

By: Senator(s) Bryan

To: Public Health and
Welfare

SENATE BILL NO. 2699

1 AN ACT TO AMEND SECTION 41-121-11, MISSISSIPPI CODE OF 1972,
2 TO EXTEND THE DATE OF THE REPEALER ON THE PATIENT'S RIGHT TO
3 INFORMED HEALTH CARE CHOICES ACT RELATING TO ADVERTISEMENTS FOR
4 HEALTH CARE SERVICES; TO BRING FORWARD SECTIONS 41-121-1 THROUGH
5 41-21-9, MISSISSIPPI CODE OF 1972, FOR THE PURPOSE OF POSSIBLE
6 AMENDMENT; TO AMEND SECTIONS 73-6-19, 73-9-61, 73-15-29, 73-21-97,
7 73-26-5, 73-27-13 AND 73-39-77, MISSISSIPPI CODE OF 1972, TO
8 EXTEND THE DATE OF THE REPEALERS ON THE PROVISIONS THAT MAKE
9 VIOLATIONS OF THE PATIENT'S RIGHT TO INFORMED HEALTH CARE CHOICES
10 ACT BY HEALTH CARE PRACTITIONERS SPECIFIC GROUNDS FOR DISCIPLINARY
11 ACTION AGAINST LICENSEES; TO AMEND SECTION 73-19-23, MISSISSIPPI
12 CODE OF 1972, TO EXTEND THE DATE OF THE REPEALER AND TO REQUIRE
13 THE BOARD OF OPTOMETRY TO CONDUCT CRIMINAL HISTORY RECORDS CHECKS
14 ON LICENSURE APPLICANTS AND ON LICENSEES WHOSE LICENSURE IS
15 SUBJECT TO INVESTIGATION BY THE BOARD; AND FOR RELATED PURPOSES.

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

17 **SECTION 1.** Section 41-121-11, Mississippi Code of 1972, is
18 amended as follows:

19 41-121-11. Sections 41-121-1 through 41-121-9 shall stand
20 repealed on July 1, * * * 2029.

21 **SECTION 2.** Section 41-121-1, Mississippi Code of 1972, is
22 brought forward as follows:

23 41-121-1. This chapter shall be known and may be cited as
24 "The Patient's Right to Informed Health Care Choices Act."



25 **SECTION 3.** Section 41-121-3, Mississippi Code of 1972, is
26 brought forward as follows:

27 41-121-3. The Legislature finds and declares that:

28 (a) There are a multitude of professional degrees using
29 the term "doctor," including Medical Doctor (M.D.); Doctor of
30 Osteopathic Medicine (D.O.); Doctor of Dental Surgery (D.D.S.);
31 Doctor of Podiatric Medicine (D.P.M.); Doctor of Optometry (O.D.);
32 Doctor of Chiropractic (D.C.); Doctor of Nursing Practice
33 (D.N.P.); Doctor of Pharmacy (Pharm.D.); and other designations
34 which may be used by health care practitioners.

35 (b) Choosing a health care provider is one of the most
36 important decisions a patient makes, which should be supported by
37 full disclosure from their health care provider. There are
38 differences regarding the training and qualifications required to
39 earn the professional degrees described in and subject to this
40 chapter. These differences often concern the training and skills
41 necessary to correctly detect, diagnose, prevent and treat serious
42 health care conditions.

43 (c) There is a compelling state interest in patients
44 being promptly and clearly informed of the actual training and
45 qualifications of their health care practitioners who provide
46 health care services. This chapter aims to provide public
47 protection against potentially misleading and deceptive health
48 care advertising that causes patients to have undue expectations
49 regarding their medical treatments and outcomes.



SECTION 4. Section 41-121-5, Mississippi Code of 1972, is brought forward as follows:

41-121-5. For the purposes of this chapter:

(a) "Advertisement" means any communication or statement, whether printed, electronic or oral, that names the health care practitioner in relation to his or her practice, profession, or institution in which the individual is employed, volunteers or otherwise provides health care services. This includes business cards, letterhead, patient brochures, email, Internet, audio and video, and any other communication or statement used in the course of business or any other definition provided by regulations of the licensing board of proper jurisdiction.

(b) "Deceptive" or "misleading" includes, but is not limited to, any advertisement or affirmative communication or representation that misstates, falsely describes, holds out or falsely details the health care practitioner's profession, skills, training, expertise, education, board certification or licensure as determined by each respective licensing board.

(c) "Health care practitioner" means any person who engages in acts that are the subject of licensure or regulation. Categories of health care practitioner include:

(i) Practitioners of allopathic medicine, signified by the letters "M.D." or the words surgeon, medical



74 doctor, or doctor of medicine by a person licensed to practice
75 medicine and surgery.

76 (ii) Practitioners of osteopathic medicine,
77 signified by the letters "D.O." or the words surgeon, osteopathic
78 surgeon, osteopath, doctor of osteopathy, or doctor of osteopathic
79 medicine.

80 (iii) Practitioners of nursing, signified by the
81 letters "D.N.P.," "N.P.," "R.N.," "L.P.N.," "C.R.N.A.," or any
82 other commonly used signifier to denote a doctorate of nursing
83 practice, nurse practitioner, registered nurse, licensed practical
84 nurse, or certified registered nurse anesthetist, respectively, as
85 appropriate to signify the appropriate degree of licensure and
86 degree earned from a regionally accredited institution of higher
87 education in the appropriate field of learning.

88 (iv) Practitioners of podiatry, signified by the
89 letters "D.P.M." or the words podiatrist, doctor of podiatry,
90 podiatric surgeon, or doctor of podiatric medicine.

91 (v) Practitioners of chiropractic, signified by
92 the letters "D.C." or the words chiropractor, doctor of
93 chiropractic or chiropractic physician.

94 (vi) Practitioners of dentistry, signified by the
95 letters "D.D.S." or "D.M.D.," as appropriate, or the words
96 dentist, doctor of dental surgery, or doctor of dental medicine,
97 as appropriate.



(vii) Practitioners of optometry, signified by the letters "O.D." or the words optometrist or doctor of optometry.

(viii) Practitioners of pharmacy, signified by the letters "BSc.Pharm" or "Pharm.D." or the words pharmacists or doctor of pharmacy.

(ix) Physician assistants, signified by the letters "P.A." or the words physician assistant.

(x) Medical assistants, signified by the letters "M.A." or the words medical assistant.

(xi) Practitioners of audiology, signified by the letters "Au.D.," "Sc.D." or "Ph.D.," or the words audiologist or doctor of audiology.

(xii) Psychologists, therapists, speech-language pathologists, counselors, or any other health care practitioner not covered under this section, including, but not limited to, those signified by the letters "Ph.D.," "Ed.D.," "P.T.," "M.P.T." or "Psy.D.," or "Sc.D.," as appropriate to signify the appropriate degree of licensure and degree earned from a regionally accredited institution of higher education in the appropriate field of learning.

(d) "Licensee" means a health care practitioner who holds an active license with the licensing board governing his or her practice in this state.

SECTION 5. Section 41-121-7, Mississippi Code of 1972, is brought forward as follows:



41-121-7. (1) An advertisement for health care services that names a health care practitioner must identify the type of license held according to the definitions under this chapter. The advertisement shall be free from any and all deceptive or misleading information.

(2) A health care practitioner providing health care services in this state must conspicuously post in their office and affirmatively communicate the practitioner's specific licensure as defined under this chapter. This shall consist of the following: The health care practitioner shall display in his or her office a writing that clearly identifies the type of license held by the health care practitioner. The writing must be of sufficient size so as to be visible and apparent to all current and prospective patients.

(3) A health care practitioner who practices in more than one (1) office shall be required to comply with these requirements in each practice setting.

(4) Health care practitioners working in nonpatient care settings, and who do not have any direct patient care interactions, are not subject to the provisions of this chapter.

SECTION 6. Section 41-121-9, Mississippi Code of 1972, is brought forward as follows:

41-121-9. (1) Failure to comply with any provision under this section shall constitute a violation under this chapter.



147 (2) Knowingly aiding, assisting, procuring, employing or
148 advising any unlicensed person or entity to practice or engage in
149 acts contrary to the health care practitioner's degree of
150 licensure shall constitute a violation under this chapter.

151 (3) Delegating or contracting for the performance of health
152 care services by a health care practitioner when the licensee
153 delegating or contracting for performance knows, or has reason to
154 know, the person does not have the required authority under the
155 person's licensure, shall constitute a violation under this
156 chapter.

157 (4) Violations of this chapter relating to practitioners of
158 pharmacy shall be regulated in accordance with the restrictions on
159 the use of business name for pharmacists in Section 73-21-109.

160 (5) Each day that this chapter is violated shall constitute
161 a separate offense and shall be punishable as such.

162 (6) Any health care practitioner who violates any provision
163 under this chapter is guilty of unprofessional conduct and subject
164 to disciplinary action under the appropriate licensure provisions
165 governing the respective health care practitioner.

166 (7) Any and all fees and other amounts billed to and paid by
167 the patient may be effectively rescinded and refunded. This
168 includes third parties contracted to collect fees on behalf of the
169 health care practitioner, the health care practitioner's employer,
170 or other entity contracting with the health care practitioner as
171 determined by each respective licensing board.



(8) The imposition of professional sanctions, administrative fees or other disciplinary actions shall be publicly reported by the governmental administrative body of proper jurisdiction at its discretion.

(9) Notwithstanding the imposition of any penalty, a professional licensing board or other administrative agency with jurisdiction may seek an injunction or other legal means as appropriate against a person or entity violating this chapter as determined by each respective licensing board.

(10) A licensing board may only enforce violations of this chapter with licensees that are subject to its jurisdiction.

SECTION 7. Section 73-6-19, Mississippi Code of 1972, is amended as follows:

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

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

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

(c) Fraud or deceit in obtaining a license;



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

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

202 (f) Unprofessional and unethical conduct;

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

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

210 (i) Advising a patient to use drugs, prescribing or
211 providing drugs for a patient, or advising a patient not to use a
212 drug prescribed by a licensed physician or dentist;

213 (j) Professional incompetency in the practice of
214 chiropractic;

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

217 (l) Offering to accept or accepting payment for
218 services rendered by assignment from any third-party payor after
219 offering to accept or accepting whatever the third-party payor
220 covers as payment in full, if the effect of the offering or



acceptance is to eliminate or give the impression of eliminating the need for payment by an insured of any required deductions applicable in the policy of the insured;

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

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

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

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

(q) Violation(s) of the provisions of Sections 41-121-1 through 41-121-9 relating to deceptive advertisement by health care practitioners. This paragraph shall stand repealed on July 1, * * * 2029.

(2) Any holder of such certificate or any applicant therefor against whom is preferred any of the designated charges shall be furnished a copy of the complaint and shall receive a formal hearing in Jackson, Mississippi, before the board, at which time he may be represented by counsel and examine witnesses. The board is authorized to administer oaths as may be necessary for the proper conduct of any such hearing. In addition, the board is



246 authorized and empowered to issue subpoenas for the attendance of
247 witnesses and the production of books and papers. The process
248 issued by the board shall extend to all parts of the state. Where
249 in any proceeding before the board any witness shall fail or
250 refuse to attend upon subpoena issued by the board, shall refuse
251 to testify, or shall refuse to produce any books and papers, the
252 production of which is called for by the subpoena, the attendance
253 of such witness and the giving of his testimony and the production
254 of the books and papers shall be enforced by any court of
255 competent jurisdiction of this state in the manner provided for
256 the enforcement of attendance and testimony of witnesses in civil
257 cases in the courts of this state.

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

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

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



(b) Administer a public or private reprimand;

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

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

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

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

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

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



296 appeal to the Supreme Court as provided by law from any decision
297 of the circuit court.

298 (6) In a proceeding conducted under this section by the
299 board for the revocation, suspension or cancellation of a license
300 to practice chiropractic, after a hearing has been conducted as
301 prescribed by this section, the board shall have the power and
302 authority for the grounds stated in subsection (1) of this
303 section, with the exception of paragraph (c) thereof, to assess
304 and levy upon any person licensed to practice chiropractic in the
305 state a monetary penalty in lieu of such revocation, suspension or
306 cancellation, as follows:

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

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

314 The power and authority of the board to assess and levy such
315 monetary penalties under this section shall not be affected or
316 diminished by any other proceeding, civil or criminal, concerning
317 the same violation or violations. A licensee shall have the right
318 of appeal from the assessment and levy of a monetary penalty as
319 provided in this section to the circuit court under the same
320 conditions as a right of appeal is provided for in this section



for appeals from an adverse ruling, or order, or decision of the board. Any monetary penalty assessed and levied under this section shall not take effect until after the time for appeal has expired, and an appeal of the assessment and levy of such a monetary penalty shall act as a supersedeas.

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



SECTION 8. Section 73-9-61, Mississippi Code of 1972, is amended as follows:

73-9-61. (1) Upon satisfactory proof, and in accordance with statutory provisions elsewhere set out for such hearings and protecting the rights of the accused as well as the public, the State Board of Dental Examiners may deny the issuance or renewal of a license or may revoke or suspend the license of any licensed dentist or dental hygienist practicing in the State of Mississippi, or take any other action in relation to the license as the board may deem proper under the circumstances, for any of the following reasons:

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

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

(c) Being impaired in the ability to practice dentistry or dental hygiene with reasonable skill and safety to patients by reason of illness or use of alcohol, drugs, narcotics, chemicals,



or any other type of material or as a result of any mental or physical condition.

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

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

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

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

(h) Being convicted or found guilty of or entering a plea of nolo contendere to, regardless of adjudication, a felony in any jurisdiction, a certified copy of the conviction order or



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

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

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

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

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

(i) Committing any crime involving moral turpitude.

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



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

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

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

429 (m) Failure to provide and maintain reasonable sanitary
430 facilities and conditions or failure to follow board rules
431 regarding infection control.

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

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

437 (ii) Conduct of a licensee that is intended to
438 intimidate, coerce, influence or trick any person employed by or
439 for the licensee in a dental practice or educational setting for
440 the purpose of engaging in sexual activity or activity intended
441 for the sexual gratification of the licensee.

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



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

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

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

451 (r) Violation(s) of the provisions of Sections 41-121-1
452 through 41-121-9 relating to deceptive advertisement by health
453 care practitioners. This paragraph shall stand repealed on July
454 1, * * * 2029.

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

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



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

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

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

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

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



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

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

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

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

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



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

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

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



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

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

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

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

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

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

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



569 revoked in any jurisdiction, has voluntarily surrendered such
570 license or privilege to practice in any jurisdiction, has been
571 placed on probation as a registered nurse or licensed practical
572 nurse in any jurisdiction or has been placed under a disciplinary
573 order(s) in any manner as a registered nurse or licensed practical
574 nurse in any jurisdiction, (a certified copy of the order of
575 suspension, revocation, probation or disciplinary action shall be
576 prima facie evidence of such action);

577 (e) Has negligently or willfully practiced nursing in a
578 manner that fails to meet generally accepted standards of such
579 nursing practice;

580 (f) Has negligently or willfully violated any order,
581 rule or regulation of the board pertaining to nursing practice or
582 licensure;

583 (g) Has falsified or in a repeatedly negligent manner
584 made incorrect entries or failed to make essential entries on
585 records;

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

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



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

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

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

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

604 (n) Violation(s) of the provisions of Sections 41-121-1
605 through 41-121-9 relating to deceptive advertisement by health
606 care practitioners. This paragraph shall stand repealed on July
607 1, * * * 2029; or

608 (o) Violation(s) of any provision of Title 41, Chapter
609 141, Mississippi Code of 1972.

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

614 (a) Denying application for a license or other
615 authorization to practice nursing or practical nursing;

616 (b) Administering a reprimand;



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

620 (d) Revoking the license or other authorization to
621 practice nursing or practical nursing;

622 (e) Requiring the disciplinee to submit to care,
623 counseling or treatment by persons and/or agencies approved or
624 designated by the board as a condition for initial, continued or
625 renewed licensure or other authorization to practice nursing or
626 practical nursing;

627 (f) Requiring the disciplinee to participate in a
628 program of education prescribed by the board as a condition for
629 initial, continued or renewed licensure or other authorization to
630 practice;

631 (g) Requiring the disciplinee to practice under the
632 supervision of a registered nurse for a specified period of time;
633 or

634 (h) Imposing a fine not to exceed Five Hundred Dollars
635 (\$500.00).

636 (3) In addition to the grounds specified in subsection (1)
637 of this section, the board shall be authorized to suspend the
638 license or privilege to practice of any licensee for being out of
639 compliance with an order for support, as defined in Section
640 93-11-153. The procedure for suspension of a license or privilege
641 to practice for being out of compliance with an order for support,



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

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

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

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

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



666 education received by the licensee, shall be borne by the
667 licensee;

668 (c) All of the procedures and records regarding the
669 licensee's participation in the program shall be confidential,
670 shall not be disclosed and shall be exempt from the provisions of
671 the Mississippi Public Records Act of 1983; and

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

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

680 **SECTION 10.** Section 73-21-97, Mississippi Code of 1972, is
681 amended as follows:

682 73-21-97. (1) The board may refuse to issue or renew, or
683 may suspend, reprimand, revoke or restrict the license,
684 registration or permit of any person upon one or more of the
685 following grounds:

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

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



691 (c) Being found guilty by a court of competent
692 jurisdiction of one or more of the following:
693 (i) A felony;
694 (ii) Any act involving moral turpitude or gross
695 immorality; or
696 (iii) Violation of pharmacy or drug laws of this
697 state or rules or regulations pertaining thereto, or of statutes,
698 rules or regulations of any other state or the federal government;
699 (d) Fraud or intentional misrepresentation by a
700 licensee or permit holder in securing the issuance or renewal of a
701 license or permit;
702 (e) Engaging or aiding and abetting an individual to
703 engage in the practice of pharmacy without a license;
704 (f) Violation of any of the provisions of this chapter
705 or rules or regulations adopted pursuant to this chapter;
706 (g) Failure to comply with lawful orders of the board;
707 (h) Negligently or willfully acting in a manner
708 inconsistent with the health or safety of the public;
709 (i) Addiction to or dependence on alcohol or controlled
710 substances or the unauthorized use or possession of controlled
711 substances;
712 (j) Misappropriation of any prescription drug;
713 (k) Being found guilty by the licensing agency in
714 another state of violating the statutes, rules or regulations of
715 that jurisdiction;



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

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

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

(o) Violation(s) of the provisions of Sections 41-121-1 through 41-121-9 relating to deceptive advertisement by health care practitioners. This paragraph shall stand repealed on July 1, * * * 2029.

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

(3) In addition to the grounds specified in subsection (1) of this section, the board shall be authorized to suspend the license, registration or permit of any person for being out of compliance with an order for support, as defined in Section 93-11-153. The procedure for suspension of a license, registration or permit for being out of compliance with an order for support, and the procedure for the reissuance or reinstatement of a license, registration or permit suspended for that purpose, and the payment of any fees for the reissuance or reinstatement of a license, registration or permit 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 11. Section 73-26-5, Mississippi Code of 1972, is amended as follows:

73-26-5. (1) The board shall promulgate and publish reasonable rules and regulations necessary to enable it to discharge its functions and to enforce the provisions of law regulating the practice of physician assistants. Those rules shall include, but are not limited to: qualifications for licensure for physician assistants; scope of practice of physician assistants; supervision of physician assistants; identification of physician assistants; grounds for disciplinary actions and discipline of physician assistants, which through June 30, * * * 2029, shall specifically include discipline for violation(s) of the provisions of Sections 41-121-1 through 41-121-9 relating to deceptive advertisement by health care practitioners; and setting and charging reasonable fees for licensure and license renewals for physician assistants. However, nothing in this chapter or in rules adopted by the board shall authorize physician assistants to administer or monitor general inhaled anesthesia, epidural anesthesia, spinal anesthesia or monitored anesthesia as utilized in surgical procedures. In addition, the board shall not adopt



any rule or regulation or impose any requirement regarding the licensing of physician assistants that conflicts with the prohibitions in Section 73-49-3. The board shall promulgate rules for licensure and license renewals in accordance with Section 33-1-39.

(2) If the board appoints a task force or committee to address physician assistant regulation, at least one (1) member of the task force shall be a nurse practitioner who is a member of the Mississippi Board of Nursing or a nurse practitioner appointee selected by the board from a list of three (3) recommendations submitted by the Mississippi Nurses Association, and at least one (1) member shall be a physician assistant selected by the board from a list of three (3) recommendations submitted by the Mississippi Academy of Physician Assistants.

SECTION 12. Section 73-27-13, Mississippi Code of 1972, is amended as follows:

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

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

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



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

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

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

801 (f) Conviction of a felony or misdemeanor involving
802 moral turpitude.

803 (g) Obtaining or attempting to obtain a license by
804 fraud or deception.

805 (h) Unprofessional conduct, which includes, but is not
806 limited to:

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

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

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

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



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

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

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

832 (i) The refusal of a licensing authority of another
833 state to issue or renew a license, permit or certificate to
834 practice podiatry in that state or the revocation, suspension or
835 other restriction imposed on a license, permit or certificate
836 issued by such licensing authority which prevents or restricts
837 practice in that state.

838 (j) Violation(s) of the provisions of Sections 41-121-1
839 through 41-121-9 relating to deceptive advertisement by health



care practitioners. This paragraph shall stand repealed on July 1, * * * 2029.

(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 13. Section 73-39-77, Mississippi Code of 1972, is amended as follows:

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

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

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

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

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

(i) Any felony;

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

(iii) Any crime of moral turpitude;



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

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

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

(f) Aiding the unlawful practice of veterinary medicine.

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

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

(i) Failure to keep accurate patient records.

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

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



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

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

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

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

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

(q) Violations of state or federal drug laws.

(r) Violations of any order of the board.

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

(t) Violation(s) of the provisions of Sections 41-121-1 through 41-121-9 relating to deceptive advertisement by health care practitioners. This paragraph shall stand repealed on July 1, * * * 2029.

(2) A certified copy of any judgment of conviction or finding of guilt by a court of competent jurisdiction or by a governmental agency, or agency authorized to issue licenses or



937 permits, including the United States Department of Agriculture,
938 Animal and Plant Health Inspection Service, the Mississippi Board
939 of Animal Health and the Mississippi Board of Health, of a
940 veterinarian or veterinary technician of any matters listed in
941 this section shall be admissible in evidence in any hearing held
942 by the board to discipline such veterinarian or technician and
943 shall constitute prima facie evidence of the commission of any
944 such act.

945 **SECTION 14.** Section 73-19-23, Mississippi Code of 1972, is
946 amended as follows:

947 73-19-23. (1) (a) The board shall refuse to grant a
948 certificate of licensure to any applicant and may cancel, revoke
949 or suspend the operation of any certificate by it granted for any
950 or all of the following reasons: unprofessional and unethical
951 conduct or the conviction of a crime involving moral turpitude,
952 habitual intemperance in the use of ardent spirits, or stimulants,
953 narcotics, or any other substance that impairs the intellect and
954 judgment to such an extent as to incapacitate one for the
955 performance of the duties of an optometrist. The certificate of
956 licensure of any person can be revoked for violating any section
957 of this chapter.

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



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

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

(iii) The board shall provide to the department the fingerprints of the applicant or licensee, any additional information that may be required by the department, and a form signed by the applicant consenting to the check of the criminal



records and to the use of the fingerprints and other identifying information required by the state or national repositories.

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

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

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

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

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

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

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



1010 (f) Making a false or misleading statement regarding
1011 his or her skill or the efficacy or value of the medicine, device,
1012 treatment or remedy prescribed by him or her or used at his or her
1013 direction in the treatment of any disease or other condition.

1014 (g) Willfully or negligently violating the
1015 confidentiality between doctor and patient, except as required by
1016 law.

1017 (h) Negligence or gross incompetence in the practice of
1018 optometry as determined by the board.

1019 (i) Being found to be a person with mental illness or
1020 with an intellectual disability by any court of competent
1021 jurisdiction.

1022 (j) The use of any false, fraudulent, deceptive or
1023 misleading statement in any document connected with the practice
1024 of optometry.

1025 (k) Aiding or abetting the practice of optometry by an
1026 unlicensed, incompetent or impaired person.

1027 (l) Commission of any act of sexual abuse, misconduct
1028 or exploitation related to the licensee's practice of optometry.

1029 (m) Being addicted or habituated to a drug or
1030 intoxicant.

1031 (n) Violating any state or federal law or regulation
1032 relating to a drug legally classified as a controlled substance.

1033 (o) Obtaining any fee by fraud, deceit or
1034 misrepresentation.



1035 (p) Disciplinary action of another state or
1036 jurisdiction against a licensee or other authorization to practice
1037 optometry based upon acts or conduct by the licensee similar to
1038 acts or conduct that would constitute grounds for action as
1039 defined in this chapter, a certified copy of the record of the
1040 action taken by the other state or jurisdiction being conclusive
1041 evidence thereof.

1042 (q) Failure to report to the board the relocation of
1043 his or her office in or out of the jurisdiction, or to furnish
1044 floor plans as required by regulation.

1045 (r) Violation of any provision(s) of the Optometry
1046 Practice Act or the rules and regulations of the board or of an
1047 action, stipulation or agreement of the board.

1048 (s) To advertise in a manner that tends to deceive,
1049 mislead or defraud the public.

1050 (t) The designation of any person licensed under this
1051 chapter, other than by the terms "optometrist," "Doctor of
1052 Optometry" or "O.D.," which through June 30, * * * 2029, shall
1053 include any violation(s) of the provisions of Sections 41-121-1
1054 through 41-121-9 relating to deceptive advertisement by health
1055 care practitioners.

1056 (u) To knowingly submit or cause to be submitted any
1057 misleading, deceptive or fraudulent representation on a claim
1058 form, bill or statement.



1059 (v) To practice or attempt to practice optometry while
1060 his or her license is suspended.

1061 (3) Any person who is a holder of a certificate of licensure
1062 or who is an applicant for examination for a certificate of
1063 licensure, against whom is preferred any charges, shall be
1064 furnished by the board with a copy of the complaint and shall have
1065 a hearing in Jackson, Mississippi, before the board, at which
1066 hearing he may be represented by counsel. At the hearing,
1067 witnesses may be examined for and against the accused respecting
1068 those charges, and the hearing orders or appeals will be conducted
1069 according to the procedure now provided in Section 73-25-27. The
1070 suspension of a certificate of licensure by reason of the use of
1071 stimulants or narcotics may be removed when the holder of the
1072 certificate has been adjudged by the board to be cured and capable
1073 of practicing optometry.

1074 (4) In addition to the reasons specified in subsections (1)
1075 and (2) of this section, the board shall be authorized to suspend
1076 the license of any licensee for being out of compliance with an
1077 order for support, as defined in Section 93-11-153. The procedure
1078 for suspension of a license for being out of compliance with an
1079 order for support, and the procedure for the reissuance or
1080 reinstatement of a license suspended for that purpose, and the
1081 payment of any fees for the reissuance or reinstatement of a
1082 license suspended for that purpose, shall be governed by Section
1083 93-11-157 or 93-11-163, as the case may be. If there is any



1084 conflict between any provision of Section 93-11-157 or 93-11-163
1085 and any provision of this chapter, the provisions of Section
1086 93-11-157 or 93-11-163, as the case may be, shall control.

1087 (5) A licensee who provides a written certification as
1088 authorized under the Mississippi Medical Cannabis Act and in
1089 compliance with rules and regulations adopted thereunder shall not
1090 be subject to any disciplinary action under this section solely
1091 due to providing the written certification.

1092 **SECTION 15.** This act shall take effect and be in force from
1093 and after its passage.

