6639 newly established programs seeking accreditation or in areas where
6640 no accreditation exists, applicants for licensure shall have
6641 completed a doctoral program in psychology that meets recognized
6642 acceptable professional standards as determined by the board. For
6643 applicants graduating from doctoral level psychology training
6644 programs outside of the United States of America or Canada,
6645 applicants for licensure shall have completed a doctoral program
6646 in psychology that meets recognized acceptable professional
6647 standards as determined by the board; and

6648 (e) Has completed a supervised internship from a
6649 program accredited by the American Psychological Association or
6650 the Canadian Psychological Association that meet the standards of
6651 training as defined by the board. The internship shall be
6652 comprised of at least one thousand eight hundred (1,800) hours of



6653 actual work, to include direct service, training and supervisory
6654 time; and

6655 (f) Demonstrates professional knowledge by passing
6656 written (as used in this paragraph, the term "written" means
6657 either paper and pencil or computer-administered or computerized
6658 testing) and oral examinations in psychology prescribed by the
6659 board; except that upon examination of credentials, the board may,
6660 by unanimous consent, consider these credentials adequate evidence
6661 of professional knowledge.

6662 Upon investigation of the application and other evidence
6663 submitted, the board shall, not less than thirty (30) days before
6664 the examination, notify each applicant that the application and
6665 evidence submitted is satisfactory and accepted or unsatisfactory
6666 and rejected; if rejected, the notice shall state the reasons for
6667 the rejection.

6668 The place of examination shall be designated in advance by
6669 the board, and the examination shall be given at such time and
6670 place and under such supervision as the board may determine. The
6671 examination used by the board shall consist of written tests and
6672 oral tests, and shall fairly test the applicant's knowledge and
6673 application thereof in those areas deemed relevant by the
6674 board. All examinations serve the purpose of verifying that a
6675 candidate for licensure has acquired a basic core of knowledge in
6676 the discipline of psychology and can apply that knowledge to the



6677 problems confronted in the practice of psychology within the
6678 applicant's area of practice.

6679 The board shall evaluate the results from both the written
6680 and oral examinations. The passing scores for the written and
6681 oral examinations shall be established by the board in its rules
6682 and regulations. If an applicant fails to receive a passing score
6683 on the entire examination, he or she may reapply and shall be
6684 allowed to take a later examination. An applicant who has failed
6685 two (2) successive examinations by the board may not reapply until
6686 after two (2) years from the date of the last examination failed.
6687 The board shall keep the written examination scores, and an
6688 accurate transcript of the questions and answers relating to the
6689 oral examinations, and the grade assigned to each answer thereof,
6690 as part of its records for at least two (2) years after the date
6691 of examination.

6692 Persons licensed in another state or jurisdiction applying
6693 for the authority to practice interjurisdictional telepsychology
6694 must meet the requirements set out in the Psychology
6695 Interjurisdictional Compact provided for in Section 73-31-51.

6696 Each application or filing made under this section shall
6697 include the social security number(s) of the applicant in
6698 accordance with Section 93-11-64.

6699 **SECTION 76.** Section 73-33-1, Mississippi Code of 1972, is
6700 amended as follows:



6701 73-33-1. (1) Any person residing or having a place for the
6702 regular transaction of business in the State of Mississippi * * *,
6703 and who shall have received from the State Board of Public
6704 Accountancy a license certifying his qualifications as a certified
6705 public accountant as hereinafter provided, shall be styled or
6706 known as a certified public accountant, and it shall be unlawful
6707 for any other person or persons to assume such title or use any
6708 letters, abbreviations or words to indicate that such person using
6709 same is a certified public accountant, unless such person
6710 qualifies for a practice privilege under Section 73-33-17, or at
6711 the discretion of the board, such person has been granted use of
6712 the title of "certified public accountant retired" by the
6713 Mississippi State Board of Public Accountancy or has received a
6714 reciprocal certified public accountant license from the State
6715 Board of Public Accountancy.

6716 (2) A certified public accountant practicing public
6717 accounting under a Mississippi license must be associated and
6718 registered with a certified public accountant firm.

6719 (3) The State Board of Public Accountancy shall grant and
6720 renew permits to practice as a CPA firm to applicants that
6721 demonstrate their qualifications in accordance with this section.

6722 (a) The following shall hold a permit issued under this
6723 section: any firm with an office in this state that practices
6724 public accountancy or that uses the title "CPA" or "CPA firm," and
6725 any firm that does not have an office in this state but performs



6726 the services described in Section 73-33-17(4) for a client having
6727 its home office in this state.

6728 (b) A firm that does not have an office in this state
6729 may perform a review of a financial statement to be performed in
6730 accordance with Statements on Standards for Accounting and Review
6731 Services, or a compilation as defined in Section 73-33-2(d), for a
6732 client having its home office in this state and may use the title
6733 "CPA" and "CPA firm" without a permit issued under this section
6734 only if such firm has the qualifications described in subsection
6735 (4), complies with the peer review requirements set forth by board
6736 rule, and performs such services through an individual with
6737 practice privileges under Section 73-33-17.

6738 (c) A firm that is not subject to the requirements of
6739 paragraph (a) or (b) of this subsection may perform other
6740 professional services within the practice of public accountancy
6741 while using the title "CPA" and "CPA firm" in this state without a
6742 permit issued under this section only if such firm performs such
6743 services through an individual with practice privileges under
6744 Section 73-33-17 and such firm can lawfully do so in the state
6745 where the individuals with practice privileges have their
6746 principal place of business.

6747 (4) In order to obtain and maintain a firm permit, a
6748 certified public accountant firm shall be required to show the
6749 following:



6750 (a) It is wholly owned by natural persons and not owned
6751 in whole or in part by business entities; and

6752 (b) A simple majority of the ownership of the firm in
6753 terms of financial interests and/or voting rights hold certified
6754 public accountant licenses in any state; however, the individuals
6755 whose principal place of business is in Mississippi and who
6756 perform professional services in this state shall hold a
6757 Mississippi certified public accountant license, and that
6758 individuals who qualify for practice privileges under Section
6759 73-33-17 who perform services for which a firm permit is required
6760 under Section 73-33-17(4) shall not be required to obtain a
6761 certificate pursuant to Section 73-33-3 or 73-33-9.

6762 (5) Any certified public accountant firm may include
6763 nonlicensee owners, provided that:

6764 (a) The firm designates a licensee of this state who is
6765 responsible for the proper registration of the firm and identifies
6766 that individual to the board; or in the case of a firm without a
6767 Mississippi office which must have a permit pursuant to subsection
6768 (3)(a), the firm designates a licensee of another state who meets
6769 the requirements provided in Section 73-33-17;

6770 (b) All nonlicensee owners are active individual
6771 participants in the certified public accountant firm or affiliated
6772 entities; and

6773 (c) The firm complies with such other requirements as
6774 the board may impose by rule.



6775 (6) Unless exempt from the firm permit requirement under
6776 Section 73-33-1(3), no person or persons shall engage in the
6777 practice of public accounting as defined herein as a partnership,
6778 joint venture or professional corporation, sole proprietor, or
6779 other business organization allowed by law, unless and until each
6780 business organization or office thereof located inside the State
6781 of Mississippi has registered with and been issued a firm permit
6782 by the State Board of Public Accountancy.

6783 **SECTION 77.** Section 73-38-9, Mississippi Code of 1972, is
6784 amended as follows:

6785 73-38-9. (1) To be eligible for licensure by the board as a
6786 speech-language pathologist or audiologist and to be eligible for
6787 registration as a speech-language pathology aide or audiology
6788 aide, a person shall:

6789 * * *

6790 (* * *a) (* * *i) For speech-language pathologists
6791 or audiologists, possess at least a master's degree or its
6792 equivalent in the area of speech-language pathology or audiology,
6793 as the case may be, from an educational institution recognized by
6794 the board;

6795 (* * *ii) For speech-language pathology aide or
6796 audiology aide, the board shall set minimum educational standards
6797 which shall be less than a bachelor's degree;

6798 (* * *b) For speech-language pathologists and
6799 audiologists, submit evidence of the completion of the



6800 educational, clinical experience and employment requirements,
6801 which requirements shall be based on appropriate national
6802 standards and prescribed by the rules and regulations adopted
6803 pursuant to this article;

6804 (* * *c) For speech-language pathologists and
6805 audiologists licensure applicants, pass an examination approved by
6806 the board. This examination may be taken either before or after
6807 the completion of the employment requirement specified pursuant to
6808 paragraph (c) of this subsection;

6809 (* * *d) For speech-language pathology aides and
6810 audiology aides, no examination shall be required.

6811 (2) To be eligible for the privilege to practice, applicants
6812 must meet the requirements set out in the Audiology and
6813 Speech-Language Pathology Interstate Compact.

6814 **SECTION 78.** Section 73-39-67, Mississippi Code of 1972, is
6815 amended as follows:

6816 73-39-67. (1) To obtain a license to practice veterinary
6817 medicine, a person shall file a written application and
6818 application fee with the board. The application shall show that
6819 the applicant is a graduate of an accredited college of veterinary
6820 medicine or has the educational equivalence as set by the board.
6821 The application shall also show * * * any other information and
6822 proof as the board may require.

6823 (2) If the board determines that the applicant possesses the
6824 proper qualifications, it shall admit the applicant to the next



6825 examination, or if the applicant is eligible for license by
6826 endorsement, the board may grant him a license. If an applicant
6827 is found not qualified to take the examination or for a license by
6828 endorsement, the board shall notify the applicant in writing
6829 within thirty (30) days of its finding and the grounds for its
6830 findings. An applicant found unqualified may request a hearing
6831 before the board.

6832 (3) The board may grant a temporary license to an applicant
6833 to practice veterinary medicine until the scheduled state board
6834 examination, if the applicant pays the application fee, provides
6835 sufficient evidence that he meets the qualifications for
6836 licensure, and provides evidence that he resides in the State of
6837 Mississippi. The board may grant a second temporary permit, but
6838 the board may not grant more than two (2) temporary permits to any
6839 one (1) person.

6840 (4) A person licensed by the board shall display the license
6841 in the facility in which the licensee practices.

6842 **SECTION 79.** Section 73-39-71, Mississippi Code of 1972, is
6843 amended as follows:

6844 73-39-71. (1) The board may issue a license by endorsement
6845 to an applicant who furnishes satisfactory proof that he is a
6846 graduate of an accredited college of veterinary medicine or the
6847 educational equivalence. The applicant must also show that
6848 he * * * is licensed to practice veterinary medicine in at least
6849 one (1) state, territory or district of the United States and has



6850 practiced veterinary medicine in one or more of those states
6851 without disciplinary action by any state or federal agency for at
6852 least the three (3) years immediately before filing the
6853 application.

6854 (2) The board may examine any person qualifying for
6855 licensing under this section.

6856 (3) The issuance of a license by endorsement to a
6857 military-trained applicant, military spouse or person who
6858 establishes residence in this state shall be subject to the
6859 provisions of Section 73-50-1 or 73-50-2, as applicable.

6860 **SECTION 80.** Section 73-53-13, Mississippi Code of 1972, is
6861 amended as follows:

6862 73-53-13. The board shall issue the appropriate license to
6863 applicants who meet the qualifications of this section.

6864 (a) A license as a "licensed social worker" shall be
6865 issued to an applicant who demonstrates to the satisfaction of the
6866 board that he or she meets the following qualifications:

6867 (i) Has a baccalaureate degree in social work from
6868 a college or university accredited by the Council on Social Work
6869 Education or Southern Association of Colleges and Schools and has
6870 satisfactorily completed the Association for Social Work Boards
6871 (ASWB) examination for this license; or

6872 (ii) Has a comparable license or registration from
6873 another state or territory of the United States of America that



6874 imposes qualifications substantially similar to those of this
6875 chapter.

6876 (b) A license as a "licensed master's social worker"
6877 shall be issued to an applicant who demonstrates to the
6878 satisfaction of the board that he or she meets the following
6879 qualifications:

6880 (i) Has a doctorate or master's degree from a
6881 school of social work accredited by the Council on Social Work
6882 Education; and

6883 (ii) Has satisfactorily completed the ASWB
6884 examination for this license; or

6885 (iii) Has a comparable license or registration
6886 from another state or territory of the United States of America
6887 that imposes qualifications substantially similar to those of this
6888 chapter.

6889 (c) A license as a "licensed certified social worker"
6890 shall be issued to an applicant who demonstrates to the
6891 satisfaction of the board that he or she meets the following
6892 qualifications:

6893 (i) Is licensed under this section as a "master's
6894 social worker"; and

6895 (ii) Has twenty-four (24) months of professional
6896 supervision and clinical or macro social work practice experience
6897 acceptable to the board, under appropriate supervision; and



6898 (iii) Has satisfactorily completed the ASWB
6899 examination for this license; or
6900 (iv) Has a comparable license or registration from
6901 another state or territory of the United States of America that
6902 imposes qualifications substantially similar to those of this
6903 chapter.
6904 (d) In addition to the above qualifications, an
6905 applicant for any of the above licenses must prove to the board's
6906 satisfaction:
6907 (i) Age of at least twenty-one (21) years, and
6908 * * *
6909 (* * *ii) United States of America citizenship or
6910 status as a legal resident alien, and
6911 (* * *iii) Absence of conviction of a * * *
6912 disqualifying crime as provided in the Fresh Start Act.
6913 Conviction, as used in this subparagraph, includes a deferred
6914 conviction, deferred prosecution, deferred sentence, finding or
6915 verdict of guilt, an admission of guilty, or a plea of nolo
6916 contendere, and
6917 (* * *iv) That the applicant has not been
6918 declared mentally incompetent by any court, and if any such decree
6919 has ever been rendered, that the decree has since been changed,
6920 and
6921 (* * *y) Freedom from dependency on alcohol or
6922 drugs, and



6923 (* * *vi) Complete criminal history records
6924 check, including a fingerprint and an acceptable sex offender
6925 check, by appropriate governmental authorities as prescribed by
6926 the board.

6927 (e) Only individuals licensed as "certified social
6928 workers" shall be permitted to call themselves "clinical social
6929 workers."

6930 The issuance of a license by reciprocity to a
6931 military-trained applicant, military spouse or person who
6932 establishes residence in this state shall be subject to the
6933 provisions of Section 73-50-1 or 73-50-2, as applicable.

6934 Each application or filing made under this section shall
6935 include the social security number(s) of the applicant in
6936 accordance with Section 93-11-64.

6937 **SECTION 81.** Section 73-54-13, Mississippi Code of 1972, is
6938 amended as follows:

6939 73-54-13. Each person desiring to obtain a license as
6940 a marriage and family therapist or marriage and family therapy
6941 associate shall make application thereof to the board in such
6942 manner as the board prescribes and with required application fees
6943 and shall furnish evidence satisfactory to the board that he or
6944 she:

6945 * * *



6946 (* * *a) Has not engaged or is not engaged in any
6947 practice or conduct which would be a ground for refusing to issue
6948 a license under Section 73-54-29 or Section 73-53-17;

6949 (* * *b) Is qualified for licensure pursuant to the
6950 requirements of this chapter; and

6951 (* * *c) Is at least twenty-one (21) years of age.

6952 **SECTION 82.** Section 73-63-27, Mississippi Code of 1972, is
6953 amended as follows:

6954 73-63-27. (1) (a) Except as provided in subsections (2)
6955 and (3) of this section, the following shall be considered as
6956 minimum evidence satisfactory to the board that the applicant is
6957 qualified for registration as a registered professional geologist:

6958 (i) Graduation from a course of study in geology
6959 satisfactory to the board from an accredited college or
6960 university, or from a program accredited by an organization
6961 recognized by the board, of four (4) or more years and which
6962 includes at least thirty (30) semester or forty-five (45) quarter
6963 hours of credit, with a major in geology or a geological
6964 specialty;

6965 (ii) Demonstration through a specific record of a
6966 minimum of four (4) years of qualifying experience, after
6967 completion of the academic requirements, in geology or a specialty
6968 indicating that the applicant is competent to practice geology or
6969 a specialty. The board may require the experience be gained under
6970 the supervision of a geologist registered in this state or any



6971 other state with at least as stringent geologic registration
6972 requirements, or under the supervision of others who, in the
6973 opinion of the board, are qualified to have responsible charge of
6974 geological work;

6975 (iii) Successful passage of at least one (1)
6976 examination in geology as determined and prescribed by the board;
6977 and

6978 (iv) Other requirements as may be established in
6979 rules and regulations by the board.

6980 (b) In addition to the qualifications named in
6981 paragraph (a) of this subsection, applicants for registration as a
6982 registered professional geologist shall include with their
6983 application at least three (3) letters of reference from
6984 geologists having personal knowledge of the applicant's geologic
6985 experience.

6986 (c) The board may give credit for a master's degree in
6987 the geological sciences or in a specialty as one (1) year of
6988 professional experience and an earned doctorate degree in the
6989 geological sciences or in a specialty as two (2) years of
6990 professional experience. The board shall not give more than two
6991 (2) years of professional experience credit for the completion of
6992 all graduate degrees.

6993 (d) The board may give credit for geological research
6994 or teaching of persons studying geology or a specialty at an
6995 accredited college or university level as qualifying experience,



6996 if the research or teaching, in the opinion of the board, is
6997 comparable to experience obtained in the practice of geology or a
6998 specialty.

6999 (e) The board may adopt qualifications which, in its
7000 judgment, are equivalent to the educational and experience
7001 requirements in subsection (1)(a) of this section.

7002 * * *

7003 (2) Before December 31, 1998, any applicant who applies for
7004 registration or enrollment shall be considered qualified, without
7005 written examination, if the applicant possesses the qualifications
7006 prescribed in subsection (1) or (3) of this section, as the case
7007 may be.

7008 (3) An applicant who applies for registration before July 1,
7009 1998, shall be qualified without written examination, if the
7010 applicant possesses the following qualifications:

7011 (a) A bachelor's degree from an accredited college or
7012 university in civil engineering with a minimum of fifteen (15)
7013 semester hours or an equivalent number of quarter hours of credit
7014 in geology or a geologically-related course, as determined by the
7015 board;

7016 (b) A certificate of registration as a professional
7017 engineer in the State of Mississippi; and

7018 (c) A minimum of ten (10) years of qualifying
7019 experience in geotechnical or geological engineering work
7020 demonstrated by a specific record.



7021 If the board determines after review of the academic and
7022 experience qualifications required by this subsection that the
7023 applicant is competent to practice geology, the board may issue a
7024 certificate of registration under this chapter.

7025 (4) Applicants for enrollment as a geologist-in-training
7026 shall meet the qualifications for a registered professional
7027 geologist, except the requirement for four (4) years of
7028 experience.

7029 (5) The board may adopt requirements for the issuance of
7030 temporary registrations. Qualifications for temporary
7031 registrations shall be consistent with those required under this
7032 chapter.

7033 (6) Upon written request of an applicant, the board may
7034 waive, on a case-by-case basis, any requirement for registration
7035 or enrollment, except payment of the applicable fees. The request
7036 shall state the reasons a waiver should be granted. The
7037 requirements waived and the basis for that waiver shall be
7038 recorded in the applicant's record and in the proceedings of the
7039 board, and any waiver may be subject to repeal or suspension as
7040 determined by the board.

7041 **SECTION 83.** Section 73-67-21, Mississippi Code of 1972, is
7042 amended as follows:

7043 73-67-21. (1) It shall be the responsibility of a massage
7044 therapy establishment to verify the current license of any and all
7045 persons practicing massage therapy at the location of or on behalf



7046 of the establishment. Failure to comply is subject to penalty
7047 assessed by the board of not less than Five Hundred Dollars
7048 (\$500.00) and not more than One Thousand Dollars (\$1,000.00) per
7049 offense.

7050 (2) No person may advertise massage or practice massage for
7051 compensation in this state unless he is licensed as a massage
7052 therapist by the board. No person may use the title of or
7053 represent himself to be a massage therapist or use any other
7054 title, abbreviations, letters, figures, signs or devices that
7055 indicate that the person is a massage therapist unless he is
7056 licensed to practice massage therapy under the provisions of this
7057 chapter. A current massage therapy license issued by the board
7058 shall at all times be prominently displayed in any place where
7059 massage therapy is being practiced.

7060 (3) The following are requirements for licensure:

7061 (a) An applicant must be eighteen (18) years of age, or
7062 older, on the date the application is submitted.

7063 (b) An application must provide proof of high school
7064 graduate equivalency.

7065 (c) An applicant must be of legal status not only to
7066 receive a license, but also to work in the State of Mississippi
7067 with that license.

7068 (d) An applicant must supply proof of current
7069 certification in cardiopulmonary resuscitation (CPR) and first aid
7070 of at least eight (8) hours of training, including practical



7071 testing, and supply documentation of familiarity with the
7072 Americans with Disabilities Act.

7073 (e) All required fees for licensure must be submitted
7074 by the applicant.

7075 (f) Any and all requirements regarding * * *
7076 competency, as provided for in this chapter and in accepted codes
7077 of ethics, shall be met.

7078 (g) An applicant must have completed an approved course
7079 on communicable diseases, including HIV/AIDS information and
7080 prevention.

7081 (h) The applicant's official and certified
7082 transcript(s) from the applicant's massage therapy school. The
7083 transcript must verify that the applicant has completed a
7084 board-approved training program of no less than the minimum
7085 requirement for massage therapy instruction and student clinic,
7086 with a minimum grade requirement of "C" or better in every course
7087 of instruction, as stated for school requirements.

7088 (4) The following pre-act practitioners are exempt from
7089 having to take any examination for licensure, but must fulfill all
7090 other requirements as stated in this chapter, except for the
7091 requirements in subsection (3)(h) of this section:

7092 (a) Those having more than three hundred (300)
7093 documented, board-accepted hours of massage therapy education
7094 before January 1, 2001.



7095 (b) Those having more than five (5) years of
7096 professional massage therapy experience and a minimum of one
7097 hundred fifty (150) hours of approved massage therapy education.

7098 (c) Those having no formal training, but who have
7099 successfully passed the National Certification Examination for
7100 Therapeutic Massage and Bodywork.

7101 (d) All grandfathering exemption allowances as stated
7102 in this subsection (4) shall end on July 1, 2002, for nonstudents,
7103 and on June 1, 2003, for students who were enrolled in a part-time
7104 massage school curriculum on July 1, 2001. Individuals may apply
7105 for a license until the grandfathering exemption ends, but may not
7106 practice massage beyond the allowed grace period as provided for
7107 in Section 73-67-37 unless a valid massage therapy license or
7108 provisional permit is obtained. Except as provided in subsection
7109 (5) of this section, all other pre-act practitioners and anyone
7110 not practicing massage therapy before January 1, 2001, must take
7111 and pass the licensure examination and follow the requirements in
7112 this chapter to practice massage therapy for compensation in
7113 Mississippi.

7114 (e) Students enrolled in a massage therapy curriculum
7115 of at least five hundred (500) hours on July 1, 2001, who complete
7116 graduation from the same curriculum.

7117 (5) Any person who has practiced massage therapy for a
7118 period of more than twenty-five (25) years before March 14, 2005,
7119 who is employed as a massage therapist by a YMCA or YWCA



authorized and existing as a nonprofit corporation under the laws of this state on March 14, 2005, is exempt from having to take any examination for licensure, but must fulfill all other requirements as stated in this chapter, except for the requirements in subsection (3)(b), (d), (g) and (h) of this section. Persons exempt under this subsection may apply for a massage therapy license until January 1, 2006, but may not practice massage therapy after January 1, 2006, unless a valid license is obtained.

(6) Certificates of registration issued by the board before July 1, 2008, shall remain valid as licenses until the next renewal period.

(7) An applicant must have successfully been cleared for licensure through an investigation that shall consist of a * * * verification that the prospective licensee is not guilty of or in violation of any statutory ground for denial of licensure as set forth in Section 73-67-27.

(a) To assist the board in conducting its licensure investigation, all applicants shall undergo a fingerprint-based criminal history records check of the Mississippi central criminal database and the Federal Bureau of Investigation criminal history database. Each applicant shall submit a full set of the applicant's fingerprints in a form and manner prescribed by the board, which shall be forwarded to the Mississippi Department of Public Safety (department) and the Federal Bureau of Investigation Identification Division for this purpose.



7145 (b) Any and all state or national criminal history
7146 records information obtained by the board that is not already a
7147 matter of public record shall be deemed nonpublic and confidential
7148 information restricted to the exclusive use of the board, its
7149 members, officers, investigators, agents and attorneys in
7150 evaluating the applicant's eligibility or disqualification for
7151 licensure, and shall be exempt from the Mississippi Public Records
7152 Act of 1983. Except when introduced into evidence in a hearing
7153 before the board to determine licensure, no such information or
7154 records related thereto shall, except with the written consent of
7155 the applicant or by order of a court of competent jurisdiction, be
7156 released or otherwise disclosed by the board to any other person
7157 or agency.

7158 (c) The board shall provide to the department the
7159 fingerprints of the applicant, any additional information that may
7160 be required by the department, and a form signed by the applicant
7161 consenting to the check of the criminal records and to the use of
7162 the fingerprints and other identifying information required by the
7163 state or national repositories.

7164 (d) The board shall charge and collect from the
7165 applicant, in addition to all other applicable fees and costs,
7166 such amount as may be incurred by the board in requesting and
7167 obtaining state and national criminal history records information
7168 on the applicant.



7169 **SECTION 84.** Section 73-71-19, Mississippi Code of 1972, is
7170 amended as follows:

7171 73-71-19. (1) No person shall be licensed to practice
7172 acupuncture unless he or she has passed an examination and/or has
7173 been found to have the necessary qualifications as prescribed in
7174 the regulations adopted by the board.

7175 (2) Before any applicant is eligible for an examination or
7176 qualification, he or she shall furnish satisfactory proof that he
7177 or she:

7178 (a) Is a citizen or permanent resident of the United
7179 States;

7180 (b) Has demonstrated proficiency in the English
7181 language;

7182 (c) Is at least twenty-one (21) years of age;

7183 * * *

7184 (* * *d) Has completed a program of acupuncture and
7185 has received a certificate or diploma from an institute approved
7186 by the board, according to the provisions of this chapter;

7187 (* * *e) Has completed a clinical internship training
7188 as approved by the board; and

7189 (* * *f) Has received training in cardiopulmonary
7190 resuscitation (CPR).

7191 (3) The board may hold an examination at least once a year,
7192 and all applicants shall be notified in writing of the date and
7193 time of all examinations. The board may use a NCCAOM examination



7194 if it deems that national examination to be sufficient to qualify
7195 a practitioner for licensure in this state. In no case shall the
7196 state's own examination be less rigorous than the nationally
7197 recognized examination.

7198 (4) In addition to the written examination, if the
7199 nationally recognized examination does not provide a suitable
7200 practical examination comparable to board standards, the board
7201 shall examine each applicant in the practical application of
7202 Oriental medical diagnostic and treatment techniques in a manner
7203 and by methods that reveal the applicant's skill and knowledge.

7204 (5) The board shall require all qualified applicants to be
7205 examined in the following subjects:

7206 (a) Anatomy and physiology;
7207 (b) Pathology;
7208 (c) Diagnosis;
7209 (d) Hygiene, sanitation and sterilization techniques;
7210 (e) All major acupuncture principles, practices and
7211 techniques; and

7212 (f) Clean Needle Technique Exam.

7213 (6) To assist the board in conducting its licensure
7214 investigation, all applicants shall undergo a fingerprint-based
7215 criminal history records check of the Mississippi central criminal
7216 database and the Federal Bureau of Investigation criminal history
7217 database. Each applicant shall submit a full set of the
7218 applicant's fingerprints in a form and manner prescribed by the



7219 board, which shall be forwarded to the Mississippi Department of
7220 Public Safety (department) and the Federal Bureau of Investigation
7221 Identification Division for this purpose. Any and all state or
7222 national criminal history records information obtained by the
7223 board that is not already a matter of public record shall be
7224 deemed nonpublic and confidential information restricted to the
7225 exclusive use of the board, its members, officers, investigators,
7226 agents and attorneys in evaluating the applicant's eligibility or
7227 disqualification for licensure, and shall be exempt from the
7228 Mississippi Public Records Act of 1983. Except when introduced
7229 into evidence in a hearing before the board to determine
7230 licensure, no such information or records related thereto shall,
7231 except with the written consent of the applicant or by order of a
7232 court of competent jurisdiction, be released or otherwise
7233 disclosed by the board to any other person or agency. The board
7234 shall provide to the department the fingerprints of the applicant,
7235 any additional information that may be required by the department,
7236 and a form signed by the applicant consenting to the check of the
7237 criminal records and to the use of the fingerprints and other
7238 identifying information required by the state or national
7239 repositories. The board shall charge and collect from the
7240 applicant, in addition to all other applicable fees and costs,
7241 such amount as may be incurred by the board in requesting and
7242 obtaining state and national criminal history records information
7243 on the applicant.



7244 (7) The board shall issue a license to every applicant whose
7245 application has been filed with and approved by the board and who
7246 has paid the required fees and who either:

7247 (a) Has passed the board's written examination and
7248 practical examination, with a score of not less than seventy
7249 percent (70%) on each examination; or

7250 (b) Has achieved a passing score on a board approved
7251 nationally recognized examination, which examination includes a
7252 written and practical portion, as determined by the board; or

7253 (c) Has received certification from a board approved
7254 national certification process; or

7255 (d) Has achieved a passing score on a board approved
7256 nationally recognized written examination and has passed the
7257 board's practical examination with a score of not less than
7258 seventy percent (70%).

7259 (8) The board shall keep a record of all examinations held,
7260 together with the names and addresses of all persons taking
7261 examinations, and the examination results. Within forty-five (45)
7262 days after the examination, the board shall give written notice of
7263 the results of the examination to each applicant.

7264 **SECTION 85.** Section 75-27-305, Mississippi Code of 1972, is
7265 amended as follows:

7266 75-27-305. (1) A citizen of the United States or a person
7267 who has declared his or her intention of becoming such a citizen,
7268 who is a resident of the State of Mississippi, not less than



7269 twenty-one (21) years of age, * * * who has the ability to weigh
7270 accurately and to make correct weight certificates, and who has
7271 received from the commissioner a license as a bonded weighmaster,
7272 shall be styled and authorized to act as a bonded weighmaster.

7273 (2) The commissioner may adopt rules and regulations for
7274 determining the qualifications of the applicant for license as a
7275 bonded weighmaster. The commissioner may pass upon the
7276 qualifications of the applicant upon the basis of the information
7277 supplied in the application, may examine such applicant orally or
7278 in writing, or both, for the purpose of determining his or her
7279 qualifications. The commissioner shall grant licenses to such
7280 applicants as may be found to possess the qualifications required
7281 herein. The commissioner shall keep a record of all such
7282 applications and of all licenses issued thereon.

7283 **SECTION 86.** Section 75-57-49, Mississippi Code of 1972, is
7284 amended as follows:

7285 75-57-49. (1) Before any person shall be granted a permit
7286 to, or shall engage in or continue in the business of the
7287 distributing, either wholesale or retail, installing, altering,
7288 extending, changing or repairing of any liquefied compressed gas
7289 system, appliance or container, or in the business of distributing
7290 and selling liquefied compressed gas, either at wholesale or
7291 retail, whether from trucks or other vessels, in cylinders or in
7292 any other manner, such person shall satisfy the State Liquefied
7293 Compressed Gas Board that he or she is * * * competent to transact



7294 business so as to safeguard the interest of the public, and is
7295 financially responsible; and this provision as to financial
7296 responsibility shall be met by such person by filing with the
7297 State Liquefied Compressed Gas Board evidence that he or she has
7298 in force such of the hereinafter listed insurance policies on
7299 standard contract forms and written by an insurance company, or
7300 companies, qualified to do business in the State of Mississippi,
7301 as the State Liquefied Compressed Gas Board shall require, based
7302 upon those activities listed above in which such person is
7303 engaged, to wit:

7304 **ANY PERSON THAT ENGAGES IN FILLING CYLINDERS AND MOTOR FUEL**
7305 **TANKS WITH LIQUEFIED COMPRESSED GAS ON THEIR PREMISES OR ANY**
7306 **PERSON WHO IS IN THE BUSINESS OF INSTALLING LC GAS CARBURETION OR**
7307 **APPLIANCES:**

	Limits of Liability	
	Each	
	Occasion	Aggregate
7311 Manufacturers and Contractors		
7312 Public Liability	\$100,000	\$300,000
7313 Products Liability	\$100,000	\$300,000
7314 Workers' Compensation and		
7315 Employers' Liability		
7316 Insurance	State Statute	

7317 **ANY PERSON THAT ENGAGES IN ANY PHASE OF THE LIQUEFIED**
7318 **COMPRESSED GAS BUSINESS OTHER THAN CYLINDER-FILLING LOCATIONS:**



7319		Limits of Liability		
7320		Bodily Injury		Property
7321		Each	Each	Damage Each
7322		Person	Accident	Accident
7323	Automobile Public Liability	\$500,000	\$1,000,000	\$1,000,000
7324		Each		
7325		Occasion	Aggregate	
7326	Manufacturers and Contractors			
7327	Public Liability	\$1,000,000	\$1,000,000	
7328	Products Liability	\$1,000,000	\$1,000,000	
7329	Workers' Compensation and			
7330	Employers' Liability			
7331	Insurance	State Statute		
7332	(2) The State Liquefied Compressed Gas Board shall not			
7333	require insurance coverage as specified above unless the hazard of			
7334	liquefied compressed gases is involved.			
7335	(3) No policy issued under the provisions of this chapter			
7336	may be cancelled before thirty (30) days from the date of receipt			
7337	by the Commissioner of Insurance of written notice of intention to			
7338	cancel the policy.			
7339	(4) It is expressly provided, however, that in lieu of			
7340	filing with the State Liquefied Compressed Gas Board evidence that			
7341	such insurance, as outlined above, is in force, any such person			
7342	may file with the State Liquefied Compressed Gas Board a good and			
7343	sufficient surety bond executed by a surety company licensed to do			



7344 business in this state in the amount of One Million Dollars
7345 (\$1,000,000.00), which such bond shall be payable to the State of
7346 Mississippi and shall be conditioned to guarantee the payment of
7347 all damages which proximately result from any act of negligence on
7348 the part of such person, or their agents or employees, while
7349 engaged in any of the activities herein specified. In lieu of the
7350 surety bond, any such person may execute and file a good and
7351 sufficient personal bond in the amount and conditioned as
7352 specified above, which such personal bond shall be secured by
7353 bonds or other obligations of the State of Mississippi or the
7354 United States government, of equal value.

7355 (5) Upon compliance with the provisions of this section,
7356 where such compliance is required, and upon compliance with all
7357 other provisions of this chapter, the State Liquefied Compressed
7358 Gas Board shall issue to such dealer a permit to engage in such
7359 business, but not before. All such permits shall be valid until
7360 voluntarily surrendered, or until suspended, revoked or cancelled
7361 by the State Liquefied Compressed Gas Board, the Commissioner of
7362 Insurance or the chancery or circuit court. All permits issued
7363 under the provisions of Chapter 170, Laws of 1940, as amended, or
7364 Chapter 265, Laws of 1946, shall remain in full force and effect
7365 until the expiration date thereof at which time they must be
7366 renewed under the terms and conditions of this chapter.

7367 **SECTION 87.** Section 75-60-31, Mississippi Code of 1972, is
7368 amended as follows:



7369 75-60-31. No agent permit shall be issued pursuant to
7370 Section 75-60-25 to any person found by the Commission on
7371 Proprietary School and College Registration * * * to have been
7372 convicted of a disqualifying crime as provided in the Fresh Start
7373 Act.

7374 **SECTION 88.** Section 75-60-33, Mississippi Code of 1972, is
7375 amended as follows:

7376 75-60-33. Any agent permit issued may be revoked by the
7377 Commission on Proprietary School and College Registration if the
7378 holder of the permit solicits or enrolls students through fraud,
7379 deception or misrepresentation * * *.

7380 The Commission on Proprietary School and College Registration
7381 shall hold informal conferences pursuant to Section 75-60-19 with
7382 an agent believed to be in violation of one or more of the above
7383 conditions. If these conferences fail to eliminate the agent's
7384 objectionable practices or procedures, the commission shall hold a
7385 public hearing. A record of such proceedings shall be taken and
7386 appeals to the commission shall be upon such record, except as may
7387 be provided by rules and regulations to be adopted by the
7388 commission. Nothing said or done in the informal conferences
7389 shall be disclosed by the staff of the commission nor be used as
7390 evidence in any subsequent proceedings.

7391 **SECTION 89.** Section 75-76-67, Mississippi Code of 1972, is
7392 amended as follows:



7393 75-76-67. (1) Any person who the commission determines is
7394 qualified to receive a license or be found suitable under the
7395 provisions of this chapter, having due consideration for the
7396 proper protection of the health, safety, morals, good order and
7397 general welfare of the inhabitants of the State of Mississippi and
7398 the declared policy of this state, may be issued a state gaming
7399 license or found suitable. The burden of proving his
7400 qualification to receive any license or be found suitable is on
7401 the applicant.

7402 (2) An application to receive a license or be found suitable
7403 shall not be granted unless the commission is satisfied that the
7404 applicant is:

7405 (a) A person of * * * honesty and integrity;

7406 (b) A person whose prior activities, criminal record,
7407 if any, reputation, habits and associations do not pose a threat
7408 to the public interest of this state or to the effective
7409 regulation and control of gaming, or create or enhance the dangers
7410 of unsuitable, unfair or illegal practices, methods and activities
7411 in the conduct of gaming or the carrying on of the business and
7412 financial arrangements incidental thereto; and

7413 (c) In all other respects qualified to be licensed or
7414 found suitable consistent with the declared laws of the state.

7415 (3) No person shall be granted a license or found suitable
7416 under the provisions of this chapter who has been convicted of
7417 a * * * disqualifying crime as provided in the Fresh Start Act in



7418 any court of this state, another state, or the United States; and
7419 no person shall be granted a license or found suitable hereunder
7420 who has been convicted of a * * * disqualifying crime as provided
7421 in the Fresh Start Act in any court of another state or the United
7422 States which, if committed in this state, would be a * * *
7423 disqualifying crime; and no person shall be granted a license or
7424 found suitable under the provisions of this chapter who has been
7425 convicted of a misdemeanor in any court of this state or of
7426 another state, when such conviction was for gambling, sale of
7427 alcoholic beverages to minors, prostitution, or procuring or
7428 inducing individuals to engage in prostitution.

7429 (4) A license to operate a gaming establishment shall not be
7430 granted unless the applicant has satisfied the commission that:

7431 (a) He has adequate business probity, competence and
7432 experience, in gaming or generally; and

7433 (b) The proposed financing of the entire operation is:

7434 (i) Adequate for the nature of the proposed
7435 operation; and

7436 (ii) From a suitable source. Any lender or other
7437 source of money or credit which the commission finds does not meet
7438 the standards set forth in subsection (2) may be deemed
7439 unsuitable.

7440 (5) An application to receive a license or be found suitable
7441 constitutes a request for a determination of the applicant's
7442 general * * * integrity and ability to participate or engage in,



7443 or be associated with gaming. Any written or oral statement made
7444 in the course of an official proceeding of the commission or the
7445 executive director or any witness testifying under oath which is
7446 relevant to the purpose of the proceeding is absolutely privileged
7447 and does not impose liability for defamation or constitute a
7448 ground for recovery in any civil action.

7449 (6) The commission may, in its discretion, grant a license
7450 to a corporation which has complied with the provisions of this
7451 chapter.

7452 (7) The commission may, in its discretion, grant a license
7453 to a limited partnership which has complied with the provisions of
7454 this chapter.

7455 (8) No limited partnership, except one whose sole limited
7456 partner is a publicly traded corporation which has registered with
7457 the commission, or business trust or organization or other
7458 association of a quasi-corporate character is eligible to receive
7459 or hold any license under this chapter unless all persons having
7460 any direct or indirect interest therein of any nature whatsoever,
7461 whether financial, administrative, policymaking or supervisory,
7462 are individually qualified to be licensed under the provisions of
7463 this chapter.

7464 (9) The commission may, by regulation, limit the number of
7465 persons who may be financially interested and the nature of their
7466 interest in any corporation or other organization or association
7467 licensed under this chapter, and may establish such other



7468 qualifications of licenses as the commission, in its discretion,
7469 deems to be in the public interest and consistent with the
7470 declared policy of the state.

7471 **SECTION 90.** Section 81-18-9, Mississippi Code of 1972, is
7472 amended as follows:

7473 81-18-9. (1) Applicants for a license shall apply in a form
7474 as prescribed by the commissioner. Each such form shall contain
7475 content as set forth by rule, regulation, instruction or procedure
7476 of the commissioner and may be changed or updated as necessary by
7477 the commissioner in order to carry out the purposes of this
7478 chapter.

7479 (2) The mortgage broker and mortgage lender application
7480 through the Nationwide Mortgage Licensing System and Registry
7481 shall include, but is not limited to, the following:

7482 (a) The legal name, residence and business address of
7483 the applicant and, if applicable, the legal name, residence and
7484 business address of every principal and executive officer,
7485 together with the résumé of the applicant and of every principal
7486 and executive officer of the applicant. In addition, an
7487 independent credit report obtained from a consumer-reporting
7488 agency described in Section 603(p) of the Fair Credit Reporting
7489 Act and information related to any administrative, civil or
7490 criminal findings by any governmental jurisdiction of every
7491 principal and executive officer.



7492 (b) The legal name of the mortgage broker or mortgage
7493 lender in addition to the name under which the applicant will
7494 conduct business in the state, neither of which may be already
7495 assigned to a licensed mortgage broker or mortgage lender.

7496 (c) The complete address of the applicant's principal
7497 place of business, branch office(s) and any other locations at
7498 which the applicant will engage in any business activity covered
7499 by this chapter. All locations shall be within the United States
7500 of America or a territory of the United States of America,
7501 including Puerto Rico and the U.S. Virgin Islands.

7502 (d) A copy of the certificate of incorporation, if a
7503 Mississippi corporation.

7504 (e) Documentation satisfactory to the department as to
7505 a certificate of existence of authority to transact business
7506 lawfully in Mississippi from the Mississippi Secretary of State's
7507 office, if a limited liability company, partnership, trust or any
7508 other group of persons, however organized. This paragraph does
7509 not pertain to applicants organized as an individual or as a sole
7510 proprietorship.

7511 (f) If a foreign entity, a copy of a certificate of
7512 authority to conduct business in Mississippi and the address of
7513 the principal place of business of the foreign entity.

7514 (g) Documentation of a minimum of two (2) years'
7515 experience directly related to mortgage activities by a person
7516 named as the qualifying individual of the company. The qualifying



7517 individual shall be primarily responsible for the operations of
7518 the licensed mortgage broker or mortgage lender. Only one (1)
7519 qualifying individual shall be named for Mississippi and this
7520 person shall be the qualifying individual for only one (1)
7521 licensee. Evidence of experience shall include, where applicable:

7522 (i) Copies of business licenses issued by
7523 governmental agencies.

7524 (ii) Employment history of the person filing the
7525 application for at least two (2) years before the date of the
7526 filing of an application, including, but not limited to, job
7527 descriptions, length of employment, names, addresses and phone
7528 numbers for past employers.

7529 (iii) Any other data and pertinent information as
7530 the department may require with respect to the applicant, its
7531 directors, principals, trustees, officers, members, contractors or
7532 agents. A résumé alone shall not be sufficient proof of
7533 employment history.

7534 (3) The mortgage broker and mortgage lender applications
7535 shall be filed on the Nationwide Mortgage Licensing System and
7536 Registry together with the following:

7537 (a) The license fee specified in Section 81-18-15;

7538 (b) An original or certified copy of a surety bond in
7539 favor of the State of Mississippi for the use, benefit and
7540 indemnity of any person who suffers any damage or loss as a result



7541 of the company's breach of contract or of any obligation arising
7542 therefrom or any violation of law;

7543 (c) A set of fingerprints from any local law
7544 enforcement agency from the following applicants:

7545 (i) All persons operating as a sole proprietorship
7546 that plan to conduct a mortgage-brokering or lending business in
7547 the State of Mississippi;

7548 (ii) Partners in a partnership or principal owners
7549 of a limited liability company that own at least ten percent (10%)
7550 of the voting shares of the company;

7551 (iii) Any shareholders owning ten percent (10%) or
7552 more of the outstanding shares of the corporation;

7553 (iv) All executive officers of the applicant;

7554 (v) All loan originators; and

7555 (vi) The named qualifying individual of the
7556 company as required in Section 81-18-9(2)(g). The applicant shall
7557 name only one (1) individual as the qualifying individual for the
7558 State of Mississippi; and

7559 (d) At least one (1) employee shall be licensed as a
7560 loan originator at a licensed location.

7561 (4) In connection with an application for licensing as a
7562 mortgage broker or lender under this chapter, the required
7563 stockholders, owners, directors and executive officers of the
7564 applicant shall, at a minimum, furnish to the Nationwide Mortgage



7565 Licensing System and Registry information concerning the
7566 individual's identity, including:

7567 (a) Fingerprints from any local law enforcement agency
7568 for submission to the Federal Bureau of Investigation and any
7569 governmental entity authorized to receive that information for a
7570 state, national and/or international criminal history background
7571 check; and

7572 (b) Personal history and experience in a form
7573 prescribed by the Nationwide Mortgage Licensing System and
7574 Registry, including the submission of authorization for the
7575 Nationwide Mortgage Licensing System and Registry and the
7576 commissioner to obtain:

7577 (i) An independent credit report obtained from a
7578 consumer-reporting agency described in Section 603(p) of the Fair
7579 Credit Reporting Act; and

7580 (ii) Information related to any administrative,
7581 civil or criminal findings by any governmental jurisdiction.

7582 (5) Upon receipt of an application for licensure, the
7583 department or designated third party shall conduct an
7584 investigation as it deems necessary to determine that the
7585 applicant and its officers, directors and principals are of
7586 good * * * ethical reputation; that the applicant demonstrates
7587 reasonable financial responsibility; and that the applicant has
7588 reasonable policies and procedures to receive and process customer
7589 grievances and inquiries promptly and fairly.



7590 (6) The commissioner shall not license an applicant unless
7591 he is satisfied that the applicant will operate its mortgage
7592 activities in compliance with the laws, rules and regulations of
7593 this state and the United States.

7594 (7) If an applicant satisfies the requirements of this
7595 chapter for a mortgage broker or mortgage lender license, the
7596 commissioner shall issue the license unless the commissioner finds
7597 any of the following:

7598 (a) The applicant has had a mortgage lender, mortgage
7599 broker or mortgage servicer license revoked in any governmental
7600 jurisdiction, except that a subsequent formal vacation of the
7601 revocation shall not be deemed a revocation; or

7602 (b) The applicant or its controlling persons has been
7603 convicted of, or pled guilty or nolo contendere to, (i) a * * *
7604 disqualifying crime as provided in the Fresh Start Act; or (ii) at
7605 any time preceding the date of application if such * * * crime
7606 involved an act of fraud, dishonesty, a breach of trust, or money
7607 laundering. However, any pardon or expungement of a conviction
7608 shall not be a conviction for purposes of this subsection.

7609 (8) Applicants for a mortgage loan originator license shall
7610 apply in a form as prescribed by the commissioner and shall be
7611 filed on the Nationwide Mortgage Licensing System and Registry.
7612 Each such form shall contain content as set forth by rules,
7613 regulations, instructions or procedures of the commissioner and
7614 may be changed or updated as necessary by the commissioner in



7615 order to carry out the purposes of this chapter. The initial
7616 license of a mortgage loan originator shall be accompanied by a
7617 fee of Two Hundred Dollars (\$200.00), to be paid to the Nationwide
7618 Mortgage Licensing System and Registry, and any additional fees as
7619 required by the Nationwide Mortgage Licensing System and Registry.
7620 The commissioner shall not issue a mortgage loan originator
7621 license unless the commissioner makes at a minimum the following
7622 findings:

7623 (a) The applicant has never had a mortgage loan
7624 originator license revoked in any governmental jurisdiction,
7625 except that a later formal vacation of that revocation shall not
7626 be deemed a revocation.

7627 (b) The applicant has not been convicted of, or pled
7628 guilty or nolo contendere to, (i) a * * * disqualifying crime as
7629 provided in the Fresh Start Act; or (ii) at any time preceding the
7630 date of application if such * * * crime involved an act of fraud,
7631 dishonesty, a breach of trust or money laundering. However, any
7632 pardon or expungement of a conviction shall not be a conviction
7633 for purposes of this subsection.

7634 (c) The applicant has demonstrated financial
7635 responsibility, character and general fitness such as to command
7636 the confidence of the community and to warrant a determination
7637 that the mortgage loan originator will operate honestly, fairly
7638 and efficiently within the purposes of this chapter.



7639 (d) The applicant has completed the prelicensing
7640 education requirement described in Section 81-18-14(1).

7641 (e) The applicant has passed a written test that meets
7642 the test requirement described in Section 81-18-14(7).

7643 (f) The applicant has met the surety bond requirement
7644 as provided in Section 81-18-11.

7645 (g) This individual must work for a Mississippi
7646 licensed company and work from the location licensed with the
7647 department. The licensed location that he or she is assigned to
7648 must be within one hundred twenty-five (125) miles of his or her
7649 residency. If the licensed loan originator resides and works in
7650 Mississippi, then he or she may work from any licensed location of
7651 the licensed company within the State of Mississippi. However, an
7652 owner of a minimum of ten percent (10%) of a licensed company or
7653 the named qualifying individual on file with the department, who
7654 is a licensed loan originator with the department, may work from
7655 any licensed location of the licensed company within the State of
7656 Mississippi in the capacity of a loan originator as described in
7657 this chapter.

7658 (9) In order to fulfill the purposes of this chapter, the
7659 commissioner is authorized to establish relationships or contracts
7660 with the Nationwide Mortgage Licensing System and Registry or
7661 other entities designated by the Nationwide Mortgage Licensing
7662 System and Registry to collect and maintain records and process



transaction fees or other fees related to licensees or other persons subject to this chapter.

(10) In connection with an application for licensing as a mortgage loan originator, the applicant shall, at a minimum, furnish to the Nationwide Mortgage Licensing System and Registry information concerning the applicant's identity, including:

(a) Fingerprints for submission to the Federal Bureau of Investigation, and any governmental agency or entity authorized to receive that information for a state, national and/or international criminal history background check; and

(b) Personal history and experience in a form prescribed by the Nationwide Mortgage Licensing System and Registry, including the submission of authorization for the Nationwide Mortgage Licensing System and Registry and the commissioner to obtain:

(i) An independent credit report obtained from a consumer-reporting agency described in Section 603(p) of the Fair Credit Reporting Act; and

(ii) Information related to any administrative, civil or criminal findings by any governmental jurisdiction.

(11) For the purposes of this section and in order to reduce the points of contact which the Federal Bureau of Investigation may have to maintain for purposes of subsection (10)(a) and (b)(ii) of this section, the commissioner may use the Nationwide Mortgage Licensing System and Registry as a channeling agent for



requesting information from and distributing information to the Department of Justice or any governmental agency.

(12) For the purposes of this section and in order to reduce the points of contact which the commissioner may have to maintain for purposes of subsection (10)(b)(i) and (ii) of this section, the commissioner may use the Nationwide Mortgage Licensing System and Registry as a channeling agent for requesting and distributing information to and from any source so directed by the commissioner.

SECTION 91. Section 83-17-75, Mississippi Code of 1972, is amended as follows:

83-17-75. (1) An insurance producer shall not act as an agent of an insurer unless the insurance producer becomes an appointed agent of that insurer. An insurance producer who is not acting as an agent of an insurer is not required to become appointed.

(2) To appoint a producer as its agent, the appointing insurer shall file, in a format approved by the commissioner, a notice of appointment within fifteen (15) days from the date the agency contract is executed or the first insurance application is submitted. An insurer may also elect to appoint a producer to all or some insurers within the insurer's holding company system or group by the filing of a single appointment request.

(3) Upon receipt of the notice of appointment, the commissioner shall verify within a reasonable time not to exceed



7713 thirty (30) days that the insurance producer is eligible for
7714 appointment. If the insurance producer is determined to be
7715 ineligible for appointment, the commissioner shall notify the
7716 insurer within five (5) days of its determination.

7717 (4) An insurer shall pay an appointment fee, in the amount
7718 and method of payment set forth in Section 83-5-73 for each
7719 insurance producer appointed by the insurer.

7720 (5) An insurer shall remit, in a manner prescribed by the
7721 commissioner, a renewal appointment fee in the amount set forth in
7722 Section 83-5-73.

7723 (6) Before the issuance of a license or certificate of
7724 authority, the commissioner shall require the company requesting
7725 appointment of the applicant as producer for the first time to
7726 furnish a certificate to the commissioner, verified by an
7727 executive officer or managing general or special agent of such
7728 company, that the company has duly investigated the * * * record
7729 of such person and has satisfied itself that such person is * * *
7730 qualified, fit and trustworthy to act as its producer. The
7731 Commissioner of Insurance may at any time require any company to
7732 obtain a credit report on a producer if the commissioner deems
7733 such request advisable. Should such credit report reflect
7734 information regarding an offense or violation in relation to which
7735 the Department of Insurance has taken action, such information
7736 shall not render the applicant ineligible for a license if



7737 applicant has complied with the order of the commissioner
7738 regarding such offense.

7739 **SECTION 92.** Section 83-39-9, Mississippi Code of 1972, is
7740 amended as follows:

7741 83-39-9. The department upon receipt of the license
7742 application, the required fee * * * and, in the case of a
7743 professional bail agent, an approved qualification bond in the
7744 required amount, shall issue to the applicant a license to do
7745 business as a professional bail agent, soliciting bail agent or
7746 bail enforcement agent as the case may be.

7747 No licensed professional bail agent shall have in his employ
7748 in the bail bond business any person who could not qualify for a
7749 license under this chapter, nor shall any licensed professional
7750 bail agent have as a partner or associate in such business any
7751 person who could not so qualify.

7752 **SECTION 93.** Section 73-34-14, Mississippi Code of 1972, is
7753 amended as follows:

7754 73-34-14. (1) (a) To qualify for a Mississippi real estate
7755 appraiser license, an applicant must have successfully been
7756 cleared for licensure through an investigation that shall consist
7757 of a determination that the applicant does not possess a
7758 background which calls into question public trust, as set forth
7759 below in subsection (2), and verification that the prospective
7760 licensee is not guilty of or in violation of any statutory ground
7761 for denial of licensure as set forth in Section 73-34-35.



7762 (b) To assist the board in conducting its licensure
7763 investigation, on and after January 1, 2015, all applicants for a
7764 real estate appraiser license as a licensed real estate appraiser
7765 (license), licensed certified residential real estate appraiser
7766 (certification), or a licensed certified general real estate
7767 appraiser (certification), and all applicants for renewal of any
7768 real estate appraiser license or certification shall undergo a
7769 fingerprint-based criminal history records check of the
7770 Mississippi central criminal database and the Federal Bureau of
7771 Investigation criminal history database. Each applicant shall
7772 submit a full set of the applicant's fingerprints in a form and
7773 manner prescribed by the board, which shall be forwarded to the
7774 Mississippi Department of Public Safety (department) and the
7775 Federal Bureau of Investigation Identification Division for this
7776 purpose.

7777 (c) Any and all state or national criminal history
7778 records information obtained by the board that is not already a
7779 matter of public record shall be deemed nonpublic and confidential
7780 information restricted to the exclusive use of the board, its
7781 members, officers, investigators, agents and attorneys in
7782 evaluating the applicant's eligibility or disqualification for
7783 licensure, and shall be exempt from the Mississippi Public Records
7784 Act of 1983. Except when introduced into evidence in a hearing
7785 before the board to determine licensure, no such information or
7786 records related thereto shall, except with the written consent of



7787 the applicant or by order of a court of competent jurisdiction, be
7788 released or otherwise disclosed by the board to any other person
7789 or agency.

7790 (d) The board shall provide to the department the
7791 fingerprints of the applicant, any additional information that may
7792 be required by the department, and a form signed by the applicant
7793 consenting to the check of the criminal records and to the use of
7794 the fingerprints and other identifying information required by the
7795 state or national repositories.

7796 (e) The board shall charge and collect from the
7797 applicant, in addition to all other applicable fees and costs,
7798 such amount as may be incurred by the board in requesting and
7799 obtaining state and national criminal history records information
7800 on the applicant.

7801 (2) (a) The board must ensure that applicants for a real
7802 estate appraiser license or certification do not possess a
7803 background that could call into question public trust. An
7804 applicant found by the board to possess a background which calls
7805 into question the applicant's ability to maintain public trust
7806 shall not be issued a real estate appraiser license or
7807 certification.

7808 (b) The board shall not issue a real estate appraiser
7809 license or certification if:

7810 (i) The applicant has had an appraiser license or
7811 certification revoked in any governmental jurisdiction within the



7812 five (5) year period immediately preceding the date of the
7813 application;

7814 (ii) The applicant has been convicted of, or pled
7815 guilty or nolo contendere to, a * * * disqualifying crime as
7816 provided in the Fresh Start Act:

7817 1. During the five-year period immediately
7818 preceding the date of the application for licensing or
7819 certification; or

7820 2. At any time preceding the date of the
7821 application, if such felony involved an act of fraud, dishonesty,
7822 or a breach of trust, or money laundering.

7823 (iii) The applicant has failed to demonstrate
7824 character and general fitness such as to command the confidence of
7825 the community and to warrant a determination that the appraiser
7826 will operate honestly, fairly and efficiently within the purpose
7827 of these criteria.

7828 (c) The board shall evaluate and consider, by rules and
7829 regulations, additional background issues, including, but not
7830 limited to, those required by the Appraiser Qualifications Board
7831 of the Appraisal Foundation in compliance with federal
7832 requirements, prior to issuing (or taking disciplinary action
7833 against) a real estate appraiser.

7834 (d) The board shall adopt rules and regulations
7835 necessary to implement, administer and enforce the provisions of
7836 this section.



7837 **SECTION 94.** Section 73-35-10, Mississippi Code of 1972, is
7838 amended as follows:

7839 73-35-10. (1) (a) To qualify for a Mississippi real estate
7840 broker's license or a Mississippi resident license as a real
7841 estate salesperson, or a nonresident's license in Mississippi, an
7842 applicant must have successfully been cleared for licensure
7843 through an investigation that shall consist of a determination
7844 that the applicant does not possess a background which calls into
7845 question public trust, as set forth below in subsection (2), and
7846 verification that the prospective licensee is not guilty of or in
7847 violation of any statutory ground for denial of licensure as set
7848 forth in Section 73-35-21.

7849 (b) To assist the commission in conducting its
7850 licensure investigation, from and after July 1, 2016, all
7851 applicants for a Mississippi real estate broker's license, or a
7852 Mississippi resident license as a real estate salesperson, or a
7853 nonresident's license in Mississippi, and all applicants for
7854 renewal of any real estate license shall undergo a
7855 fingerprint-based criminal history records check of the
7856 Mississippi central criminal database and the Federal Bureau of
7857 Investigation criminal history database. Each applicant shall
7858 submit a full set of the applicant's fingerprints in a form and
7859 manner prescribed by the commission, which shall be forwarded to
7860 the Mississippi Department of Public Safety (department) and the



7861 Federal Bureau of Investigation Identification Division for this
7862 purpose.

7863 (c) Any and all state or national criminal history
7864 records information obtained by the commission that is not already
7865 a matter of public record shall be deemed nonpublic and
7866 confidential information restricted to the exclusive use of the
7867 commission, its members, officers, investigators, agents and
7868 attorneys in evaluating the applicant's eligibility or
7869 disqualification for licensure, and shall be exempt from the
7870 Mississippi Public Records Act of 1983. Except when introduced
7871 into evidence in a hearing before the commission to determine
7872 licensure, no such information or records related thereto shall,
7873 except with the written consent of the applicant or by order of a
7874 court of competent jurisdiction, be released or otherwise
7875 disclosed by the commission to any other person or agency.

7876 (d) The commission shall provide to the department the
7877 fingerprints of the applicant, any additional information that may
7878 be required by the department, and a form signed by the applicant
7879 consenting to the check of the criminal records and to the use of
7880 the fingerprints and other identifying information required by the
7881 state or national repositories.

7882 (e) The commission shall charge and collect from the
7883 applicant, in addition to all other applicable fees and costs,
7884 such amount as may be incurred by the commission in requesting and



7885 obtaining state and national criminal history records information
7886 on the applicant.

7887 (2) (a) The commission must ensure that applicants for real
7888 estate licenses do not possess a background that could call into
7889 question public trust. An applicant found by the commission to
7890 possess a background which calls into question the applicant's
7891 ability to maintain public trust shall not be issued a real estate
7892 license.

7893 (b) The commission shall not issue a real estate
7894 license if:

7895 (i) The applicant has had a real estate license
7896 revoked in any governmental jurisdiction within the five-year
7897 period immediately preceding the date of the application;

7898 (ii) The applicant has been convicted of, or pled
7899 guilty or nolo contendere to, a * * * disqualifying crime as
7900 provided in the Fresh Start Act:

7901 1. During the five-year period immediately
7902 preceding the date of the application for licensing; or

7903 2. At any time preceding the date of the
7904 application, if such felony involved an act of fraud, dishonesty
7905 or a breach of trust, or money laundering.

7906 (c) The commission shall adopt rules and regulations
7907 necessary to implement, administer and enforce the provisions of
7908 this section.



7909 (d) The requirement of a criminal background check
7910 provided in this section shall not apply to persons who have held
7911 a broker's or salesperson's license in this state for at least
7912 twenty-five (25) years and who are older than seventy (70) years
7913 of age.

7914 **SECTION 95.** Section 73-69-7, Mississippi Code of 1972, is
7915 amended as follows:

7916 73-69-7. (1) The State Fire Marshal shall administer and
7917 enforce the provisions of this chapter and shall have the
7918 authority to promulgate and adopt such rules and regulations as
7919 may be necessary for such proper administration and enforcement.
7920 The Electronic Protection Advisory Licensing Board created in
7921 Section 73-69-21 shall advise the State Fire Marshal with respect
7922 to the rules and regulations of the provisions of this chapter.
7923 The State Fire Marshal shall have the authority to approve written
7924 training programs or acceptable equivalents for meeting the
7925 training requirements of this licensing law. The State Fire
7926 Marshal may also accept, as such an equivalent, licensure of a
7927 company or person by a jurisdiction outside this state, which has
7928 standards and requirements of practice which substantially conform
7929 to the provisions of this chapter. The State Fire Marshal shall
7930 also establish continuing education requirements.

7931 (2) Application for a Class A license. In order to engage
7932 in alarm contracting, a company shall apply for and obtain a Class
7933 A license for each operating location doing business in the state.



7934 A Class A license shall authorize a company to engage in any type
7935 of alarm contracting. An applicant for a Class A license shall
7936 submit the following to the State Fire Marshal:

7937 (a) Documentation that the company is an entity duly
7938 authorized to conduct business within this state.

7939 (b) Documentation that the company holds a general
7940 liability and errors and omissions insurance policy, or a surety
7941 bond, in an amount not less than Three Hundred Thousand Dollars
7942 (\$300,000.00).

7943 (c) Documentation that the company carries a current
7944 and valid workers' compensation insurance policy as required by
7945 state law.

7946 (d) The name of the person who will serve as the
7947 designated agent of the company.

7948 (e) For a company applying for a Class A license,
7949 evidence that the company has at least one (1) employee who holds
7950 a Class B license at each of its operating locations.

7951 (f) A statement that no officer or principal has been
7952 convicted of a * * * disqualifying crime as provided in the Fresh
7953 Start Act, has received a first-time offender pardon for a * * *
7954 disqualifying crime as provided in the Fresh Start Act, or has
7955 entered a plea of guilty or nolo contendere to a * * *
7956 disqualifying crime as provided in the Fresh Start Act.

7957 (g) The application fee authorized by this chapter.



7958 (h) Documentation that the company is located within
7959 the physical boundaries of the state.

7960 (i) Beginning on July 1, 2014, in order to assist the
7961 Office of the State Fire Marshal in determining an applicant's
7962 suitability for a license under this chapter, a Class A applicant,
7963 upon request from the State Fire Marshal, shall submit a set of
7964 fingerprints for all officers and principals with the submission
7965 of an application for license or at such time as deemed necessary
7966 by the State Fire Marshal. The Office of the State Fire Marshal
7967 shall forward the fingerprints to the Department of Public Safety
7968 for the purpose of conducting a criminal history record check. If
7969 no disqualifying record is identified at the state level, the
7970 fingerprints shall be forwarded by the Department of Public Safety
7971 to the Federal Bureau of Investigation for a national criminal
7972 history record check. Fees related to the criminal history record
7973 check shall be paid by the applicant to the State Fire Marshal and
7974 the monies from such fees shall be deposited in the special fund
7975 in the State Treasury designated as the Electronic Protection
7976 Licensing Fund.

7977 (j) The name of each company providing monitoring
7978 services.

7979 (3) If the action by the State Fire Marshal is to nonrenew
7980 or to deny an application for license, the State Fire Marshal
7981 shall notify the applicant or licensee and advise, in writing, the
7982 applicant or licensee of the reason for the denial or nonrenewal



7983 of the applicant's or licensee's license. The applicant or
7984 licensee may make written demand upon the State Fire Marshal
7985 within ten (10) days for a hearing before the State Fire Marshal
7986 to determine the reasonableness of the State Fire Marshal's
7987 action. The hearing shall be held within thirty (30) days.

7988 **SECTION 96.** Section 73-69-11, Mississippi Code of 1972, is
7989 amended as follows:

7990 73-69-11. (1) Any person employed by an alarm contracting
7991 company shall hold an individual license issued by the State Fire
7992 Marshal. Such license shall authorize its holder to engage in
7993 alarm contracting, only to the extent of the terms as further
7994 provided in this chapter.

7995 (2) Such application shall be accompanied by:

7996 (a) Two (2) suitable photographs of the applicant
7997 acceptable to the State Fire Marshal. The State Fire Marshal
7998 shall keep one (1) photograph on file and shall make the other
7999 photograph a part of any license subsequently issued to the
8000 applicant.

8001 (b) Documentation that the applicant meets educational
8002 requirements applicable to the type of license for which he is
8003 applying, as follows:

8004 (i) For a Class B license: a minimum of
8005 Electronic Security Association, Level 2 A and Level 2 B Burglar
8006 Alarm training course or the Electronic Security Association, Fire
8007 Alarm Installation Methods and Advanced Intrusion Systems training



8008 courses, or equivalent training approved by the State Fire
8009 Marshal, and documentation proving residency within a radius of
8010 one hundred fifty (150) miles of the office to which he is
8011 assigned.

8012 (ii) For a Class C license: a minimum of
8013 Electronic Security Association Level 1 Certified Alarm/Security
8014 Technician training course, or equivalent training approved by the
8015 State Fire Marshal.

8016 (iii) For a Class D license: a minimum of
8017 Electronic Security Association, Understanding Electronic Security
8018 Systems training course, or equivalent training approved by the
8019 State Fire Marshal.

8020 (iv) For a Class H license: application by a
8021 Class B or Class C license holder that they will provide direct
8022 supervision of the Class H licensee.

8023 (c) (i) A statement by the applicant that he has not
8024 been convicted of a * * * disqualifying crime as provided in the
8025 Fresh Start Act, received a first-time offender pardon for a * * *
8026 disqualifying crime as provided in the Fresh Start Act, or entered
8027 a plea of guilty or nolo contendere to a * * * disqualifying crime
8028 as provided in the Fresh Start Act. * * *

8029 (ii) A conviction or a plea of guilty or nolo
8030 contendere to a * * * disqualifying crime as provided in the Fresh
8031 Start or receipt of a first-time offender pardon shall not
8032 constitute an automatic disqualification as otherwise required



8033 pursuant to subparagraph (i) if ten (10) or more years have
8034 elapsed between the date of application and the successful
8035 completion or service of any sentence, deferred adjudication or
8036 period of probation or parole.

8037 (iii) Subparagraph (ii) shall not apply to any
8038 person convicted of a felony crime of violence or a sex offense as
8039 defined within the Mississippi Criminal Code.

8040 (d) The State Fire Marshal shall have the authority to
8041 conduct criminal history verification on a local, state or
8042 national level. Beginning on July 1, 2014, in order to assist the
8043 Office of the State Fire Marshal in determining an applicant's
8044 suitability for a license under this chapter, an applicant shall
8045 submit a set of fingerprints with the submission of an application
8046 for license. The Office of the State Fire Marshal shall forward
8047 the fingerprints to the Department of Public Safety for the
8048 purpose of conducting a criminal history record check. If no
8049 disqualifying record is identified at the state level, the
8050 fingerprints shall be forwarded by the Department of Public Safety
8051 to the Federal Bureau of Investigation for a national criminal
8052 history record check. Fees related to the criminal history record
8053 check shall be paid by the applicant to the State Fire Marshal and
8054 the monies from such fees shall be deposited in the special fund
8055 in the State Treasury designated as the Electronic Protection
8056 Licensing Fund.

8057 (e) The application fee authorized by this chapter.



8058 (3) The State Fire Marshal shall have the authority to
8059 determine if information submitted by an applicant is in a form
8060 acceptable to him. The State Fire Marshal shall verify or have
8061 another entity verify information submitted by each applicant.

8062 (4) If the State Fire Marshal finds that an applicant has
8063 met the applicable requirements of the alarm licensing law, he
8064 shall issue the appropriate type of license to the applicant upon
8065 payment of the license fee authorized by this chapter.

8066 (5) Each individual license holder shall maintain his
8067 license on his person while engaging in any type of alarm
8068 contracting as applicable. Each such license holder shall present
8069 his license for inspection upon demand by an employee of the
8070 Office of the State Fire Marshal or a law enforcement officer.

8071 (6) Each individual license holder shall notify the State
8072 Fire Marshal, on a form specified and provided by the State Fire
8073 Marshal, within ten (10) days of the following:

8074 (a) Any change in business or home address.

8075 (b) Any separation from an employer or change in
8076 employer.

8077 (c) Any conviction for a * * * disqualifying crime as
8078 provided in the Fresh Start Act.

8079 (7) No individual licensed under this chapter shall contract
8080 for his services as an independent contractor or agent without
8081 applying for and being issued a Class A license per Section
8082 73-69-9. No alarm contracting company shall contract for the



8083 independent services of a holder of an individual license under
8084 this section.

8085 (8) The State Fire Marshal may enter into reciprocal
8086 agreements with other states for mutual recognition of individual
8087 license holders, if the State Fire Marshal has established the
8088 criteria for acceptance of reciprocal agreements by rule or
8089 regulation. The issuance of a license by reciprocity to a
8090 military-trained applicant, military spouse or person who
8091 establishes residence in this state shall be subject to the
8092 provisions of Section 73-50-1 or 73-50-2, as applicable.

8093 (9) If the action by the State Fire Marshal is to nonrenew
8094 or to deny an application for license, the State Fire Marshal
8095 shall notify the applicant or licensee and advise, in writing, the
8096 applicant or licensee of the reason for the denial or nonrenewal
8097 of the applicant's or licensee's license. The applicant or
8098 licensee may make written demand upon the State Fire Marshal
8099 within ten (10) days for a hearing before the State Fire Marshal
8100 to determine the reasonableness of the State Fire Marshal's
8101 action. The hearing shall be held within thirty (30) days.

8102 **SECTION 97.** Section 75-15-11, Mississippi Code of 1972, is
8103 amended as follows:

8104 75-15-11. Each application for a license shall be
8105 accompanied by:

8106 (a) Certified financial statements, reasonably
8107 satisfactory to the commissioner, showing that the applicant has a



8108 net worth of at least Twenty-five Thousand Dollars (\$25,000.00)
8109 plus Fifteen Thousand Dollars (\$15,000.00) for each location in
8110 excess of one (1) at which the applicant proposes to conduct money
8111 transmissions in this state, computed according to generally
8112 accepted accounting principles, but in no event shall the net
8113 worth be required to be in excess of Two Hundred Fifty Thousand
8114 Dollars (\$250,000.00).

8115 (b) A surety bond issued by a bonding company or
8116 insurance company authorized to do business in this state, in the
8117 principal sum of Twenty-five Thousand Dollars (\$25,000.00) or in
8118 an amount equal to outstanding money transmissions in Mississippi,
8119 whichever is greater, but in no event shall the bond be required
8120 to be in excess of Five Hundred Thousand Dollars (\$500,000.00).
8121 However, the commissioner may increase the required amount of the
8122 bond upon the basis of the impaired financial condition of a
8123 licensee as evidenced by a reduction in net worth, financial
8124 losses or other relevant criteria. The bond shall be in form
8125 satisfactory to the commissioner and shall run to the state for
8126 the use and benefit of the Department of Banking and Consumer
8127 Finance and any claimants against the applicant or his agents to
8128 secure the faithful performance of the obligations of the
8129 applicant and his agents with respect to the receipt, handling,
8130 transmission and payment of money in connection with money
8131 transmissions in Mississippi. The aggregate liability of the
8132 surety in no event shall exceed the principal sum of the bond.



8133 The surety on the bond shall have the right to cancel the bond
8134 upon giving sixty (60) days' notice in writing to the commissioner
8135 and thereafter shall be relieved of liability for any breach of
8136 condition occurring after the effective date of the cancellation.
8137 Any claimants against the applicant or his agents may themselves
8138 bring suit directly on the bond, or the Attorney General may bring
8139 suit thereon in behalf of those claimants, either in one (1)
8140 action or successive actions.

8141 (c) In lieu of the corporate surety bond, the applicant
8142 may deposit with the State Treasurer bonds or other obligations of
8143 the United States or guaranteed by the United States or bonds or
8144 other obligations of this state or of any municipal corporation,
8145 county, or other political subdivision or agency of this state, or
8146 certificates of deposit of national or state banks doing business
8147 in Mississippi, having an aggregate market value at least equal to
8148 that of the corporate surety bond otherwise required. Those bonds
8149 or obligations or certificates of deposit shall be deposited with
8150 the State Treasurer to secure the same obligations as would a
8151 corporate surety bond, but the depositor shall be entitled to
8152 receive all interest and dividends thereon and shall have the
8153 right to substitute other bonds or obligations or certificates of
8154 deposit for those deposited, with the approval of the
8155 commissioner, and shall be required so to do on order of the
8156 commissioner made for good cause shown. The State Treasurer shall
8157 provide for custody of the bonds or obligations or certificates of



8158 deposits by a qualified trust company or bank located in the State
8159 of Mississippi or by any Federal Reserve Bank. The compensation,
8160 if any, of the custodian for acting as such under this section
8161 shall be paid by the depositing licensee.

8162 (d) Proof of registration as a money service business
8163 per 31 CFR Section 103.41, if applicable.

8164 (e) A set of fingerprints from any local law
8165 enforcement agency for each owner of a sole proprietorship,
8166 partners in a partnership or principal owners of a limited
8167 liability company that own at least ten percent (10%) of the
8168 voting shares of the company, shareholders owning ten percent
8169 (10%) or more of the outstanding shares of the corporation, except
8170 publically traded corporations and their subsidiaries, and any
8171 other executive officer with significant oversight duties of the
8172 business. In order to determine the applicant's suitability for
8173 license, the commissioner shall forward the fingerprints to the
8174 Department of Public Safety for a state criminal history records
8175 check, and the fingerprints shall be forwarded by the Department
8176 of Public Safety to the FBI for a national criminal history
8177 records check. The department shall not issue a license if it
8178 finds that the applicant, or any person who is an owner, partner,
8179 director or executive officer of the applicant, has been convicted
8180 of: (i) a * * * disqualifying crime as provided in the Fresh
8181 Start Act; or (ii) a crime that, if committed within the state,
8182 would constitute a * * * disqualifying crime as provided in the



8183 Fresh Start Act; or (iii) a misdemeanor of fraud, theft, forgery,
8184 bribery, embezzlement or making a fraudulent or false statement in
8185 any jurisdiction. For the purposes of this chapter, a person
8186 shall be deemed to have been convicted of a crime if the person
8187 has pleaded guilty to a crime before a court or federal
8188 magistrate, or plea of nolo contendere, or has been found guilty
8189 of a crime by the decision or judgment of a court or federal
8190 magistrate or by the verdict of a jury, irrespective of the
8191 pronouncement of sentence or the suspension of a sentence, unless
8192 the person convicted of the crime has received a pardon from the
8193 President of the United States or the Governor or other pardoning
8194 authority in the jurisdiction where the conviction was obtained.

8195 **SECTION 98.** Section 75-67-323, Mississippi Code of 1972, is
8196 amended as follows:

8197 75-67-323. (1) To be eligible for a pawnbroker license, an
8198 applicant shall:

8199 (a) Operate lawfully and fairly within the purposes of
8200 this article;

8201 (b) Not have been convicted of a * * * disqualifying
8202 crime as provided in the Fresh Start Act or be active as a
8203 beneficial owner for someone who has been convicted of a * * *
8204 disqualifying crime as provided in the Fresh Start Act;

8205 (c) File with the commissioner a bond with good
8206 security in the penal sum of Ten Thousand Dollars (\$10,000.00),
8207 payable to the State of Mississippi for the faithful performance



8208 by the licensee of the duties and obligations pertaining to the
8209 business so licensed and the prompt payment of any judgment which
8210 may be recovered against such licensee on account of damages or
8211 other claim arising directly or collaterally from any violation of
8212 the provisions of this article; such bond shall not be valid until
8213 it is approved by the commissioner; such applicant may file, in
8214 lieu thereof, cash, a certificate of deposit, or government bonds
8215 in the amount of Ten Thousand Dollars (\$10,000.00); such deposit
8216 shall be filed with the commissioner and is subject to the same
8217 terms and conditions as are provided for in the surety bond
8218 required herein; any interest or earnings on such deposits are
8219 payable to the depositor;

8220 (d) File with the commissioner an application
8221 accompanied by the initial license fee required in this article;

8222 (e) Submit a set of fingerprints from any local law
8223 enforcement agency. In order to determine the applicant's
8224 suitability for license, the commissioner shall forward the
8225 fingerprints to the Department of Public Safety; and if no
8226 disqualifying record is identified at the state level, the
8227 fingerprints shall be forwarded by the Department of Public Safety
8228 to the FBI for a national criminal history record check.

8229 (2) Every licensee shall post his license in a conspicuous
8230 place at each place of business.

8231 (3) Every licensee shall post and display a sign which
8232 measures at least twenty (20) inches by twenty (20) inches in a



8233 conspicuous place and in easy view of all persons who enter the
8234 place of business. The sign shall display bold, blocked letters,
8235 easily readable, with the following information: "This pawnshop
8236 is licensed and regulated by the Mississippi Department of Banking
8237 and Consumer Finance. If you encounter any unresolved problem
8238 with a transaction at this location, you are entitled to
8239 assistance. Please call or write: Mississippi Department of
8240 Banking and Consumer Finance, Post Office Drawer 23729, Jackson,
8241 MS 39225-3729; Phone 1-800-844-2499."

8242 (4) From and after December 1, 2010, each application for an
8243 initial license shall include evidence of the satisfactory
8244 completion of at least six (6) hours of approved prelicensing
8245 education, and each application for renewal shall include evidence
8246 of the satisfactory completion of at least six (6) hours of
8247 approved continuing education, by the owners or designated
8248 representative in pawnbroker transactions. Two (2) of the six (6)
8249 hours shall consist of instruction on the Mississippi Pawnshop Act
8250 and shall be approved by the department once the course is
8251 approved by the Mississippi Pawnbrokers Association or the
8252 National Pawnbrokers Association.

8253 **SECTION 99.** Section 75-67-421, Mississippi Code of 1972, is
8254 amended as follows:

8255 75-67-421. (1) To be eligible for a title pledge lender
8256 license, an applicant shall:



8257 (a) Operate lawfully and fairly within the purposes of
8258 this article;

8259 (b) Not have been convicted of a * * * disqualifying
8260 crime as provided in the Fresh Start Act or be active as a
8261 beneficial owner for someone who has been convicted of a * * *
8262 disqualifying crime as provided in the Fresh Start Act;

8263 (c) File with the commissioner a bond with good
8264 security in the penal sum of Fifty Thousand Dollars (\$50,000.00)
8265 for each location at which the applicant proposes to engage in the
8266 business of title pledge lending, but in no event shall the
8267 aggregate amount of the bond for all locations per applicant
8268 exceed Two Hundred Fifty Thousand Dollars (\$250,000.00) and no
8269 more than Fifty Thousand Dollars (\$50,000.00) shall be payable or
8270 recoverable on the bond for each location; the bond shall be
8271 payable to the State of Mississippi for the faithful performance
8272 by the licensee of the duties and obligations pertaining to the
8273 business so licensed and the prompt payment of any judgment which
8274 may be recovered against the licensee on account of damages or
8275 other claim arising directly or collaterally from any violation of
8276 the provisions of this article; the bond shall not be valid until
8277 it is approved by the commissioner; the applicant may file, in
8278 lieu thereof, cash, a certificate of deposit or government bonds
8279 in the amount of Twenty-five Thousand Dollars (\$25,000.00) for
8280 each location at which the applicant proposes to engage in the
8281 business of title pledge lending, but in no event shall the



8282 aggregate amount of the cash, certificate of deposit or government
8283 bonds for all locations per applicant exceed Two Hundred Fifty
8284 Thousand Dollars (\$250,000.00) and no more than Twenty-five
8285 Thousand Dollars (\$25,000.00) shall be payable or recoverable on
8286 the cash, certificate of deposit or government bonds for each
8287 location; the deposit of the cash, certificate of deposit or
8288 government bonds shall be filed with the commissioner and is
8289 subject to the same terms and conditions as are provided for in
8290 the surety bond required herein; any interest or earnings on such
8291 deposits are payable to the depositor * * *;

8292 (d) File with the commissioner an application
8293 accompanied by a set of fingerprints from any local law
8294 enforcement agency, and the initial license fee required in this
8295 article. In order to determine the applicant's suitability for
8296 license, the commissioner shall forward the fingerprints to the
8297 Department of Public Safety; and if no disqualifying record is
8298 identified at the state level, the fingerprints shall be forwarded
8299 by the Department of Public Safety to the FBI for a national
8300 criminal history record check.

8301 (2) Upon the filing of an application in a form prescribed
8302 by the commissioner, accompanied by the fee and documents required
8303 in this article, the department shall investigate to ascertain
8304 whether the qualifications prescribed by this article have been
8305 satisfied. If the commissioner finds that the qualifications have
8306 been satisfied and, if he approves the documents so filed by the



8307 applicant, he shall issue to the applicant a license to engage in
8308 the business of title pledge lending in this state.

8309 (3) Complete and file with the commissioner an annual
8310 renewal application accompanied by the renewal fee required in
8311 this article.

8312 (4) The license shall be kept conspicuously posted in the
8313 place of business of the licensee.

8314 **SECTION 100.** Section 75-67-509, Mississippi Code of 1972, is
8315 amended as follows:

8316 75-67-509. To be eligible for a check casher license, an
8317 applicant shall:

8318 (a) Operate lawfully and fairly within the purposes of
8319 this article.

8320 (b) Not have been convicted of a * * * disqualifying
8321 crime as provided in the Fresh Start Act or be active as a
8322 beneficial owner for someone who has been convicted of a * * *
8323 disqualifying crime as provided in the Fresh Start Act.

8324 (c) File with the commissioner a bond with good
8325 security in the penal sum of Ten Thousand Dollars (\$10,000.00),
8326 payable to the State of Mississippi for the faithful performance
8327 by the licensee of the duties and obligations pertaining to the
8328 business so licensed and the prompt payment of any judgment which
8329 may be recovered against the licensee on account of charges or
8330 other claims arising directly or collectively from any violation
8331 of the provisions of this article. The bond shall not be valid



8332 until it is approved by the commissioner. The applicant may file,
8333 in lieu of the bond, cash, a certificate of deposit or government
8334 bonds in the amount of Ten Thousand Dollars (\$10,000.00). Those
8335 deposits shall be filed with the commissioner and are subject to
8336 the same terms and conditions as are provided for in the surety
8337 bond required in this paragraph. Any interest or earnings on
8338 those deposits are payable to the depositor.

8339 (d) File with the commissioner an application for a
8340 license and the initial license fee required in this article. If
8341 applicant's application is approved, a check casher license will
8342 be issued within thirty (30) days.

8343 (e) Submit a set of fingerprints from any local law
8344 enforcement agency. In order to determine the applicant's
8345 suitability for license, the commissioner shall forward the
8346 fingerprints to the Department of Public Safety; and if no
8347 disqualifying record is identified at the state level, the
8348 fingerprints shall be forwarded by the Department of Public Safety
8349 to the FBI for a national criminal history record check.

8350 (f) Complete and file with the commissioner an annual
8351 renewal application for a license accompanied by the renewal fee
8352 required in this article.

8353 **SECTION 101.** Section 75-67-609, Mississippi Code of 1972, is
8354 amended as follows:

8355 75-67-609. To be eligible for a credit availability license,
8356 an applicant shall:



8357 (a) Operate lawfully and fairly within the purposes of
8358 this article.

8359 (b) Not have been convicted in the last ten (10) years
8360 or be active as a beneficial owner for someone who has been
8361 convicted in the last ten (10) years of a disqualifying
8362 crime * * * as provided in the Fresh Start Act.

8363 (c) File with the commissioner a bond with good
8364 security in the penal sum of Ten Thousand Dollars (\$10,000.00),
8365 payable to the State of Mississippi, for the faithful performance
8366 by the licensee of the duties and obligations pertaining to the
8367 business so licensed and the prompt payment of any judgment which
8368 may be recovered against the licensee on account of charges or
8369 other claims arising directly or collectively from any violation
8370 of the provisions of this article. The bond shall not be valid
8371 until the commissioner approves it. The applicant may file, in
8372 lieu of the bond, cash, a certificate of deposit or government
8373 bonds in the amount of Ten Thousand Dollars (\$10,000.00). Those
8374 deposits shall be filed with the commissioner and are subject to
8375 the same terms and conditions as are provided for in the surety
8376 bond required in this paragraph. Any interest or earnings on
8377 those deposits are payable to the depositor. Applicants applying
8378 for multiple licenses may submit a single bond for all licenses,
8379 provided that the total value of the bond is equal to Ten Thousand
8380 Dollars (\$10,000.00) per license applied for.



8381 (d) File with the commissioner an application for a
8382 license and the initial license fee required in this article. If
8383 applicant's application is approved, a credit availability license
8384 will be issued within thirty (30) days.

8385 (e) File with the commissioner a set of fingerprints
8386 from any local law enforcement agency for each owner of a sole
8387 proprietorship, partners in a partnership or principal owners of a
8388 limited liability company that own at least ten percent (10%) of
8389 the voting shares of the company, shareholders owning ten percent
8390 (10%) or more of the outstanding shares of the corporation, except
8391 publically traded corporations and their subsidiaries, and any
8392 other executive officer with significant oversight duties of the
8393 business. In order to determine the applicant's suitability for
8394 license, the commissioner shall forward the fingerprints to the
8395 Department of Public Safety; and if no disqualifying record is
8396 identified at the state level, the Department of Public Safety
8397 shall forward the fingerprints to the FBI for a national criminal
8398 history record check.

8399 (f) Complete and file with the commissioner an annual
8400 renewal application for a license accompanied by the renewal fee
8401 required in this article.

8402 **SECTION 102.** Section 27-115-55, Mississippi Code of 1972, is
8403 amended as follows:

8404 27-115-55. (1) The Legislature hereby recognizes that to
8405 conduct a successful lottery, the corporation must develop and



8406 maintain a statewide network of lottery retailers that will serve
8407 the public convenience and promote the sale of tickets, while
8408 ensuring the integrity of the lottery operations, games and
8409 activities.

8410 (2) To govern the selection of lottery retailers, the board
8411 shall, by administrative rules and regulations, develop a list of
8412 objective criteria upon which the selection of lottery retailers
8413 shall be based. In developing these criteria, the board shall
8414 consider such factors as the applicant's financial responsibility,
8415 location and security of the applicant's place of business or
8416 activity, integrity, and reputation; however, the board shall not
8417 consider political affiliation, activities or monetary
8418 contributions to political organizations or candidates for any
8419 public office. The criteria shall include, but not be limited to,
8420 the following:

8421 (a) The applicant shall be current in payment of all
8422 taxes, interest and penalties owed to any taxing political
8423 subdivision where the lottery retailer will sell lottery tickets.

8424 (b) The applicant shall be current in filing all
8425 applicable tax returns and in payment of all taxes, interest and
8426 penalties owed to the State of Mississippi, excluding items under
8427 formal appeal pursuant to applicable statutes, before a license is
8428 issued and before each renewal.

8429 (c) No person shall be selected as a lottery retailer
8430 for the sale of lottery tickets who:



8431 (i) Has been convicted of a criminal offense
8432 related to the security or integrity of the lottery in this or any
8433 other jurisdiction.

8434 (ii) Has been convicted of any illegal gambling
8435 activity, false statements, false swearing or perjury in this or
8436 any other jurisdiction, or convicted of a * * * disqualifying
8437 crime as provided in the Fresh Start Act.

8438 (iii) Has been found to have violated the
8439 provisions of this chapter or any administrative rules and
8440 regulations adopted under this chapter, unless either ten (10)
8441 years have passed since the violation, or the president and the
8442 board find the violation both minor and unintentional in nature.

8443 (iv) Is a vendor or an employee or agent of any
8444 vendor doing business with the corporation.

8445 (v) Resides in the same household as an officer or
8446 board member of the corporation.

8447 (vi) Has made a statement of material fact to the
8448 corporation, knowing such statement to be false.

8449 **SECTION 103.** Section 37-13-89, Mississippi Code of 1972, is
8450 amended as follows:

8451 37-13-89. (1) In each school district within the state,
8452 there shall be employed the number of school attendance officers
8453 determined by the Office of Compulsory School Attendance
8454 Enforcement to be necessary to adequately enforce the provisions
8455 of the Mississippi Compulsory School Attendance Law; however, this



8456 number shall not exceed one hundred fifty-three (153) school
8457 attendance officers at any time. From and after July 1, 1998, all
8458 school attendance officers employed pursuant to this section shall
8459 be employees of the State Department of Education. The State
8460 Department of Education shall employ all persons employed as
8461 school attendance officers by district attorneys before July 1,
8462 1998, and shall assign them to school attendance responsibilities
8463 in the school district in which they were employed before July 1,
8464 1998. The first twelve (12) months of employment for each school
8465 attendance officer shall be the probationary period of state
8466 service.

8467 (2) (a) The State Department of Education shall obtain
8468 current criminal records background checks and current child abuse
8469 registry checks on all persons applying for the position of school
8470 attendance officer after July 2, 2002. The criminal records
8471 information and registry checks must be kept on file for any new
8472 hires. In order to determine an applicant's suitability for
8473 employment as a school attendance officer, the applicant must be
8474 fingerprinted. If no disqualifying record is identified at the
8475 state level, the Department of Public Safety shall forward the
8476 fingerprints to the Federal Bureau of Investigation (FBI) for a
8477 national criminal history record check. The applicant shall pay
8478 the fee, not to exceed Fifty Dollars (\$50.00), for the
8479 fingerprinting and criminal records background check; however, the
8480 State Department of Education, in its discretion, may pay the fee



8481 for the fingerprinting and criminal records background check on
8482 behalf of any applicant. Under no circumstances may a member of
8483 the State Board of Education, employee of the State Department of
8484 Education or any person other than the subject of the criminal
8485 records background check disseminate information received through
8486 any such checks except insofar as required to fulfill the purposes
8487 of this subsection.

8488 (b) If the fingerprinting or criminal records check
8489 discloses a * * * disqualifying crime as provided in the Fresh
8490 Start Act, the applicant is not eligible to be employed as a
8491 school attendance officer. Any employment of an applicant pending
8492 the results of the fingerprinting and criminal records check is
8493 voidable if the new hire receives a disqualifying criminal records
8494 check. However, the State Board of Education, in its discretion,
8495 may allow an applicant aggrieved by an employment decision under
8496 this subsection to appear before the board, or before a hearing
8497 officer designated for that purpose, to show mitigating
8498 circumstances that may exist and allow the new hire to be employed
8499 as a school attendance officer. The State Board of Education may
8500 grant waivers for mitigating circumstances, which may include, but
8501 are not necessarily limited to: (i) age at which the crime was
8502 committed; (ii) circumstances surrounding the crime; (iii) length
8503 of time since the conviction and criminal history since the
8504 conviction; (iv) work history; (v) current employment and
8505 character references; and (vi) other evidence demonstrating the



8506 ability of the person to perform the responsibilities of a school
8507 attendance officer competently and that the person does not pose a
8508 threat to the health or safety of children.

8509 (c) A member of the State Board of Education or
8510 employee of the State Department of Education may not be held
8511 liable in any employment discrimination suit in which an
8512 allegation of discrimination is made regarding an employment
8513 decision authorized under this section.

8514 (3) Each school attendance officer shall possess a college
8515 degree with a major in a behavioral science or a related field or
8516 shall have no less than three (3) years combined actual experience
8517 as a school teacher, school administrator, law enforcement officer
8518 possessing such degree, and/or social worker; however, these
8519 requirements shall not apply to persons employed as school
8520 attendance officers before January 1, 1987. School attendance
8521 officers also shall satisfy any additional requirements that may
8522 be established by the State Personnel Board for the position of
8523 school attendance officer.

8524 (4) It shall be the duty of each school attendance officer
8525 to:

8526 (a) Cooperate with any public agency to locate and
8527 identify all compulsory-school-age children who are not attending
8528 school;

8529 (b) Cooperate with all courts of competent
8530 jurisdiction;



8531 (c) Investigate all cases of nonattendance and unlawful
8532 absences by compulsory-school-age children not enrolled in a
8533 nonpublic school;

8534 (d) Provide appropriate counseling to encourage all
8535 school-age children to attend school until they have completed
8536 high school;

8537 (e) Attempt to secure the provision of social or
8538 welfare services that may be required to enable any child to
8539 attend school;

8540 (f) Contact the home or place of residence of a
8541 compulsory-school-age child and any other place in which the
8542 officer is likely to find any compulsory-school-age child when the
8543 child is absent from school during school hours without a valid
8544 written excuse from school officials, and when the child is found,
8545 the officer shall notify the parents and school officials as to
8546 where the child was physically located;

8547 (g) Contact promptly the home of each
8548 compulsory-school-age child in the school district within the
8549 officer's jurisdiction who is not enrolled in school or is not in
8550 attendance at public school and is without a valid written excuse
8551 from school officials; if no valid reason is found for the
8552 nonenrollment or absence from the school, the school attendance
8553 officer shall give written notice to the parent, guardian or
8554 custodian of the requirement for the child's enrollment or
8555 attendance;



8556 (h) Collect and maintain information concerning
8557 absenteeism, dropouts and other attendance-related problems, as
8558 may be required by law or the Office of Compulsory School
8559 Attendance Enforcement; and

8560 (i) Perform all other duties relating to compulsory
8561 school attendance established by the State Department of Education
8562 or district school attendance supervisor, or both.

8563 (5) While engaged in the performance of his duties, each
8564 school attendance officer shall carry on his person a badge
8565 identifying him as a school attendance officer under the Office of
8566 Compulsory School Attendance Enforcement of the State Department
8567 of Education and an identification card designed by the State
8568 Superintendent of Public Education and issued by the school
8569 attendance officer supervisor. Neither the badge nor the
8570 identification card shall bear the name of any elected public
8571 official.

8572 (6) The State Personnel Board shall develop a salary scale
8573 for school attendance officers as part of the variable
8574 compensation plan. The various pay ranges of the salary scale
8575 shall be based upon factors including, but not limited to,
8576 education, professional certification and licensure, and number of
8577 years of experience. School attendance officers shall be paid in
8578 accordance with this salary scale. The minimum salaries under the
8579 scale shall be no less than the following:



8580 (a) For school attendance officers holding a bachelor's
8581 degree or any other attendance officer who does not hold such a
8582 degree, the annual salary shall be based on years of experience as
8583 a school attendance officer or related field of service or
8584 employment, no less than as follows:

8585	Years of Experience	Salary
8586	0 - 4 years	\$24,528.29
8587	5 - 8 years	26,485.29
8588	9 - 12 years	28,050.89
8589	13 - 16 years	29,616.49
8590	Over 17 years	31,182.09

8591 (b) For school attendance officers holding a license as
8592 a social worker, the annual salary shall be based on years of
8593 experience as a school attendance officer or related field of
8594 service or employment, no less than as follows:

8595	Years of Experience	Salary
8596	0 - 4 years	\$25,558.29
8597	5 - 8 years	27,927.29
8598	9 - 12 years	29,822.49
8599	13 - 16 years	31,717.69
8600	17 - 20 years	33,612.89
8601	Over 21 years	35,415.39

8602 (c) For school attendance officers holding a master's
8603 degree in a behavioral science or a related field, the annual
8604 salary shall be based on years of experience as a school



8605 attendance officer or related field of service or employment, no
8606 less than as follows:

8607	Years of Experience	Salary
8608	0 - 4 years	\$26,382.29
8609	5 - 8 years	29,008.79
8610	9 - 12 years	31,109.99
8611	13 - 16 years	33,211.19
8612	17 - 20 years	35,312.39
8613	Over 21 years	37,413.59

8614 (7) (a) Each school attendance officer employed by a
8615 district attorney on June 30, 1998, who became an employee of the
8616 State Department of Education on July 1, 1998, shall be awarded
8617 credit for personal leave and major medical leave for his
8618 continuous service as a school attendance officer under the
8619 district attorney, and if applicable, the youth or family court or
8620 a state agency. The credit for personal leave shall be in an
8621 amount equal to one-third (1/3) of the maximum personal leave the
8622 school attendance officer could have accumulated had he been
8623 credited with such leave under Section 25-3-93 during his
8624 employment with the district attorney, and if applicable, the
8625 youth or family court or a state agency. The credit for major
8626 medical leave shall be in an amount equal to one-half (1/2) of the
8627 maximum major medical leave the school attendance officer could
8628 have accumulated had he been credited with such leave under
8629 Section 25-3-95 during his employment with the district attorney,



and if applicable, the youth or family court or a state agency. However, if a district attorney who employed a school attendance officer on June 30, 1998, certifies, in writing, to the State Department of Education that the school attendance officer had accumulated, pursuant to a personal leave policy or major medical leave policy lawfully adopted by the district attorney, a number of days of unused personal leave or major medical leave, or both, which is greater than the number of days to which the school attendance officer is entitled under this paragraph, the State Department of Education shall authorize the school attendance officer to retain the actual unused personal leave or major medical leave, or both, certified by the district attorney, subject to the maximum amount of personal leave and major medical leave the school attendance officer could have accumulated had he been credited with such leave under Sections 25-3-93 and 25-3-95.

(b) For the purpose of determining the accrual rate for personal leave under Section 25-3-93 and major medical leave under Section 25-3-95, the State Department of Education shall give consideration to all continuous service rendered by a school attendance officer before July 1, 1998, in addition to the service rendered by the school attendance officer as an employee of the department.

(c) In order for a school attendance officer to be awarded credit for personal leave and major medical leave or to retain the actual unused personal leave and major medical leave



8655 accumulated by him before July 1, 1998, the district attorney who
8656 employed the school attendance officer must certify, in writing,
8657 to the State Department of Education the hire date of the school
8658 attendance officer. For each school attendance officer employed
8659 by the youth or family court or a state agency before being
8660 designated an employee of the district attorney who has not had a
8661 break in continuous service, the hire date shall be the date that
8662 the school attendance officer was hired by the youth or family
8663 court or state agency. The department shall prescribe the date by
8664 which the certification must be received by the department and
8665 shall provide written notice to all district attorneys of the
8666 certification requirement and the date by which the certification
8667 must be received.

8668 (8) (a) School attendance officers shall maintain regular
8669 office hours on a year-round basis; however, during the school
8670 term, on those days that teachers in all of the school districts
8671 served by a school attendance officer are not required to report
8672 to work, the school attendance officer also shall not be required
8673 to report to work. (For purposes of this subsection, a school
8674 district's school term is that period of time identified as the
8675 school term in contracts entered into by the district with
8676 licensed personnel.) A school attendance officer shall be
8677 required to report to work on any day recognized as an official
8678 state holiday if teachers in any school district served by that
8679 school attendance officer are required to report to work on that



8680 day, regardless of the school attendance officer's status as an
8681 employee of the State Department of Education, and compensatory
8682 leave may not be awarded to the school attendance officer for
8683 working during that day. However, a school attendance officer may
8684 be allowed by the school attendance officer's supervisor to use
8685 earned leave on such days.

8686 (b) The State Department of Education annually shall
8687 designate a period of six (6) consecutive weeks in the summer
8688 between school years during which school attendance officers shall
8689 not be required to report to work. A school attendance officer
8690 who elects to work at any time during that period may not be
8691 awarded compensatory leave for such work and may not opt to be
8692 absent from work at any time other than during the six (6) weeks
8693 designated by the department unless the school attendance officer
8694 uses personal leave or major medical leave accrued under Section
8695 25-3-93 or 25-3-95 for such absence.

8696 (9) The State Department of Education shall provide all
8697 continuing education and training courses that school attendance
8698 officers are required to complete under state law or rules and
8699 regulations of the department.

8700 **SECTION 104.** Section 37-9-17, Mississippi Code of 1972, is
8701 amended as follows:

8702 37-9-17. (1) On or before April 1 of each year, the
8703 principal of each school shall recommend to the superintendent of
8704 the local school district the licensed employees or



8705 noninstructional employees to be employed for the school involved
8706 except those licensed employees or noninstructional employees who
8707 have been previously employed and who have a contract valid for
8708 the ensuing scholastic year. If such recommendations meet with
8709 the approval of the superintendent, the superintendent shall
8710 recommend the employment of such licensed employees or
8711 noninstructional employees to the local school board, and, unless
8712 good reason to the contrary exists, the board shall elect the
8713 employees so recommended. If, for any reason, the local school
8714 board shall decline to elect any employee so recommended,
8715 additional recommendations for the places to be filled shall be
8716 made by the principal to the superintendent and then by the
8717 superintendent to the local school board as provided above. The
8718 school board of any local school district shall be authorized to
8719 designate a personnel supervisor or another principal employed by
8720 the school district to recommend to the superintendent licensed
8721 employees or noninstructional employees; however, this
8722 authorization shall be restricted to no more than two (2)
8723 positions for each employment period for each school in the local
8724 school district. Any noninstructional employee employed upon the
8725 recommendation of a personnel supervisor or another principal
8726 employed by the local school district must have been employed by
8727 the local school district at the time the superintendent was
8728 elected or appointed to office; a noninstructional employee
8729 employed under this authorization may not be paid compensation in



8730 excess of the statewide average compensation for such
8731 noninstructional position with comparable experience, as
8732 established by the State Department of Education. The school
8733 board of any local school district shall be authorized to
8734 designate a personnel supervisor or another principal employed by
8735 the school district to accept the recommendations of principals or
8736 their designees for licensed employees or noninstructional
8737 employees and to transmit approved recommendations to the local
8738 school board; however, this authorization shall be restricted to
8739 no more than two (2) positions for each employment period for each
8740 school in the local school district.

8741 When the licensed employees have been elected as provided in
8742 the preceding paragraph, the superintendent of the district shall
8743 enter into a contract with such persons in the manner provided in
8744 this chapter.

8745 If, at the commencement of the scholastic year, any licensed
8746 employee shall present to the superintendent a license of a higher
8747 grade than that specified in such individual's contract, such
8748 individual may, if funds are available from the total funding
8749 formula funds of the district as provided for in Sections
8750 37-151-200 through 37-151-215, or from district funds, be paid
8751 from such funds the amount to which such higher grade license
8752 would have entitled the individual, had the license been held at
8753 the time the contract was executed.



8754 (2) Superintendents/directors of schools under the purview
8755 of the State Board of Education, the superintendent of the local
8756 school district and any private firm under contract with the local
8757 public school district to provide substitute teachers to teach
8758 during the absence of a regularly employed schoolteacher shall
8759 require, through the appropriate governmental authority, that
8760 current criminal records background checks and current child abuse
8761 registry checks are obtained, and that such criminal record
8762 information and registry checks are on file for any new hires
8763 applying for employment as a licensed or nonlicensed employee at a
8764 school and not previously employed in such school under the
8765 purview of the State Board of Education or at such local school
8766 district prior to July 1, 2000. In order to determine the
8767 applicant's suitability for employment, the applicant shall be
8768 fingerprinted. If no disqualifying record is identified at the
8769 state level, the fingerprints shall be forwarded by the Department
8770 of Public Safety to the Federal Bureau of Investigation for a
8771 national criminal history record check. The fee for such
8772 fingerprinting and criminal history record check shall be paid by
8773 the applicant, not to exceed Fifty Dollars (\$50.00); however, the
8774 State Board of Education, the school board of the local school
8775 district or a private firm under contract with a local school
8776 district to provide substitute teachers to teach during the
8777 temporary absence of the regularly employed schoolteacher, in its
8778 discretion, may elect to pay the fee for the fingerprinting and



8779 criminal history record check on behalf of any applicant. Under
8780 no circumstances shall a member of the State Board of Education,
8781 superintendent/director of schools under the purview of the State
8782 Board of Education, local school district superintendent, local
8783 school board member or any individual other than the subject of
8784 the criminal history record checks disseminate information
8785 received through any such checks except insofar as required to
8786 fulfill the purposes of this section. Any nonpublic school which
8787 is accredited or approved by the State Board of Education may
8788 avail itself of the procedures provided for herein and shall be
8789 responsible for the same fee charged in the case of local public
8790 schools of this state. The determination whether the applicant
8791 has a disqualifying crime, as set forth in subsection (3) of this
8792 section, shall be made by the appropriate governmental authority,
8793 and the appropriate governmental authority shall notify the
8794 private firm whether a disqualifying crime exists.

8795 (3) If such fingerprinting or criminal record checks
8796 disclose a * * * disqualifying crime as provided in the Fresh
8797 Start Act, the new hire shall not be eligible to be employed at
8798 such school. Any employment contract for a new hire executed by
8799 the superintendent of the local school district or any employment
8800 of a new hire by a superintendent/director of a new school under
8801 the purview of the State Board of Education or by a private firm
8802 shall be voidable if the new hire receives a disqualifying
8803 criminal record check. However, the State Board of Education or



8804 the school board may, in its discretion, allow any applicant
8805 aggrieved by the employment decision under this section to appear
8806 before the respective board, or before a hearing officer
8807 designated for such purpose, to show mitigating circumstances
8808 which may exist and allow the new hire to be employed at the
8809 school. The State Board of Education or local school board may
8810 grant waivers for such mitigating circumstances, which shall
8811 include, but not be limited to: (a) age at which the crime was
8812 committed; (b) circumstances surrounding the crime; (c) length of
8813 time since the conviction and criminal history since the
8814 conviction; (d) work history; (e) current employment and character
8815 references; (f) other evidence demonstrating the ability of the
8816 person to perform the employment responsibilities competently and
8817 that the person does not pose a threat to the health or safety of
8818 the children at the school.

8819 (4) No local school district, local school district
8820 employee, member of the State Board of Education or employee of a
8821 school under the purview of the State Board of Education shall be
8822 held liable in any employment discrimination suit in which an
8823 allegation of discrimination is made regarding an employment
8824 decision authorized under this Section 37-9-17.

8825 (5) The provisions of this section shall be fully applicable
8826 to licensed employees of the Mississippi School of the Arts (MSA),
8827 established in Section 37-140-3.



8828 **SECTION 105.** Section 37-29-232, Mississippi Code of 1972, is
8829 amended as follows:

8830 37-29-232. (1) For the purposes of this section:

8831 (a) "Health care professional/vocational technical
8832 academic program" means an academic program in medicine, nursing,
8833 dentistry, occupational therapy, physical therapy, social
8834 services, nutrition services, speech therapy, or other
8835 allied-health professional whose purpose is to prepare
8836 professionals to render patient care services.

8837 (b) "Health care professional/vocational technical
8838 student" means a student enrolled in a health care
8839 professional/vocational technical academic program.

8840 (2) The dean or director of the health care
8841 professional/vocational technical academic program is authorized
8842 to ensure that criminal history record checks and fingerprinting
8843 are obtained on their students before the students begin any
8844 clinical rotation in a licensed health care entity and that the
8845 criminal history record check information and registry checks are
8846 on file at the academic institution. In order to determine the
8847 student's suitability for the clinical rotation, the student shall
8848 be fingerprinted. If no disqualifying record is identified at the
8849 state level, the fingerprints shall be forwarded by the Department
8850 of Public Safety, the Department of Health, or any other legally
8851 authorized entity to the FBI for a national criminal history
8852 record check. The fee for the fingerprinting and criminal history



8853 record check shall be paid by the applicant, not to exceed Fifty
8854 Dollars (\$50.00); however, the academic institution in which the
8855 student is enrolled, in its discretion, may elect to pay the fee
8856 for the fingerprinting and criminal history record check on behalf
8857 of any applicant. Under no circumstances shall the academic
8858 institution representative or any individual other than the
8859 subject of the criminal history record checks disseminate
8860 information received through any such checks except insofar as
8861 required to fulfill the purposes of this section.

8862 (3) If the fingerprinting or criminal history record checks
8863 disclose a * * * disqualifying crime as provided in the Fresh
8864 Start Act, the student shall not be eligible to be admitted to the
8865 health care professional/vocational technical academic program of
8866 study. Any preadmission agreement executed by the health care
8867 professional/vocational technical academic program shall be
8868 voidable if the student receives a disqualifying criminal history
8869 record check. However, the administration of the health care
8870 professional/vocational technical academic program may, in its
8871 discretion, allow any applicant aggrieved by the admissions
8872 decision under this section to appear before an appeals committee
8873 or before a hearing officer designated for that purpose, to show
8874 mitigating circumstances that may exist and allow the student to
8875 be admitted to or continue in the program of study. The health
8876 care professional/vocational technical academic program may grant
8877 waivers for those mitigating circumstances, which shall include,



8878 but not be limited to: (a) age at which the crime was committed;
8879 (b) circumstances surrounding the crime; (c) length of time since
8880 the conviction and criminal history since the conviction; (d) work
8881 history; (e) current employment and character references; (f)
8882 other evidence demonstrating the ability of the student to perform
8883 the clinical responsibilities competently and that the student
8884 does not pose a threat to the health or safety of patients in the
8885 licensed health care entities in which they will be conducting
8886 clinical experiences. The health care professional/vocational
8887 technical academic program shall provide assurance to the licensed
8888 health care entity in which the clinical rotation is planned that
8889 the results of a health care professional/vocational technical
8890 student's criminal history record check would not prohibit the
8891 student from being able to conduct his or her clinical activities
8892 in the facility, institution, or organization. The criminal
8893 history record check shall be valid for the course of academic
8894 study, provided that annual disclosure statements are provided to
8895 the health care professional/vocational technical academic program
8896 regarding any criminal activity that may have occurred during the
8897 student's tenure with the health care professional/vocational
8898 technical academic program. The criminal history record check may
8899 be repeated at the discretion of the health care
8900 professional/vocational technical academic program based on
8901 information obtained during the annual disclosure statements. In
8902 extenuating circumstances, if a criminal history record check is



8903 initiated and the results are not available at the time the
8904 clinical rotation begins, the academic institution in which the
8905 student is enrolled, at its discretion, may require a signed
8906 affidavit from the student assuring compliance with this section.
8907 The affidavit will be considered void within sixty (60) days of
8908 its signature.

8909 (4) Criminal history record checks that are done as part of
8910 the requirements for participation in the health care
8911 professional/vocational technical academic program may not be used
8912 for any other purpose than those activities associated with their
8913 program of study. Students who may be employed as health care
8914 professionals outside of their program of study may be required to
8915 obtain additional criminal history record checks as part of their
8916 employment agreement.

8917 (5) No health care professional/vocational technical
8918 academic program or academic program employee shall be held liable
8919 in any admissions discrimination suit in which an allegation of
8920 discrimination is made regarding an admissions decision authorized
8921 under this section.

8922 **SECTION 106.** Section 73-3-41, Mississippi Code of 1972, is
8923 amended as follows:

8924 73-3-41. Every person who has been or shall hereafter be
8925 convicted of * * * a disqualifying crime as provided in the Fresh
8926 Start Act in a court of this or any other state or a court of the
8927 United States, manslaughter or a violation of the Internal Revenue



8928 Code excepted, shall be incapable of obtaining a license to
8929 practice law. Any court of the State of Mississippi in which a
8930 licensed attorney shall have been convicted of a * * *
8931 disqualifying crime as provided in the Fresh Start Act, other than
8932 manslaughter or a violation of the Internal Revenue Code, shall
8933 enter an order disbarring the attorney.

8934 **SECTION 107.** Section 73-4-25, Mississippi Code of 1972, is
8935 amended as follows:

8936 73-4-25. (1) The commission may refuse to issue or renew a
8937 license, place a licensee on probation or administrative
8938 supervision, suspend or revoke any license, or may reprimand or
8939 take any other action in relation to a license, including the
8940 imposition of a fine not to exceed Five Thousand Dollars
8941 (\$5,000.00) for each violation upon a licensee, or applicant for
8942 licensure, under this chapter for any of the following reasons:

8943 (a) Knowingly filing or causing to be filed a false
8944 application.

8945 (b) Failure to enter into a written contract with a
8946 seller or consignor prior to placing or permitting advertising for
8947 an auction sale to be placed.

8948 (c) Failure by the licensee to give the seller or
8949 consignor a signed receipt for items received for sale at auction,
8950 either by item or lot number at the time the goods are received,
8951 unless the goods are to remain in the possession of the seller or
8952 consignor.



8953 (d) Failure to give the seller or consignor a statement
8954 or lot description, selling price, purchaser's identity and the
8955 net proceeds due to the seller or consignor.

8956 (e) Failure to place funds received from an auction
8957 sale in an escrow or trust account, and failure to make timely
8958 settlement on escrowed funds. Absent a written agreement to the
8959 contrary, five (5) business days shall be deemed timely for
8960 settlement on personal property.

8961 (f) Permitting an unlicensed auctioneer to call for
8962 bids in an auction sale.

8963 (g) Having been convicted of or pled guilty to a * * *
8964 disqualifying crime as provided in the Fresh Start Act in the
8965 courts of this state or any other state, territory or country.
8966 Conviction, as used in this paragraph, shall include a deferred
8967 conviction, deferred prosecution, deferred sentence, finding or
8968 verdict of guilt, an admission of guilt or a plea of nolo
8969 contendere.

8970 (h) Any course of intentional, willful or wanton
8971 conduct by a licensee or such licensee's employees which misleads
8972 or creates a false impression among the seller, buyer, bidders and
8973 the auctioneer in the advertising, conducting and closing of an
8974 auction sale.

8975 (i) A continued and flagrant course of
8976 misrepresentation or making false promises, either by the



8977 licensee, an employee of the licensee, or by someone acting on
8978 behalf of and with the licensee's consent.

8979 (j) Any failure to account for or to pay over within a
8980 reasonable time funds belonging to another which have come into
8981 the licensee's possession through an auction sale.

8982 (k) Any false, misleading or untruthful advertising.

8983 (l) Any act of conduct in connection with a sales
8984 transaction which demonstrates bad faith or dishonesty.

8985 (m) Knowingly using false bidders, cappers or pullers,
8986 or knowingly making a material false statement or representation.

8987 (n) Commingling the funds or property of a client with
8988 the licensee's own or failing to maintain and deposit in a trust
8989 or escrow account in an insured bank or savings and loan
8990 association located in Mississippi funds received for another
8991 person through sale at auction.

8992 (o) Failure to give full cooperation to the commission
8993 and/or its designees, agents or other representatives in the
8994 performance of official duties of the commission. Such failure to
8995 cooperate includes, but is not limited to:

8996 (i) Failure to properly make any disclosures or to
8997 provide documents or information required by this chapter or by
8998 the commission;

8999 (ii) Not furnishing, in writing, a full and
9000 complete explanation covering the matter contained in a complaint
9001 filed with the commission;



9002 (iii) Failure, without good cause, to cooperate
9003 with any request by the board to appear before it;

9004 (iv) Not providing access, as directed by the
9005 commission, for its authorized agents or representatives seeking
9006 to perform reviews, audits or inspections at facilities or places
9007 utilized by the license holder in the auction business;

9008 (v) Failure to provide information within the
9009 specified time allotted and as required by the board and/or its
9010 representatives or designees;

9011 (vi) Failure to cooperate with the board or its
9012 designees or representatives in the investigation of any alleged
9013 misconduct or willfully interfering with a board investigation.

9014 (p) A demonstrated lack of financial responsibility.

9015 (q) Having had a license for the practice of
9016 auctioneering or the auction business suspended or revoked in any
9017 jurisdiction, having voluntarily surrendered a license in any
9018 jurisdiction, having been placed on probation in any jurisdiction,
9019 having been placed under disciplinary order(s) or other
9020 restriction in any manner for auctioneering or the auction
9021 business (a certified copy of the order of suspension, revocation,
9022 probation or disciplinary action shall be prima facie evidence of
9023 such action).

9024 (r) Any violation of this chapter or any violation of a
9025 rule or regulation duly adopted by the commission.



(2) In addition to the acts specified in subsection (1) of this section, the commission 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. If there is any conflict between any provision of Section 93-11-157 or 93-11-163 and any provision of this chapter, the provisions of Section 93-11-157 or 93-11-163, as the case may be, shall control.

SECTION 108. Section 73-6-19, Mississippi Code of 1972, is amended as follows:

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

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

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



9051 (c) Fraud or deceit in obtaining a license;
9052 (d) Addiction to the use of alcohol, narcotic drugs, or
9053 anything which would seriously interfere with the competent
9054 performance of his professional duties;
9055 (e) Conviction by a court of competent jurisdiction of
9056 a * * * disqualifying crime as provided in the Fresh Start Act;
9057 (f) Unprofessional and unethical conduct;
9058 (g) Contraction of a contagious disease which may be
9059 carried for a prolonged period;
9060 (h) Failure to report to the Mississippi Department of
9061 Human Services or the county attorney any case wherein there are
9062 reasonable grounds to believe that a child or vulnerable adult has
9063 been abused by its parent or person responsible for such person's
9064 welfare;
9065 (i) Advising a patient to use drugs, prescribing or
9066 providing drugs for a patient, or advising a patient not to use a
9067 drug prescribed by a licensed physician or dentist;
9068 (j) Professional incompetency in the practice of
9069 chiropractic;
9070 (k) Having disciplinary action taken by his peers
9071 within any professional chiropractic association or society;
9072 (l) Offering to accept or accepting payment for
9073 services rendered by assignment from any third-party payor after
9074 offering to accept or accepting whatever the third-party payor
9075 covers as payment in full, if the effect of the offering or



9076 acceptance is to eliminate or give the impression of eliminating
9077 the need for payment by an insured of any required deductions
9078 applicable in the policy of the insured;

9079 (m) Associating his practice with any chiropractor who
9080 does not hold a valid chiropractic license in Mississippi, or
9081 teach chiropractic manipulation to nonqualified persons under
9082 Section 73-6-13;

9083 (n) Failure to make payment on chiropractic student
9084 loans;

9085 (o) Failure to follow record keeping requirements
9086 prescribed in Section 73-6-18;

9087 (p) If the practitioner is certified to provide animal
9088 chiropractic treatment, failure to follow guidelines approved by
9089 the Mississippi Board of Veterinary Medicine; or

9090 (q) Violation(s) of the provisions of Sections 41-121-1
9091 through 41-121-9 relating to deceptive advertisement by health
9092 care practitioners. This paragraph shall stand repealed on July
9093 1, 2025.

9094 (2) Any holder of such certificate or any applicant therefor
9095 against whom is preferred any of the designated charges shall be
9096 furnished a copy of the complaint and shall receive a formal
9097 hearing in Jackson, Mississippi, before the board, at which time
9098 he may be represented by counsel and examine witnesses. The board
9099 is authorized to administer oaths as may be necessary for the
9100 proper conduct of any such hearing. In addition, the board is



9101 authorized and empowered to issue subpoenas for the attendance of
9102 witnesses and the production of books and papers. The process
9103 issued by the board shall extend to all parts of the state. Where
9104 in any proceeding before the board any witness shall fail or
9105 refuse to attend upon subpoena issued by the board, shall refuse
9106 to testify, or shall refuse to produce any books and papers, the
9107 production of which is called for by the subpoena, the attendance
9108 of such witness and the giving of his testimony and the production
9109 of the books and papers shall be enforced by any court of
9110 competent jurisdiction of this state in the manner provided for
9111 the enforcement of attendance and testimony of witnesses in civil
9112 cases in the courts of this state.

9113 (3) In addition to any other investigators the board
9114 employs, the board shall appoint one or more licensed
9115 chiropractors to act for the board in investigating the conduct
9116 relating to the competency of a chiropractor, whenever
9117 disciplinary action is being considered for professional
9118 incompetence and unprofessional conduct.

9119 (4) Whenever the board finds any person unqualified to
9120 practice chiropractic because of any of the grounds set forth in
9121 subsection (1) of this section, after a hearing has been conducted
9122 as prescribed by this section, the board may enter an order
9123 imposing one or more of the following:

9124 (a) Deny his application for a license or other
9125 authorization to practice chiropractic;



9126 (b) Administer a public or private reprimand;
9127 (c) Suspend, limit or restrict his license or other
9128 authorization to practice chiropractic for up to five (5) years;
9129 (d) Revoke or cancel his license or other authorization
9130 to practice chiropractic;
9131 (e) Require him to submit to care, counseling or
9132 treatment by physicians or chiropractors designated by the board,
9133 as a condition for initial, continued or renewal of licensure or
9134 other authorization to practice chiropractic;
9135 (f) Require him to participate in a program of
9136 education prescribed by the board; or
9137 (g) Require him to practice under the direction of a
9138 chiropractor designated by the board for a specified period of
9139 time.
9140 (5) Any person whose application for a license or whose
9141 license to practice chiropractic has been cancelled, revoked or
9142 suspended by the board within thirty (30) days from the date of
9143 such final decision shall have the right of a de novo appeal to
9144 the circuit court of his county of residence or the Circuit Court
9145 of the First Judicial District of Hinds County, Mississippi. If
9146 there is an appeal, such appeal may, in the discretion of and on
9147 motion to the circuit court, act as a supersedeas. The circuit
9148 court shall dispose of the appeal and enter its decision promptly.
9149 The hearing on the appeal may, in the discretion of the circuit
9150 judge, be tried in vacation. Either party shall have the right of



9151 appeal to the Supreme Court as provided by law from any decision
9152 of the circuit court.

9153 (6) In a proceeding conducted under this section by the
9154 board for the revocation, suspension or cancellation of a license
9155 to practice chiropractic, after a hearing has been conducted as
9156 prescribed by this section, the board shall have the power and
9157 authority for the grounds stated in subsection (1) of this
9158 section, with the exception of paragraph (c) thereof, to assess
9159 and levy upon any person licensed to practice chiropractic in the
9160 state a monetary penalty in lieu of such revocation, suspension or
9161 cancellation, as follows:

9162 (a) For the first violation, a monetary penalty of not
9163 less than Five Hundred Dollars (\$500.00) nor more than One
9164 Thousand Dollars (\$1,000.00) for each violation.

9165 (b) For the second and each subsequent violation, a
9166 monetary penalty of not less than One Thousand Dollars (\$1,000.00)
9167 nor more than Two Thousand Five Hundred Dollars (\$2,500.00) for
9168 each violation.

9169 The power and authority of the board to assess and levy such
9170 monetary penalties under this section shall not be affected or
9171 diminished by any other proceeding, civil or criminal, concerning
9172 the same violation or violations. A licensee shall have the right
9173 of appeal from the assessment and levy of a monetary penalty as
9174 provided in this section to the circuit court under the same
9175 conditions as a right of appeal is provided for in this section



9176 for appeals from an adverse ruling, or order, or decision of the
9177 board. Any monetary penalty assessed and levied under this
9178 section shall not take effect until after the time for appeal has
9179 expired, and an appeal of the assessment and levy of such a
9180 monetary penalty shall act as a supersedeas.

9181 (7) In addition to the grounds specified in subsection (1)
9182 of this section, the board shall be authorized to suspend the
9183 license of any licensee for being out of compliance with an order
9184 for support, as defined in Section 93-11-153. The procedure for
9185 suspension of a license for being out of compliance with an order
9186 for support, and the procedure for the reissuance or reinstatement
9187 of a license suspended for that purpose, and the payment of any
9188 fees for the reissuance or reinstatement of a license suspended
9189 for that purpose, shall be governed by Section 93-11-157 or
9190 93-11-163, as the case may be. Actions taken by the board in
9191 suspending a license when required by Section 93-11-157 or
9192 93-11-163 are not actions from which an appeal may be taken under
9193 this section. Any appeal of a license suspension that is required
9194 by Section 93-11-157 or 93-11-163 shall be taken in accordance
9195 with the appeal procedure specified in Section 93-11-157 or
9196 93-11-163, as the case may be, rather than the procedure specified
9197 in this section. If there is any conflict between any provision
9198 of Section 93-11-157 or 93-11-163 and any provision of this
9199 chapter, the provisions of Section 93-11-157 or 93-11-163, as the
9200 case may be, shall control.



9201 **SECTION 109.** Section 73-7-27, Mississippi Code of 1972, is
9202 amended as follows:

9203 73-7-27. (1) Any complaint may be filed with the board by a
9204 member or agent of the board or by any person charging any
9205 licensee of the board with the commission of any of the offenses
9206 enumerated in subsection (2) of this section. Such complaint
9207 shall be in writing, signed by the accuser or accusers, and
9208 verified under oath, and such complaints shall be investigated as
9209 set forth in Section 73-7-7. After the investigation, the board
9210 may dismiss the complaint if the board, through its administrative
9211 review agents, determines that there is not substantial
9212 justification to believe that the accused licensee has committed
9213 any of the offenses enumerated or, the board may prepare a formal
9214 complaint proceeding against the licensee as hereinafter provided.
9215 When used with reference to any complaint filed against a licensee
9216 herein, the term "not substantial justification" means a complaint
9217 that is frivolous, groundless in fact or law, or vexatious, as
9218 determined by unanimous vote of the board. In the event of a
9219 dismissal, the person filing the accusation and the accused
9220 licensee shall be given written notice of the board's
9221 determination. If the board determines there is reasonable cause
9222 to believe the accused has committed any of those offenses, the
9223 secretary of the board or the executive director shall give
9224 written notice of such determination to the accused licensee and



9225 set a day for a hearing as provided in subsection (3) of this
9226 section.

9227 (2) The board shall have the power to revoke, suspend or
9228 refuse to issue or renew any license or certificate provided for
9229 in this chapter, and to fine, place on probation and/or otherwise
9230 discipline an applicant, student, licensee or holder of a
9231 certificate, upon proof that such person: (a) has not complied
9232 with or has violated any of the rules and regulations promulgated
9233 by the board; (b) has not complied with an order, decision, or
9234 ruling of the board; (c) has committed fraud or dishonest conduct
9235 in the taking of the examination herein provided for; (d) has been
9236 convicted of a * * * disqualifying crime as provided in the Fresh
9237 Start Act; (e) has committed grossly unprofessional or dishonest
9238 conduct; (f) is addicted to the excessive use of intoxicating
9239 liquors or to the use of drugs to such an extent as to render him
9240 or her unfit to practice in any of the practices or occupations
9241 set forth in this chapter; (g) has advertised by means of
9242 knowingly false or deceptive statements; (h) has failed to display
9243 the license or certificate issued to him or her as provided for in
9244 this chapter; or (i) has been convicted of violating any of the
9245 provisions of this chapter. A conviction of violating any of the
9246 provisions of this chapter shall be grounds for automatic
9247 suspension of the license or certificate of such person.

9248 (3) (a) The board shall not revoke, suspend or refuse to
9249 issue or renew any license or certificate, or fine, place on



9250 probation or otherwise discipline any applicant, licensee or
9251 holder of a certificate in a disciplinary matter except after a
9252 hearing of which the applicant or licensee or holder of the
9253 certificate affected shall be given at least twenty (20) days'
9254 notice in writing, specifying the reason or reasons for denying
9255 the applicant a license or certificate of registration, or in the
9256 case of any other disciplinary action, the offense or offenses of
9257 which the licensee or holder of a certificate of registration is
9258 charged. Such notice may be served by mailing a copy thereof by
9259 United States first-class certified mail, postage prepaid, to the
9260 last-known residence or business address of such applicant,
9261 licensee or holder of a certificate. The hearing on such charges
9262 shall be at such time and place as the board may prescribe. The
9263 provisions of this paragraph (a) shall not apply to the board's
9264 collection of a civil penalty or fine imposed by the board under
9265 paragraph (b) of this subsection.

9266 (b) Any civil penalty or fine imposed by the board
9267 under this chapter resulting from an inspection or audit shall
9268 become due and payable when the applicant, licensee or holder of a
9269 certificate incurring the penalty receives a notice in writing
9270 from the board of the penalty. The notice shall be sent by
9271 registered or certified mail or by personal service. The person
9272 to whom the notice is addressed shall have thirty (30) days from
9273 the date of the notice in which to make written application for a
9274 hearing. Any person who makes the application for a hearing shall



9275 be entitled to a hearing. The hearing shall be conducted as a
9276 contested case hearing. When an order assessing a civil penalty
9277 under this section becomes final by operation of law or on appeal,
9278 unless the amount of penalty is paid within thirty (30) days after
9279 the order becomes final, it may be recorded with the circuit clerk
9280 in any county of this state. The clerk shall then record the name
9281 of the person incurring the penalty and the amount of the penalty
9282 in his lien record book.

9283 (c) The board may temporarily suspend a license under
9284 this chapter without any hearing, simultaneously with the
9285 institution of proceedings under this section, if it finds that
9286 the evidence in support of the board's determination is clear,
9287 competent and unequivocal that the licensee's continuation in
9288 practice would constitute an imminent danger to public health and
9289 safety.

9290 (4) At such hearings, all witnesses shall be sworn by a
9291 court reporter, and stenographic notes of the proceedings shall be
9292 taken. Any party to the proceedings, at the request of such
9293 party, shall be furnished with a copy of such stenographic notes
9294 upon payment to the board of such fees as it shall prescribe, not
9295 exceeding, however, the actual costs of transcription.

9296 (5) The board is authorized and empowered to issue
9297 subpoenas for the attendance of witnesses and the production of
9298 books and papers. The process issued by the board shall extend to
9299 all parts of the state and such process shall be served by any



9300 person designated by the board for such service. The person
9301 serving such process shall receive such compensation as may be
9302 allowed by the board, not to exceed the fee prescribed by law for
9303 similar services. All witnesses who shall be subpoenaed, and who
9304 shall appear in any proceedings before the board, shall receive
9305 the same fees and mileage as allowed by law.

9306 (6) Where in any proceeding before the board any witness
9307 shall fail or refuse to attend upon subpoena issued by the board,
9308 shall refuse to testify, or shall refuse to produce any books and
9309 papers, the production of which is called for by the subpoena, the
9310 attendance of such witness and the giving of his testimony and the
9311 production of the books and papers shall be enforced by any court
9312 of competent jurisdiction of this state, in the same manner as are
9313 enforced for the attendance and testimony of witnesses in civil
9314 cases in the courts of this state.

9315 (7) The board shall conduct the hearing in an orderly and
9316 continuous manner, granting continuances only when the ends of
9317 justice may be served. The board shall, within sixty (60) days
9318 after conclusion of the hearing, reduce its decision to writing
9319 and forward an attested true copy thereof to the last-known
9320 residence or business address of such applicant, licensee or
9321 holder of a certificate, by way of United States first-class
9322 certified mail, postage prepaid.

9323 (8) Any and all parties to the hearing shall have the right
9324 of appeal from an adverse ruling, or order, or decision of the



9325 board to the Chancery Court of the First Judicial District of
9326 Hinds County, Mississippi, upon forwarding notice of appeal to the
9327 board within thirty (30) days after the decision of the board is
9328 mailed in the manner here contemplated. The appellant shall,
9329 together with the notice of appeal, first pay the costs for the
9330 transcription of the record of the hearing(s) and proceeding(s)
9331 before the board in which the adverse ruling, order or decision of
9332 the board was made. Any fine imposed by the board under the
9333 provisions of this chapter shall not take effect until after the
9334 time for appeal has expired, and an appeal of the imposition of
9335 such a fine shall act as a supersedeas bond. The appeal shall
9336 thereupon be heard in due course by the court, which shall review
9337 the record and make its determination thereon.

9338 (9) The board, in its discretion, may assess and charge any
9339 part or all of the costs of any disciplinary proceedings conducted
9340 under this section against the accused if the accused is found
9341 guilty of the charges.

9342 (10) Any fine imposed by the board upon a licensee or holder
9343 of a certificate shall be in accordance with the following class
9344 designation of fines:

9345 (a) Class A - No violations or the violations are minor
9346 health and safety violations that are detrimental to public safety
9347 and welfare. Violations under this class shall be set at no less
9348 than Fifty Dollars (\$50.00) but no more than Two Hundred Dollars
9349 (\$200.00);



9350 (b) Class B - Class B violations are major health and
9351 safety concerns that are detrimental to public safety and welfare
9352 and shall be set at no less than Two Hundred Fifty Dollars
9353 (\$250.00) but no more than Seven Hundred Fifty Dollars (\$750.00);

9354 (c) Class C - Class C violations shall be set at no
9355 less than Eight Hundred Dollars (\$800.00) but no more than One
9356 Thousand Dollars (\$1,000.00) and are violations specific to the
9357 following:

9358 (i) Unlicensed practice or the use of fraudulent
9359 statements to obtain any benefits or privileges under this chapter
9360 or practicing one (1) of the professions regulated by the board
9361 without a license. These violations will be handled in accordance
9362 with the requirements of Section 73-7-27 or Section 73-7-37 when
9363 applicable; and

9364 (ii) Extremely dangerous to the health and safety
9365 of the public.

9366 The power and authority of the board to impose such fines
9367 under this section shall not be affected or diminished by any
9368 other proceeding, civil or criminal, concerning the same violation
9369 or violations.

9370 (11) In addition to the reasons specified in subsection (2)
9371 of this section, the board shall be authorized to suspend the
9372 license of any licensee for being out of compliance with an order
9373 for support, as defined in Section 93-11-153. The procedure for
9374 suspension of a license for being out of compliance with an order



9375 for support, and the procedure for the reissuance or reinstatement
9376 of a license suspended for that purpose, and the payment of any
9377 fees for the reissuance or reinstatement of a license suspended
9378 for that purpose, shall be governed by Section 93-11-157 or
9379 93-11-163, as the case may be. Actions taken by the board in
9380 suspending a license when required by Section 93-11-157 or
9381 93-11-163 are not actions from which an appeal may be taken under
9382 this section. Any appeal of a license suspension that is required
9383 by Section 93-11-157 or 93-11-163 shall be taken in accordance
9384 with the appeal procedure specified in Section 93-11-157 or
9385 93-11-163, as the case may be, rather than the procedure specified
9386 in this section. If there is any conflict between any provision
9387 of Section 93-11-157 or 93-11-163 and any provision of this
9388 chapter, the provisions of Section 93-11-157 or 93-11-163, as the
9389 case may be, shall control.

9390 **SECTION 110.** Section 73-17-15, Mississippi Code of 1972, is
9391 amended as follows:

9392 73-17-15. (1) (a) The board is authorized to investigate,
9393 either on the basis of complaints filed with it or on its own
9394 initiative, instances of suspected violations of this chapter of
9395 any nature, including, but not limited to: performing the duties
9396 of a nursing home administrator without a license; the providing
9397 of false information to the board either incident to an
9398 application for a license, incident to a hearing, or otherwise;
9399 maladministration; unethical conduct; incompetence; the conviction



9400 of a licensee of a * * * disqualifying crime as provided in the
9401 Fresh Start Act; the misappropriation of funds; or of any other
9402 matter reflecting unfavorably upon the holder of a license under
9403 this chapter or an applicant therefor. On the basis of
9404 information developed during such an investigation, the board may
9405 (i) revoke, suspend, or refuse to renew any license issued by the
9406 board, (ii) deny an application for a license, or (iii) reprimand,
9407 place on probation, and/or take any other action in relation to a
9408 license, as the board may deem proper under the circumstances.
9409 Whenever the results of such an investigation are filed, the
9410 executive director of the board shall set a day for a hearing and
9411 shall notify the licensee that on the day fixed for hearing he or
9412 she may appear and show cause, if any, why his or her license
9413 should not be revoked, suspended, or other action taken in
9414 relation to his or her license. The notice shall be transmitted
9415 to the licensee by certified United States mail to the address of
9416 the licensee appearing of record with the board.

9417 (b) In cases where violations of this chapter have been
9418 substantiated, the board may assess a monetary penalty for those
9419 reasonable costs that are expended by the board in the
9420 investigation and conduct of a proceeding for licensure
9421 revocation, suspension or restriction, including, but not limited
9422 to, the cost of process service, court reporters, expert witnesses
9423 and investigations.



9424 (2) The board, upon finding and determining that any person
9425 represents himself or herself to be a nursing home administrator
9426 or performs any or all of the services, acts or duties of a
9427 nursing home administrator as defined in this chapter without a
9428 license, is authorized to petition the chancery court of the
9429 county in which the unauthorized acts have been, are being or may
9430 be committed, for writ or writs of injunction prohibiting the
9431 unauthorized acts. This provision is supplemental and in addition
9432 to the penal provisions set forth in Section 73-17-13.

9433 (3) Any licensee whose license has been revoked or
9434 suspended, or who has been placed on probation or reprimanded
9435 after a contested hearing, may appeal that action of the board to
9436 the chancery court of the county in which the nursing home
9437 administrator is practicing, which appeal shall not be a de novo
9438 appeal but shall be determined upon an official transcript of the
9439 record of the contested hearing. Appeals to the chancery court
9440 shall be taken within ten (10) days from the date of the board's
9441 order and shall be taken, perfected, heard and determined either
9442 in termtime or in vacation, and the appeals shall be heard and
9443 disposed of promptly by the court. Appeals from the board shall
9444 be taken and perfected by the filing of a bond in the sum of Two
9445 Hundred Fifty Dollars (\$250.00) with two (2) sureties, or with a
9446 surety company qualified to do business in Mississippi as surety,
9447 conditioned to pay the costs of the appeal. The bond shall be
9448 payable to the state and shall be approved by the clerk of the



9449 chancery court. The bond may be enforced in its name as other
9450 judicial bonds filed in the chancery court, and judgment may be
9451 entered upon those bonds and process and execution shall issue
9452 upon those judgments as provided by law in other cases. Upon
9453 approval of the bond by the clerk of the chancery court, the clerk
9454 shall give notice to the board of the appeal from the decision of
9455 the board. It thereupon shall be the duty of the board through
9456 its duly authorized representative to promptly transmit to the
9457 clerk of the chancery court in which the appeal is pending a
9458 certified copy of the order of the board and all documents filed
9459 relating to the board's action against the licensee, together with
9460 a transcript of the testimony, both oral and documentary,
9461 introduced for consideration by the board both in support of and
9462 in opposition to the action, which appeal shall be docketed by the
9463 clerk and shall be determined by the court based upon the record.
9464 If there is an appeal, the appeal may, in the discretion of and on
9465 motion to the chancery court, act as a supersedeas. The chancery
9466 court shall dispose of the appeal and enter its decision promptly.
9467 The hearing on the appeal may, in the discretion of the
9468 chancellor, be tried in vacation.

9469 (4) Appeals from the decision of the chancery court may be
9470 taken by either the board or the licensee to the Supreme Court as
9471 in the case of appeals generally from the chancery court to the
9472 Supreme Court.



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

SECTION 111. Section 73-23-59, Mississippi Code of 1972, is amended as follows:

73-23-59. (1) Licensees subject to this chapter shall conduct their activities, services and practice in accordance with this chapter and any rules promulgated pursuant hereto. The



9498 board, upon satisfactory proof and in accordance with the
9499 provisions of this chapter and the regulations of the board, may
9500 suspend, revoke, or refuse to issue or renew any license
9501 hereunder, or revoke or suspend any privilege to practice,
9502 censure or reprimand any licensee, restrict or limit a license,
9503 and take any other action in relation to a license or privilege to
9504 practice as the board may deem proper under the circumstances upon
9505 any of the following grounds:

9506 (a) Negligence in the practice or performance of
9507 professional services or activities;

9508 (b) Engaging in dishonorable, unethical or
9509 unprofessional conduct of a character likely to deceive, defraud
9510 or harm the public in the course of professional services or
9511 activities;

9512 (c) Perpetrating or cooperating in fraud or material
9513 deception in obtaining or renewing a license or attempting the
9514 same or obtaining a privilege to practice;

9515 (d) Being convicted of any crime which has a
9516 substantial relationship to the licensee's activities and services
9517 or an essential element of which is misstatement, fraud or
9518 dishonesty;

9519 (e) Having been convicted of or pled guilty to a * * *
9520 disqualifying crime as provided in the Fresh Start Act in the
9521 courts of this state or any other state, territory or country.
9522 Conviction, as used in this paragraph, shall include a deferred



9523 conviction, deferred prosecution, deferred sentence, finding or
9524 verdict of guilt, an admission of guilty, or a plea of nolo
9525 contendere;

9526 (f) Engaging in or permitting the performance of
9527 unacceptable services personally or by others working under the
9528 licensee's supervision due to the licensee's deliberate or
9529 negligent act or acts or failure to act, regardless of whether
9530 actual damage or damages to the public is established;

9531 (g) Continued practice although the licensee has become
9532 unfit to practice as a physical therapist or physical therapist
9533 assistant due to: (i) failure to keep abreast of current
9534 professional theory or practice; or (ii) physical or mental
9535 disability; the entry of an order or judgment by a court of
9536 competent jurisdiction that a licensee is in need of mental
9537 treatment or is incompetent shall constitute mental disability; or
9538 (iii) addiction or severe dependency upon alcohol or other drugs
9539 which may endanger the public by impairing the licensee's ability
9540 to practice;

9541 (h) Having disciplinary action taken against the
9542 licensee's license in another state;

9543 (i) Making differential, detrimental treatment against
9544 any person because of race, color, creed, sex, religion or
9545 national origin;

9546 (j) Engaging in lewd conduct in connection with
9547 professional services or activities;



9548 (k) Engaging in false or misleading advertising;
9549 (l) Contracting, assisting or permitting unlicensed
9550 persons to perform services for which a license is required under
9551 this chapter or privilege to practice is required under Section
9552 73-23-101;
9553 (m) Violation of any probation requirements placed on a
9554 license or privilege to practice by the board;
9555 (n) Revealing confidential information except as may be
9556 required by law;
9557 (o) Failing to inform clients of the fact that the
9558 client no longer needs the services or professional assistance of
9559 the licensee;
9560 (p) Charging excessive or unreasonable fees or engaging
9561 in unreasonable collection practices;
9562 (q) For treating or attempting to treat ailments or
9563 other health conditions of human beings other than by physical
9564 therapy as authorized by this chapter;
9565 (r) Except as authorized in Section 73-23-35(3) and
9566 (4), for applying or offering to apply physical therapy, exclusive
9567 of initial evaluation or screening and exclusive of education or
9568 consultation for the prevention of physical and mental disability
9569 within the scope of physical therapy, other than upon the referral
9570 from a licensed physician, dentist, osteopath, podiatrist,
9571 chiropractor, physician assistant or nurse practitioner; or for



9572 acting as a physical therapist assistant other than under the
9573 direct, on-site supervision of a licensed physical therapist;
9574 (s) Failing to adhere to the recognized standards of
9575 ethics of the physical therapy profession as established by rules
9576 of the board;
9577 (t) Failing to complete continuing competence
9578 requirements as established by board rule;
9579 (u) Failing to supervise physical therapist assistants
9580 in accordance with this chapter and/or board rules;
9581 (v) Engaging in sexual misconduct. For the purpose of
9582 this paragraph, sexual misconduct includes, but is not necessarily
9583 limited to:
9584 (i) Engaging in or soliciting sexual
9585 relationships, whether consensual or nonconsensual, while a
9586 physical therapist or physical therapist assistant/patient
9587 relationship exists.
9588 (ii) Making sexual advances, requesting sexual
9589 favors or engaging in other verbal conduct or physical contact of
9590 a sexual nature with patients or clients.
9591 (iii) Intentionally viewing a completely or
9592 partially disrobed patient in the course of treatment if the
9593 viewing is not related to patient diagnosis or treatment under
9594 current practice standards;
9595 (w) The erroneous issuance of a license or privilege to
9596 practice to any person;



9597 (x) Violations of any provisions of this chapter, board
9598 rules or regulations or a written order or directive of the board;

9599 (y) Failing to maintain adequate patient records. For
9600 the purposes of this paragraph, "adequate patient records" means
9601 legible records that contain at minimum sufficient information to
9602 identify the patient, an evaluation of objective findings, a
9603 diagnosis, a plan of care, a treatment record and a discharge
9604 plan;

9605 (z) Failing to report to the board any unprofessional,
9606 incompetent or illegal acts that appear to be in violation of this
9607 law or any rules established by the board.

9608 (2) The board may order a licensee to submit to a reasonable
9609 physical or mental examination if the licensee's physical or
9610 mental capacity to practice safely is at issue in a disciplinary
9611 proceeding.

9612 (3) Failure to comply with a board order to submit to a
9613 physical or mental examination shall render a licensee subject to
9614 the summary suspension procedures described in Section 73-23-64.

9615 (4) In addition to the reasons specified in subsection (1)
9616 of this section, the board shall be authorized to suspend the
9617 license or privilege to practice of any licensee for being out of
9618 compliance with an order for support, as defined in Section
9619 93-11-153. The procedure for suspension of a license or privilege
9620 to practice for being out of compliance with an order for support,
9621 and the procedure for the reissuance or reinstatement of a license



9622 or privilege to practice suspended for that purpose, and the
9623 payment of any fees for the reissuance or reinstatement of a
9624 license or privilege to practice suspended for that purpose, shall
9625 be governed by Section 93-11-157 or 93-11-163, as the case may be.
9626 If there is any conflict between any provision of Section
9627 93-11-157 or 93-11-163 and any provision of this chapter, the
9628 provisions of Section 93-11-157 or 93-11-163, as the case may be,
9629 shall control.

9630 **SECTION 112.** Section 73-30-21, Mississippi Code of 1972, is
9631 amended as follows:

9632 73-30-21. (1) The board may, after notice and opportunity
9633 for a hearing, suspend, revoke or refuse to issue or renew a
9634 license or the privilege to practice or may reprimand the license
9635 holder or holder of the privilege to practice, upon a
9636 determination by the board that such license holder or holder of
9637 the privilege to practice or applicant for licensure or the
9638 privilege to practice has:

9639 (a) Been adjudged by any court to be mentally
9640 incompetent or have had a guardian of person appointed;

9641 (b) Been convicted of a * * * disqualifying crime as
9642 provided in the Fresh Start Act;

9643 (c) Sworn falsely under oath or affirmation;

9644 (d) Obtained a license or certificate or the privilege
9645 to practice by fraud, deceit or other misrepresentation;



(e) Engaged in the conduct of professional counseling in a grossly negligent or incompetent manner;

(f) Intentionally violated any provision of this article;

(g) Violated any rules or regulations of the board; or

(h) Aided or assisted another in falsely obtaining a license or the privilege to practice under this article.

With regard to a refusal to issue a privilege to practice, such refusal by the board shall be in accordance with the terms of the Professional Counseling Compact instead of this subsection (1).

(2) Appeals from disciplinary action are to be brought in the circuit court in the county of residence of the practitioner. In the event the practitioner resides out of state the appeal should be brought in Hinds County Circuit Court.

(3) The board may assess and levy upon any licensee, practitioner or applicant for licensure or the privilege to practice the costs incurred or expended by the board in the investigation and prosecution of any licensure, privilege to practice or disciplinary action, including, but not limited to, the costs of process service, court reporters, expert witnesses, investigators and attorney's fees.

(4) No revoked license or privilege to practice may be reinstated within twelve (12) months after such revocation. Reinstatement thereafter shall be upon such conditions as the



board may prescribe, which may include, without being limited to, successful passing of the examination required by this article.

(5) A license or privilege to practice certificate issued by the board is the property of the board and must be surrendered on demand.

(6) The chancery court is hereby vested with the jurisdiction and power to enjoin the unlawful practice of counseling and/or the false representation as a licensed counselor in a proceeding brought by the board or any members thereof or by any citizen of this state.

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

SECTION 113. Section 73-35-21, Mississippi Code of 1972, is amended as follows:



9696 73-35-21. (1) Except as otherwise provided in this section,
9697 the commission may, upon its own motion and shall upon the
9698 verified complaint in writing of any person, hold a hearing
9699 pursuant to Section 73-35-23 for the refusal of license or for the
9700 suspension or revocation of a license previously issued, or for
9701 such other action as the commission deems appropriate. The
9702 commission shall have full power to refuse a license for cause or
9703 to revoke or suspend a license where it has been obtained by false
9704 or fraudulent representation, or where the licensee in performing
9705 or attempting to perform any of the acts mentioned herein, is
9706 deemed to be guilty of:

9707 (a) Making any substantial misrepresentation in
9708 connection with a real estate transaction;

9709 (b) Making any false promises of a character likely to
9710 influence, persuade or induce;

9711 (c) Pursuing a continued and flagrant course of
9712 misrepresentation or making false promises through agents or
9713 salespersons or any medium of advertising or otherwise;

9714 (d) Any misleading or untruthful advertising;

9715 (e) Acting for more than one (1) party in a transaction
9716 or receiving compensation from more than one (1) party in a
9717 transaction, or both, without the knowledge of all parties for
9718 whom he or she acts;

9719 (f) Failing, within a reasonable time, to account for
9720 or to remit any monies coming into his or her possession which



9721 belong to others, or commingling of monies belonging to others
9722 with his own funds. Every responsible broker procuring the
9723 execution of an earnest money contract or option or other contract
9724 who shall take or receive any cash or checks shall deposit, within
9725 a reasonable period of time, the sum or sums so received in a
9726 trust or escrow account in a bank or trust company pending the
9727 consummation or termination of the transaction. "Reasonable time"
9728 in this context means by the close of business of the next banking
9729 day;

9730 (g) Entering a guilty plea or conviction in a court of
9731 competent jurisdiction of this state, or any other state or the
9732 United States of any * * * disqualifying crime as provided in the
9733 Fresh Start Act;

9734 (h) Displaying a "for sale" or "for rent" sign on any
9735 property without the owner's consent;

9736 (i) Failing to furnish voluntarily, at the time of
9737 signing, copies of all listings, contracts and agreements to all
9738 parties executing the same;

9739 (j) Paying any rebate, profit or commission to any
9740 person other than a real estate broker or salesperson licensed
9741 under the provisions of this chapter;

9742 (k) Inducing any party to a contract, sale or lease to
9743 break such contract for the purpose of substituting in lieu
9744 thereof a new contract, where such substitution is motivated by
9745 the personal gain of the licensee;



9746 (1) Accepting a commission or valuable consideration as
9747 a real estate salesperson for the performance of any of the acts
9748 specified in this chapter from any person, except his or her
9749 employer who must be a licensed real estate broker;

9750 (m) Failing to successfully pass the commission's
9751 background investigation for licensure or renewal as provided in
9752 Section 73-35-10; or

9753 (n) Any act or conduct, whether of the same or a
9754 different character than hereinabove specified, which constitutes
9755 or demonstrates bad faith, incompetency or untrustworthiness, or
9756 dishonest, fraudulent or improper dealing. However, simple
9757 contact and/or communication with any mortgage broker or lender by
9758 a real estate licensee about any professional, including, but not
9759 limited to, an appraiser, home inspector, contractor, and/or
9760 attorney regarding a listing and/or a prospective or pending
9761 contract for the lease, sale and/or purchase of real estate shall
9762 not constitute conduct in violation of this section.

9763 (2) No real estate broker shall practice law or give legal
9764 advice directly or indirectly unless said broker be a duly
9765 licensed attorney under the laws of this state. He or she shall
9766 not act as a public conveyancer nor give advice or opinions as to
9767 the legal effect of instruments nor give opinions concerning the
9768 validity of title to real estate; nor shall he or she prevent or
9769 discourage any party to a real estate transaction from employing
9770 the services of an attorney; nor shall a broker undertake to



9771 prepare documents fixing and defining the legal rights of parties
9772 to a transaction. However, when acting as a broker, he or she may
9773 use an earnest money contract form. A real estate broker shall
9774 not participate in attorney's fees, unless the broker is a duly
9775 licensed attorney under the laws of this state and performs legal
9776 services in addition to brokerage services.

9777 (3) It is expressly provided that it is not the intent and
9778 purpose of the Mississippi Legislature to prevent a license from
9779 being issued to any person who is found to be of good reputation,
9780 is able to give bond, and who has lived in the State of
9781 Mississippi for the required period or is otherwise qualified
9782 under this chapter.

9783 (4) In addition to the reasons specified in subsection (1)
9784 of this section, the commission shall be authorized to suspend the
9785 license of any licensee for being out of compliance with an order
9786 for support, as defined in Section 93-11-153. The procedure for
9787 suspension of a license for being out of compliance with an order
9788 for support, and the procedure for the reissuance or reinstatement
9789 of a license suspended for that purpose, and the payment of any
9790 fees for the reissuance or reinstatement of a license suspended
9791 for that purpose, shall be governed by Section 93-11-157 or
9792 93-11-163, as the case may be. If there is any conflict between
9793 any provision of Section 93-11-157 or 93-11-163 and any provision
9794 of this chapter, the provisions of Section 93-11-157 or 93-11-163,
9795 as the case may be, shall control.



9796 (5) Nothing in this chapter shall prevent an associate
9797 broker or salesperson from owning any lawfully constituted
9798 business organization, including, but not limited to, a
9799 corporation, limited liability company or limited liability
9800 partnership, for the purpose of receiving payments contemplated in
9801 this chapter. The business organization shall not be required to
9802 be licensed under this chapter and shall not engage in any other
9803 activity requiring a real estate license.

9804 (6) The Mississippi Real Estate Commission shall not
9805 promulgate any rule or regulation, nor make any administrative or
9806 other interpretation, whereby any real estate licensee may be held
9807 responsible or subject to discipline or other actions by the
9808 commission relating to the information required to be disclosed by
9809 Sections 89-1-501 through 89-1-523 or delivery of information
9810 required to be disclosed by Sections 89-1-501 through 89-1-523.

9811 (7) The Mississippi Real Estate Commission shall not
9812 promulgate nor enforce any rule or regulation, nor make any
9813 administrative or other interpretation, whereby any real estate
9814 licensee may be required to include in any agreement or otherwise
9815 be required to agree to any requirement regarding unilateral
9816 termination by a buyer-agency agreement.

9817 **SECTION 114.** Section 73-38-27, Mississippi Code of 1972, is
9818 amended as follows:

9819 73-38-27. (1) With regard to a refusal to issue a privilege
9820 to practice, such refusal by the board shall be in accordance with



9821 terms of the Audiology and Speech-Language Pathology Interstate
9822 Compact. The board may refuse to issue or renew a license, or may
9823 suspend or revoke a license where the licensee or applicant for a
9824 license has been guilty of unprofessional conduct which has
9825 endangered or is likely to endanger the health, welfare or safety
9826 of the public. Such unprofessional conduct may result from:

9827 (a) Negligence in the practice or performance of
9828 professional services or activities;

9829 (b) Engaging in dishonorable, unethical or
9830 unprofessional conduct of a character likely to deceive, defraud
9831 or harm the public in the course of professional services or
9832 activities;

9833 (c) Perpetrating or cooperating in fraud or material
9834 deception in obtaining or renewing a license or attempting the
9835 same;

9836 (d) Being convicted of any crime which has a
9837 substantial relationship to the licensee's activities and services
9838 or an essential element of which is misstatement, fraud or
9839 dishonesty;

9840 (e) Being convicted of any crime which is a * * *
9841 disqualifying crime as provided in the Fresh Start Act;

9842 (f) Engaging in or permitting the performance of
9843 unacceptable services personally or by others working under the
9844 licensee's supervision due to the licensee's deliberate or



9845 negligent act or acts or failure to act, regardless of whether
9846 actual damage or damages to the public is established;

9847 (g) Continued practice although the licensee has become
9848 unfit to practice as a speech-language pathologist or audiologist
9849 due to: (i) failure to keep abreast of current professional
9850 theory or practice; or (ii) physical or mental disability; the
9851 entry of an order or judgment by a court of competent jurisdiction
9852 that a licensee is in need of mental treatment or is incompetent
9853 shall constitute mental disability; or (iii) addiction or severe
9854 dependency upon alcohol or other drugs which may endanger the
9855 public by impairing the licensee's ability to practice;

9856 (h) Having disciplinary action taken against the
9857 licensee's license in another state;

9858 (i) Making differential, detrimental treatment against
9859 any person because of race, color, creed, sex, religion or
9860 national origin;

9861 (j) Engaging in lewd conduct in connection with
9862 professional services or activities;

9863 (k) Engaging in false or misleading advertising;

9864 (l) Contracting, assisting or permitting unlicensed
9865 persons to perform services for which a license is required under
9866 this article;

9867 (m) Violation of any probation requirements placed on a
9868 license by the board;



9869 (n) Revealing confidential information except as may be
9870 required by law;

9871 (o) Failing to inform clients of the fact that the
9872 client no longer needs the services or professional assistance of
9873 the licensee;

9874 (p) Charging excessive or unreasonable fees or engaging
9875 in unreasonable collection practices;

9876 (q) For treating or attempting to treat ailments or
9877 other health conditions of human beings other than by speech or
9878 audiology therapy as authorized by this article;

9879 (r) For applying or offering to apply speech or
9880 audiology therapy, exclusive of initial evaluation or screening
9881 and exclusive of education or consultation for the prevention of
9882 physical and mental disability within the scope of speech or
9883 audiology therapy, or for acting as a speech-language pathologist
9884 or audiologist, or speech-language pathologist or audiologist aide
9885 other than under the direct, on-site supervision of a licensed
9886 speech-language pathologist or audiologist;

9887 (s) Violations of the current codes of conduct for
9888 speech-language pathologists or audiologists, and speech-language
9889 pathologist or audiologist assistants adopted by the American
9890 Speech-Language-Hearing Association;

9891 (t) Violations of any rules or regulations promulgated
9892 pursuant to this article.



9893 (2) The board may order a licensee to submit to a reasonable
9894 physical or mental examination if the licensee's physical or
9895 mental capacity to practice safely is at issue in a disciplinary
9896 proceeding.

9897 (3) In addition to the reasons specified in subsection (1)
9898 of this section, the board shall be authorized to suspend the
9899 license of any licensee for being out of compliance with an order
9900 for support, as defined in Section 93-11-153. The procedure for
9901 suspension of a license for being out of compliance with an order
9902 for support, and the procedure for the reissuance or reinstatement
9903 of a license suspended for that purpose, and the payment of any
9904 fees for the reissuance or reinstatement of a license suspended
9905 for that purpose, shall be governed by Section 93-11-157 or
9906 93-11-163, as the case may be. If there is any conflict between
9907 any provision of Section 93-11-157 or 93-11-163 and any provision
9908 of this article, the provisions of Section 93-11-157 or 93-11-163,
9909 as the case may be, shall control.

9910 **SECTION 115.** Section 73-53-17, Mississippi Code of 1972, is
9911 amended as follows:

9912 73-53-17. (1) Individuals licensed by the board shall
9913 conduct their activities, services and practice in accordance with
9914 the laws governing their professional practice and any rules
9915 promulgated by the board. Licensees and applicants may be subject
9916 to the exercise of the sanctions enumerated in Section 73-53-23 if



9917 the board finds that a licensee or applicant has committed any of
9918 the following:

9919 (a) Negligence in the practice or performance of
9920 professional services or activities;

9921 (b) Engaging in dishonorable, unethical or
9922 unprofessional conduct of a character likely to deceive, defraud
9923 or harm the public in the course of professional services or
9924 activities;

9925 (c) Perpetrating or cooperating in fraud or material
9926 deception in obtaining or renewing a license or attempting the
9927 same;

9928 (d) Violating the rules and regulations established by
9929 the board;

9930 (e) Violating the National Association of Social
9931 Workers Code of Ethics or the American Association for Marriage
9932 and Family Therapy Code of Ethics;

9933 (f) Being convicted of any crime which has a
9934 substantial relationship to the licensee's activities and services
9935 or an essential element of which is misstatement, fraud or
9936 dishonesty;

9937 (g) Being convicted of any crime which is a * * *
9938 disqualifying crime as provided in the Fresh Start Act under the
9939 laws of this state or of the United States of America;

9940 (h) Engaging in or permitting the performance of
9941 unacceptable services personally due to the licensee's deliberate



9942 or grossly negligent act or acts or failure to act, regardless of
9943 whether actual damage or damages to the public is established, or
9944 assuming responsibility for another's work by signing documents
9945 without personal knowledge of the work as established by board
9946 rule;

9947 (i) Continued practice although the licensee has become
9948 unfit to practice social work due to: (i) failure to keep abreast
9949 of current professional theory or practice; or (ii) physical or
9950 mental disability; the entry of an order or judgment by a court of
9951 competent jurisdiction that a licensee is in need of mental
9952 treatment or is incompetent shall constitute mental disability; or
9953 (iii) addiction or severe dependency upon alcohol or other drugs
9954 which may endanger the public by impairing the licensee's ability
9955 to practice;

9956 (j) Continued practice although the individual failed
9957 to renew and has a lapsed license;

9958 (k) Having disciplinary action taken against the
9959 licensee's license in another state;

9960 (l) Making differential, detrimental treatment against
9961 any person because of race, color, creed, sex, religion or
9962 national origin;

9963 (m) Engaging in lewd conduct in connection with
9964 professional services or activities;

9965 (n) Engaging in false or misleading advertising;



9966 (o) Contracting, assisting or permitting unlicensed
9967 persons to perform services for which a license is required under
9968 this chapter;

9969 (p) Violation of any probation requirements placed on a
9970 licensee by the board;

9971 (q) Revealing confidential information except as may be
9972 required by law;

9973 (r) Failing to inform clients of the fact that the
9974 client no longer needs the services or professional assistance of
9975 the licensee;

9976 (s) Charging excessive or unreasonable fees or engaging
9977 in unreasonable collection practices.

9978 (2) The board may order a licensee to submit to a reasonable
9979 physical or mental examination if the licensee's physical or
9980 mental capacity to practice safely is at issue in a disciplinary
9981 proceeding.

9982 (3) Failure to comply with a board order to submit to a
9983 physical or mental examination shall render a licensee subject to
9984 the summary suspension procedures described in Section 73-53-23.

9985 (4) In addition to the reasons specified in subsection (1)
9986 of this section, the board shall be authorized to suspend the
9987 license of any licensee for being out of compliance with an order
9988 for support, as defined in Section 93-11-153. The procedure for
9989 suspension of a license for being out of compliance with an order
9990 for support, and the procedure for the reissuance or reinstatement



9991 of a license suspended for that purpose, and the payment of any
9992 fees for the reissuance or reinstatement of a license suspended
9993 for that purpose, shall be governed by Section 93-11-157 or
9994 93-11-163, as the case may be. If there is any conflict between
9995 any provision of Section 93-11-157 or 93-11-163 and any provision
9996 of this chapter, the provisions of Section 93-11-157 or 93-11-163,
9997 as the case may be, shall control.

9998 **SECTION 116.** Section 73-60-31, Mississippi Code of 1972, is
9999 amended as follows:

10000 73-60-31. The Appraisal Board may refuse to issue, renew, or
10001 may revoke or suspend, a license or may place on probation,
10002 censure, reprimand or take other disciplinary action with regard
10003 to any license issued under this chapter, including the issuance
10004 of fines for each violation, for any one (1) or combination of the
10005 following causes:

10006 (a) Violations of this chapter or the Appraisal Board's
10007 rules promulgated pursuant hereto;

10008 (b) Violation of terms of license probation;

10009 (c) Conviction of a * * * disqualifying crime as
10010 provided in the Fresh Start Act or making a plea of guilty or nolo
10011 contendere within five (5) years prior to the date of application;

10012 (d) Operating without adequate insurance coverage
10013 required for licensees;

10014 (e) Fraud in the procurement or performance of a
10015 contract to conduct a home inspection; and



10016 (f) Failure to submit to or pass a background
10017 investigation pursuant to Section 73-60-47.

10018 **SECTION 117.** Section 73-67-27, Mississippi Code of 1972, is
10019 amended as follows:

10020 73-67-27. (1) The board may refuse to issue or renew or may
10021 deny, suspend or revoke any license held or applied for under this
10022 chapter upon finding that the holder of a license or applicant:

10023 (a) Is guilty of fraud, deceit or misrepresentation in
10024 procuring or attempting to procure any license provided for in
10025 this chapter;

10026 (b) Attempted to use as his own the license of another;

10027 (c) Allowed the use of his license by another;

10028 (d) Has been adjudicated as mentally incompetent by
10029 regularly constituted authorities;

10030 (e) Has been convicted of a crime, or has charges or
10031 disciplinary action pending that directly relates to the practice
10032 of massage therapy or to the ability to practice massage therapy.
10033 Any plea of nolo contendere shall be considered a conviction for
10034 the purposes of this section;

10035 (f) Is guilty of unprofessional or unethical conduct as
10036 defined by the code of ethics;

10037 (g) Is guilty of false, misleading or deceptive
10038 advertising, or is guilty of aiding or assisting in the
10039 advertising or practice of any unlicensed or unpermitted person in
10040 the practice of massage therapy;



10041 (h) Is grossly negligent or incompetent in the practice
10042 of massage therapy;

10043 (i) Has had rights, credentials or one or more
10044 license(s) to practice massage therapy revoked, suspended or
10045 denied in any jurisdiction, territory or possession of the United
10046 States or another country for acts of the licensee similar to acts
10047 described in this section. A certified copy of the record of the
10048 jurisdiction making such a revocation, suspension or denial shall
10049 be conclusive evidence thereof; or

10050 (j) Has been convicted of any * * * disqualifying crime
10051 as provided in the Fresh Start Act.

10052 (2) Investigative proceedings may be implemented by a
10053 complaint by any person, including members of the board.

10054 (3) (a) Any person(s) found guilty of prostitution using as
10055 any advertisement, claim or insignia of being an actual licensed
10056 massage therapist or to be practicing massage therapy by using the
10057 word "massage" or any other description indicating the same,
10058 whether or not the person(s) have one or more license for the
10059 person(s) or establishment(s), shall be guilty of a misdemeanor,
10060 and upon conviction, shall be punished by a fine of not less than
10061 One Thousand Dollars (\$1,000.00), nor more than Five Thousand
10062 Dollars (\$5,000.00), or imprisonment of up to six (6) months, or
10063 both, per offense, per person.

10064 (b) Any person who knowingly participates in receiving
10065 illegal service(s) of any person found guilty as described in



10066 paragraph (a) of this subsection, upon conviction, shall be
10067 punished by a fine not exceeding Five Hundred Dollars (\$500.00),
10068 or imprisonment for up to one (1) month, or both. Persons
10069 officially designated to investigate complaints are exempt.

10070 (c) Any person who violates any provision of this
10071 chapter, other than violation(s) of paragraph (a) of this
10072 subsection, is guilty of a misdemeanor, and upon conviction, shall
10073 be punished by a fine not exceeding Five Hundred Dollars
10074 (\$500.00), or imprisonment for up to one (1) month in jail, or
10075 both, per offense.

10076 (d) The board, in its discretion, may assess and tax
10077 any part or all of the costs of any disciplinary proceedings
10078 conducted against either the accused, the charging party, or both,
10079 as it may elect.

10080 **SECTION 118.** Section 73-75-13, Mississippi Code of 1972, is
10081 amended as follows:

10082 73-75-13. **Eligibility for license.** To be eligible for
10083 licensure by the board as a behavior analyst or assistant behavior
10084 analyst, a person shall:

10085 (a) Submit to the board an application, upon such form
10086 and in such manner as the board shall prescribe, along with the
10087 applicable fee and personal references;

10088 (b) Certify that the applicant has not been convicted
10089 of a * * * disqualifying crime as provided in the Fresh Start Act
10090 as defined by the laws of the State of Mississippi;



10091 (c) Undergo a fingerprint-based criminal history
10092 records check of the Mississippi central criminal database and the
10093 Federal Bureau of Investigation criminal history database. Each
10094 applicant shall submit a full set of the applicant's fingerprints
10095 in a form and manner prescribed by the board, which shall be
10096 forwarded to the Mississippi Department of Public Safety and the
10097 Federal Bureau of Investigation Identification Division for this
10098 purpose; and

10099 (d) For a behavior analyst:

10100 (i) Possess at least a master's degree, or its
10101 equivalent, from an educational institution recognized by the
10102 board;

10103 (ii) Have current and active certification by the
10104 Behavior Analyst Certification Board as a Board Certified Behavior
10105 Analyst (BCBA) or Board Certified Behavior Analyst-Doctoral
10106 (BCBA-D), verified by the board; and

10107 (iii) Comply with such other requirements of the
10108 board.

10109 (e) For an assistant behavior analyst:

10110 (i) Possess a bachelor's degree, or its
10111 equivalent, from an educational institution recognized by the
10112 board;

10113 (ii) Have current and active certification by the
10114 Behavior Analyst Certification Board as a Board Certified
10115 Assistant Behavior Analyst (BCABA), verified by the board; and



10116 (iii) Provide proof of ongoing supervision by a
10117 licensed behavior analyst.

10118 (f) All licenses issued pursuant to this section shall
10119 be for a term of three (3) years, but shall not exceed the
10120 expiration of the licensee's certification by the Behavior Analyst
10121 Certification Board.

10122 **SECTION 119.** Section 75-15-9, Mississippi Code of 1972, is
10123 amended as follows:

10124 75-15-9. Each application for a license to engage in the
10125 business of money transmission shall be made in writing and under
10126 oath to the commissioner in such form as he may prescribe. The
10127 application shall state the full name and business address of:

10128 (a) The proprietor, if the applicant is an individual;

10129 (b) Every member, if the applicant is a partnership or
10130 association;

10131 (c) The corporation and each executive officer and
10132 director thereof, if the applicant is a corporation;

10133 (d) Every trustee and officer if the applicant is a
10134 trust;

10135 (e) The applicant shall have a net worth of at least
10136 Twenty-five Thousand Dollars (\$25,000.00) plus Fifteen Thousand
10137 Dollars (\$15,000.00) for each location in excess of one (1) at
10138 which the applicant proposes to conduct money transmissions in
10139 this state, computed according to generally accepted accounting



10140 principles, but in no event shall the net worth be required to be
10141 in excess of Two Hundred Fifty Thousand Dollars (\$250,000.00);

10142 (f) The financial responsibility, financial condition,
10143 business experience and character and general fitness of the
10144 applicant shall be such as reasonably to warrant the belief that
10145 applicant's business will be conducted honestly, carefully and
10146 efficiently;

10147 (g) Each application for a license shall be accompanied
10148 by an investigation fee of Fifty Dollars (\$50.00) and license fee
10149 in the amount required by Section 75-15-15. All fees collected by
10150 the commissioner under the provisions of this chapter shall be
10151 deposited into the Consumer Finance Fund of the Department of
10152 Banking and Consumer Finance;

10153 (h) An applicant shall not have been convicted of
10154 a * * * disqualifying crime as provided in the Fresh Start Act.

10155 **SECTION 120.** Section 75-60-19, Mississippi Code of 1972, is
10156 amended as follows:

10157 75-60-19. (1) The Commission on Proprietary School and
10158 College Registration may suspend, revoke or cancel a certificate
10159 of registration for any one (1) or any combination of the
10160 following causes:

10161 (a) Violation of any provision of the sections of this
10162 chapter or any regulation made by the commission;

10163 (b) The furnishing of false, misleading or incomplete
10164 information requested by the commission;



10165 (c) The signing of an application or the holding of a
10166 certificate of registration by a person who has pleaded guilty or
10167 has been found guilty of a * * * disqualifying crime as provided
10168 in the Fresh Start Act or has pleaded guilty or been found guilty
10169 of any other * * * disqualifying crime;

10170 (d) The signing of an application or the holding of a
10171 certificate of registration by a person who is addicted to the use
10172 of any narcotic drug, or who is found to be mentally incompetent;

10173 (e) Violation of any commitment made in an application
10174 for a certificate of registration;

10175 (f) Presentation to prospective students of misleading,
10176 false or fraudulent information relating to the course of
10177 instruction, employment opportunity, or opportunities for
10178 enrollment in accredited institutions of higher education after
10179 entering or completing courses offered by the holder of a
10180 certificate of registration;

10181 (g) Failure to provide or maintain premises or
10182 equipment for offering courses of instruction in a safe and
10183 sanitary condition;

10184 (h) Refusal by an agent to display his agent permit
10185 upon demand of a prospective student or other interested person;

10186 (i) Failure to maintain financial resources adequate
10187 for the satisfactory conduct of courses of study as presented in
10188 the plan of operation or to retain a sufficient number and
10189 qualified staff of instruction; however nothing in this chapter



10190 shall require an instructor to be certificated by the Commission
10191 on Proprietary School and College Registration or to hold any type
10192 of post-high school degree;

10193 (j) Offering training or courses of instruction other
10194 than those presented in the application; however, schools may
10195 offer special courses adapted to the needs of individual students
10196 where the special courses are in the subject field specified in
10197 the application;

10198 (k) Accepting the services of an agent not licensed in
10199 accordance with Sections 75-60-23 through 75-60-37, inclusive;

10200 (l) Conviction or a plea of nolo contendere on the part
10201 of any owner, operator or director of a registered school of
10202 any * * * disqualifying crime as provided in the Fresh Start Act
10203 under Mississippi law or the law of another jurisdiction;

10204 (m) Continued employment of a teacher or instructor who
10205 has been convicted of or entered a plea of nolo contendere to
10206 any * * * disqualifying crime as provided in the Fresh Start Act
10207 under Mississippi law or the law of another jurisdiction;

10208 (n) Incompetence of any owner or operator to operate a
10209 school.

10210 (2) (a) Any person who believes he has been aggrieved by a
10211 violation of this section shall have the right to file a written
10212 complaint within two (2) years of the alleged violation. The
10213 commission shall maintain a written record of each complaint that
10214 is made. The commission shall also send to the complainant a form



10215 acknowledging the complaint and requesting further information if
10216 necessary and shall advise the director of the school that a
10217 complaint has been made and, where appropriate, the nature of the
10218 complaint.

10219 (b) The commission shall within twenty (20) days of
10220 receipt of such written complaint commence an investigation of the
10221 alleged violation and shall, within ninety (90) days of the
10222 receipt of such written complaint, issue a written finding. The
10223 commission shall furnish such findings to the person who filed the
10224 complaint and to the chief operating officer of the school cited
10225 in the complaint. If the commission finds that there has been a
10226 violation of this section, the commission shall take appropriate
10227 action.

10228 (c) Schools shall disclose in writing to all
10229 prospective and current students their right to file a complaint
10230 with the commission.

10231 (d) The existence of an arbitration clause in no way
10232 negates the student's right to file a complaint with the
10233 commission.

10234 (e) The commission may initiate an investigation
10235 without a complaint.

10236 (3) **Hearing procedures.** (a) Upon a finding that there is
10237 good cause to believe that a school, or an officer, agent,
10238 employee, partner or teacher, has committed a violation of
10239 subsection (1) of this section, the commission shall initiate



10240 proceedings by serving a notice of hearing upon each and every
10241 such party subject to the administrative action. The school or
10242 such party shall be given reasonable notice of hearing, including
10243 the time, place and nature of the hearing and a statement
10244 sufficiently particular to give notice of the transactions or
10245 occurrences intended to be proved, the material elements of each
10246 cause of action and the civil penalties and/or administrative
10247 sanctions sought.

10248 (b) Opportunity shall be afforded to the party to
10249 respond and present evidence and argument on the issues involved
10250 in the hearing including the right of cross-examination. In a
10251 hearing, the school or such party shall be accorded the right to
10252 have its representative appear in person or by or with counsel or
10253 other representative. Disposition may be made in any hearing by
10254 stipulation, agreed settlement, consent order, default or other
10255 informal method.

10256 (c) The commission shall designate an impartial hearing
10257 officer to conduct the hearing, who shall be empowered to:

10258 (i) Administer oaths and affirmations; and

10259 (ii) Regulate the course of the hearings, set the
10260 time and place for continued hearings, and fix the time for filing
10261 of briefs and other documents; and

10262 (iii) Direct the school or such party to appear
10263 and confer to consider the simplification of the issues by
10264 consent; and



10265 (iv) Grant a request for an adjournment of the
10266 hearing only upon good cause shown.

10267 The strict legal rules of evidence shall not apply, but the
10268 decision shall be supported by substantial evidence in the record.

10269 (4) The commission, acting by and through its hearing
10270 officer, is hereby authorized and empowered to issue subpoenas for
10271 the attendance of witnesses and the production of books and papers
10272 at such hearing. Process issued by the commission shall extend to
10273 all parts of the state and shall be served by any person
10274 designated by the commission for such service. Where, in any
10275 proceeding before the hearing officer, any witness fails or
10276 refuses to attend upon a subpoena issued by the commission,
10277 refuses to testify, or refuses to produce any books and papers the
10278 production of which is called for by a subpoena, the attendance of
10279 such witness, the giving of his testimony or the production of the
10280 books and papers shall be enforced by any court of competent
10281 jurisdiction of this state in the manner provided for the
10282 enforcement of attendance and testimony of witnesses in civil
10283 cases in the courts of this state.

10284 (5) **Decision after hearing.** The hearing officer shall make
10285 written findings of fact and conclusions of law, and shall also
10286 recommend in writing to the commission a final decision, including
10287 penalties. The hearing officer shall mail a copy of his findings
10288 of fact, conclusions of law and recommended penalty to the party
10289 and his attorney, or representative. The commission shall make



10290 the final decision, which shall be based exclusively on evidence
10291 and other materials introduced at the hearing. If it is
10292 determined that a party has committed a violation, the commission
10293 shall issue a final order and shall impose penalties in accordance
10294 with this section. The commission shall send by certified mail,
10295 return receipt requested, a copy of the final order to the party
10296 and his attorney, or representative. The commission shall, at the
10297 request of the school or such party, furnish a copy of the
10298 transcript or any part thereof upon payment of the cost thereof.

10299 (6) **Civil penalties and administrative sanctions.** (a) A
10300 hearing officer may recommend, and the commission may impose, a
10301 civil penalty not to exceed Two Thousand Five Hundred Dollars
10302 (\$2,500.00) for any violation of this section. In the case of a
10303 second or further violation committed within the previous five (5)
10304 years, the liability shall be a civil penalty not to exceed Five
10305 Thousand Dollars (\$5,000.00) for each such violation.

10306 (b) Notwithstanding the provisions of paragraph (a) of
10307 this subsection, a hearing officer may recommend and the
10308 commission may impose a civil penalty not to exceed Twenty-five
10309 Thousand Dollars (\$25,000.00) for any of the following violations:
10310 (i) operation of a school without a registration in violation of
10311 this chapter; (ii) operation of a school knowing that the school's
10312 registration has been suspended or revoked; (iii) use of false,
10313 misleading, deceptive or fraudulent advertising; (iv) employment
10314 of recruiters on the basis of a commission, bonus or quota, except



10315 as authorized by the commission; (v) directing or authorizing
10316 recruiters to offer guarantees of jobs upon completion of a
10317 course; (vi) failure to make a tuition refund when such failure is
10318 part of a pattern of misconduct; or (vii) violation of any other
10319 provision of this chapter, or any rule or regulation promulgated
10320 pursuant thereto, when such violation constitutes part of a
10321 pattern of misconduct which significantly impairs the educational
10322 quality of the program or programs being offered by the school.
10323 For each enumerated offense, a second or further violation
10324 committed within the previous five (5) years shall be subject to a
10325 civil penalty not to exceed Fifty Thousand Dollars (\$50,000.00)
10326 for each such violation.

10327 (c) In addition to the penalties authorized in
10328 paragraphs (a) and (b) of this subsection, a hearing officer may
10329 recommend and the commission may impose any of the following
10330 administrative sanctions: (i) a cease and desist order; (ii) a
10331 mandatory direction; (iii) a suspension or revocation of a
10332 certificate of registration; (iv) a probation order; or (v) an
10333 order of restitution.

10334 (d) The commission may suspend a registration upon the
10335 failure of a school to pay any fee, fine or penalty as required by
10336 this chapter unless such failure is determined by the commission
10337 to be for good cause.



10338 (e) All civil penalties, fines and settlements received
10339 shall accrue to the credit of the Commission on Proprietary School
10340 and College Registration.

10341 (7) Any penalty or administrative sanction imposed by the
10342 commission under this section may be appealed by the school,
10343 college or other person affected to the Mississippi Community
10344 College Board as provided in Section 75-60-4(3), which appeal
10345 shall be on the record previously made before the commission's
10346 hearing officer. All appeals from the Mississippi Community
10347 College Board shall be on the record and shall be filed in the
10348 Chancery Court of the First Judicial District of Hinds County,
10349 Mississippi.

10350 **SECTION 121.** Section 75-76-137, Mississippi Code of 1972, is
10351 amended as follows:

10352 75-76-137. (1) If any gaming employee is convicted of any
10353 violation of this chapter or if in investigating an alleged
10354 violation of this chapter by any licensee the executive director
10355 or the commission finds that a gaming employee employed by the
10356 licensee has been guilty of cheating, the commission shall, after
10357 a hearing as provided in Sections 75-76-103 through 75-76-119,
10358 inclusive, revoke the employee's work permit.

10359 (2) The commission may revoke a work permit if it finds
10360 after a hearing as provided in Sections 75-76-103 through
10361 75-76-119, inclusive, that the gaming employee has failed to
10362 disclose, misstated or otherwise misled the commission with



10363 respect to any fact contained within any application for a work
10364 permit, or subsequent to being issued a work permit:

10365 (a) Committed, attempted or conspired to do any of the
10366 acts prohibited by this chapter;

10367 (b) Knowingly possessed or permitted to remain in or
10368 upon any licensed premises any cards, dice, mechanical device or
10369 any other cheating device whatever the use of which is prohibited
10370 by statute or ordinance;

10371 (c) Concealed or refused to disclose any material fact
10372 in any investigation by the executive director or the commission;

10373 (d) Committed, attempted or conspired to commit larceny
10374 or embezzlement against a gaming licensee or upon the premises of
10375 a licensed gaming establishment;

10376 (e) Been convicted in any jurisdiction other than
10377 Mississippi of any offense involving or relating to gambling;

10378 (f) Accepted employment without prior commission
10379 approval in a position for which he or she could be required to be
10380 licensed under this chapter after having been denied a license for
10381 a reason involving personal unsuitability or after failing to
10382 apply for licensing when requested to do so by the commission or
10383 the executive director;

10384 (g) Been refused the issuance of any license, permit or
10385 approval to engage in or be involved with gaming in any
10386 jurisdiction other than Mississippi, or had any such license,
10387 permit or approval revoked or suspended;



10388 (h) Been prohibited under color of governmental
10389 authority from being present upon the premises of any gaming
10390 establishment for any reason relating to improper gambling
10391 activities or any illegal act;

10392 (i) Contumaciously defied any legislative investigative
10393 committee or other officially constituted bodies acting on behalf
10394 of the United States or any state, county or municipality which
10395 seeks to investigate crimes relating to gaming, corruption of
10396 public officials, or any organized criminal activities; or

10397 (j) Been convicted of any * * * disqualifying crime as
10398 provided in the Fresh Start Act.

10399 (3) A work permit shall not be issued to a person whose work
10400 permit has previously been revoked pursuant to this section or to
10401 whom the issuance or renewal of a work permit has been denied,
10402 except with the unanimous approval of the commission members.

10403 (4) A gaming employee whose work permit has been revoked
10404 pursuant to this section is entitled to judicial review of the
10405 commission's action in the manner prescribed by Sections 75-76-121
10406 through 75-76-127, inclusive.

10407 **SECTION 122.** Section 77-8-25, Mississippi Code of 1972, is
10408 amended as follows:

10409 77-8-25. (1) Before allowing an individual to accept trip
10410 requests through a transportation network company's digital
10411 platform as a transportation network company driver:



10412 (a) The individual shall submit an application to the
10413 transportation network company, which includes information
10414 regarding his or her address, age, driver's license, motor vehicle
10415 registration, automobile liability insurance, and other
10416 information required by the transportation network company;

10417 (b) The transportation network company shall conduct,
10418 or have a third party conduct, a local and national criminal
10419 background check for each applicant that shall include:

10420 (i) Multistate/multijurisdiction criminal records
10421 locator or other similar commercial nationwide database with
10422 validation (primary source search); and

10423 (ii) United States Department of Justice National
10424 Sex Offender Public Website * * *.

10425 (2) The transportation network company shall review, or have
10426 a third party review, a driving history research report for such
10427 individual.

10428 (3) The transportation network company shall not permit an
10429 individual to act as a transportation network company driver on
10430 its digital platform who:

10431 (a) Has had more than three (3) moving violations in
10432 the prior three-year period, or one (1) of the following major
10433 violations in the prior three-year period:

10434 (i) Attempting to evade the police;

10435 (ii) Reckless driving; or

10436 (iii) Driving on a suspended or revoked license;



10437 (b) Has been convicted, within the past seven (7)
10438 years, of
10439 (i) Any * * * disqualifying crime as provided in
10440 the Fresh Start Act; or
10441 (ii) Misdemeanor driving under the influence,
10442 reckless driving, hit and run, or any other driving-related
10443 offense or any misdemeanor violent offense or sexual offense;
10444 (c) Is a match in the United States Department of
10445 Justice National Sex Offender Public Website;
10446 (d) Does not possess a valid driver's license;
10447 (e) Does not possess proof of registration for the
10448 motor vehicle used to provide prearranged rides;
10449 (f) Does not possess proof of automobile liability
10450 insurance for the motor vehicle used to provide prearranged rides;
10451 or
10452 (g) Is not at least nineteen (19) years of age.

10453 **SECTION 123.** Section 83-1-191, Mississippi Code of 1972, is
10454 amended as follows:

10455 83-1-191. (1) There is established within the Department of
10456 Insurance a Comprehensive Hurricane Damage Mitigation Program.
10457 This section does not create an entitlement for property owners or
10458 obligate the state in any way to fund the inspection or
10459 retrofitting of residential property or commercial property in
10460 this state. Implementation of this program is subject to the
10461 availability of funds that may be appropriated by the Legislature



10462 for this purpose. The program may develop and implement a
10463 comprehensive and coordinated approach for hurricane damage
10464 mitigation that may include the following:

10465 (a) **Cost-benefit study on wind hazard mitigation**
10466 **construction measures.** The performance of a cost-benefit study to
10467 establish the most appropriate wind hazard mitigation construction
10468 measures for both new construction and the retrofitting of
10469 existing construction for both residential and commercial
10470 facilities within the wind-borne debris regions of Mississippi as
10471 defined by the International Building Code. The recommended wind
10472 construction techniques shall be based on both the newly adopted
10473 Mississippi building code sections for wind load design and the
10474 wind-borne debris region. The list of construction measures to be
10475 considered for evaluation in the cost-benefit study shall be based
10476 on scientifically established and sound, but common, construction
10477 techniques that go above and beyond the basic recommendations in
10478 the adopted building codes. This allows residents to utilize
10479 multiple options that will further reduce risk and loss and still
10480 be awarded for their endeavors with appropriate wind insurance
10481 discounts. It is recommended that existing accepted scientific
10482 studies that validate the wind hazard construction techniques
10483 benefits and effects be taken into consideration when establishing
10484 the list of construction techniques that homeowners and business
10485 owners can employ. This will ensure that only established
10486 construction measures that have been studied and modeled as



10487 successful mitigation measures will be considered to reduce the
10488 chance of including risky or unsound data that will cost both the
10489 property owner and state unnecessary losses. The cost-benefit
10490 study shall be based on actual construction cost data collected
10491 for several types of residential construction and commercial
10492 construction materials, building techniques and designs that are
10493 common to the region. The study shall provide as much information
10494 as possible that will enhance the data and options provided to the
10495 public, so that homeowners and business owners can make informed
10496 and educated decisions as to their level of involvement. Based on
10497 the construction data, modeling shall be performed on a variety of
10498 residential and commercial designs, so that a broad enough
10499 representative spectrum of data can be obtained. The data from
10500 the study will be utilized in a report to establish tables
10501 reflecting actuarially appropriate levels of wind insurance
10502 discounts (in percentages) for each mitigation construction
10503 technique/combination of techniques. This report will be utilized
10504 as a guide for the Department of Insurance and the insurance
10505 industry for developing actuarially appropriate discounts, credits
10506 or other rate differentials, or appropriate reductions in
10507 deductibles, for properties on which fixtures or construction
10508 techniques demonstrated to reduce the amount of loss in a
10509 windstorm have been installed or implemented. Additional data
10510 that will enhance the program, such as studies to reflect property
10511 value increases for retrofitting or building to the established



10512 wind hazard mitigation construction techniques and cost comparison
10513 data collected to establish the value of this program against the
10514 investment required to include the mitigation measures, also may
10515 be provided.

10516 (b) **Wind certification and hurricane mitigation**
10517 **inspections.**

10518 (i) Home-retrofit inspections of site-built,
10519 residential property, including single-family, two-family,
10520 three-family or four-family residential units, and a set of
10521 representative commercial facilities may be offered to determine
10522 what mitigation measures are needed and what improvements to
10523 existing residential properties are needed to reduce the
10524 property's vulnerability to hurricane damage. A state program may
10525 be established within the Department of Insurance to provide
10526 homeowners and business owners wind certification and hurricane
10527 mitigation inspections. The inspections provided to homeowners
10528 and business owners, at a minimum, must include:

10529 1. A home inspection and report that
10530 summarizes the results and identifies corrective actions a
10531 homeowner may take to mitigate hurricane damage.

10532 2. A range of cost estimates regarding the
10533 mitigation features.

10534 3. Insurer-specific information regarding
10535 premium discounts correlated to recommended mitigation features
10536 identified by the inspection.



10537 4. A hurricane resistance rating scale
10538 specifying the home's current as well as projected wind resistance
10539 capabilities.

10540 This data may be provided by trained and certified inspectors
10541 in standardized reporting formats and forms to ensure all data
10542 collected during inspections is equivalent in style and content
10543 that allows construction data, estimates and discount information
10544 to be easily assimilated into a database. Data pertaining to the
10545 number of inspections and inspection reports may be stored in a
10546 state database for evaluation of the program's success and review
10547 of state goals in reducing wind hazard loss in the state.

10548 (ii) To qualify for selection by the department as
10549 a provider of wind certification and hurricane mitigation
10550 inspections services, the entity shall, at a minimum, and on a
10551 form and in the manner prescribed by the commissioner:

10552 1. Use wind certification and hurricane
10553 mitigation inspectors who:

10554 a. Have prior experience in residential
10555 and/or commercial construction or inspection and have received
10556 specialized training in hurricane mitigation procedures through
10557 the state certified program. In order to qualify for training in
10558 the inspection process, the individual should be either a licensed
10559 building code official, a licensed contractor or inspector in the
10560 State of Mississippi, or a civil engineer.



10561 b. Have undergone drug testing and
10562 background checks.

10563 c. Have been certified through a state
10564 mandated training program, in a manner satisfactory to the
10565 department, to conduct the inspections.

10566 d. Have not been convicted of a * * *
10567 disqualifying crime as provided in the Fresh Start Act; have not
10568 received a first-time offender pardon or nonadjudication order for
10569 a * * * disqualifying crime as provided in the Fresh Start Act; or
10570 have not entered a plea of guilty or nolo contendere to a * * *
10571 disqualifying crime as provided in the Fresh Start Act.

10572 e. Submit a statement authorizing the
10573 Commissioner of Insurance to order fingerprint analysis or any
10574 other analysis or documents deemed necessary by the commissioner
10575 for the purpose of verifying the criminal history of the
10576 individual. The commissioner shall have the authority to conduct
10577 criminal history verification on a local, state or national level,
10578 and shall have the authority to require the individual to pay for
10579 the costs of such criminal history verification.

10580 2. Provide a quality assurance program
10581 including a reinspection component.

10582 3. Have data collection equipment and
10583 computer systems, so that data can be submitted electronically to
10584 the state's database of inspection reports, insurance
10585 certificates, and other industry information related to this



10586 program. It is mandatory that all inspectors provide original
10587 copies to the property owner of any inspection reports, estimates,
10588 etc., pertaining to the inspection and keep a copy of all
10589 inspection materials on hand for state audits.

10590 (c) **Financial grants to retrofit properties.** Financial
10591 grants may be used to encourage single-family, site-built,
10592 owner-occupied, residential property owners or commercial property
10593 owners to retrofit their properties to make them less vulnerable
10594 to hurricane damage. No financial grant made under this section
10595 shall exceed Ten Thousand Dollars (\$10,000.00) per recipient.

10596 (d) **Education and consumer awareness.** Multimedia
10597 public education, awareness and advertising efforts designed to
10598 specifically address mitigation techniques may be employed, as
10599 well as a component to support ongoing consumer resources and
10600 referral services. In addition, all insurance companies shall
10601 provide notification to their clients regarding the availability
10602 of this program, participation details, and directions to the
10603 state website promoting the program, along with appropriate
10604 contact phone numbers to the state agency administering the
10605 program. The notification to the clients must be sent by the
10606 insurance company within thirty (30) days after filing their
10607 insurance discount schedules with the Department of Insurance.

10608 (e) **Advisory council.** There is created an advisory
10609 council to provide advice and assistance to the program



10610 administrator with regard to his or her administration of the
10611 program. The advisory council shall consist of:

10612 (i) An agent, selected by the Independent
10613 Insurance Agents of Mississippi.

10614 (ii) Two (2) representatives of residential
10615 property insurers, selected by the Department of Insurance.

10616 (iii) One (1) representative of homebuilders,
10617 selected by the Home Builders Association of Mississippi.

10618 (iv) The Chairman of the House Insurance
10619 Committee, or his designee.

10620 (v) The Chairman of the Senate Insurance
10621 Committee, or his designee.

10622 (vi) The Executive Director of the Mississippi
10623 Windstorm Underwriting Association, or his designee.

10624 (vii) The Director of the Mississippi Emergency
10625 Management Agency, or his designee.

10626 Members appointed under subparagraphs (i) and (ii) shall
10627 serve at the pleasure of the Department of Insurance. All other
10628 members shall serve as voting ex officio members. Members of the
10629 advisory council who are not legislators, state officials or state
10630 employees shall be compensated at the per diem rate authorized by
10631 Section 25-3-69, and shall be reimbursed in accordance with
10632 Section 25-3-41, for mileage and actual expenses incurred in the
10633 performance of their duties. Legislative members of the advisory
10634 council shall be paid from the contingent expense funds of their



10635 respective houses in the same manner as provided for committee
10636 meetings when the Legislature is not in session; however, no per
10637 diem or expense for attending meetings of the advisory council may
10638 be paid while the Legislature is in session. No advisory council
10639 member may incur per diem, travel or other expenses unless
10640 previously authorized by vote, at a meeting of the council, which
10641 action shall be recorded in the official minutes of the meeting.
10642 Nonlegislative members shall be paid from any funds made available
10643 to the advisory council for that purpose.

10644 (f) **Rules and regulations.** The Department of Insurance
10645 may adopt rules and regulations governing the Comprehensive
10646 Hurricane Damage Mitigation Program. The department also may
10647 adopt rules and regulations establishing priorities for grants
10648 provided under this section based on objective criteria that gives
10649 priority to reducing the state's probable maximum loss from
10650 hurricanes. However, pursuant to this overall goal, the
10651 department may further establish priorities based on the insured
10652 value of the dwelling, whether or not the dwelling is insured by
10653 the Mississippi Windstorm Underwriting Association and whether or
10654 not the area under consideration has sufficient resources and the
10655 ability to perform the retrofitting required.

10656 (2) Nothing in this section shall prohibit the Department of
10657 Insurance from entering into an agreement with any other
10658 appropriate state agency to assist with or perform any of the
10659 duties set forth hereunder.



10660 (3) The Department of Insurance shall issue a request for
10661 proposals to contract with a third party for the administration of
10662 the Comprehensive Hurricane Damage Mitigation Program. The
10663 contract for the third-party administrator shall be funded from
10664 monies in the Comprehensive Hurricane Damage Mitigation Program
10665 Fund created in subsection (4) of this section, and that amount
10666 shall not exceed one percent (1%) of the funds appropriated to the
10667 Department of Insurance for the program. If the third-party
10668 administrator selected through the request for proposals is
10669 replaced or is otherwise changed, the Department of Insurance
10670 shall notify the Chairs of the House and Senate Appropriations and
10671 Insurance Committees.

10672 (4) There is created a special fund in the State Treasury to
10673 be known as the Comprehensive Hurricane Damage Mitigation Program
10674 Fund. The fund shall consist of any monies from any source that
10675 are designated or made available for deposit into the fund. The
10676 Department of Insurance may apply for any federal or private
10677 grants to provide additional funds for the special fund. Monies
10678 in the fund shall be expended by the Department of Insurance, upon
10679 appropriation by the Legislature, for the purposes as provided in
10680 this section. Unexpended amounts remaining in the fund at the end
10681 of a fiscal year shall not lapse into the State General Fund, and
10682 any interest earned or investment earnings on amounts in the fund
10683 shall be deposited into such fund.



10684 (5) This section shall stand repealed from and after July 1,
10685 2025.

10686 **SECTION 124.** Section 83-17-71, Mississippi Code of 1972, is
10687 amended as follows:

10688 83-17-71. (1) The commissioner may place on probation,
10689 suspend, revoke or refuse to issue or renew an insurance
10690 producer's license or may levy a civil penalty in an amount not to
10691 exceed One Thousand Dollars (\$1,000.00) per violation and such
10692 penalty shall be deposited into the special fund of the State
10693 Treasury designated as the "Insurance Department Fund" for any one
10694 or more of the following causes:

10695 (a) Providing incorrect, misleading, incomplete or
10696 materially untrue information in the license application;

10697 (b) Violating any insurance laws, or violating any
10698 regulation, subpoena or order of the commissioner or of another
10699 state's commissioner;

10700 (c) Obtaining or attempting to obtain a license through
10701 misrepresentation or fraud;

10702 (d) Improperly withholding, misappropriating or
10703 converting any monies or properties received in the course of
10704 doing insurance business;

10705 (e) Intentionally misrepresenting the terms of an
10706 actual or proposed insurance contract or application for
10707 insurance;



10708 (f) Having been convicted of a * * * disqualifying
10709 crime as provided in the Fresh Start Act;

10710 (g) Having admitted or been found to have committed any
10711 insurance unfair trade practice or fraud;

10712 (h) Using fraudulent, coercive or dishonest practices
10713 or demonstrating incompetence, untrustworthiness or financial
10714 irresponsibility in the conduct of business in this state or
10715 elsewhere;

10716 (i) Having an insurance producer license, or its
10717 equivalent, denied, suspended or revoked in any other state,
10718 province, district or territory;

10719 (j) Forging another's name to an application for
10720 insurance or to any document related to an insurance transaction;

10721 (k) Improperly using notes or any other reference
10722 material to complete an examination for an insurance license;

10723 (l) Knowingly accepting insurance business from an
10724 individual who is not licensed;

10725 (m) Failing to comply with an administrative or court
10726 order imposing a child support obligation; or

10727 (n) Failing to pay state income tax or comply with any
10728 administrative or court order directing payment of state income
10729 tax.

10730 (2) If the action by the commissioner is to nonrenew or to
10731 deny an application for a license, the commissioner shall notify
10732 the applicant or licensee and advise, in writing, the applicant or



10733 licensee of the reason for the denial or nonrenewal of the
10734 applicant's or licensee's license. The applicant or licensee may
10735 make written demand upon the commissioner within ten (10) days for
10736 a hearing before the commissioner to determine the reasonableness
10737 of the commissioner's action. The hearing shall be held within
10738 thirty (30) days.

10739 (3) The license of a business entity may be suspended,
10740 revoked or refused if the commissioner finds, after hearing, that
10741 an individual licensee's violation was known or should have been
10742 known by one or more of the partners, officers or managers acting
10743 on behalf of the partnership or corporation and the violation was
10744 neither reported to the commissioner nor corrective action taken.

10745 (4) In addition to, or in lieu of, any applicable denial,
10746 suspension or revocation of a license, a person may, after
10747 hearing, be subject to a civil fine not to exceed One Thousand
10748 Dollars (\$1,000.00) per violation and such fine shall be deposited
10749 into the special fund in the State Treasury designated as the
10750 "Insurance Department Fund."

10751 (5) The commissioner shall retain the authority to enforce
10752 the provisions of and impose any penalty or remedy authorized by
10753 this article and Title 83, Mississippi Code of 1972, against any
10754 person who is under investigation for or charged with a violation
10755 of this article or Title 83, Mississippi Code of 1972, even if the
10756 person's license or registration has been surrendered or has
10757 lapsed by operation of law.



10758 (6) No licensee whose license has been revoked hereunder
10759 shall be entitled to file another application for a license as a
10760 producer within one (1) year from the effective date of such
10761 revocation or, if judicial review of such revocation is sought,
10762 within one (1) year from the date of final court order or decree
10763 affirming such revocation. Such application, when filed, may be
10764 refused by the commissioner unless the applicant shows good cause
10765 why the revocation of his license shall not be deemed a bar to the
10766 issuance of a new license.

10767 (7) Notwithstanding any other provision of this article to
10768 the contrary, a person licensed in this state as a nonresident
10769 producer whose license is denied, suspended or revoked in his or
10770 her home state shall also have his or her nonresident license
10771 denied, suspended or revoked in this state without prior notice or
10772 hearing.

10773 (8) From and after July 1, 2016, the expenses of this agency
10774 shall be defrayed by appropriation from the State General Fund and
10775 all user charges and fees authorized under this section shall be
10776 deposited into the State General Fund as authorized by law.

10777 (9) From and after July 1, 2016, no state agency shall
10778 charge another state agency a fee, assessment, rent or other
10779 charge for services or resources received by authority of this
10780 section.

10781 **SECTION 125.** Section 83-17-421, Mississippi Code of 1972, is
10782 amended as follows:



10783 83-17-421. (1) A license may be refused, or a license duly
10784 issued may be suspended or revoked or the renewal thereof refused
10785 by the commissioner if, after notice and hearing as hereinafter
10786 provided, he or she finds that the applicant for, or holder of,
10787 such license:

10788 (a) Has * * * willfully violated any provision of the
10789 insurance laws of this state; or

10790 (b) Has intentionally made a material misstatement in
10791 the application for such license; or

10792 (c) Has obtained, or attempted to obtain, such license
10793 by fraud or misrepresentation; or

10794 (d) Has misappropriated or converted to his or her own
10795 use or illegally withheld money belonging to an insurer or
10796 beneficiary; or

10797 (e) Has otherwise demonstrated lack of trustworthiness
10798 or competence to act as an adjuster; or

10799 (f) Has been guilty of fraudulent or dishonest
10800 practices or has been convicted of a * * * disqualifying crime as
10801 provided in the Fresh Act; or

10802 (g) Has materially misrepresented the terms and
10803 conditions of insurance policies or contracts; or * * * willfully
10804 exaggerated prospective returns on investment features of policies
10805 or fails to identify himself or herself as an adjuster and in so
10806 doing receives a compensation for his or her participation in the
10807 sale of insurance; or



10808 (h) Has made or issued, or caused to be made or issued,
10809 any statement misrepresenting or making incomplete comparisons
10810 regarding the terms or conditions of any insurance or annuity
10811 contract legally issued by any insurer, for the purpose of
10812 inducing or attempting to induce the owner of such contract to
10813 forfeit or surrender such contract or allow it to lapse for the
10814 purpose of replacing such contract with another; or

10815 (i) Has obtained or attempted to obtain such license,
10816 not for the purpose of holding himself or herself out to the
10817 general public as an adjuster, but primarily for the purpose of
10818 soliciting, negotiating or procuring insurance or annuity
10819 contracts covering himself or herself or members of his or her
10820 family.

10821 (2) Before any license shall be refused (except for failure
10822 to pass a required written examination) or suspended or revoked or
10823 the renewal thereof refused hereunder, the commissioner shall give
10824 notice of his or her intention so to do, by registered mail, to
10825 the applicant for or holder of such license and the insurer whom
10826 he or she represents or who desires that he or she be licensed,
10827 and shall set a date not less than twenty (20) days from the date
10828 of mailing such notice when the applicant or licensee and a duly
10829 authorized representative of the insurer may appear to be heard
10830 and produce evidence. Such notice shall constitute automatic
10831 suspension of license if the person involved is a licensed
10832 adjuster. In the conduct of such hearing, the commissioner or any



10833 regular salaried employee specially designated by him or her for
10834 such purpose shall have power to administer oaths, to require the
10835 appearance of and examine any person under oath and to require the
10836 production of books, records or papers relevant to the inquiry
10837 upon his or her own initiative or upon the request of the
10838 applicant or licensee. Upon the termination of such hearing,
10839 findings shall be reduced to writing and, upon approval by the
10840 commissioner, shall be filed in his or her office; and notice of
10841 the findings shall be sent by registered mail to the applicant or
10842 licensee and the insurer concerned.

10843 (3) Where the grounds set out in subsection (1)(d) or (1)(g)
10844 are the grounds for any hearing, the commissioner may, in his or
10845 her discretion in lieu of the hearing provided for in subsection
10846 (2) of this section, file a petition to suspend or revoke any
10847 license authorized hereunder in a court of competent jurisdiction
10848 of the county or district in which the alleged offense occurred.
10849 In such cases, subpoenas may be issued for witnesses, and mileage
10850 and witness fees paid as in other cases. All costs of such cause
10851 shall be paid by the defendant, if found guilty, and if costs
10852 cannot be made and collected from the defendant, such costs shall
10853 be assessed against the company issuing the contract involved in
10854 such cause.

10855 (4) No licensee whose license has been revoked hereunder
10856 shall be entitled to file another application for a license as an
10857 adjuster within one (1) year from the effective date of such



10858 revocation or, if judicial review of such revocation is sought,
10859 within one (1) year from the date of final court order or decree
10860 affirming such revocation. Such application, when filed, may be
10861 refused by the commissioner unless the applicant shows good cause
10862 why the revocation of his or her license shall not be deemed a bar
10863 to the issuance of a new license.

10864 **SECTION 126.** Section 83-17-519, Mississippi Code of 1972, is
10865 amended as follows:

10866 83-17-519. (1) A license may be refused, or a license duly
10867 issued may be suspended or revoked or the renewal thereof refused
10868 by the commissioner, or the commissioner may levy a civil penalty
10869 in an amount not to exceed Five Thousand Dollars (\$5,000.00) per
10870 violation, or both, and any such penalty shall be deposited into
10871 the special fund of the State Treasury designated as the
10872 "Insurance Department Fund," if, after notice and hearing as
10873 hereinafter provided, he finds that the applicant for, or holder
10874 of, such license:

10875 (a) Has intentionally made a material misstatement in
10876 the application for such license; or

10877 (b) Has obtained, or attempted to obtain, such license
10878 by fraud or misrepresentation; or

10879 (c) Has misappropriated or converted to his own use or
10880 illegally withheld money belonging to another person or entity; or

10881 (d) Has otherwise demonstrated lack of trustworthiness
10882 or competence to act as a public adjuster; or



10883 (e) Has been guilty of fraudulent or dishonest
10884 practices or has been convicted of a * * * disqualifying crime as
10885 provided in the Fresh Start Act; or

10886 (f) Has materially misrepresented the terms and
10887 conditions of insurance policies or contracts or failed to
10888 identify himself as a public adjuster; or

10889 (g) Has obtained or attempted to obtain such license
10890 for a purpose other than holding himself out to the general public
10891 as a public adjuster; or

10892 (h) Has violated any insurance laws, or any regulation,
10893 subpoena or order of the commissioner or of another state's
10894 commissioner of insurance.

10895 (2) Before any license shall be refused (except for failure
10896 to pass a required written examination) or suspended or revoked or
10897 the renewal thereof refused hereunder, the commissioner shall give
10898 notice of his intention so to do, by certified mail, return
10899 receipt requested, to the applicant for or holder of such license,
10900 and shall set a date not less than twenty (20) days from the date
10901 of mailing such notice when the applicant or licensee may appear
10902 to be heard and produce evidence in opposition to such refusal,
10903 suspension or revocation. Such notice shall constitute automatic
10904 suspension of license if the person involved is a licensed public
10905 adjuster. In the conduct of such hearing, the commissioner or any
10906 regular salaried employee of the department specially designated
10907 by him for such purpose shall have the power to administer oaths,



10908 to require the appearance of and examine any person under oath,
10909 and to require the production of books, records or papers relevant
10910 to the inquiry upon his own initiative or upon the request of the
10911 applicant or licensee. Upon the termination of such hearing,
10912 findings shall be reduced to writing and, upon approval by the
10913 commissioner, shall be filed in his office; and notice of the
10914 findings shall be sent by certified mail, return receipt
10915 requested, to the applicant or licensee.

10916 (3) Where the grounds set out in subsection (1)(c) or (1)(f)
10917 of this section are the grounds for any hearing, the commissioner
10918 may, in his discretion in lieu of the hearing provided for in
10919 subsection (2) of this section, file a petition requesting the
10920 court to suspend or revoke any license authorized hereunder in a
10921 court of competent jurisdiction of the county or district in which
10922 the alleged offense occurred. In such cases, subpoenas may be
10923 issued for witnesses, and mileage and witness fees paid as in
10924 other cases. All costs of such cause shall be paid by the
10925 defendant, if the finding of the court be against him.

10926 (4) No licensee whose license has been revoked hereunder
10927 shall be entitled to file another application for a license as a
10928 public adjuster within one (1) year from the effective date of
10929 such revocation or, if judicial review of such revocation is
10930 sought, within one (1) year from the date of final court order or
10931 decree affirming such revocation. An application filed after such
10932 one-year period shall be refused by the commissioner unless the



10933 applicant shows good cause why the revocation of his license shall
10934 not be deemed a bar to the issuance of a new license.

10935 (5) From and after July 1, 2016, the expenses of this agency
10936 shall be defrayed by appropriation from the State General Fund and
10937 all user charges and fees authorized under this section shall be
10938 deposited into the State General Fund as authorized by law.

10939 (6) From and after July 1, 2016, no state agency shall
10940 charge another state agency a fee, assessment, rent or other
10941 charge for services or resources received by authority of this
10942 section.

10943 **SECTION 127.** Section 83-21-19, Mississippi Code of 1972, is
10944 amended as follows:

10945 83-21-19. (1) Surplus lines insurance may be placed by a
10946 surplus lines insurance producer if:

10947 (a) Each insurer is an eligible surplus lines insurer;

10948 (b) Each insurer is authorized to write the line of
10949 insurance in its domiciliary jurisdiction; and

10950 (c) All other requirements as set forth by law are met.

10951 (2) The Commissioner of Insurance, upon the biennial payment
10952 of a fee of One Hundred Dollars (\$100.00) and submission of a
10953 completed license application on a form approved by the
10954 commissioner, may issue a surplus lines insurance producer license
10955 to a qualified holder of an insurance producer license with a
10956 property, casualty and/or personal lines line of authority, who is



10957 regularly commissioned to represent a fire and casualty insurance
10958 company licensed to do business in the state.

10959 (3) The privilege license shall continue from the date of
10960 issuance until the last day of the month of the licensee's
10961 birthday in the second year following issuance or renewal of the
10962 license, with a minimum term of twelve (12) months.

10963 (4) A nonresident person shall receive a surplus lines
10964 insurance producer license if:

10965 (a) The person is currently licensed as a surplus lines
10966 insurance producer or equivalent and in good standing in his or
10967 her home state;

10968 (b) The person has submitted the proper request for
10969 licensure and has paid the biennial fee of One Hundred Dollars
10970 (\$100.00); and

10971 (c) The person's home state awards nonresident surplus
10972 lines licenses to residents of this state on the same basis.

10973 (5) The commissioner may verify a person's licensing status
10974 through the National Producer Database maintained by the National
10975 Association of Insurance Commissioners, its affiliates or
10976 subsidiaries.

10977 (6) A nonresident surplus lines insurance producer licensee
10978 who moves from one (1) state to another state, or a resident
10979 surplus lines licensee who moves from this state to another state,
10980 shall file a change of address and provide certification from the



10981 new resident state within thirty (30) days of the change of legal
10982 residence. No fee or license application is required.

10983 (7) The commissioner may deny, suspend, revoke or refuse the
10984 license of a surplus lines insurance producer licensee and/or levy
10985 a civil penalty in an amount not to exceed Two Thousand Five
10986 Hundred Dollars (\$2,500.00) per violation, after notice and
10987 hearing as provided hereunder, for one or more of the following
10988 grounds:

10989 (a) Providing incorrect, misleading, incomplete or
10990 materially untrue information in the license application;

10991 (b) Violating any insurance laws, or violating any
10992 regulation, subpoena or order of the commissioner or of another
10993 state's commissioner;

10994 (c) Obtaining or attempting to obtain a license through
10995 misrepresentation or fraud;

10996 (d) Improperly withholding, misappropriating or
10997 converting any monies or properties received in the course of
10998 doing the business of insurance;

10999 (e) Intentionally misrepresenting the terms of an
11000 actual or proposed insurance contract or application for
11001 insurance;

11002 (f) Having been convicted of a * * * disqualifying
11003 crime as provided in the Fresh Start Act;

11004 (g) Having admitted or been found to have committed any
11005 insurance unfair trade practice or fraud;



11006 (h) Using fraudulent, coercive or dishonest practices
11007 or demonstrating incompetence, untrustworthiness or financial
11008 irresponsibility in the conduct of business in this state or
11009 elsewhere;

11010 (i) Having an insurance producer license, or its
11011 equivalent, denied, suspended or revoked in any other state,
11012 province, district or territory;

11013 (j) Forging another's name to an application for
11014 insurance or to any document related to an insurance transaction;

11015 (k) Improperly using notes or any other reference
11016 material to complete an examination for an insurance license;

11017 (l) Knowingly accepting insurance business from an
11018 individual who is not licensed;

11019 (m) Failing to comply with an administrative or court
11020 order imposing a child support obligation; or

11021 (n) Failing to pay state income tax or comply with any
11022 administrative or court order directing payment of state income
11023 tax.

11024 (8) If the action by the commissioner is to nonrenew,
11025 suspend, revoke or to deny an application for a license, the
11026 commissioner shall notify the applicant or licensee and advise, in
11027 writing, the applicant or licensee of the reason for the denial or
11028 nonrenewal of the applicant's or licensee's license. The
11029 applicant or licensee may make written demand upon the
11030 commissioner within ten (10) days for a hearing before the



11031 commissioner to determine the reasonableness of the commissioner's
11032 action. The hearing shall be held within thirty (30) days.

11033 (9) Every surplus lines insurance contract procured and
11034 delivered according to Sections 83-21-17 through 83-21-31 shall
11035 have stamped upon it in bold ten-point type, and bear the name of
11036 the surplus lines insurance producer who procured it, the
11037 following: "NOTE: This insurance policy is issued pursuant to
11038 Mississippi law covering surplus lines insurance. The company
11039 issuing the policy is not licensed by the State of Mississippi,
11040 but is authorized to do business in Mississippi as a nonadmitted
11041 company. The policy is not protected by the Mississippi Insurance
11042 Guaranty Association in the event of the insurer's insolvency."
11043 No diminution of the license fee herein provided shall occur as to
11044 any license effective after January 1 of any year.

11045 **SECTION 128.** Section 83-49-11, Mississippi Code of 1972, is
11046 amended as follows:

11047 83-49-11. The commissioner may revoke or suspend or refuse
11048 to renew the license of any sponsor or representative of such
11049 sponsor when and if after investigation the commissioner finds
11050 that:

11051 (a) Any license issued to such sponsor or
11052 representative of such sponsor was obtained by fraud;

11053 (b) There was any misrepresentation in the application
11054 for the license;



11055 (c) The sponsor or representative of such sponsor has
11056 otherwise shown itself untrustworthy or incompetent to act as a
11057 sponsor or representative of such sponsor;

11058 (d) Such sponsor or representative of such sponsor has
11059 violated any of the provisions of this chapter or of the rules and
11060 regulations of the commissioner;

11061 (e) The sponsor or representative of such sponsor has
11062 misappropriated, converted, illegally withheld, or refused to pay
11063 over upon proper demand any monies entrusted to the sponsor or
11064 representative of such sponsor in its fiduciary capacity belonging
11065 to an insurer or insured;

11066 (f) The sponsor or representative of such sponsor is
11067 found to be in an unsound condition or in such condition as to
11068 render the future transaction of business in this state hazardous
11069 to the public; or

11070 (g) The sponsor or representative of such sponsor is
11071 found guilty of fraudulent, deceptive, unfair or dishonest
11072 practices as defined in Section 83-5-35 or 83-5-45, Mississippi
11073 Code of 1972, or has been convicted of a * * * disqualifying crime
11074 as provided in the Fresh Start Act.

11075 Before any license shall be refused, suspended, revoked or
11076 the renewal thereof refused hereunder, the commissioner shall give
11077 notice of his intention so to do, by certified mail, return
11078 receipt requested, to the applicant for or holder of such license
11079 and to any sponsor whom such representative represents or who



11080 desires that he be licensed, and shall set a date not less than
11081 twenty (20) days from the date of mailing such notice when the
11082 applicant or licensee and a duly authorized representative of the
11083 sponsor may appear to be heard and produce evidence. In the
11084 conduct of such hearing, the commissioner or any regular salaried
11085 employee specially designated by him for such purposes shall have
11086 power to administer oaths, to require the appearance of and
11087 examine any person under oath, and to require the production of
11088 books, records or papers relevant to the inquiry upon his own
11089 initiative or upon the request of the applicant or licensee. Upon
11090 the termination of such hearing, findings shall be reduced to
11091 writing and, upon approval by the commissioner, shall be filed in
11092 his office; and notice of the findings shall be sent by certified
11093 mail to the applicant or licensee and the sponsor concerned.

11094 No licensee whose license has been revoked hereunder shall be
11095 entitled to file another application for a license as a sponsor or
11096 a representative of any sponsor within one (1) year from the
11097 effective date of such revocation. Such application, when filed,
11098 may be refused by the commissioner unless the applicant shows good
11099 cause why the revocation of his license shall not be deemed a bar
11100 to the issuance of a new license.

11101 In lieu of revoking, suspending or refusing to renew the
11102 license for any of the causes enumerated in this section, after
11103 hearing as herein provided, the commissioner may place the sponsor
11104 on probation for a period of time not to exceed one (1) year, or



11105 may fine such sponsor not more than One Thousand Dollars
11106 (\$1,000.00) for each offense, or both, when in his judgment he
11107 finds that the public interest would not be harmed by the
11108 continued operation of the sponsor. The amount of any such
11109 penalty shall be paid by such sponsor to the commissioner for the
11110 use of the state. At any hearing provided by this section, the
11111 commissioner shall have authority to administer oaths to
11112 witnesses. Anyone testifying falsely, after having been
11113 administered such oath, shall be subject to the penalty of
11114 perjury.

11115 Any action of the commissioner taken pursuant to the
11116 provisions of this section shall be subject to review as may be
11117 provided in Section 83-17-125.

11118 **SECTION 129.** Section 97-33-315, Mississippi Code of 1972, is
11119 amended as follows:

11120 97-33-315. (1) The executive director shall make
11121 appropriate investigations:

11122 (a) To determine whether there has been any violation
11123 of Sections 97-33-301 through 97-33-317 or of any regulations
11124 adopted thereunder.

11125 (b) To determine any facts, conditions, practices or
11126 matters which it may deem necessary or proper to aid in the
11127 enforcement of any such law or regulation.

11128 (c) To aid in adopting regulations.



11129 (d) To secure information as a basis for recommending
11130 legislation relating to Sections 97-33-301 through 97-33-317.

11131 (e) To determine annual compliance with Sections
11132 97-33-301 through 97-33-317.

11133 (2) If after any investigation the executive director is
11134 satisfied that a license should be limited, conditioned, suspended
11135 or revoked, he shall initiate a hearing by filing a complaint with
11136 the commission and transmit therewith a summary of evidence in his
11137 possession bearing on the matter and the transcript of testimony
11138 at any investigative hearing conducted by or on behalf of the
11139 executive director to the licensee.

11140 (3) Upon receipt of the complaint of the executive director,
11141 the commission shall review all matter presented in support
11142 thereof and shall appoint a hearing examiner to conduct further
11143 proceedings.

11144 (4) After proceedings required by Sections 97-33-301 through
11145 97-33-317, the hearing examiner may recommend that the commission
11146 take any or all of the following actions:

11147 (a) As to operations at a licensed gaming establishment
11148 under Section 97-33-307(5):

11149 (i) Limit, condition, suspend or revoke the
11150 license of any licensed gaming establishment or the individual
11151 license of any licensee without affecting the license of the
11152 establishment; and



11153 (ii) Order an operator to exclude an individual
11154 licensee from the operation of the registered business or not to
11155 pay the licensee any remuneration for services or any profits,
11156 income or accruals on his investment in the licensed gaming
11157 establishment;

11158 (b) Limit, condition, suspend or revoke any license
11159 granted to any applicant by the commission;

11160 (c) Fine each licensee for any act or transaction for
11161 which commission approval was required or permitted, as provided
11162 in Section 97-33-309.

11163 (5) The hearing examiner shall prepare a written decision
11164 containing his recommendation to the commission and shall serve it
11165 on all parties. Any party disagreeing with the hearing examiner's
11166 recommendation may ask the commission to review the recommendation
11167 within ten (10) days of service of the recommendation. The
11168 commission may hold a hearing to consider the recommendation
11169 whether there has been a request to review the recommendation or
11170 not.

11171 (6) If the commission decides to review the recommendation,
11172 it shall give notice of that fact to all parties within thirty
11173 (30) days of the recommendation and shall schedule a hearing to
11174 review the recommendation. The commission's review shall be de
11175 novo but shall be based upon the evidence presented before the
11176 hearing examiner. The commission may remand the case to the
11177 hearing examiner for the presentation of additional evidence upon



11178 a showing of good cause why the evidence could not have been
11179 presented at the previous hearing.

11180 (7) If the commission does not decide to review the
11181 recommendation within thirty (30) days, the recommendation becomes
11182 the final order of the commission.

11183 (8) If the commission limits, conditions, suspends or
11184 revokes any license, or imposes a fine, it shall issue its written
11185 order therefor after causing to be prepared and filed the hearing
11186 examiner's written decision upon which the order is based.

11187 (9) Any limitation, condition, revocation, suspension or
11188 fine is effective until reversed upon judicial review, except that
11189 the commission may stay its order pending a rehearing or judicial
11190 review upon such terms and conditions as it deems proper.

11191 (10) Judicial review of an order or decision of the
11192 commission may be had to the Chancery Court of the First Judicial
11193 District of Hinds County, Mississippi, as a case in equity.

11194 (11) A license * * * may be revoked if the individual is
11195 convicted of a * * * disqualifying crime as provided in the Fresh
11196 Start Act. An appeal from the conviction shall not act as a
11197 supersedeas to the revocation required by this subsection.

11198 **SECTION 130.** Section 73-15-201, Mississippi Code of 1972, is
11199 brought forward as follows:

11200 73-15-201. The Nurse Licensure Compact is enacted into law
11201 and entered into by this state with any and all states legally



11202 joining in the compact in accordance with its term, in the form
11203 substantially as follows:

11204 **ARTICLE I.**

11205 **Findings and declaration of purpose.**

11206 (a) The party states find that:

11207 1. The health and safety of the public are
11208 affected by the degree of compliance with and the effectiveness of
11209 enforcement activities related to state nurse licensure laws;

11210 2. Violations of nurse licensure and other laws
11211 regulating the practice of nursing may result in injury or harm to
11212 the public;

11213 3. The expanded mobility of nurses and the use of
11214 advanced communication technologies as part of our nation's health
11215 care delivery system require greater coordination and cooperation
11216 among states in the areas of nurse licensure and regulation;

11217 4. New practice modalities and technology make
11218 compliance with individual state nurse licensure laws difficult
11219 and complex;

11220 5. The current system of duplicative licensure for
11221 nurses practicing in multiple states is cumbersome and redundant
11222 for both nurses and states; and

11223 6. Uniformity of nurse licensure requirements
11224 throughout the states promotes public safety and public health
11225 benefits.

11226 (b) The general purposes of this compact are to:



- 11227 1. Facilitate the states' responsibility to
11228 protect the public's health and safety;
11229 2. Ensure and encourage the cooperation of party
11230 states in the areas of nurse licensure and regulation;
11231 3. Facilitate the exchange of information between
11232 party states in the areas of nurse regulation, investigation and
11233 adverse actions;
11234 4. Promote compliance with the laws governing the
11235 practice of nursing in each jurisdiction;
11236 5. Invest all party states with the authority to
11237 hold a nurse accountable for meeting all state practice laws in
11238 the state in which the patient is located at the time care is
11239 rendered through the mutual recognition of party state licenses;
11240 6. Decrease redundancies in the consideration and
11241 issuance of nurse licenses; and
11242 7. Provide opportunities for interstate practice
11243 by nurses who meet uniform licensure requirements.

11244 **ARTICLE II.**

11245 **Definitions.**

11246 As used in this compact:

- 11247 (a) "Adverse action" means any administrative, civil,
11248 equitable or criminal action permitted by a state's laws which is
11249 imposed by a licensing board or other authority against a
11250 nurse, including actions against an individual's license or
11251 multistate licensure privilege such as revocation, suspension,



11252 probation, monitoring of the licensee, limitation on the
11253 licensee's practice, or any other encumbrance on licensure
11254 affecting a nurse's authorization to practice, including issuance
11255 of a cease and desist action.

11256 (b) "Alternative program" means a nondisciplinary
11257 monitoring program approved by a licensing board.

11258 (c) "Coordinated licensure information system" means an
11259 integrated process for collecting, storing and sharing information
11260 on nurse licensure and enforcement activities related to nurse
11261 licensure laws that is administered by a nonprofit organization
11262 composed of and controlled by licensing boards.

11263 (d) "Current significant investigative information"
11264 means:

11265 1. Investigative information that a licensing
11266 board, after a preliminary inquiry that includes notification and
11267 an opportunity for the nurse to respond, if required by state law,
11268 has reason to believe is not groundless and, if proved true, would
11269 indicate more than a minor infraction; or

11270 2. Investigative information that indicates that
11271 the nurse represents an immediate threat to public health and
11272 safety regardless of whether the nurse has been notified and had
11273 an opportunity to respond.

11274 (e) "Encumbrance" means a revocation or suspension of,
11275 or any limitation on, the full and unrestricted practice of
11276 nursing imposed by a licensing board.



11277 (f) "Home state" means the party state which is the
11278 nurse's primary state of residence.

11279 (g) "Licensing board" means a party state's regulatory
11280 body responsible for issuing nurse licenses.

11281 (h) "Multistate license" means a license to practice as
11282 a registered or a licensed practical/vocational nurse (LPN/VN)
11283 issued by a home state licensing board that authorizes the
11284 licensed nurse to practice in all party states under a multistate
11285 licensure privilege.

11286 (i) "Multistate licensure privilege" means a legal
11287 authorization associated with a multistate license permitting the
11288 practice of nursing as either a registered nurse (RN) or LPN/VN in
11289 a remote state.

11290 (j) "Nurse" means RN or LPN/VN, as those terms are
11291 defined by each party state's practice laws.

11292 (k) "Party state" means any state that has adopted this
11293 compact.

11294 (l) "Remote state" means a party state, other than the
11295 home state.

11296 (m) "Single-state license" means a nurse license issued
11297 by a party state that authorizes practice only within the issuing
11298 state and does not include a multistate licensure privilege to
11299 practice in any other party state.

11300 (n) "State" means a state, territory or possession of
11301 the United States and the District of Columbia.



11327 1. Meets the home state's qualifications for
11328 licensure or renewal of licensure, as well as, all other
11329 applicable state laws;
11330 2. (i) Has graduated or is eligible to graduate
11331 from a licensing board-approved RN or LPN/VN prelicensure
11332 education program; or
11333 (ii) Has graduated from a foreign RN or
11334 LPN/VN prelicensure education program that (a) has been approved
11335 by the authorized accrediting body in the applicable country and
11336 (b) has been verified by an independent credentials review agency
11337 to be comparable to a licensing board-approved prelicensure
11338 education program;
11339 3. Has, if a graduate of a foreign prelicensure
11340 education program not taught in English or if English is not the
11341 individual's native language, successfully passed an English
11342 proficiency examination that includes the components of reading,
11343 speaking, writing and listening;
11344 4. Has successfully passed a National Council
11345 Licensure Examination-Registered Nurse (NCLEX-RN®) or National
11346 Council Licensure Examination-Practical Nurse (NCLEX-PN®)
11347 Examination or recognized predecessor, as applicable;
11348 5. Is eligible for or holds an active,
11349 unencumbered license;
11350 6. Has submitted, in connection with an
11351 application for initial licensure or licensure by endorsement,



11352 fingerprints or other biometric data for the purpose of obtaining
11353 criminal history record information from the Federal Bureau of
11354 Investigation and the agency responsible for retaining that
11355 state's criminal records;

11356 7. Has not been convicted or found guilty, or has
11357 entered into an agreed disposition, of a felony offense under
11358 applicable state or federal criminal law;

11359 8. Has not been convicted or found guilty, or has
11360 entered into an agreed disposition, of a misdemeanor offense
11361 related to the practice of nursing as determined on a case-by-case
11362 basis;

11363 9. Is not currently enrolled in an alternative
11364 program;

11365 10. Is subject to self-disclosure requirements
11366 regarding current participation in an alternative program; and

11367 11. Has a valid United States social security
11368 number.

11369 (d) All party states shall be authorized, in accordance
11370 with existing state due process law, to take adverse action
11371 against a nurse's multistate licensure privilege such as
11372 revocation, suspension, probation or any other action that affects
11373 a nurse's authorization to practice under a multistate licensure
11374 privilege, including cease and desist actions. If a party state
11375 takes such action, it shall promptly notify the administrator of
11376 the coordinated licensure information system. The administrator



11377 of the coordinated licensure information system shall promptly
11378 notify the home state of any such actions by remote states.

11379 (e) A nurse practicing in a party state must comply
11380 with the state practice laws of the state in which the client is
11381 located at the time service is provided. The practice of nursing
11382 is not limited to patient care, but shall include all nursing
11383 practice as defined by the state practice laws of the party state
11384 in which the client is located. The practice of nursing in a
11385 party state under a multistate licensure privilege will subject a
11386 nurse to the jurisdiction of the licensing board, the courts and
11387 the laws of the party state in which the client is located at the
11388 time service is provided.

11389 (f) Individuals not residing in a party state shall
11390 continue to be able to apply for a party state's single-state
11391 license as provided under the laws of each party state. However,
11392 the single-state license granted to these individuals will not be
11393 recognized as granting the privilege to practice nursing in any
11394 other party state. Nothing in this compact shall affect the
11395 requirements established by a party state for the issuance of a
11396 single-state license.

11397 (g) Any nurse holding a home state multistate license,
11398 on the effective date of this compact, may retain and renew the
11399 multistate license issued by the nurse's then-current home state,
11400 provided that:



11401 1. A nurse, who changes primary state of residence
11402 after this compact's effective date, must meet all applicable
11403 Article III(c) requirements to obtain a multistate license from a
11404 new home state.

11405 2. A nurse who fails to satisfy the multistate
11406 licensure requirements in subsection (c) of this article due to a
11407 disqualifying event occurring after this compact's effective date
11408 shall be ineligible to retain or renew a multistate license, and
11409 the nurse's multistate license shall be revoked or deactivated in
11410 accordance with applicable rules adopted by the Interstate
11411 Commission of Nurse Licensure Compact Administrators
11412 ("commission").

11413 **ARTICLE IV.**

11414 **Applications for licensure in a party state.**

11415 (a) Upon application for a multistate license, the
11416 licensing board in the issuing party state shall ascertain,
11417 through the coordinated licensure information system, whether the
11418 applicant has ever held, or is the holder of, a license issued by
11419 any other state, whether there are any encumbrances on any license
11420 or multistate licensure privilege held by the applicant, whether
11421 any adverse action has been taken against any license or
11422 multistate licensure privilege held by the applicant and whether
11423 the applicant is currently participating in an alternative
11424 program.



11425 (b) A nurse may hold a multistate license, issued by
11426 the home state, in only one (1) party state at a time.

11427 (c) If a nurse changes primary state of residence by
11428 moving between two (2) party states, the nurse must apply for
11429 licensure in the new home state, and the multistate license issued
11430 by the prior home state will be deactivated in accordance with
11431 applicable rules adopted by the commission.

11432 1. The nurse may apply for licensure in advance of
11433 a change in primary state of residence.

11434 2. A multistate license shall not be issued by the
11435 new home state until the nurse provides satisfactory evidence of a
11436 change in primary state of residence to the new home state and
11437 satisfies all applicable requirements to obtain a multistate
11438 license from the new home state.

11439 (d) If a nurse changes primary state of residence by
11440 moving from a party state to a nonparty state, the multistate
11441 license issued by the prior home state will convert to a
11442 single-state license, valid only in the former home state.

11443 **ARTICLE V.**

11444 **Additional authorities invested in party state licensing boards.**

11445 (a) In addition to the other powers conferred by state
11446 law, a licensing board shall have the authority to:

11447 1. Take adverse action against a nurse's
11448 multistate licensure privilege to practice within that party
11449 state.



11450 (i) Only the home state shall have the power
11451 to take adverse action against a nurse's license issued by the
11452 home state.

11453 (ii) For purposes of taking adverse action,
11454 the home state licensing board shall give the same priority and
11455 effect to reported conduct received from a remote state as it
11456 would if such conduct had occurred within the home state.

11457 In so doing, the home state shall apply its own state laws to
11458 determine appropriate action.

11459 2. Issue cease and desist orders or impose an
11460 encumbrance on a nurse's authority to practice within that party
11461 state.

11462 3. Complete any pending investigations of a nurse
11463 who changes primary state of residence during the course of such
11464 investigations. The licensing board shall also have the authority
11465 to take appropriate action(s) and shall promptly report the
11466 conclusions of such investigations to the administrator of the
11467 coordinated licensure information system. The administrator of
11468 the coordinated licensure information system shall promptly notify
11469 the new home state of any such actions.

11470 4. Issue subpoenas for both hearings and
11471 investigations that require the attendance and testimony of
11472 witnesses, as well as, the production of evidence.

11473 Subpoenas issued by a licensing board in a party state for
11474 the attendance and testimony of witnesses or the production of



11475 evidence from another party state shall be enforced in the latter
11476 state by any court of competent jurisdiction, according to the
11477 practice and procedure of that court applicable to subpoenas
11478 issued in proceedings pending before it. The issuing authority
11479 shall pay any witness fees, travel expenses, mileage and other
11480 fees required by the service statutes of the state in which the
11481 witnesses or evidence are located.

11482 5. Obtain and submit, for each nurse licensure
11483 applicant, fingerprint or other biometric-based information to the
11484 Federal Bureau of Investigation for criminal background checks,
11485 receive the results of the Federal Bureau of Investigation record
11486 search on criminal background checks and use the results in making
11487 licensure decisions.

11488 6. If otherwise permitted by state law, recover
11489 from the affected nurse the costs of investigations and
11490 disposition of cases resulting from any adverse action taken
11491 against that nurse.

11492 7. Take adverse action based on the factual
11493 findings of the remote state, provided that the licensing board
11494 follows its own procedures for taking such adverse action.

11495 (b) If adverse action is taken by the home state
11496 against a nurse's multistate license, the nurse's multistate
11497 licensure privilege to practice in all other party states shall be
11498 deactivated until all encumbrances have been removed from the
11499 multistate license. All home state disciplinary orders that



11500 impose adverse action against a nurse's multistate license shall
11501 include a statement that the nurse's multistate licensure
11502 privilege is deactivated in all party states during the pendency
11503 of the order.

11504 (c) Nothing in this compact shall override a party
11505 state's decision that participation in an alternative program may
11506 be used in lieu of adverse action. The home state licensing board
11507 shall deactivate the multistate licensure privilege under the
11508 multistate license of any nurse for the duration of the nurse's
11509 participation in an alternative program.

11510 **ARTICLE VI.**

11511 **Coordinated licensure information system and exchange of**
11512 **information.**

11513 (a) All party states shall participate in a coordinated
11514 licensure information system of all licensed registered nurses
11515 (RNs) and licensed practical/vocational nurses (LPNs/VNs). This
11516 system will include information on the licensure and disciplinary
11517 history of each nurse, as submitted by party states, to assist in
11518 the coordination of nurse licensure and enforcement efforts.

11519 (b) The commission, in consultation with the
11520 administrator of the coordinated licensure information system,
11521 shall formulate necessary and proper procedures for the
11522 identification, collection and exchange of information under this
11523 compact.



11524 (c) All licensing boards shall promptly report to the
11525 coordinated licensure information system any adverse action, any
11526 current significant investigative information, denials of
11527 applications (with the reasons for such denials) and nurse
11528 participation in alternative programs known to the licensing board
11529 regardless of whether such participation is deemed nonpublic or
11530 confidential under state law.

11531 (d) Current significant investigative information and
11532 participation in nonpublic or confidential alternative programs
11533 shall be transmitted through the coordinated licensure information
11534 system only to party state licensing boards.

11535 (e) Notwithstanding any other provision of law, all
11536 party state licensing boards contributing information to the
11537 coordinated licensure information system may designate information
11538 that may not be shared with nonparty states or disclosed to other
11539 entities or individuals without the express permission of the
11540 contributing state.

11541 (f) Any personally identifiable information obtained
11542 from the coordinated licensure information system by a party state
11543 licensing board shall not be shared with nonparty states or
11544 disclosed to other entities or individuals except to the extent
11545 permitted by the laws of the party state contributing the
11546 information.

11547 (g) Any information contributed to the coordinated
11548 licensure information system that is subsequently required to be



11549 expunged by the laws of the party state contributing that
11550 information shall also be expunged from the coordinated licensure
11551 information system.

11552 (h) The compact administrator of each party state shall
11553 furnish a uniform data set to the compact administrator of each
11554 other party state, which shall include, at a minimum:

- 11555 1. Identifying information;
- 11556 2. Licensure data;
- 11557 3. Information related to alternative program
11558 participation; and
- 11559 4. Other information that may facilitate the
11560 administration of this compact, as determined by commission rules.

11561 (i) The compact administrator of a party state shall
11562 provide all investigative documents and information requested by
11563 another party state.

11564 **ARTICLE VII.**

11565 **Establishment of the Interstate Commission of Nurse Licensure**
11566 **Compact administrators.**

11567 (a) The party states hereby create and establish a
11568 joint public entity known as the Interstate Commission of Nurse
11569 Licensure Compact Administrators.

- 11570 1. The commission is an instrumentality of the
11571 party states.
- 11572 2. Venue is proper, and judicial proceedings by or
11573 against the commission shall be brought solely and exclusively, in



11574 a court of competent jurisdiction where the principal office of
11575 the commission is located. The commission may waive venue and
11576 jurisdictional defenses to the extent it adopts or consents to
11577 participate in alternative dispute resolution proceedings.

11578 3. Nothing in this compact shall be construed to
11579 be a waiver of sovereign immunity.

11580 (b) Membership, voting and meetings.

11581 1. Each party state shall have and be limited to
11582 one (1) administrator. The head of the state licensing board or
11583 designee shall be the administrator of this compact for each party
11584 state. Any administrator may be removed or suspended from office
11585 as provided by the law of the state from which the administrator
11586 is appointed. Any vacancy occurring in the commission shall be
11587 filled in accordance with the laws of the party state in which the
11588 vacancy exists.

11589 2. Each administrator shall be entitled to one (1)
11590 vote with regard to the promulgation of rules and creation of
11591 bylaws and shall otherwise have an opportunity to participate in
11592 the business and affairs of the commission. An administrator
11593 shall vote in person or by such other means as provided in the
11594 bylaws. The bylaws may provide for an administrator's
11595 participation in meetings by telephone or other means of
11596 communication.

11597 3. The commission shall meet at least once during
11598 each calendar year.



11599 Additional meetings shall be held as set forth in the bylaws
11600 or rules of the commission.

11601 4. All meetings shall be open to the public, and
11602 public notice of meetings shall be given in the same manner as
11603 required under the rulemaking provisions in Article VIII.

11604 5. The commission may convene in a closed,
11605 nonpublic meeting if the commission must discuss:

11606 (i) Noncompliance of a party state with its
11607 obligations under this compact;

11608 (ii) The employment, compensation, discipline
11609 or other personnel matters, practices or procedures related to
11610 specific employees or other matters related to the commission's
11611 internal personnel practices and procedures;

11612 (iii) Current, threatened or reasonably
11613 anticipated litigation;

11614 (iv) Negotiation of contracts for the
11615 purchase or sale of goods, services or real estate;

11616 (v) Accusing any person of a crime or
11617 formally censuring any person;

11618 (vi) Disclosure of trade secrets or
11619 commercial or financial information that is privileged or
11620 confidential;

11621 (vii) Disclosure of information of a personal
11622 nature where disclosure would constitute a clearly unwarranted
11623 invasion of personal privacy;



11624 (viii) Disclosure of investigatory records
11625 compiled for law enforcement purposes;
11626 (ix) Disclosure of information related to any
11627 reports prepared by or on behalf of the commission for the purpose
11628 of investigation of compliance with this compact; or
11629 (x) Matters specifically exempted from
11630 disclosure by federal or state statute.

11631 6. If a meeting, or portion of a meeting, is
11632 closed pursuant to this provision, the commission's legal counsel
11633 or designee shall certify that the meeting may be closed and shall
11634 reference each relevant exempting provision. The commission shall
11635 keep minutes that fully and clearly describe all matters discussed
11636 in a meeting and shall provide a full and accurate summary of
11637 actions taken, and the reasons therefor, including a description
11638 of the views expressed. All documents considered in connection
11639 with an action shall be identified in such minutes. All minutes
11640 and documents of a closed meeting shall remain under seal, subject
11641 to release by a majority vote of the commission or order of a
11642 court of competent jurisdiction.

11643 (c) The commission shall, by a majority vote of the
11644 administrators, prescribe bylaws or rules to govern its conduct as
11645 may be necessary or appropriate to carry out the purposes and
11646 exercise the powers of this compact, including, but not limited
11647 to:

11648 1. Establishing the fiscal year of the commission;



11649 2. Providing reasonable standards and procedures:
11650 (i) For the establishment and meetings of
11651 other committees; and
11652 (ii) Governing any general or specific
11653 delegation of any authority or function of the commission;
11654 3. Providing reasonable procedures for calling and
11655 conducting meetings of the commission, ensuring reasonable advance
11656 notice of all meetings and providing an opportunity for attendance
11657 of such meetings by interested parties, with enumerated exceptions
11658 designed to protect the public's interest, the privacy of
11659 individuals, and proprietary information, including trade secrets.
11660 The commission may meet in closed session only after a majority of
11661 the administrators vote to close a meeting in whole or in part.
11662 As soon as practicable, the commission must make public a copy of
11663 the vote to close the meeting revealing the vote of each
11664 administrator, with no proxy votes allowed;
11665 4. Establishing the titles, duties and authority
11666 and reasonable procedures for the election of the officers of the
11667 commission;
11668 5. Providing reasonable standards and procedures
11669 for the establishment of the personnel policies and programs of
11670 the commission. Notwithstanding any civil service or other
11671 similar laws of any party state, the bylaws shall exclusively
11672 govern the personnel policies and programs of the commission; and



11673 6. Providing a mechanism for winding up the
11674 operations of the commission and the equitable disposition of any
11675 surplus funds that may exist after the termination of this compact
11676 after the payment or reserving of all of its debts and
11677 obligations;

11678 (d) The commission shall publish its bylaws and rules,
11679 and any amendments thereto, in a convenient form on the website of
11680 the commission.

11681 (e) The commission shall maintain its financial records
11682 in accordance with the bylaws.

11683 (f) The commission shall meet and take such actions as
11684 are consistent with the provisions of this compact and the bylaws.

11685 (g) The commission shall have the following powers:

11686 1. To promulgate uniform rules to facilitate and
11687 coordinate implementation and administration of this compact. The
11688 rules shall have the force and effect of law and shall be binding
11689 in all party states;

11690 2. To bring and prosecute legal proceedings or
11691 actions in the name of the commission, provided that the standing
11692 of any licensing board to sue or be sued under applicable law
11693 shall not be affected;

11694 3. To purchase and maintain insurance and bonds;

11695 4. To borrow, accept or contract for services of
11696 personnel, including, but not limited to, employees of a party
11697 state or nonprofit organizations;



11698 5. To cooperate with other organizations that
11699 administer state compacts related to the regulation of nursing,
11700 including, but not limited to, sharing administrative or staff
11701 expenses, office space or other resources;

11702 6. To hire employees, elect or appoint officers,
11703 fix compensation, define duties, grant such individuals
11704 appropriate authority to carry out the purposes of this compact,
11705 and to establish the commission's personnel policies and programs
11706 relating to conflicts of interest, qualifications of personnel and
11707 other related personnel matters;

11708 7. To accept any and all appropriate donations,
11709 grants and gifts of money, equipment, supplies, materials and
11710 services, and to receive, utilize and dispose of the same;
11711 provided that at all times the commission shall avoid any
11712 appearance of impropriety or conflict of interest;

11713 8. To lease, purchase, accept appropriate gifts or
11714 donations of, or otherwise to own, hold, improve or use, any
11715 property, whether real, personal or mixed; provided that at all
11716 times the commission shall avoid any appearance of impropriety;

11717 9. To sell, convey, mortgage, pledge, lease,
11718 exchange, abandon or otherwise dispose of any property, whether
11719 real, personal or mixed;

11720 10. To establish a budget and make expenditures;

11721 11. To borrow money;



11722 12. To appoint committees, including advisory
11723 committees comprised of administrators, state nursing regulators,
11724 state legislators or their representatives, and consumer
11725 representatives, and other such interested persons;

11726 13. To provide and receive information from, and
11727 to cooperate with, law enforcement agencies;

11728 14. To adopt and use an official seal; and

11729 15. To perform such other functions as may be
11730 necessary or appropriate to achieve the purposes of this compact
11731 consistent with the state regulation of nurse licensure and
11732 practice.

11733 (h) Financing of the commission.

11734 1. The commission shall pay, or provide for the
11735 payment of, the reasonable expenses of its establishment,
11736 organization and ongoing activities.

11737 2. The commission may also levy on and collect an
11738 annual assessment from each party state to cover the cost of its
11739 operations, activities and staff in its annual budget as approved
11740 each year. The aggregate annual assessment amount, if any, shall
11741 be allocated based upon a formula to be determined by the
11742 commission, which shall promulgate a rule that is binding upon all
11743 party states.

11744 3. The commission shall not incur obligations of
11745 any kind prior to securing the funds adequate to meet the same;



11746 nor shall the commission pledge the credit of any of the party
11747 states, except by, and with the authority of, such party state.

11748 4. The commission shall keep accurate accounts of
11749 all receipts and disbursements. The receipts and disbursements of
11750 the commission shall be subject to the audit and accounting
11751 procedures established under its bylaws. However, all receipts
11752 and disbursements of funds handled by the commission shall be
11753 audited yearly by a certified or licensed public accountant, and
11754 the report of the audit shall be included in and become part of
11755 the annual report of the commission.

11756 (i) Qualified immunity, defense and indemnification.

11757 1. The administrators, officers, executive
11758 director, employees and representatives of the commission shall be
11759 immune from suit and liability, either personally or in their
11760 official capacity, for any claim for damage to or loss of property
11761 or personal injury or other civil liability caused by or arising
11762 out of any actual or alleged act, error or omission that occurred,
11763 or that the person against whom the claim is made had a reasonable
11764 basis for believing occurred, within the scope of commission
11765 employment, duties or responsibilities; provided that nothing in
11766 this paragraph shall be construed to protect any such person from
11767 suit or liability for any damage, loss, injury or liability caused
11768 by the intentional, willful or wanton misconduct of that person.

11769 2. The commission shall defend any administrator,
11770 officer, executive director, employee or representative of the



11771 commission in any civil action seeking to impose liability arising
11772 out of any actual or alleged act, error or omission that occurred
11773 within the scope of commission employment, duties or
11774 responsibilities, or that the person against whom the claim is
11775 made had a reasonable basis for believing occurred within the
11776 scope of commission employment, duties or responsibilities;
11777 provided that nothing herein shall be construed to prohibit that
11778 person from retaining his or her own counsel; and provided further
11779 that the actual or alleged act, error or omission did not result
11780 from that person's intentional, willful or wanton misconduct.

11781 3. The commission shall indemnify and hold
11782 harmless any administrator, officer, executive director, employee
11783 or representative of the commission for the amount of any
11784 settlement or judgment obtained against that person arising out of
11785 any actual or alleged act, error or omission that occurred within
11786 the scope of commission employment, duties or responsibilities, or
11787 that such person had a reasonable basis for believing occurred
11788 within the scope of commission employment, duties or
11789 responsibilities, provided that the actual or alleged act, error
11790 or omission did not result from the intentional, willful or wanton
11791 misconduct of that person.

11792 **ARTICLE VIII.**

11793 **Rulemaking.**

11794 (a) The commission shall exercise its rulemaking powers
11795 pursuant to the criteria set forth in this article and the rules



11796 adopted thereunder. Rules and amendments shall become binding as
11797 of the date specified in each rule or amendment and shall have the
11798 same force and effect as provisions of this compact.

11799 (b) Rules or amendments to the rules shall be adopted
11800 at a regular or special meeting of the commission.

11801 (c) Prior to promulgation and adoption of a final rule
11802 or rules by the commission, and at least sixty (60) days in
11803 advance of the meeting at which the rule will be considered and
11804 voted upon, the commission shall file a notice of proposed
11805 rulemaking:

11806 1. On the website of the commission; and
11807 2. On the website of each licensing board or the
11808 publication in which each state would otherwise publish proposed
11809 rules.

11810 (d) The notice of proposed rulemaking shall include:

11811 1. The proposed time, date and location of the
11812 meeting in which the rule will be considered and voted upon;
11813 2. The text of the proposed rule or amendment, and
11814 the reason for the proposed rule;
11815 3. A request for comments on the proposed rule
11816 from any interested person; and
11817 4. The manner in which interested persons may
11818 submit notice to the commission of their intention to attend the
11819 public hearing and any written comments.



11820 (e) Prior to adoption of a proposed rule, the
11821 commission shall allow persons to submit written data, facts,
11822 opinions and arguments, which shall be made available to the
11823 public.

11824 (f) The commission shall grant an opportunity for a
11825 public hearing before it adopts a rule or amendment.

11826 (g) The commission shall publish the place, time and
11827 date of the scheduled public hearing.

11828 1. Hearings shall be conducted in a manner
11829 providing each person who wishes to comment a fair and reasonable
11830 opportunity to comment orally or in writing.

11831 All hearings will be recorded, and a copy will be made
11832 available upon request.

11833 2. Nothing in this section shall be construed as
11834 requiring a separate hearing on each rule. Rules may be grouped
11835 for the convenience of the commission at hearings required by this
11836 section.

11837 (h) If no one appears at the public hearing, the
11838 commission may proceed with promulgation of the proposed rule.

11839 (i) Following the scheduled hearing date, or by the
11840 close of business on the scheduled hearing date if the hearing was
11841 not held, the commission shall consider all written and oral
11842 comments received.

11843 (j) The commission shall, by majority vote of all
11844 administrators, take final action on the proposed rule and shall



11845 determine the effective date of the rule, if any, based on the
11846 rulemaking record and the full text of the rule.

11847 (k) Upon determination that an emergency exists, the
11848 commission may consider and adopt an emergency rule without prior
11849 notice, opportunity for comment or hearing, provided that the
11850 usual rulemaking procedures provided in this compact and in this
11851 section shall be retroactively applied to the rule as soon as
11852 reasonably possible, in no event later than ninety (90) days after
11853 the effective date of the rule. For the purposes of this
11854 provision, an emergency rule is one that must be adopted
11855 immediately in order to:

- 11856 1. Meet an imminent threat to public health,
11857 safety or welfare;
- 11858 2. Prevent a loss of commission or party state
11859 funds; or
- 11860 3. Meet a deadline for the promulgation of an
11861 administrative rule that is required by federal law or rule.

11862 (l) The commission may direct revisions to a previously
11863 adopted rule or amendment for purposes of correcting typographical
11864 errors, errors in format, errors in consistency or grammatical
11865 errors. Public notice of any revisions shall be posted on the
11866 website of the commission. The revision shall be subject to
11867 challenge by any person for a period of thirty (30) days after
11868 posting. The revision may be challenged only on grounds that the
11869 revision results in a material change to a rule. A challenge



11870 shall be made in writing, and delivered to the commission, prior
11871 to the end of the notice period. If no challenge is made, the
11872 revision will take effect without further action. If the revision
11873 is challenged, the revision may not take effect without the
11874 approval of the commission.

11875 **ARTICLE IX.**

11876 **Oversight, dispute resolution and enforcement.**

11877 (a) Oversight:

11878 1. Each party state shall enforce this compact and
11879 take all actions necessary and appropriate to effectuate this
11880 compact's purposes and intent.

11881 2. The commission shall be entitled to receive
11882 service of process in any proceeding that may affect the powers,
11883 responsibilities or actions of the commission, and shall have
11884 standing to intervene in such a proceeding for all purposes.
11885 Failure to provide service of process in such proceeding to the
11886 commission shall render a judgment or order void as to the
11887 commission, this compact or promulgated rules.

11888 (b) Default, technical assistance and termination:

11889 1. If the commission determines that a party state
11890 has defaulted in the performance of its obligations or
11891 responsibilities under this compact or the promulgated rules, the
11892 commission shall:

11893 (i) Provide written notice to the defaulting
11894 state and other party states of the nature of the default, the



11895 proposed means of curing the default or any other action to be
11896 taken by the commission; and

11897 (ii) Provide remedial training and specific
11898 technical assistance regarding the default.

11899 2. If a state in default fails to cure the
11900 default, the defaulting state's membership in this compact may be
11901 terminated upon an affirmative vote of a majority of the
11902 administrators, and all rights, privileges and benefits conferred
11903 by this compact may be terminated on the effective date of
11904 termination. A cure of the default does not relieve the offending
11905 state of obligations or liabilities incurred during the period of
11906 default.

11907 3. Termination of membership in this compact shall
11908 be imposed only after all other means of securing compliance have
11909 been exhausted. Notice of intent to suspend or terminate shall be
11910 given by the commission to the Governor of the defaulting state
11911 and to the executive officer of the defaulting state's licensing
11912 board and each of the party states.

11913 4. A state whose membership in this compact has
11914 been terminated is responsible for all assessments, obligations
11915 and liabilities incurred through the effective date of
11916 termination, including obligations that extend beyond the
11917 effective date of termination.

11918 5. The commission shall not bear any costs related
11919 to a state that is found to be in default or whose membership in



11920 this compact has been terminated unless agreed upon in writing
11921 between the commission and the defaulting state.

11922 6. The defaulting state may appeal the action of
11923 the commission by petitioning the United States District Court for
11924 the District of Columbia or the federal district in which the
11925 commission has its principal offices. The prevailing party shall
11926 be awarded all costs of such litigation, including reasonable
11927 attorneys' fees.

11928 (c) Dispute resolution:

11929 1. Upon request by a party state, the commission
11930 shall attempt to resolve disputes related to the compact that
11931 arise among party states and between party and nonparty states.

11932 2. The commission shall promulgate a rule
11933 providing for both mediation and binding dispute resolution for
11934 disputes, as appropriate.

11935 3. In the event the commission cannot resolve
11936 disputes among party states arising under this compact:

11937 (i) The party states may submit the issues in
11938 dispute to an arbitration panel, which will be comprised of
11939 individuals appointed by the compact administrator in each of the
11940 affected party states and an individual mutually agreed upon by
11941 the compact administrators of all the party states involved in the
11942 dispute.

11943 (ii) The decision of a majority of the
11944 arbitrators shall be final and binding.



11945 (d) Enforcement:

11946 1. The commission, in the reasonable exercise of
11947 its discretion, shall enforce the provisions and rules of this
11948 compact.

11949 2. By majority vote, the commission may initiate
11950 legal action in the United States District Court for the District
11951 of Columbia or the federal district in which the commission has
11952 its principal offices against a party state that is in default to
11953 enforce compliance with the provisions of this compact and its
11954 promulgated rules and bylaws.

11955 The relief sought may include both injunctive relief and
11956 damages. In the event judicial enforcement is necessary, the
11957 prevailing party shall be awarded all costs of such litigation,
11958 including reasonable attorneys' fees.

11959 3. The remedies herein shall not be the exclusive
11960 remedies of the commission. The commission may pursue any other
11961 remedies available under federal or state law.

11962 **ARTICLE X.**

11963 **Effective date, withdrawal and amendment.**

11964 (a) This compact shall become effective and binding on
11965 the earlier of the date of legislative enactment of this compact
11966 into law by no less than twenty-six (26) states or December 31,
11967 2018. All party states to this compact, that also were parties to
11968 the prior Nurse Licensure Compact, superseded by this compact,
11969 ("prior compact"), shall be deemed to have withdrawn from the



11970 prior compact within six (6) months after the effective date of
11971 this compact.

11972 (b) Each party state to this compact shall continue to
11973 recognize a nurse's multistate licensure privilege to practice in
11974 that party state issued under the prior compact until such party
11975 state has withdrawn from the prior compact.

11976 (c) Any party state may withdraw from this compact by
11977 enacting a statute repealing the same. A party state's withdrawal
11978 shall not take effect until six (6) months after enactment of the
11979 repealing statute.

11980 (d) A party state's withdrawal or termination shall not
11981 affect the continuing requirement of the withdrawing or terminated
11982 state's licensing board to report adverse actions and significant
11983 investigations occurring prior to the effective date of such
11984 withdrawal or termination.

11985 (e) Nothing contained in this compact shall be
11986 construed to invalidate or prevent any nurse licensure agreement
11987 or other cooperative arrangement between a party state and a
11988 nonparty state that is made in accordance with the other
11989 provisions of this compact.

11990 (f) This compact may be amended by the party states.
11991 No amendment to this compact shall become effective and binding
11992 upon the party states unless and until it is enacted into the laws
11993 of all party states.



11994 (g) Representatives of nonparty states to this compact
11995 shall be invited to participate in the activities of the
11996 commission, on a nonvoting basis, prior to the adoption of this
11997 compact by all states.

11998 **ARTICLE XI.**

11999 **Construction and severability.**

12000 This compact shall be liberally construed so as to effectuate
12001 the purposes thereof.

12002 The provisions of this compact shall be severable, and if any
12003 phrase, clause, sentence or provision of this compact is declared
12004 to be contrary to the Constitution of any party state or of the
12005 United States, or if the applicability thereof to any government,
12006 agency, person or circumstance is held invalid, the validity of
12007 the remainder of this compact and the applicability thereof to any
12008 government, agency, person or circumstance shall not be affected
12009 thereby. If this compact shall be held to be contrary to the
12010 Constitution of any party state, this compact shall remain in full
12011 force and effect as to the remaining party states and in full
12012 force and effect as to the party state affected as to all
12013 severable matters.

12014 **SECTION 131.** Section 73-15-29, Mississippi Code of 1972, is
12015 brought forward as follows:

12016 73-15-29. (1) The board shall have power to revoke, suspend
12017 or refuse to renew any license issued by the board, or to revoke
12018 or suspend any privilege to practice, or to deny an application



12019 for a license, or to fine, place on probation and/or discipline a
12020 licensee, in any manner specified in this article, upon proof that
12021 such person:

12022 (a) Has committed fraud or deceit in securing or
12023 attempting to secure such license;

12024 (b) Has been convicted of a felony, or a crime
12025 involving moral turpitude or has had accepted by a court a plea of
12026 nolo contendere to a felony or a crime involving moral turpitude
12027 (a certified copy of the judgment of the court of competent
12028 jurisdiction of such conviction or pleas shall be prima facie
12029 evidence of such conviction);

12030 (c) Has negligently or willfully acted in a manner
12031 inconsistent with the health or safety of the persons under the
12032 licensee's care;

12033 (d) Has had a license or privilege to practice as a
12034 registered nurse or a licensed practical nurse suspended or
12035 revoked in any jurisdiction, has voluntarily surrendered such
12036 license or privilege to practice in any jurisdiction, has been
12037 placed on probation as a registered nurse or licensed practical
12038 nurse in any jurisdiction or has been placed under a disciplinary
12039 order(s) in any manner as a registered nurse or licensed practical
12040 nurse in any jurisdiction, (a certified copy of the order of
12041 suspension, revocation, probation or disciplinary action shall be
12042 prima facie evidence of such action);



12043 (e) Has negligently or willfully practiced nursing in a
12044 manner that fails to meet generally accepted standards of such
12045 nursing practice;

12046 (f) Has negligently or willfully violated any order,
12047 rule or regulation of the board pertaining to nursing practice or
12048 licensure;

12049 (g) Has falsified or in a repeatedly negligent manner
12050 made incorrect entries or failed to make essential entries on
12051 records;

12052 (h) Is addicted to or dependent on alcohol or other
12053 habit-forming drugs or is a habitual user of narcotics,
12054 barbiturates, amphetamines, hallucinogens, or other drugs having
12055 similar effect, or has misappropriated any medication;

12056 (i) Has a physical, mental or emotional condition that
12057 renders the licensee unable to perform nursing services or duties
12058 with reasonable skill and safety;

12059 (j) Has engaged in any other conduct, whether of the
12060 same or of a different character from that specified in this
12061 article, that would constitute a crime as defined in Title 97 of
12062 the Mississippi Code of 1972, as now or hereafter amended, and
12063 that relates to such person's employment as a registered nurse or
12064 licensed practical nurse;

12065 (k) Engages in conduct likely to deceive, defraud or
12066 harm the public;



12067 (1) Engages in any unprofessional conduct as identified
12068 by the board in its rules;
12069 (m) Has violated any provision of this article;
12070 (n) Violation(s) of the provisions of Sections 41-121-1
12071 through 41-121-9 relating to deceptive advertisement by health
12072 care practitioners. This paragraph shall stand repealed on July
12073 1, 2025; or
12074 (o) Violation(s) of any provision of Title 41, Chapter
12075 141, Mississippi Code of 1972.
12076 (2) When the board finds any person unqualified because of
12077 any of the grounds set forth in subsection (1) of this section, it
12078 may enter an order imposing one or more of the following
12079 penalties:
12080 (a) Denying application for a license or other
12081 authorization to practice nursing or practical nursing;
12082 (b) Administering a reprimand;
12083 (c) Suspending or restricting the license or other
12084 authorization to practice as a registered nurse or licensed
12085 practical nurse for up to two (2) years without review;
12086 (d) Revoking the license or other authorization to
12087 practice nursing or practical nursing;
12088 (e) Requiring the discipline to submit to care,
12089 counseling or treatment by persons and/or agencies approved or
12090 designated by the board as a condition for initial, continued or



12091 renewed licensure or other authorization to practice nursing or
12092 practical nursing;

12093 (f) Requiring the discipline to participate in a
12094 program of education prescribed by the board as a condition for
12095 initial, continued or renewed licensure or other authorization to
12096 practice;

12097 (g) Requiring the discipline to practice under the
12098 supervision of a registered nurse for a specified period of time;
12099 or

12100 (h) Imposing a fine not to exceed Five Hundred Dollars
12101 (\$500.00).

12102 (3) In addition to the grounds specified in subsection (1)
12103 of this section, the board shall be authorized to suspend the
12104 license or privilege to practice of any licensee for being out of
12105 compliance with an order for support, as defined in Section
12106 93-11-153. The procedure for suspension of a license or privilege
12107 to practice for being out of compliance with an order for support,
12108 and the procedure for the reissuance or reinstatement of a license
12109 or privilege to practice suspended for that purpose, and the
12110 payment of any fees for the reissuance or reinstatement of a
12111 license or privilege to practice suspended for that purpose, shall
12112 be governed by Section 93-11-157 or 93-11-163, as the case may be.
12113 If there is any conflict between any provision of Section
12114 93-11-157 or 93-11-163 and any provision of this article, the



12115 provisions of Section 93-11-157 or 93-11-163, as the case may be,
12116 shall control.

12117 (4) If the public health, safety or welfare imperatively
12118 requires emergency action and the board incorporates a finding to
12119 that effect in an order, the board may order summary suspension of
12120 a license pending proceedings for revocation or other action.
12121 These proceedings shall be promptly instituted and determined by
12122 the board.

12123 (5) The board may establish by rule an alternative to
12124 discipline program for licensees who have an impairment as a
12125 result of substance abuse or a mental health condition, which
12126 program shall include at least the following components:

12127 (a) Participation in the program is voluntary with the
12128 licensee, and the licensee must enter the program before the board
12129 holds a disciplinary action hearing regarding the licensee;

12130 (b) The full cost of participation in the program,
12131 including the cost of any care, counseling, treatment and/or
12132 education received by the licensee, shall be borne by the
12133 licensee;

12134 (c) All of the procedures and records regarding the
12135 licensee's participation in the program shall be confidential,
12136 shall not be disclosed and shall be exempt from the provisions of
12137 the Mississippi Public Records Act of 1983; and



12138 (d) A licensee may not participate in the program more
12139 often than one (1) time during any period of five (5) years or
12140 such longer period as set by the board.

12141 (6) A nurse practitioner who provides a written
12142 certification as authorized under the Mississippi Medical Cannabis
12143 Act and in compliance with rules and regulations adopted
12144 thereunder shall not be subject to any disciplinary action under
12145 this section solely due to providing the written certification.

12146 **SECTION 132.** Section 73-3-339, Mississippi Code of 1972, is
12147 brought forward as follows:

12148 73-3-339. Whenever any attorney subject to the disciplinary
12149 jurisdiction of the court shall be convicted in any state court or
12150 in any federal court, or enter a plea of guilty or a plea of nolo
12151 contendere therein, of any felony other than manslaughter or any
12152 violation of the United States Internal Revenue Code, or of any
12153 offense involving fraud, dishonesty, misrepresentation, deceit,
12154 failure to account for money or property of a client, or of any
12155 offense involving moral turpitude, a certified copy of the
12156 judgment of conviction shall be presented to the court by the
12157 Board of Commissioners. Upon the presentation of such certified
12158 copy of judgment, the court shall forthwith strike the name of the
12159 attorney so convicted or who entered such a plea from the rolls of
12160 The Mississippi Bar and order his immediate suspension from
12161 practice, pending an appeal and final disposition of disciplinary
12162 proceedings. Such attorney will be reinstated immediately upon



12163 the reversal of his conviction for the offense that has resulted
12164 in his automatic suspension, but such reinstatement shall not
12165 terminate any disciplinary proceeding then pending against the
12166 attorney.

12167 A certified copy of the final judgment of conviction of an
12168 attorney for any offense hereinabove specified shall be conclusive
12169 evidence of his guilt of that offense in any disciplinary
12170 proceeding instituted against him and based on said conviction.

12171 Upon the conviction of an attorney, or the entry by him of a
12172 plea of nolo contendere, for the above offenses, excluding
12173 manslaughter or any violation of the United States Internal
12174 Revenue Code, the Board of Commissioners shall immediately direct
12175 complaint counsel to institute a disciplinary proceeding in which
12176 the sole issue to be determined will be the extent of the final
12177 discipline to be imposed; provided, however, a disciplinary
12178 proceeding so instituted shall not be brought to hearing until all
12179 appeals from such conviction have been concluded.

12180 The judge of any court within this state in which an attorney
12181 has been convicted for any of the above enumerated offenses shall
12182 cause to be transmitted to the court and to the Board of
12183 Commissioners a certified copy of the judgment of conviction.

12184 **SECTION 133.** Section 73-15-19, Mississippi Code of 1972, is
12185 brought forward as follows:



12186 73-15-19. (1) **Registered nurse applicant qualifications.**

12187 Any applicant for a license to practice as a registered nurse
12188 shall submit to the board:

12189 (a) An attested written application on a Board of
12190 Nursing form;

12191 (b) Written official evidence of completion of a
12192 nursing program approved by the Board of Trustees of State
12193 Institutions of Higher Learning, or one approved by a legal
12194 accrediting agency of another state, territory or possession of
12195 the United States, the District of Columbia, or a foreign country
12196 which is satisfactory to this board;

12197 (c) Evidence of competence in English related to
12198 nursing, provided the first language is not English;

12199 (d) Any other official records required by the board.

12200 In addition to the requirements specified in paragraphs (a)
12201 through (d) of this subsection, in order to qualify for a license
12202 to practice as a registered nurse, an applicant must have
12203 successfully been cleared for licensure through an investigation
12204 that shall consist of a determination as to good moral character
12205 and verification that the prospective licensee is not guilty of or
12206 in violation of any statutory ground for denial of licensure as
12207 set forth in Section 73-15-29 or guilty of any offense specified
12208 in Section 73-15-33. To assist the board in conducting its
12209 licensure investigation, all applicants shall undergo a
12210 fingerprint-based criminal history records check of the



12211 Mississippi central criminal database and the Federal Bureau of
12212 Investigation criminal history database. Each applicant shall
12213 submit a full set of his or her fingerprints in a form and manner
12214 prescribed by the board, which shall be forwarded to the
12215 Mississippi Department of Public Safety (department) and the
12216 Federal Bureau of Investigation Identification Division for this
12217 purpose.

12218 Any and all state or national criminal history records
12219 information obtained by the board that is not already a matter of
12220 public record shall be deemed nonpublic and confidential
12221 information restricted to the exclusive use of the board, its
12222 members, officers, investigators, agents and attorneys in
12223 evaluating the applicant's eligibility or disqualification for
12224 licensure, and shall be exempt from the Mississippi Public Records
12225 Act of 1983. Except when introduced into evidence in a hearing
12226 before the board to determine licensure, no such information or
12227 records related thereto shall, except with the written consent of
12228 the applicant or by order of a court of competent jurisdiction, be
12229 released or otherwise disclosed by the board to any other person
12230 or agency.

12231 The board shall provide to the department the fingerprints of
12232 the applicant, any additional information that may be required by
12233 the department, and a form signed by the applicant consenting to
12234 the check of the criminal records and to the use of the



12235 fingerprints and other identifying information required by the
12236 state or national repositories.

12237 The board shall charge and collect from the applicant, in
12238 addition to all other applicable fees and costs, such amount as
12239 may be incurred by the board in requesting and obtaining state and
12240 national criminal history records information on the applicant.

12241 The board may, in its discretion, refuse to accept the
12242 application of any person who has been convicted of a criminal
12243 offense under any provision of Title 97 of the Mississippi Code of
12244 1972, as now or hereafter amended, or any provision of this
12245 article.

12246 (2) **Licensure by examination.** (a) Upon the board being
12247 satisfied that an applicant for a license as a registered nurse
12248 has met the qualifications set forth in subsection (1) of this
12249 section, the board shall proceed to examine such applicant in such
12250 subjects as the board shall, in its discretion, determine. The
12251 subjects in which applicants shall be examined shall be in
12252 conformity with curricula in schools of nursing approved by the
12253 Board of Trustees of State Institutions of Higher Learning, or one
12254 approved by a legal accrediting agency of another state, territory
12255 or possession of the United States, the District of Columbia, or a
12256 foreign country which is satisfactory to the board.

12257 (b) The applicant shall be required to pass the written
12258 examination as selected by the board.



12259 (c) Upon successful completion of such examination, the
12260 board shall issue to the applicant a license to practice as a
12261 registered nurse.

12262 (d) The board may use any part or all of the state
12263 board test pool examination for registered nurse licensure, its
12264 successor examination, or any other nationally standardized
12265 examination identified by the board in its rules. The passing
12266 score shall be established by the board in its rules.

12267 (3) **Licensure by endorsement.** The board may issue a license
12268 to practice nursing as a registered nurse without examination to
12269 an applicant who has been duly licensed as a registered nurse
12270 under the laws of another state, territory or possession of the
12271 United States, the District of Columbia, or a foreign country if,
12272 in the opinion of the board, the applicant meets the
12273 qualifications required of licensed registered nurses in this
12274 state and has previously achieved the passing score or scores on
12275 the licensing examination required by this state, at the time of
12276 his or her graduation. The issuance of a license by endorsement
12277 to a military-trained applicant, military spouse or person who
12278 establishes residence in this state shall be subject to the
12279 provisions of Section 73-50-1 or 73-50-2, as applicable.

12280 (4) **Requirements for rewriting the examination.** The board
12281 shall establish in its rules the requirements for rewriting the
12282 examination for those persons failing the examination on the first
12283 writing or subsequent rewriting.



12284 (5) **Fee.** The applicant applying for a license by
12285 examination or by endorsement to practice as a registered nurse
12286 shall pay a fee not to exceed One Hundred Dollars (\$100.00) to the
12287 board.

12288 (6) **Temporary permit.** (a) The board may issue a temporary
12289 permit to practice nursing to a graduate of an approved school of
12290 nursing pending the results of the examination in Mississippi, and
12291 to a qualified applicant from another state, territory or
12292 possession of the United States, or District of Columbia, or
12293 pending licensure procedures as provided for elsewhere in this
12294 article. The fee shall not exceed Twenty-five Dollars (\$25.00).

12295 (b) The board may issue a temporary permit for a period
12296 of ninety (90) days to a registered nurse who is currently
12297 licensed in another state, territory or possession of the United
12298 States or the District of Columbia and who is an applicant for
12299 licensure by endorsement. Such permit is not renewable except by
12300 board action. The issuance of a temporary permit to a
12301 military-trained applicant, military spouse or person who
12302 establishes residence in this state shall be subject to the
12303 provisions of Section 73-50-1 or 73-50-2, as applicable.

12304 (c) The board may issue a temporary permit to a
12305 graduate of an approved school of nursing pending the results of
12306 the first licensing examination scheduled after application. Such
12307 permit is not renewable except by board action.



12308 (d) The board may issue a temporary permit for a period
12309 of thirty (30) days to any registered nurse during the time
12310 enrolled in a nursing reorientation program. This time period may
12311 be extended by board action. The fee shall not exceed Twenty-five
12312 Dollars (\$25.00).

12313 (e) The board may adopt such regulations as are
12314 necessary to limit the practice of persons to whom temporary
12315 permits are issued.

12316 (7) **Temporary license.** The board may issue a temporary
12317 license to practice nursing at a youth camp licensed by the State
12318 Board of Health to nonresident registered nurses and retired
12319 resident registered nurses under the provisions of Section
12320 75-74-8.

12321 (8) **Title and abbreviation.** Any person who holds a license
12322 or holds the privilege to practice as a registered nurse in this
12323 state shall have the right to use the title "registered nurse" and
12324 the abbreviation "R.N." No other person shall assume such title
12325 or use such abbreviation, or any words, letters, signs or devices
12326 to indicate that the person using the same is a registered nurse.

12327 (9) **Registered nurses licensed under a previous law.** Any
12328 person holding a license to practice nursing as a registered nurse
12329 issued by this board which is valid on July 1, 1981, shall
12330 thereafter be deemed to be licensed as a registered nurse under
12331 the provisions of this article upon payment of the fee provided in
12332 Section 73-15-27.



12333 (10) Each application or filing made under this section
12334 shall include the social security number(s) of the applicant in
12335 accordance with Section 93-11-64.

12336 **SECTION 134.** Section 73-15-21, Mississippi Code of 1972, is
12337 brought forward as follows:

12338 73-15-21. (1) **Licensed practical nurse applicant**
12339 **qualifications.** Any applicant for a license to practice practical
12340 nursing as a licensed practical nurse shall submit to the board:

12341 (a) An attested written application on a Board of
12342 Nursing form;

12343 (b) A diploma from an approved high school or the
12344 equivalent thereof, as determined by the appropriate educational
12345 agency;

12346 (c) Written official evidence of completion of a
12347 practical nursing program approved by the State Department of
12348 Education through its Division of Vocational Education, or one
12349 approved by a legal accrediting agency of another state, territory
12350 or possession of the United States, the District of Columbia, or a
12351 foreign country which is satisfactory to this board;

12352 (d) Evidence of competence in English related to
12353 nursing, provided the first language is not English;

12354 (e) Any other official records required by the board.

12355 In addition to the requirements specified in paragraphs (a)
12356 through (e) of this subsection, in order to qualify for a license
12357 to practice practical nursing as a licensed practical nurse, an



12358 applicant must have successfully been cleared for licensure
12359 through an investigation that shall consist of a determination as
12360 to good moral character and verification that the prospective
12361 licensee is not guilty of or in violation of any statutory ground
12362 for denial of licensure as set forth in Section 73-15-29 or guilty
12363 of any offense specified in Section 73-15-33. To assist the board
12364 in conducting its licensure investigation, all applicants shall
12365 undergo a fingerprint-based criminal history records check of the
12366 Mississippi central criminal database and the Federal Bureau of
12367 Investigation criminal history database. Each applicant shall
12368 submit a full set of his or her fingerprints in a form and manner
12369 prescribed by the board, which shall be forwarded to the
12370 Mississippi Department of Public Safety (department) and the
12371 Federal Bureau of Investigation Identification Division for this
12372 purpose.

12373 Any and all state or national criminal history records
12374 information obtained by the board that is not already a matter of
12375 public record shall be deemed nonpublic and confidential
12376 information restricted to the exclusive use of the board, its
12377 members, officers, investigators, agents and attorneys in
12378 evaluating the applicant's eligibility or disqualification for
12379 licensure, and shall be exempt from the Mississippi Public Records
12380 Act of 1983. Except when introduced into evidence in a hearing
12381 before the board to determine licensure, no such information or
12382 records related thereto shall, except with the written consent of



12383 the applicant or by order of a court of competent jurisdiction, be
12384 released or otherwise disclosed by the board to any other person
12385 or agency.

12386 The board shall provide to the department the fingerprints of
12387 the applicant, any additional information that may be required by
12388 the department, and a form signed by the applicant consenting to
12389 the check of the criminal records and to the use of the
12390 fingerprints and other identifying information required by the
12391 state or national repositories.

12392 The board shall charge and collect from the applicant, in
12393 addition to all other applicable fees and costs, such amount as
12394 may be incurred by the board in requesting and obtaining state and
12395 national criminal history records information on the applicant.

12396 The board may, in its discretion, refuse to accept the
12397 application of any person who has been convicted of a criminal
12398 offense under any provision of Title 97 of the Mississippi Code of
12399 1972, as now or hereafter amended, or any provision of this
12400 article.

12401 (2) **Licensure by examination.** (a) Upon the board being
12402 satisfied that an applicant for a license as a practical nurse has
12403 met the qualifications set forth in subsection (1) of this
12404 section, the board shall proceed to examine such applicant in such
12405 subjects as the board shall, in its discretion, determine. The
12406 subjects in which applicants shall be examined shall be in



12407 conformity with curricula in schools of practical nursing approved
12408 by the State Department of Education.

12409 (b) The applicant shall be required to pass the written
12410 examination selected by the board.

12411 (c) Upon successful completion of such examination, the
12412 board shall issue to the applicant a license to practice as a
12413 licensed practical nurse.

12414 (d) The board may use any part or all of the state
12415 board test pool examination for practical nurse licensure, its
12416 successor examination, or any other nationally standardized
12417 examination identified by the board in its rules. The passing
12418 score shall be established by the board in its rules.

12419 (3) **Licensure by endorsement.** The board may issue a license
12420 to practice practical nursing as a licensed practical nurse
12421 without examination to an applicant who has been duly licensed as
12422 a licensed practical nurse under the laws of another state,
12423 territory or possession of the United States, the District of
12424 Columbia, or a foreign country if, in the opinion of the board,
12425 the applicant meets the qualifications required of licensed
12426 practical nurses in this state and has previously achieved the
12427 passing score or scores on the licensing examination required by
12428 this state at the time of his or her graduation. The issuance of
12429 a license by endorsement to a military-trained applicant, military
12430 spouse or person who establishes residence in this state shall be



12431 subject to the provisions of Section 73-50-1 or 73-50-2, as
12432 applicable.

12433 (4) **Licensure by equivalent amount of theory and clinical**
12434 **experience.** In the discretion of the board, former students of a
12435 state-accredited school preparing students to become registered
12436 nurses may be granted permission to take the examination for
12437 licensure to practice as a licensed practical nurse, provided the
12438 applicant's record or transcript indicates the former student
12439 completed an equivalent amount of theory and clinical experiences
12440 as required of a graduate of a practical nursing program, and
12441 provided the school attended was, at the time of the student's
12442 attendance, an accredited school of nursing.

12443 (5) **Requirements for rewriting the examination.** The board
12444 shall establish in its rules the requirements for rewriting the
12445 examination for those persons failing the examination on the first
12446 writing or subsequent writing.

12447 (6) **Fee.** The applicant applying for a license by
12448 examination or by endorsement to practice as a licensed practical
12449 nurse shall pay a fee not to exceed Sixty Dollars (\$60.00) to the
12450 board.

12451 (7) **Temporary permit.** (a) The board may issue a temporary
12452 permit to practice practical nursing to a graduate of an approved
12453 school of practical nursing pending the results of the examination
12454 in Mississippi, and to a qualified applicant from another state,
12455 territory or possession of the United States, or the District of



12456 Columbia, pending licensing procedures as provided for elsewhere
12457 in this article. The fee shall not exceed Twenty-five Dollars
12458 (\$25.00).

12459 (b) The board may issue a temporary permit for a period
12460 of ninety (90) days to a licensed practical nurse who is currently
12461 licensed in another state, territory or possession of the United
12462 States or the District of Columbia and who is an applicant for
12463 licensure by endorsement. Such permit is not renewable except by
12464 board action. The issuance of a temporary permit to a
12465 military-trained applicant, military spouse or person who
12466 establishes residence in this state shall be subject to the
12467 provisions of Section 73-50-1 or 73-50-2, as applicable.

12468 (c) The board may issue a temporary permit to a
12469 graduate of an approved practical nursing education program or an
12470 equivalent program satisfactory to the board pending the results
12471 of the first licensing examination scheduled after application.
12472 Such permit is not renewable except by board action.

12473 (d) The board may issue a temporary permit for a period
12474 of thirty (30) days to any licensed practical nurse during the
12475 time enrolled in a nursing reorientation program. This time
12476 period may be extended by board action. The fee shall not exceed
12477 Twenty-five Dollars (\$25.00).

12478 (e) The board may adopt such regulations as are
12479 necessary to limit the practice of persons to whom temporary
12480 permits are issued.



12481 (8) **Title and abbreviation.** Any person who holds a license
12482 or holds the privilege to practice as a licensed practical nurse
12483 in this state shall have the right to use the title "licensed
12484 practical nurse" and the abbreviation "L.P.N." No other person
12485 shall assume such title or use such abbreviation, or any words,
12486 letters, signs or devices to indicate that a person using the same
12487 is a licensed practical nurse.

12488 (9) **Licensed practical nurses licensed under a previous law.**
12489 Any person holding a license to practice nursing as a practical
12490 nurse issued by this board which is valid on July 1, 1981, shall
12491 thereafter be deemed to be licensed as a practical nurse under the
12492 provisions of this article upon payment of the fee prescribed in
12493 Section 73-15-27.

12494 (10) Each application or filing made under this section
12495 shall include the social security number(s) of the applicant in
12496 accordance with Section 93-11-64.

12497 **SECTION 135.** This act shall take effect and be in force from
12498 and after July 1, 2025.

