

By: Representatives Howell, Smith (35th)

To: Education

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 841

1 AN ACT TO AMEND SECTIONS 37-3-2, 73-1-29, 73-2-16, 73-3-327,
2 73-5-25, 73-6-19, 73-7-27, 73-9-61, 73-10-21, 73-11-57, 73-13-37,
3 73-15-29, 73-19-23, 73-21-97, 73-23-59, 73-24-24, 73-25-29,
4 73-26-5, 73-27-13, 73-30-21, 73-31-21, 73-33-11, 73-36-33,
5 73-38-27, 73-39-19, 73-53-17, 73-54-29, 73-57-31, 73-63-43,
6 73-65-13 AND 73-67-27, MISSISSIPPI CODE OF 1972, TO REQUIRE THE
7 LICENSING AGENCIES OF CERTAIN PROFESSIONS AND OCCUPATIONS TO
8 SUSPEND THE LICENSE OF ANY LICENSEE WHO DEFAULTS ON OR FAILS TO
9 COMPLY WITH THE REQUIREMENTS OF A STATE EDUCATIONAL LOAN, SERVICE
10 CONDITIONAL SCHOLARSHIP OR LOAN REPAYMENT PROGRAM OBLIGATION UNDER
11 WHICH THE LICENSEE OBTAINED ANY OF THE EDUCATION NECESSARY TO
12 QUALIFY FOR THE LICENSE; TO PROVIDE THAT THE PERSON'S LICENSE
13 SHALL REMAIN SUSPENDED UNTIL HE OR SHE HAS MADE SATISFACTORY
14 ARRANGEMENTS FOR REPAYING THE EDUCATIONAL LOAN OR MEETING THE
15 OBLIGATIONS OF THE SCHOLARSHIP OR LOAN REPAYMENT PROGRAM; AND FOR
16 RELATED PURPOSES.

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

18 **SECTION 1.** Section 37-3-2, Mississippi Code of 1972, is
19 amended as follows:

20 37-3-2. (1) There is established within the State
21 Department of Education the Commission on Teacher and
22 Administrator Education, Certification and Licensure and
23 Development. It shall be the purpose and duty of the commission
24 to make recommendations to the State Board of Education regarding
25 standards for the certification and licensure and continuing
26 professional development of those who teach or perform tasks of an
27 educational nature in the public schools of Mississippi.

28 (2) The commission shall be composed of fifteen (15)
29 qualified members. The membership of the commission shall be
30 composed of the following members to be appointed, three (3) from
31 each congressional district: four (4) classroom teachers; three
32 (3) school administrators; one (1) representative of schools of
33 education of institutions of higher learning located within the
34 state to be recommended by the Board of Trustees of State



35 Institutions of Higher Learning; one (1) representative from the
36 schools of education of independent institutions of higher
37 learning to be recommended by the Board of the Mississippi
38 Association of Independent Colleges; one (1) representative from
39 public community and junior colleges located within the state to
40 be recommended by the State Board for Community and Junior
41 Colleges; one (1) local school board member; and four (4) lay
42 persons. All appointments shall be made by the State Board of
43 Education after consultation with the State Superintendent of
44 Public Education. The first appointments by the State Board of
45 Education shall be made as follows: five (5) members shall be
46 appointed for a term of one (1) year; five (5) members shall be
47 appointed for a term of two (2) years; and five (5) members shall
48 be appointed for a term of three (3) years. Thereafter, all
49 members shall be appointed for a term of four (4) years.

50 (3) The State Board of Education when making appointments
51 shall designate a chairman. The commission shall meet at least
52 once every two (2) months or more often if needed. Members of the
53 commission shall be compensated at a rate of per diem as
54 authorized by Section 25-3-69 and be reimbursed for actual and
55 necessary expenses as authorized by Section 25-3-41.

56 (4) An appropriate staff member of the State Department of
57 Education shall be designated and assigned by the State
58 Superintendent of Public Education to serve as executive secretary
59 and coordinator for the commission. No less than two (2) other
60 appropriate staff members of the State Department of Education
61 shall be designated and assigned by the State Superintendent of
62 Public Education to serve on the staff of the commission.

63 (5) It shall be the duty of the commission to:

64 (a) Set standards and criteria, subject to the approval
65 of the State Board of Education, for all educator preparation
66 programs in the state;



67 (b) Recommend to the State Board of Education each year
68 approval or disapproval of each educator preparation program in
69 the state;

70 (c) Establish, subject to the approval of the State
71 Board of Education, standards for initial teacher certification
72 and licensure in all fields;

73 (d) Establish, subject to the approval of the State
74 Board of Education, standards for the renewal of teacher licenses
75 in all fields;

76 (e) Review and evaluate objective measures of teacher
77 performance, such as test scores, that may form part of the
78 licensure process, and to make recommendations for their use;

79 (f) Review all existing requirements for certification
80 and licensure;

81 (g) Consult with groups whose work may be affected by
82 the commission's decisions;

83 (h) Prepare reports from time to time on current
84 practices and issues in the general area of teacher education and
85 certification and licensure;

86 (i) Hold hearings concerning standards for teachers'
87 and administrators' education and certification and licensure with
88 approval of the State Board of Education;

89 (j) Hire expert consultants with approval of the State
90 Board of Education;

91 (k) Set up ad hoc committees to advise on specific
92 areas; and

93 (l) Perform such other functions as may fall within
94 their general charge and that may be delegated to them by the
95 State Board of Education.

96 (6) (a) **Standard License - Approved Program Route.** An
97 educator entering the school system of Mississippi for the first
98 time and meeting all requirements as established by the State
99 Board of Education shall be granted a standard five-year license.



100 Persons who possess two (2) years of classroom experience as an
101 assistant teacher or who have taught for one (1) year in an
102 accredited public or private school shall be allowed to fulfill
103 student teaching requirements under the supervision of a qualified
104 participating teacher approved by an accredited college of
105 education. The local school district in which the assistant
106 teacher is employed shall compensate the assistant teachers at the
107 required salary level during the period of time the individual is
108 completing student teaching requirements. Applicants for a
109 standard license shall submit to the department:

- 110 (i) An application on a department form;
- 111 (ii) An official transcript of completion of a
112 teacher education program or a bachelor of science degree with
113 child development emphasis from a program accredited by the
114 American Association of Family and Consumer Sciences (AAFCS)
115 approved by the department or a nationally accredited program,
116 subject to the following: Licensure to teach in Mississippi
117 prekindergarten through kindergarten classrooms shall require
118 completion of a teacher education program or a bachelor of science
119 degree with child development emphasis from a program accredited
120 by the American Association of Family and Consumer Sciences
121 (AAFCS). Licensure to teach in Mississippi kindergarten, for
122 those applicants who have completed a teacher education program,
123 and in Grade 1 through Grade 4 shall require the completion of an
124 interdisciplinary program of studies. Licenses for Grades 4
125 through 8 shall require the completion of an interdisciplinary
126 program of studies with two (2) or more areas of concentration.
127 Licensure to teach in Mississippi Grades 7 through 12 shall
128 require a major in an academic field other than education, or a
129 combination of disciplines other than education. Students
130 preparing to teach a subject shall complete a major in the
131 respective subject discipline. All applicants for standard
132 licensure shall demonstrate that the person's college preparation



133 in those fields was in accordance with the standards set forth by
134 the National Council for Accreditation of Teacher Education
135 (NCATE) or the National Association of State Directors of Teacher
136 Education and Certification (NASDTEC) or, for those applicants who
137 have a bachelor of science degree with child development emphasis,
138 the American Association of Family and Consumer Sciences (AAFCS);

139 (iii) A copy of test scores evidencing
140 satisfactory completion of nationally administered examinations of
141 achievement, such as the Educational Testing Service's teacher
142 testing examinations; and

143 (iv) Any other document required by the State
144 Board of Education.

145 (b) **Standard License - Alternate Teaching Route.**

146 Applicants for a Standard License - Alternate Teaching Route shall
147 submit to the department:

148 (i) An application on a department form;

149 (ii) An official transcript evidencing a
150 bachelor's degree from an accredited institution of higher
151 learning;

152 (iii) A copy of test scores evidencing
153 satisfactory completion of an examination of achievement specified
154 by the commission and approved by the State Board of Education;

155 (iv) An official transcript evidencing appropriate
156 credit hours or a copy of test scores evidencing successful
157 completion of tests as required by the State Board of Education;
158 and

159 (v) Any other document required by the State Board
160 of Education.

161 A Standard License - Approved Program Route and a Standard
162 License - Alternate Teaching Route shall be issued for a five-year
163 period, and may be renewed. Recognizing teaching as a profession,
164 a hiring preference shall be granted to persons holding a Standard



165 License - Approved Program Route or Standard License - Alternate
166 Teaching Route over persons holding any other license.

167 (c) **Special License - Expert Citizen.** In order to
168 allow a school district to offer specialized or technical courses,
169 the State Department of Education, in accordance with rules and
170 regulations established by the State Board of Education, may grant
171 a one-year expert citizen-teacher license to local business or
172 other professional personnel to teach in a public school or
173 nonpublic school accredited or approved by the state. The person
174 may begin teaching upon his employment by the local school board
175 and licensure by the Mississippi Department of Education. The
176 board shall adopt rules and regulations to administer the expert
177 citizen-teacher license. A special license - expert citizen may
178 be renewed in accordance with the established rules and
179 regulations of the State Department of Education.

180 (d) **Special License - Nonrenewable.** The State Board of
181 Education may establish rules and regulations to allow those
182 educators not meeting requirements in subsection (6)(a), (b) or
183 (c) to be licensed for a period of not more than three (3) years,
184 except by special approval of the State Board of Education.

185 (e) **Nonlicensed Teaching Personnel.** A nonlicensed
186 person may teach for a maximum of three (3) periods per teaching
187 day in a public school or a nonpublic school accredited/approved
188 by the state. The person shall submit to the department a
189 transcript or record of his education and experience that
190 substantiates his preparation for the subject to be taught and
191 shall meet other qualifications specified by the commission and
192 approved by the State Board of Education. In no case shall any
193 local school board hire nonlicensed personnel as authorized under
194 this paragraph in excess of five percent (5%) of the total number
195 of licensed personnel in any single school.

196 (f) If any school district meets Level 4 or 5
197 accreditation standards, the State Board of Education, in its



198 discretion, may exempt the school district from any restrictions
199 in paragraph (e) relating to the employment of nonlicensed
200 teaching personnel.

201 (7) **Administrator License.** The State Board of Education may
202 establish rules and regulations and to administer the licensure
203 process of the school administrators in the State of Mississippi.
204 There will be four (4) categories of administrator licensure with
205 exceptions only through special approval of the State Board of
206 Education.

207 (a) **Administrator License - Nonpracticing.** Those
208 educators holding administrative endorsement but have no
209 administrative experience or not serving in an administrative
210 position on January 15, 1997.

211 (b) **Administrator License - Entry Level.** Those
212 educators holding administrative endorsement and having met the
213 department's qualifications to be eligible for employment in a
214 Mississippi school district. Administrator license - entry level
215 shall be issued for a five-year period and shall be nonrenewable.

216 (c) **Standard Administrator License - Career Level.** An
217 administrator who has met all the requirements of the department
218 for standard administrator licensure.

219 (d) **Administrator License - Alternate Route.** The board
220 may establish an alternate route for licensing administrative
221 personnel. The alternate route for administrative licensure shall
222 be available for persons holding, but not limited to, a master of
223 business administration degree, a master of public administration
224 degree or a master of public planning and policy degree from an
225 accredited college or university, with five (5) years of
226 administrative or supervisory experience. Successful completion
227 of the requirements of alternate route licensure for
228 administrators shall qualify the person for a standard
229 administrator license.



230 Beginning with the 1997-1998 school year, individuals seeking
231 school administrator licensure under paragraph (b), (c) or (d)
232 shall successfully complete a training program and an assessment
233 process prescribed by the State Board of Education. Applicants
234 seeking school administrator licensure before June 30, 1997, and
235 completing all requirements for provisional or standard
236 administrator certification and who have never practiced, shall be
237 exempt from taking the Mississippi Assessment Battery Phase I.
238 Applicants seeking school administrator licensure during the
239 period beginning July 1, 1997, through June 30, 1998, shall
240 participate in the Mississippi Assessment Battery, and upon
241 request of the applicant, the department shall reimburse the
242 applicant for the cost of the assessment process required. After
243 June 30, 1998, all applicants for school administrator licensure
244 shall meet all requirements prescribed by the department under
245 paragraph (b), (c) or (d), and the cost of the assessment process
246 required shall be paid by the applicant.

247 (8) **Reciprocity.** (a) The department shall grant a standard
248 license to any individual who possesses a valid standard license
249 from another state and has a minimum of two (2) years of full-time
250 teaching or administrator experience.

251 (b) The department shall grant a nonrenewable special
252 license to any individual who possesses a credential that is less
253 than a standard license or certification from another state, or
254 who possesses a standard license from another state but has less
255 than two (2) years of full-time teaching or administration
256 experience. The special license shall be valid for the current
257 school year plus one (1) additional school year to expire on June
258 30 of the second year, not to exceed a total period of twenty-four
259 (24) months, during which time the applicant shall be required to
260 complete the requirements for a standard license in Mississippi.

261 (9) **Renewal and Reinstatement of Licenses.** The State Board
262 of Education may establish rules and regulations for the renewal



263 and reinstatement of educator and administrator licenses.
264 Effective May 15, 1997, the valid standard license held by an
265 educator shall be extended five (5) years beyond the expiration
266 date of the license in order to afford the educator adequate time
267 to fulfill new renewal requirements established under this
268 subsection. An educator completing a master of education,
269 educational specialist or doctor of education degree in May 1997
270 for the purpose of upgrading the educator's license to a higher
271 class shall be given this extension of five (5) years plus five
272 (5) additional years for completion of a higher degree.

273 (10) All controversies involving the issuance, revocation,
274 suspension or any change whatsoever in the licensure of an
275 educator required to hold a license shall be initially heard in a
276 hearing de novo, by the commission or by a subcommittee
277 established by the commission and composed of commission members
278 for the purpose of holding hearings. Any complaint seeking the
279 denial of issuance, revocation or suspension of a license shall be
280 by sworn affidavit filed with the Commission of Teacher and
281 Administrator Education, Certification and Licensure and
282 Development. The decision thereon by the commission or its
283 subcommittee shall be final, unless the aggrieved party shall
284 appeal to the State Board of Education, within ten (10) days, of
285 the decision of the committee or its subcommittee. An appeal to
286 the State Board of Education shall be on the record previously
287 made before the commission or its subcommittee unless otherwise
288 provided by rules and regulations adopted by the board. The State
289 Board of Education in its authority may reverse, or remand with
290 instructions, the decision of the committee or its subcommittee.
291 The decision of the State Board of Education shall be final.

292 (11) The State Board of Education, acting through the
293 commission, may deny an application for any teacher or
294 administrator license for one or more of the following:



295 (a) Lack of qualifications that are prescribed by law
296 or regulations adopted by the State Board of Education;

297 (b) The applicant has a physical, emotional or mental
298 disability that renders the applicant unfit to perform the duties
299 authorized by the license, as certified by a licensed psychologist
300 or psychiatrist;

301 (c) The applicant is actively addicted to or actively
302 dependent on alcohol or other habit-forming drugs or is a habitual
303 user of narcotics, barbiturates, amphetamines, hallucinogens, or
304 other drugs having similar effect, at the time of application for
305 a license;

306 (d) Revocation of an applicant's certificate or license
307 by another state;

308 (e) Fraud or deceit committed by the applicant in
309 securing or attempting to secure that certification and license;

310 (f) Failing or refusing to furnish reasonable evidence
311 of identification;

312 (g) The applicant has been convicted, has pled guilty
313 or entered a plea of nolo contendere to a felony, as defined by
314 federal or state law; or

315 (h) The applicant has been convicted, has pled guilty
316 or entered a plea of nolo contendere to a sex offense as defined
317 by federal or state law.

318 (12) The State Board of Education, acting on the
319 recommendation of the commission, may revoke or suspend any
320 teacher or administrator license for specified periods of time for
321 one or more of the following:

322 (a) Breach of contract or abandonment of employment may
323 result in the suspension of the license for one (1) school year as
324 provided in Section 37-9-57;

325 (b) Obtaining a license by fraudulent means shall
326 result in immediate suspension and continued suspension for one
327 (1) year after correction is made;



328 (c) Suspension or revocation of a certificate or
329 license by another state shall result in immediate suspension or
330 revocation and shall continue until records in the prior state
331 have been cleared;

332 (d) The license holder has been convicted, has pled
333 guilty or entered a plea of nolo contendere to a felony, as
334 defined by federal or state law;

335 (e) The license holder has been convicted, has pled
336 guilty or entered a plea of nolo contendere to a sex offense, as
337 defined by federal or state law; or

338 (f) The license holder knowingly and willfully
339 committing any of the acts affecting validity of mandatory uniform
340 test results as provided in Section 37-16-4(1).

341 (13) Notwithstanding any provision of this section:

342 (a) The State Board of Education, acting on its own
343 motion or, in the case of a default on a loan, on the
344 recommendation of the state agency to which payments are due,
345 shall suspend the teacher or administrator license of any person
346 who defaults on or fails to comply with the requirements of a
347 state educational loan, service conditional scholarship or loan
348 repayment program obligation under which the person obtained any
349 of the education necessary to qualify for a teacher or
350 administrator license. However, before a state agency may
351 recommend the suspension of a license due to the person's default
352 on a loan, that agency must provide the license holder with notice
353 of its intention to recommend the suspension of the person's

354 license and an opportunity for the license holder to respond; and
355 (b) The person's teacher or administrator license will
356 remain suspended until the person has: (i) made arrangements
357 satisfactory to the State Board of Education for meeting the
358 obligations of the loan, scholarship or loan repayment program; or
359 (ii) in the case of a default, made arrangements satisfactory to



360 the state agency to which payments are due for the repayment of
361 the educational loan or scholarship.

362 (14) (a) Dismissal or suspension of a licensed employee by
363 a local school board under Section 37-9-59 may result in the
364 suspension or revocation of a license for a length of time that
365 shall be determined by the commission and based upon the severity
366 of the offense.

367 (b) Any offense committed or attempted in any other
368 state shall result in the same penalty as if committed or
369 attempted in this state.

370 (c) A person may voluntarily surrender a license. The
371 surrender of the license may result in the commission recommending
372 any of the above penalties without the necessity of a hearing.
373 However, any such license that has voluntarily been surrendered by
374 a licensed employee may be reinstated by a unanimous vote of all
375 members of the commission.

376 (15) A person whose license has been suspended on any
377 grounds except criminal grounds may petition for reinstatement of
378 the license after one (1) year from the date of suspension, or
379 after one-half (1/2) of the suspended time has lapsed, whichever
380 is greater. A license suspended on the criminal grounds may be
381 reinstated upon petition to the commission filed after expiration
382 of the sentence and parole or probationary period imposed upon
383 conviction. A revoked license may be reinstated upon satisfactory
384 showing of evidence of rehabilitation. The commission shall
385 require all who petition for reinstatement to furnish evidence
386 satisfactory to the commission of good character, good mental,
387 emotional and physical health and such other evidence as the
388 commission may deem necessary to establish the petitioner's
389 rehabilitation and fitness to perform the duties authorized by the
390 license.

391 (16) Reporting procedures and hearing procedures for dealing
392 with infractions under this section shall be promulgated by the



393 commission, subject to the approval of the State Board of
394 Education. The revocation or suspension of a license shall be
395 effected at the time indicated on the notice of suspension or
396 revocation. The commission shall immediately notify the
397 superintendent of the school district or school board where the
398 teacher or administrator is employed of any disciplinary action
399 and also notify the teacher or administrator of the revocation or
400 suspension and shall maintain records of action taken. The State
401 Board of Education may reverse or remand with instructions any
402 decision of the commission regarding a petition for reinstatement
403 of a license, and any such decision of the State Board of
404 Education shall be final.

405 (17) An appeal from the action of the State Board of
406 Education in denying an application, revoking or suspending a
407 license or otherwise disciplining any person under the provisions
408 of this section, shall be filed in the Chancery Court of the First
409 Judicial District of Hinds County on the record made, including a
410 verbatim transcript of the testimony at the hearing. The appeal
411 shall be filed within thirty (30) days after notification of the
412 action of the board is mailed or served and the proceedings in
413 chancery court shall be conducted as other matters coming before
414 the court. The appeal shall be perfected upon filing notice of
415 the appeal and by the prepayment of all costs, including the cost
416 of preparation of the record of the proceedings by the State Board
417 of Education, and the filing of a bond in the sum of Two Hundred
418 Dollars (\$200.00) conditioned that if the action of the board be
419 affirmed by the chancery court, the applicant or license holder
420 shall pay the costs of the appeal and the action of the chancery
421 court.

422 (18) All such programs, rules, regulations, standards and
423 criteria recommended or authorized by the commission shall become
424 effective upon approval by the State Board of Education as
425 designated by appropriate orders entered upon the minutes thereof.



426 (19) The granting of a license shall not be deemed a
427 property right nor a guarantee of employment in any public school
428 district. A license is a privilege indicating minimal eligibility
429 for teaching in the public schools of Mississippi. This section
430 shall in no way alter or abridge the authority of local school
431 districts to require greater qualifications or standards of
432 performance as a prerequisite of initial or continued employment
433 in those districts.

434 (20) In addition to the reasons specified in subsections
435 (12) and (14) of this section, the board may suspend the license
436 of any licensee for being out of compliance with an order for
437 support, as defined in Section 93-11-153. The procedure for
438 suspension of a license for being out of compliance with an order
439 for support, and the procedure for the reissuance or reinstatement
440 of a license suspended for that purpose, and the payment of any
441 fees for the reissuance or reinstatement of a license suspended
442 for that purpose, shall be governed by Section 93-11-157 or
443 93-11-163, as the case may be. Actions taken by the board in
444 suspending a license when required by Section 93-11-157 or
445 93-11-163 are not actions from which an appeal may be taken under
446 this section. Any appeal of a license suspension that is required
447 by Section 93-11-157 or 93-11-163 shall be taken in accordance
448 with the appeal procedure specified in Section 93-11-157 or
449 93-11-163, as the case may be, rather than the procedure specified
450 in this section. If there is any conflict between any provision
451 of Section 93-11-157 or 93-11-163 and any provision of this
452 chapter, the provisions of Section 93-11-157 or 93-11-163, as the
453 case may be, shall control.

454 **SECTION 2.** Section 73-1-29, Mississippi Code of 1972, is
455 amended as follows:

456 73-1-29. (1) The board, upon satisfactory proof and in
457 accordance with this chapter and the regulations of the board, may



458 take the disciplinary actions provided for hereinafter against any
459 person for any of the following reasons:

460 (a) Violating any of the provisions of Sections 73-1-1
461 through 73-1-43 or the bylaws, rules, regulations or standards of
462 ethics or conduct duly adopted by the board pertaining to the
463 practice of architecture;

464 (b) Obtaining a certificate of registration by fraud,
465 deceit or misrepresentation;

466 (c) Gross negligence, malpractice, incompetency or
467 misconduct in the practice of architecture;

468 (d) Any professional misconduct, as defined by the
469 board through bylaws, rules and regulations, and standards of
470 conduct and ethics; (professional misconduct may not be defined to
471 include bidding by architects for contracts based on price);

472 (e) Practicing or offering to practice architecture on
473 an expired certificate or while under suspension or revocation of
474 certificate unless the suspension or revocation is abated through
475 probation, as provided for hereinafter;

476 (f) Practicing architecture under an assumed or
477 fictitious name;

478 (g) Being convicted by any court of a felony, except
479 conviction of culpable negligent manslaughter, in which case the
480 record of conviction shall be conclusive evidence;

481 (h) Willfully misleading or defrauding any person
482 employing him as an architect by any artifice or false statement;
483 or

484 (i) Having undisclosed financial or personal interests
485 that compromise his obligation to his client.

486 (2) Notwithstanding any provision of this chapter:

487 (a) The board, acting on its own motion or, in the case
488 of a default on a loan, on the recommendation of the state agency
489 to which payments are due, shall suspend the certificate of
490 registration of any person who defaults on or fails to comply with



491 the requirements of a state educational loan, service conditional
492 scholarship or loan repayment program obligation under which the
493 person obtained any of the education necessary to qualify for a
494 certificate of registration under this chapter. However, before a
495 state agency may recommend the suspension of a certificate of
496 registration due to the person's default on a loan, that agency
497 must provide the certificate holder with notice of its intention
498 to recommend the suspension of the person's certificate of
499 registration and an opportunity for the certificate holder to
500 respond; and

501 (b) The person's certificate of registration will
502 remain suspended until the person has: (i) made arrangements
503 satisfactory to the board for meeting the obligations of the loan,
504 scholarship or loan repayment program; or (ii) in the case of a
505 default, made arrangements satisfactory to the state agency to
506 which payments are due for the repayment of the educational loan
507 or scholarship.

508 (3) Any person may prefer charges against any other person
509 for committing any of the acts set forth in subsection (1) or (2)
510 of this section. The charges need not be sworn to, may be made
511 upon actual knowledge or upon information and belief, and must be
512 filed with the board. If any person licensed under Sections
513 73-1-1 through 73-1-43 is expelled from membership in any
514 Mississippi or national professional architectural society or
515 association, the board shall thereafter cite the person to appear
516 at a hearing before the board to show cause why disciplinary
517 action should not be taken against that person.

518 The board shall investigate all charges filed with it and,
519 upon finding reasonable cause to believe that the charges are not
520 frivolous, unfounded or filed in bad faith, may cause a hearing to
521 be held, at a time and place fixed by the board, regarding the
522 charges and may compel the accused by subpoena to appear before
523 the board to respond to the charges.



524 No disciplinary action may be taken until the accused has
525 been furnished both a statement of the charges against him and
526 notice of the time and place of the hearing thereof, which shall
527 be personally served on the accused or mailed by registered or
528 certified mail, return receipt requested, to the last known
529 business or residence address of the accused not less than thirty
530 (30) days before the date of the hearing.

531 (4) At any hearing held under this section, the board, upon
532 application and approval of the chancery court, shall have the
533 power to subpoena witnesses and compel their attendance and may
534 also require the production of books, papers and other documents,
535 as provided in this chapter. The hearing shall be conducted
536 before the full board with the president of the board serving as
537 the presiding judge. Counsel for the board shall present all
538 evidence relating to the charges. All evidence shall be presented
539 under oath, which may be administered by any member of the board,
540 and thereafter the proceedings may, if necessary, be transcribed
541 in full by the court reporter and filed as part of the record in
542 the case. Copies of those transcriptions may be provided to any
543 party to the proceedings at a cost fixed by the board.

544 All witnesses who are subpoenaed and who appear in any
545 proceedings before the board shall receive the same fees and
546 mileage as allowed by law in judicial civil proceedings, and all
547 those fees shall be taxed as part of the costs in the case.

548 If in any proceeding before the board any witness fails or
549 refuses to attend upon subpoena issued by the board, refuses to
550 testify, or refuses to produce any books and papers the production
551 of which is called for by the subpoena, the attendance of the
552 witness and the giving of his testimony and the production of the
553 books and papers shall be enforced by any court of competent
554 jurisdiction of this state in the manner provided for the
555 enforcement of attendance and testimony of witnesses in civil
556 cases in the courts of this state.



557 The accused shall have the right to be present at the hearing
558 in person, by counsel or other representative, or both. The
559 accused shall have the right to present evidence and to examine
560 and cross-examine all witnesses. The board may continue or recess
561 the hearing as may be necessary.

562 (5) At the conclusion of the hearing, the board may either
563 decide the issue at that time or take the case under advisement
564 for further deliberation. The board shall render its decision not
565 more than forty-five (45) days after the close of the hearing and
566 shall forward to the last known business or residence address of
567 the accused by certified or registered mail, return receipt
568 requested, a written statement of the decision of the board.

569 If a majority of the board finds the accused guilty of the
570 charges filed, the board may:

571 (a) Issue a public or private reprimand;

572 (b) Suspend or revoke the certificate of the accused,
573 if the accused is a registrant; or

574 (c) In lieu of or in addition to the reprimand,
575 suspension or revocation, assess and levy upon the guilty party a
576 monetary penalty of not less than One Hundred Dollars (\$100.00)
577 nor more than Five Thousand Dollars (\$5,000.00) for each
578 violation.

579 (6) A monetary penalty assessed and levied under this
580 section shall be paid to the board upon the expiration of the
581 period allowed for appeal of the penalties under this section, or
582 may be paid sooner if the guilty party elects. Money collected by
583 the board under this section shall be deposited to the credit of
584 the special fund created in Section 73-1-43, Mississippi Code of
585 1972.

586 When payment of the monetary penalty assessed and levied by
587 the board is delinquent, the board shall have the power to
588 institute and maintain proceedings in its name for enforcement of
589 payment in the chancery court of the county of residence of the



590 guilty party. If the guilty party is a nonresident of the State
591 of Mississippi, the proceedings shall be in the Chancery Court of
592 the First Judicial District of Hinds County, Mississippi.

593 (7) When the board has taken a disciplinary action under
594 this section, the board may stay the action and place the guilty
595 party on probation for a period not to exceed one (1) year upon
596 condition that the guilty party shall not further violate either
597 the laws of the State of Mississippi pertaining to the practice of
598 architecture or the bylaws, rules and regulations, or standards of
599 conduct and ethics promulgated by the board.

600 (8) The board may assess and tax any part or all of the
601 costs of any disciplinary proceedings conducted under this section
602 against the accused if the accused is found guilty of the charges.

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

608 (10) The board, for sufficient cause, may reissue a revoked
609 certificate of registration by a majority vote of the board
610 members; but in no event shall a revoked certificate be issued
611 within two (2) years of the revocation. A new certificate of
612 registration required to replace a revoked, lost, mutilated or
613 destroyed certificate may be issued, subject to the rules of the
614 board, for a charge not to exceed Ten Dollars (\$10.00).

615 (11) In addition to the reasons specified in subsection (1)
616 of this section, the board may suspend the certificate of
617 registration of any person for being out of compliance with an
618 order for support, as defined in Section 93-11-153. The procedure
619 for suspension of a certificate for being out of compliance with
620 an order for support, and the procedure for the reissuance or
621 reinstatement of a certificate suspended for that purpose, and the
622 payment of any fees for the reissuance or reinstatement of a



623 certificate suspended for that purpose, shall be governed by
624 Section 93-11-157 or 93-11-163, as the case may be. If there is
625 any conflict between any provision of Section 93-11-157 or
626 93-11-163 and any provision of this chapter, the provisions of
627 Section 93-11-157 or 93-11-163, as the case may be, shall control.

628 **SECTION 3.** Section 73-2-16, Mississippi Code of 1972, is
629 amended as follows:

630 73-2-16. (1) The board shall also have the power to revoke,
631 suspend or annul the certificate or registration of a landscape
632 architect or reprimand, censure or otherwise discipline a
633 landscape architect.

634 (2) The board, upon satisfactory proof and in accordance
635 with the provisions of this chapter, may take the disciplinary
636 actions against any registered landscape architect for any of the
637 following reasons:

638 (a) Violating any of the provisions of Sections 73-2-1
639 through 73-2-21 or the implementing bylaws, rules, regulations or
640 standards of ethics or conduct duly adopted and promulgated by the
641 board pertaining to the practice of landscape architecture;

642 (b) Fraud, deceit or misrepresentation in obtaining a
643 certificate of registration;

644 (c) Gross negligence, malpractice, incompetency or
645 misconduct in the practice of landscape architecture;

646 (d) Any professional misconduct, as defined by the
647 board through bylaws, rules and regulations and standards of
648 conduct and ethics (professional misconduct shall not be defined
649 to include bidding on contracts for a price);

650 (e) Practicing or offering to practice landscape
651 architecture on an expired license or while under suspension or
652 revocation of a license unless the suspension or revocation is
653 abated through probation;

654 (f) Practicing landscape architecture under an assumed
655 or fictitious name;



656 (g) Being convicted by any court of a felony, except
657 conviction of culpable negligent manslaughter, in which case the
658 record of conviction shall be conclusive evidence;

659 (h) Willfully misleading or defrauding any person
660 employing him as a landscape architect by any artifice or false
661 statement;

662 (i) Having undisclosed financial or personal interest
663 that compromises his obligation to his client;

664 (j) Obtaining a certificate by fraud or deceit; or

665 (k) Violating any of the provisions of this chapter.

666 (3) Notwithstanding any provision of this chapter:

667 (a) The board, acting on its own motion or, in the case
668 of a default on a loan, on the recommendation of the state agency
669 to which payments are due, shall suspend the certificate of
670 registration of any person who defaults on or fails to comply with
671 the requirements of a state educational loan, service conditional
672 scholarship or loan repayment program obligation under which the
673 person obtained any of the education necessary to qualify for a
674 certificate of registration under this chapter. However, before a
675 state agency may recommend the suspension of a certificate of
676 registration due to the person's default on a loan, that agency
677 must provide the certificate holder with notice of its intention
678 to recommend the suspension of the person's certificate of
679 registration and an opportunity for the certificate holder to
680 respond; and

681 (b) The person's certificate of registration will
682 remain suspended until the person has: (i) made arrangements
683 satisfactory to the board for meeting the obligations of the loan,
684 scholarship or loan repayment program; or (ii) in the case of a
685 default, made arrangements satisfactory to the state agency to
686 which payments are due for the repayment of the educational loan
687 or scholarship.



688 (4) Any person may prefer charges against any other person
689 for committing any of the acts set forth in subsection (2) or (3)
690 of this section. The charges need not be sworn to, may be made
691 upon actual knowledge, or upon information and belief, and shall
692 be filed with the board. If any person licensed under Sections
693 73-2-1 through 73-2-21 is expelled from membership in any
694 Mississippi or national professional landscape architectural
695 society or association, the board shall thereafter cite the person
696 to appear at a hearing before the board and to show cause why
697 disciplinary action should not be taken against that person.

698 The board shall investigate all charges filed with it and,
699 upon finding reasonable cause to believe that the charges are not
700 frivolous, unfounded or filed in bad faith, may, in its
701 discretion, cause a hearing to be held, at a time and place fixed
702 by the board, regarding the charges and may compel the accused by
703 subpoena to appear before the board to respond to the charges.

704 No disciplinary action taken under this section may be taken
705 until the accused has been furnished both a statement of the
706 charges against him and notice of the time and place of the
707 hearing thereof, which shall be personally served on the accused
708 or mailed by registered or certified mail, return receipt
709 requested, to the last known business or residence address of the
710 accused not less than thirty (30) days before the date fixed for
711 the hearing.

712 (5) At any hearing held under the provisions of this
713 section, the board shall have the power to subpoena witnesses and
714 compel their attendance and require the production of any books,
715 papers or documents. The hearing shall be conducted before the
716 full board with the president of the board serving as the
717 presiding judge. Counsel for the board shall present all evidence
718 relating to the charges. All evidence shall be presented under
719 oath, which may be administered by any member of the board, and
720 thereafter the proceedings may, if necessary, be transcribed in



721 full by the court reporter and filed as part of the record in the
722 case. Copies of the transcription may be provided to any party to
723 the proceedings at a cost to be fixed by the board.

724 All witnesses who shall be subpoenaed and who shall appear in
725 any proceedings before the board shall receive the same fees and
726 mileage as allowed by law in judicial civil proceedings, and all
727 those fees shall be taxed as part of the costs of the case.

728 Where in any proceedings before the board any witness * * *
729 fails or refuses to attend upon subpoena issued by the
730 board, * * * refuses to testify or * * * refuses to produce any
731 books and papers, the production of which is called for by the
732 subpoena, the attendance of the witness and the giving of his
733 testimony and the production of the books and papers shall be
734 enforced by any court of competent jurisdiction of this state in
735 the manner provided for the enforcement of attendance and
736 testimony of witnesses in civil cases in the courts of this state.

737 The accused shall have the right to be present at the hearing
738 in person, by counsel or other representative, or both. The
739 accused shall have the right to present evidence and to examine
740 and cross-examine all witnesses. The board may continue or recess
741 the hearing as may be necessary.

742 (6) At the conclusion of the hearing, the board may either
743 decide the issue at that time or take the case under advisement
744 for further deliberation. The board shall render its decision not
745 more than forty-five (45) days after the close of the hearing, and
746 shall forward to the last known business or residence address of
747 the accused by certified or registered mail, return receipt
748 requested, a written statement of the decision of the board.

749 If a majority of the board finds the accused guilty of the
750 charges filed, the board may: (a) issue a public or private
751 reprimand; (b) suspend or revoke the license of the accused, if
752 the accused is a registrant; or (c) in lieu of or in addition to
753 the reprimand, suspension or revocation, assess and levy upon the



754 guilty party a monetary penalty of not less than One Hundred
755 Dollars (\$100.00) nor more than Five Thousand Dollars (\$5,000.00)
756 for each violation.

757 (7) A monetary penalty assessed and levied under this
758 section shall be paid to the board upon the expiration of the
759 period allowed for appeal of the penalties under this section, or
760 may be paid sooner if the guilty party elects. Money collected by
761 the board under this section shall be deposited to the credit of
762 the board's general operating fund.

763 When payment of a monetary penalty assessed and levied by the
764 board in accordance with this section is not paid when due, the
765 board shall have the power to institute and maintain proceedings
766 in its name for enforcement of payment in the chancery court of
767 the county and judicial district of the residence of the guilty
768 party and if the guilty party is a nonresident of the State of
769 Mississippi, the proceedings shall be in the Chancery Court of the
770 First Judicial District of Hinds County, Mississippi.

771 (8) When the board has taken a disciplinary action under
772 this section, the board may, in its discretion, stay the action
773 and place the guilty party on probation for a period not to exceed
774 one (1) year upon the condition that the guilty party shall not
775 further violate either the law of the State of Mississippi
776 pertaining to the practice of landscape architecture or the
777 bylaws, rules and regulations, or standards of conduct and ethics
778 promulgated by the board.

779 (9) The board, in its discretion, may assess and tax any
780 part or all of the costs of any disciplinary proceedings conducted
781 under this section against the accused, if the accused is found
782 guilty of the charges.

783 (10) The power and authority of the board to assess and levy
784 the monetary penalties provided for in this section shall not be
785 affected or diminished by any other proceeding, civil or criminal,



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

788 (11) The board, for sufficient cause, may reissue a revoked
789 license of registration whenever a majority of the board members
790 vote to do so but in no event shall a revoked license be issued
791 within two (2) years of the revocation. A new license of
792 registration required to replace a revoked, lost, mutilated or
793 destroyed license may be issued, subject to the rules of the
794 board, for a charge not to exceed Twenty-five Dollars (\$25.00).

795 (12) The board may direct the advisory committee to review
796 and investigate any charges brought against any landscape
797 architect under this chapter and to hold the hearings provided for
798 in this section and to make findings of fact and recommendations
799 to the board concerning the disposition of the charges.

800 (13) Nothing * * * contained in this section shall preclude
801 the board or advisory committee from initiating proceedings in any
802 case. The advisory committee shall furnish legal advice and
803 assistance to the board whenever that service is requested.

804 (14) In addition to the reasons specified in subsection (2)
805 of this section, the board may suspend the license of any licensee
806 for being out of compliance with an order for support, as defined
807 in Section 93-11-153 * * *. The procedure for suspension of a
808 license for being out of compliance with an order for support, and
809 the procedure for the reissuance or reinstatement of a license
810 suspended for that purpose, and the payment of any fees for the
811 reissuance or reinstatement of a license suspended for that
812 purpose, shall be governed by Section 93-11-157 or
813 93-11-163 * * *, as the case may be. If there is any conflict
814 between any provision of Section 93-11-157 or 93-11-163 * * * and
815 any provision of this chapter, the provisions of Section 93-11-157
816 or 93-11-163 * * *, as the case may be, shall control.

817 **SECTION 4.** Section 73-3-327, Mississippi Code of 1972, is
818 amended as follows:



819 73-3-327. (1) At the conclusion of the hearing the
820 complaint tribunal, upon the majority vote of the members of the
821 tribunal, shall render a written opinion incorporating a finding
822 of fact and a judgment thereon. The judgment of the complaint
823 tribunal may provide the following:

824 (a) Exonerate the accused attorney and dismiss the
825 complaint.

826 (b) Reprimand and admonish the attorney, as provided in
827 Section 73-3-319(b) of this article.

828 (c) Suspend the attorney from the practice of law for
829 any period of time.

830 (d) Permanently disbar the attorney.

831 (2) Notwithstanding any provision of this article:

832 (a) The Supreme Court, acting on its own motion or, in
833 the case of a default on a loan, on the recommendation of the
834 state agency to which payments are due, shall suspend from the
835 practice of law any attorney who defaults on or fails to comply
836 with the requirements of a state educational loan, service
837 conditional scholarship or loan repayment program obligation under
838 which the attorney obtained any of the education necessary to
839 qualify for a license to practice law. However, before a state
840 agency may recommend the suspension of an attorney's license to
841 practice law due to the attorney's default on a loan, that agency
842 must provide the attorney with notice of its intention to
843 recommend the suspension of the attorney's license and an
844 opportunity for the attorney to respond; and

845 (b) The attorney will remain suspended from the
846 practice of law until the attorney has: (i) made arrangements
847 satisfactory to the Supreme Court for meeting the obligations of
848 the loan, scholarship or loan repayment program; or (ii) in the
849 case of a default, made arrangements satisfactory to the state
850 agency to which payments are due for the repayment of the
851 educational loan or scholarship.



852 (3) In cases in which the Clerk of the Supreme Court has
853 received notice from the division that the attorney is out of
854 compliance with an order for support, as defined in Section
855 93-11-153, the Supreme Court shall suspend the attorney from the
856 practice of law until such time as the attorney may be reinstated
857 to practice law because of the attorney's compliance with the
858 requirements of Section 93-11-157 or 93-11-163, as the case may
859 be.

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

862 73-5-25. (1) The Board of Barber Examiners may refuse to
863 issue, or may suspend definitely or indefinitely, or revoke any
864 certificate of registration for any one or a combination of the
865 following causes:

866 (a) Conviction of a felony shown by a certified copy of
867 the judgment of court in which the conviction is had, unless upon
868 a full and unconditional pardon of the convict, and upon
869 satisfactory showing that the convict will in the future conduct
870 himself in a law-abiding way.

871 (b) Gross malpractice or gross incompetency.

872 (c) Continued practice by a person knowingly having an
873 infectious or contagious disease.

874 (d) Advertising, practicing or attempting to practice
875 under a trade name or name other than one's own.

876 (e) Habitual drunkenness or habitual addiction to the
877 use of morphine, cocaine or habit forming drug.

878 (f) Immoral or unprofessional conduct.

879 (g) Violation of regulations that may be prescribed as
880 provided for in Section 73-5-7 and the commission of any of the
881 offenses set forth in Section 73-5-43.

882 (2) Notwithstanding any provision of this chapter:

883 (a) The board, acting on its own motion or, in the case
884 of a default on a loan, on the recommendation of the state agency



885 to which payments are due, shall suspend the certificate of
886 registration of any person who defaults on or fails to comply with
887 the requirements of a state educational loan, service conditional
888 scholarship or loan repayment program obligation under which the
889 person obtained any of the education necessary to qualify for a
890 certificate of registration under this chapter. However, before a
891 state agency may recommend the suspension of a certificate of
892 registration due to the person's default on a loan, that agency
893 must provide the certificate holder with notice of its intention
894 to recommend the suspension of the person's certificate of
895 registration and an opportunity for the certificate holder to
896 respond; and

897 (b) The person's certificate of registration will
898 remain suspended until the person has: (i) made arrangements
899 satisfactory to the board for meeting the obligations of the loan,
900 scholarship or loan repayment program; or (ii) in the case of a
901 default, made arrangements satisfactory to the state agency to
902 which payments are due for the repayment of the educational loan
903 or scholarship.

904 (3) In addition to the causes specified in subsection (1) of
905 this section, the board may suspend the certificate of
906 registration of any person for being out of compliance with an
907 order for support, as defined in Section 93-11-153. The procedure
908 for suspension of a certificate for being out of compliance with
909 an order for support, and the procedure for the reissuance or
910 reinstatement of a certificate suspended for that purpose, and the
911 payment of any fees for the reissuance or reinstatement of a
912 certificate suspended for that purpose shall be governed by
913 Section 93-11-157 or 93-11-163. If there is any conflict between
914 any provision of Section 93-11-157 or 93-11-163 and any provision
915 of this chapter, the provisions of Section 93-11-157 or 93-11-163,
916 as the case may be, shall control.



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

919 73-6-19. (1) The board shall refuse to grant a certificate
920 of licensure to any applicant or may cancel, revoke or suspend the
921 certificate upon the finding of any of the following facts
922 regarding the applicant or licensed practitioner:

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

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

928 (c) Fraud or deceit in obtaining a license;

929 (d) Addiction to the use of alcohol, narcotic drugs, or
930 anything that would seriously interfere with the competent
931 performance of his professional duties;

932 (e) Conviction by a court of competent jurisdiction of
933 a felony, other than manslaughter or any violation of the United
934 States Revenue Code;

935 (f) Unprofessional and unethical conduct;

936 (g) Contraction of a contagious disease that may be
937 carried for a prolonged period;

938 (h) Failure to report to the Mississippi Department of
939 Human Services or the county attorney any case in which there are
940 reasonable grounds to believe that a child has been abused by its
941 parent or person responsible for the child's welfare;

942 (i) Advising a patient to use drugs, prescribing or
943 providing drugs for a patient, or advising a patient not to use a
944 drug prescribed by a licensed physician or dentist;

945 (j) Professional incompetency in the practice of
946 chiropractic;

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



949 (1) Offering to accept or accepting payment for
950 services rendered by assignment from any third-party payor after
951 offering to accept or accepting whatever the third-party payor
952 covers as payment in full, if the effect of the offering or
953 acceptance is to eliminate or give the impression of eliminating
954 the need for payment by an insured of any required deductions
955 applicable in the policy of the insured;

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

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

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

964 (2) Notwithstanding any provision of this chapter:

965 (a) The board, acting on its own motion or, in the case
966 of a default on a loan, on the recommendation of the state agency
967 to which payments are due, shall suspend the license of any person
968 who defaults on or fails to comply with the requirements of a
969 state educational loan, service conditional scholarship or loan
970 repayment program obligation under which the person obtained any
971 of the education necessary to qualify for a license under this
972 chapter. However, before a state agency may recommend the
973 suspension of a license due to the person's default on a loan,
974 that agency must provide the license holder with notice of its
975 intention to recommend the suspension of the person's license and
976 an opportunity for the license holder to respond; and

977 (b) The person's license will remain suspended until
978 the person has: (i) made arrangements satisfactory to the board
979 for meeting the obligations of the loan, scholarship or loan
980 repayment program; or (ii) in the case of a default, made



981 arrangements satisfactory to the state agency to which payments
982 are due for the repayment of the educational loan or scholarship.

983 (3) Any holder of the certificate or any applicant therefor
984 against whom is preferred any of the designated charges shall be
985 furnished a copy of the complaint and shall receive a formal
986 hearing in Jackson, Mississippi, before the board, at which time
987 he may be represented by counsel and examine witnesses. The board
988 may administer oaths as may be necessary for the proper conduct of
989 any such hearing. In addition, the board may issue subpoenas for
990 the attendance of witnesses and the production of books and
991 papers. The process issued by the board shall extend to all parts
992 of the state. Where in any proceeding before the board any
993 witness * * * fails or refuses to attend upon subpoena issued by
994 the board, * * * refuses to testify, or * * * refuses to produce
995 any books and papers, the production of which is called for by the
996 subpoena, the attendance of the witness and the giving of his
997 testimony and the production of the books and papers shall be
998 enforced by any court of competent jurisdiction of this state in
999 the manner provided for the enforcement of attendance and
1000 testimony of witnesses in civil cases in the courts of this state.

1001 (4) In addition to any other investigators the board
1002 employs, the board shall appoint one or more licensed
1003 chiropractors to act for the board in investigating the conduct
1004 relating to the competency of a chiropractor, whenever
1005 disciplinary action is being considered for professional
1006 incompetence and unprofessional conduct.

1007 (5) Whenever the board finds any person unqualified to
1008 practice chiropractic because of any of the grounds set forth in
1009 subsection (1) of this section, after a hearing has been conducted
1010 as prescribed by this section, the board may enter an order
1011 imposing one or more of the following:

1012 (a) Deny his application for a license or other
1013 authorization to practice chiropractic;



1014 (b) Administer a public or private reprimand;
1015 (c) Suspend, limit or restrict his license or other
1016 authorization to practice chiropractic for up to five (5) years;
1017 (d) Revoke or cancel his license or other authorization
1018 to practice chiropractic;
1019 (e) Require him to submit to care, counseling or
1020 treatment by physicians or chiropractors designated by the board,
1021 as a condition for initial, continued or renewal of licensure or
1022 other authorization to practice chiropractic;
1023 (f) Require him to participate in a program of
1024 education prescribed by the board; or
1025 (g) Require him to practice under the direction of a
1026 chiropractor designated by the board for a specified period of
1027 time.

1028 (6) Any person whose application for a license or whose
1029 license to practice chiropractic has been cancelled, revoked or
1030 suspended by the board within thirty (30) days from the date of
1031 the final decision shall have the right of a de novo appeal to the
1032 circuit court of his county of residence or the Circuit Court of
1033 the First Judicial District of Hinds County, Mississippi. If
1034 there is an appeal, the appeal may, in the discretion of and on
1035 motion to the circuit court, act as a supersedeas. The circuit
1036 court shall dispose of the appeal and enter its decision promptly.
1037 The hearing on the appeal may, in the discretion of the circuit
1038 judge, be tried in vacation. Either party shall have the right of
1039 appeal to the Supreme Court as provided by law from any decision
1040 of the circuit court.

1041 (7) In a proceeding conducted under this section by the
1042 board for the revocation, suspension or cancellation of a license
1043 to practice chiropractic, after a hearing has been conducted as
1044 prescribed by this section, the board shall have the power and
1045 authority for the grounds stated in subsection (1) of this
1046 section, with the exception of paragraph (c) thereof, to assess



1047 and levy upon any person licensed to practice chiropractic in the
1048 state a monetary penalty in lieu of the revocation, suspension or
1049 cancellation, as follows:

1050 (a) For the first violation, a monetary penalty of not
1051 less than Five Hundred Dollars (\$500.00) nor more than One
1052 Thousand Dollars (\$1,000.00) for each violation.

1053 (b) For the second and each subsequent violation, a
1054 monetary penalty of not less than One Thousand Dollars (\$1,000.00)
1055 nor more than Two Thousand Five Hundred Dollars (\$2,500.00) for
1056 each violation.

1057 The power and authority of the board to assess and levy the
1058 monetary penalties under this section shall not be affected or
1059 diminished by any other proceeding, civil or criminal, concerning
1060 the same violation or violations. A licensee shall have the right
1061 of appeal from the assessment and levy of a monetary penalty as
1062 provided in this section to the circuit court under the same
1063 conditions as a right of appeal is provided for in this section
1064 for appeals from an adverse ruling, or order, or decision of the
1065 board. Any monetary penalty assessed and levied under this
1066 section shall not take effect until after the time for appeal has
1067 expired, and an appeal of the assessment and levy of such a
1068 monetary penalty shall act as a supersedeas.

1069 (8) In addition to the grounds specified in subsection (1)
1070 of this section, the board may suspend the license of any licensee
1071 for being out of compliance with an order for support, as defined
1072 in Section 93-11-153. The procedure for suspension of a license
1073 for being out of compliance with an order for support, and the
1074 procedure for the reissuance or reinstatement of a license
1075 suspended for that purpose, and the payment of any fees for the
1076 reissuance or reinstatement of a license suspended for that
1077 purpose, shall be governed by Section 93-11-157 or 93-11-163, as
1078 the case may be. Actions taken by the board in suspending a
1079 license when required by Section 93-11-157 or 93-11-163 are not



1080 actions from which an appeal may be taken under this section. Any
1081 appeal of a license suspension that is required by Section
1082 93-11-157 or 93-11-163 shall be taken in accordance with the
1083 appeal procedure specified in Section 93-11-157 or 93-11-163, as
1084 the case may be, rather than the procedure specified in this
1085 section. If there is any conflict between any provision of
1086 Section 93-11-157 or 93-11-163 and any provision of this chapter,
1087 the provisions of Section 93-11-157 or 93-11-163, as the case may
1088 be, shall control.

1089 **SECTION 7.** Section 73-7-27, Mississippi Code of 1972, is
1090 amended as follows:

1091 73-7-27. (1) Any complaint may be filed with the board by a
1092 member or agent of the board or by any person charging any
1093 licensee of the board with the commission of any of the offenses
1094 enumerated in subsection (2) or (3) of this section. The
1095 complaint shall be in writing, signed by the accuser or accusers,
1096 and verified under oath, and the complaints shall be investigated
1097 as set forth in Section 73-7-7. If, after the investigation, the
1098 board through its administrative review agents determines that
1099 there is not substantial justification to believe that the accused
1100 licensee has committed any of the offenses enumerated, it may
1101 dismiss the complaint or may prepare a formal complaint proceeding
1102 against the licensee as hereinafter provided. When used with
1103 reference to any complaint filed against a licensee herein, the
1104 term "not substantial justification" means a complaint that is
1105 frivolous, groundless in fact or law, or vexatious, as determined
1106 by unanimous vote of the board. If there is a dismissal, the
1107 person filing the accusation and the accused licensee shall be
1108 given written notice of the board's determination. If the board
1109 determines there is reasonable cause to believe the accused has
1110 committed any of those offenses, the secretary of the board shall
1111 give written notice of that determination to the accused licensee



1112 and set a day for a hearing as provided in subsection (3) of this
1113 section.

1114 (2) The board shall have the power to revoke, suspend or
1115 refuse to issue or renew any license or certificate provided for
1116 in this chapter, and to fine, place on probation and/or otherwise
1117 discipline a student or licensee or holder of a certificate, upon
1118 proof that the person:

1119 (a) Has not complied with or has violated any of the
1120 rules and regulations promulgated by the board;

1121 (b) Has not complied with or has violated any of the
1122 sections of this chapter;

1123 (c) Has committed fraud or dishonest conduct in the
1124 taking of the examination herein provided for;

1125 (d) Has been convicted of a felony;

1126 (e) Has committed grossly unprofessional or dishonest
1127 conduct;

1128 (f) Is addicted to the excessive use of intoxicating
1129 liquors or to the use of drugs to such an extent as to render him
1130 or her unfit to practice in any of the practices or occupations
1131 set forth in this chapter;

1132 (g) Has advertised by means of knowingly false or
1133 deceptive statements; * * *

1134 (h) Has failed to display the license or certificate
1135 issued to him or her as provided for in this chapter; or

1136 (i) Has been convicted of violating any of the
1137 provisions of this chapter.

1138 A conviction of violating any of the provisions of this
1139 chapter shall be grounds for automatic suspension of the license
1140 or certificate of the person.

1141 (3) Notwithstanding any provision of this chapter:

1142 (a) The board, acting on its own motion or, in the case
1143 of a default on a loan, on the recommendation of the state agency
1144 to which payments are due, shall suspend the license of any person



1145 who defaults on or fails to comply with the requirements of a
1146 state educational loan, service conditional scholarship or loan
1147 repayment program obligation under which the person obtained any
1148 of the education necessary to qualify for a license under this
1149 chapter. However, before a state agency may recommend the
1150 suspension of a license due to the person's default on a loan,
1151 that agency must provide the license holder with notice of its
1152 intention to recommend the suspension of the person's license and
1153 an opportunity for the license holder to respond; and

1154 (b) The person's license will remain suspended until
1155 the person has: (i) made arrangements satisfactory to the board
1156 for meeting the obligations of the loan, scholarship or loan
1157 repayment program; or (ii) in the case of a default, made
1158 arrangements satisfactory to the state agency to which payments
1159 are due for the repayment of the educational loan or scholarship.

1160 (4) The board shall not revoke, suspend or refuse to issue
1161 or renew any license or certificate, or fine, place on probation
1162 or otherwise discipline any person in a disciplinary matter except
1163 after a hearing of which the applicant or licensee or holder of
1164 the certificate affected shall be given at least twenty (20) days'
1165 notice in writing, specifying the reason or reasons for denying
1166 the applicant a license or certificate of registration, or in the
1167 case of any other disciplinary action, the offense or offenses of
1168 which the licensee or holder of a certificate of registration is
1169 charged. The notice may be served by mailing a copy thereof by
1170 United States first class certified mail, postage prepaid, to the
1171 last known residence or business address of the applicant,
1172 licensee or holder of a certificate. The hearing on the charges
1173 shall be at such time and place as the board may prescribe.

1174 (5) At those hearings, all witnesses shall be sworn by a
1175 member of the board, and stenographic notes of the proceedings
1176 shall be taken. Any party to the proceedings desiring it shall be
1177 furnished with a copy of the stenographic notes upon payment to



1178 the board of such fees as it shall prescribe, not exceeding,
1179 however, the actual costs of transcription.

1180 (6) The board may issue subpoenas for the attendance of
1181 witnesses and the production of books and papers. The process
1182 issued by the board shall extend to all parts of the state and the
1183 process shall be served by any person designated by the board for
1184 that service. The person serving the process shall receive such
1185 compensation as may be allowed by the board, not to exceed the fee
1186 prescribed by law for similar services. All witnesses who shall
1187 be subpoenaed, and who shall appear in any proceedings before the
1188 board, shall receive the same fees and mileage as allowed by law.

1189 (7) Where in any proceeding before the board any
1190 witness * * * fails or refuses to attend upon subpoena issued by
1191 the board, * * * refuses to testify, or * * * refuses to produce
1192 any books and papers, the production of which is called for by the
1193 subpoena, the attendance of the witness and the giving of his
1194 testimony and the production of the books and papers shall be
1195 enforced by any court of competent jurisdiction of this state, in
1196 manner as are enforced the attendance and testimony of witnesses
1197 in civil cases in the courts of this state.

1198 (8) The board shall conduct the hearing in an orderly and
1199 continuous manner, granting continuances only when the ends of
1200 justice may be served. The board shall, within sixty (60) days
1201 after conclusion of the hearing, reduce its decision to writing
1202 and forward an attested true copy thereof to the last known
1203 residence or business address of the applicant, licensee or holder
1204 of a certificate, by way of United States first class certified
1205 mail, postage prepaid. The applicant, licensee, holder of a
1206 certificate, or person aggrieved shall have the right of appeal
1207 from an adverse ruling, or order, or decision of the board to the
1208 chancery court upon forwarding notice of appeal to the board
1209 within thirty (30) days after the decision of the board is mailed
1210 in the manner here contemplated. An appeal will not be allowed if



1211 notice of appeal, together with the appeal bond hereinafter
1212 required, is not * * * forwarded to the board within the
1213 thirty-day period. Appeal shall be to the chancery court of the
1214 county and judicial district of the residence of the appellant, or
1215 to the Chancery Court of the First Judicial District of Hinds
1216 County, Mississippi, at the election of the appellant. The notice
1217 of appeal shall elect venue, unless the appellant be a nonresident
1218 of the State of Mississippi, in which event the board shall
1219 certify all documents and evidence directly to the Chancery Court
1220 of the First Judicial District of Hinds County for further
1221 proceedings. The appeal shall thereupon be heard in due course by
1222 the court, which shall review the record and make its
1223 determination thereon.

1224 (9) The appellant shall, together with the notice of appeal,
1225 forward to and post with the board a satisfactory bond in the
1226 amount of Five Hundred Dollars (\$500.00) for the payment of any
1227 costs that may be adjudged against him.

1228 (10) If there is an appeal, the court shall dispose of the
1229 appeal and enter its decision promptly. The hearing on the appeal
1230 may, in the discretion of the chancellor, be tried in vacation.
1231 If there is an appeal, the appeal may, in the discretion of and on
1232 motion to the chancery court, act as a supersedeas. However, any
1233 fine imposed by the board under the provisions of this chapter
1234 shall not take effect until after the time for appeal has expired,
1235 and an appeal of the imposition of such a fine shall act as a
1236 supersedeas.

1237 (11) Any fine imposed by the board upon a licensee or holder
1238 of a certificate shall be in accordance with the following
1239 schedule:

1240 (a) For the first violation, a fine of not less than
1241 Fifty Dollars (\$50.00) nor more than One Hundred Dollars (\$100.00)
1242 for each violation.



1243 (b) For the second and each subsequent violation, a
1244 fine of not less than One Hundred Dollars (\$100.00) nor more than
1245 Four Hundred Dollars (\$400.00) for each violation.

1246 The power and authority of the board to impose the fines
1247 under this section shall not be affected or diminished by any
1248 other proceeding, civil or criminal, concerning the same violation
1249 or violations.

1250 (12) In addition to the reasons specified in subsection (2)
1251 of this section, the board may suspend the license of any licensee
1252 for being out of compliance with an order for support, as defined
1253 in Section 93-11-153. The procedure for suspension of a license
1254 for being out of compliance with an order for support, and the
1255 procedure for the reissuance or reinstatement of a license
1256 suspended for that purpose, and the payment of any fees for the
1257 reissuance or reinstatement of a license suspended for that
1258 purpose, shall be governed by Section 93-11-157 or 93-11-163, as
1259 the case may be. Actions taken by the board in suspending a
1260 license when required by Section 93-11-157 or 93-11-163 are not
1261 actions from which an appeal may be taken under this section. Any
1262 appeal of a license suspension that is required by Section
1263 93-11-157 or 93-11-163 shall be taken in accordance with the
1264 appeal procedure specified in Section 93-11-157 or 93-11-163, as
1265 the case may be, rather than the procedure specified in this
1266 section. If there is any conflict between any provision of
1267 Section 93-11-157 or 93-11-163 and any provision of this chapter,
1268 the provisions of Section 93-11-157 or 93-11-163, as the case may
1269 be, shall control.

1270 **SECTION 8.** Section 73-9-61, Mississippi Code of 1972, is
1271 amended as follows:

1272 73-9-61. (1) Upon satisfactory proof, and in accordance
1273 with statutory provisions elsewhere set out for those hearings and
1274 protecting the rights of accused as well as the public, the State
1275 Board of Dental Examiners may deny the issuance or renewal of a



1276 license or may revoke or suspend the license of any licensed
1277 dentist or dental hygienist practicing in the State of
1278 Mississippi, or take any other action in relation to the license
1279 as the board may deem proper under the circumstances, for any of
1280 the following reasons:

1281 (a) Misrepresentation in obtaining a license, or
1282 attempting to obtain, obtaining, attempting to renew or renewing a
1283 license or professional credential by making any material
1284 misrepresentation, including the signing in his professional
1285 capacity any certificate that is known to be false at the time he
1286 makes or signs the certificate.

1287 (b) Willful violation of any of the rules or
1288 regulations duly promulgated by the board, or of any of the rules
1289 or regulations duly promulgated by the appropriate dental
1290 licensure agency of another state or jurisdiction.

1291 (c) Being impaired in the ability to practice dentistry
1292 or dental hygiene with reasonable skill and safety to patients by
1293 reason of illness or use of alcohol, drugs, narcotics, chemicals,
1294 or any other type of material or as a result of any mental or
1295 physical condition.

1296 (d) Administering, dispensing or prescribing any
1297 prescriptive medication or drug outside the course of legitimate
1298 professional dental practice.

1299 (e) Being convicted or found guilty of or entering a
1300 plea of nolo contendere to, regardless of adjudication, a
1301 violation of any federal or state law regulating the possession,
1302 distribution or use of any narcotic drug or any drug considered a
1303 controlled substance under state or federal law, a certified copy
1304 of the conviction order or judgment rendered by the trial court
1305 being prima facie evidence thereof, notwithstanding the pendency
1306 of any appeal.

1307 (f) Practicing incompetently or negligently, regardless
1308 of whether there is actual harm to the patient.



1309 (g) Being convicted or found guilty of or entering a
1310 plea of nolo contendere to, regardless of adjudication, a crime in
1311 any jurisdiction that relates to the practice of dentistry or
1312 dental hygiene, a certified copy of the conviction order or
1313 judgment rendered by the trial court being prima facie evidence
1314 thereof, notwithstanding the pendency of any appeal.

1315 (h) Being convicted or found guilty of or entering a
1316 plea of nolo contendere to, regardless of adjudication, a felony
1317 in any jurisdiction, a certified copy of the conviction order or
1318 judgment rendered by the trial court being prima facie evidence
1319 thereof, notwithstanding the pendency of any appeal.

1320 (i) Delegating professional responsibilities to a
1321 person who is not qualified by training, experience or licensure
1322 to perform them.

1323 (j) The refusal of a licensing authority of another
1324 state or jurisdiction to issue or renew a license, permit or
1325 certificate to practice dentistry or dental hygiene in that
1326 jurisdiction or the revocation, suspension or other restriction
1327 imposed on a license, permit or certificate issued by that
1328 licensing authority which prevents or restricts practice in that
1329 jurisdiction, a certified copy of the disciplinary order or action
1330 taken by the other state or jurisdiction being prima facie
1331 evidence thereof, notwithstanding the pendency of any appeal.

1332 (k) Surrender of a license or authorization to practice
1333 dentistry or dental hygiene in another state or jurisdiction when
1334 the board has reasonable cause to believe that the surrender is
1335 made to avoid or in anticipation of a disciplinary action.

1336 (l) Any unprofessional conduct to be determined by the
1337 board on a case-by-case basis, which shall include but not be
1338 restricted to the following:

1339 (i) Committing any crime involving moral
1340 turpitude.



1341 (ii) Practicing deceit or other fraud upon the
1342 public.

1343 (iii) Practicing dentistry or dental hygiene under
1344 a false or assumed name.

1345 (iv) Advertising that is false, deceptive or
1346 misleading.

1347 (v) Announcing a specialized practice shall be
1348 considered advertising that tends to deceive or mislead the public
1349 unless the dentist announcing as a specialist conforms to other
1350 statutory provisions and the duly promulgated rules or regulations
1351 of the board pertaining to practice of dentistry in the State of
1352 Mississippi.

1353 (m) Failure to provide and maintain reasonable sanitary
1354 facilities and conditions or failure to follow board rules
1355 regarding infection control.

1356 (n) Committing any act that would constitute sexual
1357 misconduct upon a patient or upon ancillary staff. For purposes
1358 of this subsection, the term sexual misconduct means:

1359 (i) Use of the licensee-patient relationship to
1360 engage or attempt to engage the patient in sexual activity; or

1361 (ii) Conduct of a licensee that is intended to
1362 intimidate, coerce, influence or trick any person employed by or
1363 for the licensee in a dental practice or educational setting for
1364 the purpose of engaging in sexual activity or activity intended
1365 for the sexual gratification of the licensee.

1366 (o) Violation of a lawful order of the board previously
1367 entered in a disciplinary or licensure hearing; failure to
1368 cooperate with any lawful request or investigation by the board;
1369 or failure to comply with a lawfully issued subpoena of the board.

1370 (p) Willful, obstinate and continuing refusal to
1371 cooperate with the board in observing its rules and regulations in
1372 promptly paying all legal license or other fees required by law.



1373 (q) Practicing dentistry or dental hygiene while the
1374 person's license is suspended.

1375 (2) Notwithstanding any provision of this chapter:

1376 (a) The board, acting on its own motion or, in the case
1377 of a default on a loan, on the recommendation of the state agency
1378 to which payments are due, shall suspend the license of any person
1379 who defaults on or fails to comply with the requirements of a
1380 state educational loan, service conditional scholarship or loan
1381 repayment program obligation under which the person obtained any
1382 of the education necessary to qualify for a license under this
1383 chapter. However, before a state agency may recommend the
1384 suspension of a license due to the person's default on a loan,
1385 that agency must provide the license holder with notice of its
1386 intention to recommend the suspension of the person's license and
1387 an opportunity for the license holder to respond; and

1388 (b) The person's license will remain suspended until
1389 the person has: (i) made arrangements satisfactory to the board
1390 for meeting the obligations of the loan, scholarship or loan
1391 repayment program; or (ii) in the case of a default, made
1392 arrangements satisfactory to the state agency to which payments
1393 are due for the repayment of the educational loan or scholarship.

1394 (3) In lieu of revocation of a license as provided for in
1395 subsection (1) of this section, the board may suspend the license
1396 of the offending dentist or dental hygienist, suspend the sedation
1397 permit of the offending dentist, or take any other action in
1398 relation to his license as the board may deem proper under the
1399 circumstances.

1400 (4) When a license to practice dentistry or dental hygiene
1401 is revoked or suspended by the board, the board may, in its
1402 discretion, stay the revocation or suspension and simultaneously
1403 place the licensee on probation upon the condition that the
1404 licensee shall not violate the laws of the State of Mississippi
1405 pertaining to the practice of dentistry or dental hygiene and



1406 shall not violate the rules and regulations of the board and shall
1407 not violate any terms in relation to his license as may be set by
1408 the board.

1409 (5) In a proceeding conducted under this section by the
1410 board for the denial, revocation or suspension of a license to
1411 practice dentistry or dental hygiene, the board shall have the
1412 power and authority for the grounds stated for the denial,
1413 revocation or suspension, and in addition thereto or in lieu of
1414 the denial, revocation or suspension may assess and levy upon any
1415 person licensed to practice dentistry or dental hygiene in the
1416 State of Mississippi, a monetary penalty, as follows:

1417 (a) For the first violation of any of subparagraph (a),
1418 (b), (c), (d), (f), (i), (l), (m), (n), (o) or (q) of subsection
1419 (1) of this section, a monetary penalty of not less than Fifty
1420 Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00).

1421 (b) For the second violation of any of subparagraph
1422 (a), (b), (c), (d), (f), (i), (l), (m), (n), (o) or (q) of
1423 subsection (1) of this section, a monetary penalty of not less
1424 than One Hundred Dollars (\$100.00) nor more than One Thousand
1425 Dollars (\$1,000.00).

1426 (c) For the third and any subsequent violation of any
1427 of subparagraph (a), (b), (c), (d), (f), (i), (l), (m), (n), (o)
1428 or (q) of subsection (1) of this section, a monetary penalty of
1429 not less than Five Hundred Dollars (\$500.00) and not more than
1430 Five Thousand Dollars (\$5,000.00).

1431 (d) For any violation of any of subparagraphs (a)
1432 through (q) of subsection (1) of this section, those reasonable
1433 costs that are expended by the board in the investigation and
1434 conduct of a proceeding for licensure revocation or suspension,
1435 including but not limited to the cost of process service, court
1436 reporters, expert witnesses and investigators.

1437 (6) The power and authority of the board to assess and levy
1438 the monetary penalties under this section shall not be affected or



1439 diminished by any other proceeding, civil or criminal, concerning
1440 the same violation or violations except as provided in this
1441 section.

1442 (7) A licensee shall have the right of appeal from the
1443 assessment and levy of a monetary penalty as provided in this
1444 section under the same conditions as a right of appeal is provided
1445 elsewhere for appeals from an adverse ruling, order or decision of
1446 the board.

1447 (8) Any monetary penalty assessed and levied under this
1448 section shall not take effect until after the time for appeal has
1449 expired. If there is an appeal, the appeal shall act as a
1450 supersedeas.

1451 (9) A monetary penalty assessed and levied under this
1452 section shall be paid to the board by the licensee upon the
1453 expiration of the period allowed for appeal of the penalties under
1454 this section or may be paid sooner if the licensee elects. With
1455 the exception of subsection (5)(d) of this section, monetary
1456 penalties collected by the board under this section shall be
1457 deposited to the credit of the General Fund of the State Treasury.
1458 Any monies collected by the board under subsection (5)(d) of this
1459 section shall be deposited into the special fund operating account
1460 of the board.

1461 (10) When payment of a monetary penalty assessed and levied
1462 by the board against a licensee in accordance with this section is
1463 not paid by the licensee when due under this section, the board
1464 shall have power to institute and maintain proceedings in its name
1465 for enforcement of payment in the chancery court of the county and
1466 judicial district of residence of the licensee, and if the
1467 licensee is a nonresident of the State of Mississippi, the
1468 proceedings shall be in the Chancery Court of the First Judicial
1469 District of Hinds County, Mississippi.

1470 (11) In addition to the reasons specified in subsection (1)
1471 of this section, the board may suspend the license of any licensee



1472 for being out of compliance with an order for support, as defined
1473 in Section 93-11-153. The procedure for suspension of a license
1474 for being out of compliance with an order for support, and the
1475 procedure for the reissuance or reinstatement of a license
1476 suspended for that purpose, and the payment of any fees for the
1477 reissuance or reinstatement of a license suspended for that
1478 purpose, shall be governed by Section 93-11-157 or 93-11-163, as
1479 the case may be. If there is any conflict between any provision
1480 of Section 93-11-157 or 93-11-163 and any provision of this
1481 chapter, the provisions of Section 93-11-157 or 93-11-163, as the
1482 case may be, shall control.

1483 **SECTION 9.** Section 73-10-21, Mississippi Code of 1972, is
1484 amended as follows:

1485 73-10-21. (1) Rules, regulations and standards.

1486 (a) The board shall adopt, amend, promulgate and
1487 enforce such rules, regulations and standards governing dietitians
1488 as may be necessary to further the accomplishment of the purpose
1489 of the governing law, and in so doing shall utilize as the basis
1490 thereof the corresponding recommendations of the advisory council.
1491 The rules, regulations and minimum standards for licensing of
1492 dietitians may be amended by the board as deemed necessary. In so
1493 doing, the board shall utilize as the basis thereof the
1494 corresponding recommendations of the advisory council.

1495 (b) The board shall publish and disseminate to all
1496 licensees, in appropriate manner, the licensure standards
1497 prescribed by this chapter, any amendments thereto, and such rules
1498 and regulations as the board may adopt under the authority vested
1499 by Section 73-38-13, within sixty (60) days of their adoption.

1500 (2) The board shall adopt a code of ethics for dietitians
1501 using as the basis thereof the ADA "Code of Ethics for the
1502 Profession of Dietetics."

1503 (3) Issuance and renewal of licenses.



1504 (a) The board shall issue a license to any person who
1505 meets the requirements of this chapter upon payment of the license
1506 fee prescribed.

1507 (b) Upon the first renewal, licenses under this chapter
1508 shall be valid for two (2) calendar years and shall be subject to
1509 renewal and shall expire unless renewed in the manner prescribed
1510 by the rules and regulations of the board, upon the payment of a
1511 biennial renewal fee to be set at the discretion of the board, but
1512 not to exceed One Hundred Dollars (\$100.00), and the presentation
1513 of evidence satisfactory to the board that the licensee has met
1514 such continuing education requirements as the board may require.
1515 An applicant for license renewal shall demonstrate to the board
1516 evidence of satisfactory completion of the continuing education
1517 requirements established by the American Dietetic Association
1518 and/or other continuing education requirements as may be required
1519 by the board.

1520 (c) The board may provide for the late renewal of a
1521 license upon the payment of a late fee in accordance with its
1522 rules and regulations, but no such late renewal of a license may
1523 be granted more than one (1) year after its expiration.

1524 (d) A suspended license shall be subject to expiration
1525 and may be renewed as provided in this section, but that renewal
1526 shall not entitle the licensee, while the license remains
1527 suspended and until it is reinstated, to engage in the licensed
1528 activity, or in any other conduct or activity in violation of the
1529 order of judgment by which the license was suspended. If a
1530 license revoked on disciplinary grounds is reinstated, the
1531 licensee, as a condition of reinstatement, shall pay the renewal
1532 fee and any late fee that may be applicable.

1533 (4) Denial or revocation of license.

1534 (a) The board may deny or refuse to renew a license, or
1535 suspend or revoke a license, or issue orders to cease or desist
1536 from certain conduct, or issue warnings or reprimands where the



1537 licensee or applicant for license has been convicted of unlawful
1538 conduct or has demonstrated unprofessional conduct that has
1539 endangered or is likely to endanger the health, welfare or safety
1540 of the public. That conduct includes:

1541 (i) Obtaining a license by means of fraud,
1542 misrepresentation or concealment of material facts;

1543 (ii) Being guilty of unprofessional conduct as
1544 defined by the rules and established by the board or violating the
1545 Code of Ethics of the American Dietetic Association;

1546 (iii) Being convicted of a crime in any court
1547 other than a misdemeanor;

1548 (iv) Violating any lawful order, rule or
1549 regulation rendered or adopted by the board; or

1550 (v) Violating any provision of this chapter.

1551 (b) The denial, refusal to renew, suspension,
1552 revocation, order to cease and desist from designated conduct, or
1553 warning or reprimand may be ordered by the board in a decision
1554 made after a hearing in the manner provided by the rules and
1555 regulations adopted by the board. One (1) year from the date of
1556 the revocation of a license, application may be made to the board
1557 for reinstatement. The board shall have discretion to accept or
1558 reject an application for reinstatement and may, but shall not be
1559 required to, hold a hearing to consider the reinstatement.

1560 (c) Notwithstanding any provision of this chapter:

1561 (i) The board, acting on its own motion or, in the
1562 case of a default on a loan, on the recommendation of the state
1563 agency to which payments are due, shall suspend the license of any
1564 person who defaults on or fails to comply with the requirements of
1565 a state educational loan, service conditional scholarship or loan
1566 repayment program obligation under which the person obtained any
1567 of the education necessary to qualify for a license under this
1568 chapter. However, before a state agency may recommend the
1569 suspension of a license due to the person's default on a loan,



1570 that agency must provide the license holder with notice of its
1571 intention to recommend the suspension of the person's license and
1572 an opportunity for the license holder to respond; and

1573 (ii) The person's license will remain suspended
1574 until the person has: made arrangements satisfactory to the board
1575 for meeting the obligations of the loan, scholarship or loan
1576 repayment program; or, in the case of a default, made arrangements
1577 satisfactory to the state agency to which payments are due for the
1578 repayment of the educational loan or scholarship.

1579 (d) In addition to the reasons specified in paragraph
1580 (a) of this subsection (4), the board may suspend the license of
1581 any licensee for being out of compliance with an order for
1582 support, as defined in Section 93-11-153. The procedure for
1583 suspension of a license for being out of compliance with an order
1584 for support, and the procedure for the reissuance or reinstatement
1585 of a license suspended for that purpose, and the payment of any
1586 fees for the reissuance or reinstatement of a license suspended
1587 for that purpose, shall be governed by Section 93-11-157 or
1588 93-11-163, as the case may be. If there is any conflict between
1589 any provision of Section 93-11-157 or 93-11-163 and any provision
1590 of this chapter, the provisions of Section 93-11-157 or 93-11-163,
1591 as the case may be, shall control.

1592 (5) Establish fees.

1593 (a) A person licensed under this chapter shall pay to
1594 the board a fee, not to exceed One Hundred Dollars (\$100.00), to
1595 be set by the board for the issuance of a license.

1596 (b) Those fees shall be set in such an amount as to
1597 reimburse the state to the extent feasible for the cost of the
1598 services rendered.

1599 (6) Collect funds.

1600 (a) The administration of the provisions of this
1601 chapter shall be financed from income accruing from fees, licenses



1602 and other charges assessed and collected by the board in
1603 administering this chapter.

1604 (b) The board shall receive and account for all funds
1605 received and shall keep those funds in a separate fund.

1606 (c) Funds collected under the provisions of this
1607 chapter shall be used solely for the expenses of the advisory
1608 council and the board to administer the provisions of this
1609 chapter. Those funds shall be subject to audit by the State
1610 Auditor.

1611 (d) Members of the advisory council shall receive no
1612 compensation for services performed on the council, but may be
1613 reimbursed for necessary and actual expenses incurred in
1614 connection with attendance at meetings of the council or for
1615 authorized business of the council from funds made available for
1616 that purpose, as provided in Section 25-3-41.

1617 (7) Receive and process complaints.

1618 (a) The board shall have full authority to investigate
1619 and evaluate each and every applicant applying for a license to
1620 practice dietetics, with the advice of the advisory council.

1621 (b) The board shall have the authority to issue
1622 subpoenas, examine witnesses and administer oaths, and shall, at
1623 its discretion, investigate allegations or practices violating the
1624 provisions of this chapter, and in so doing shall have power to
1625 seek injunctive relief to prohibit any person from providing
1626 professional dietetic services as defined in Section 73-10-3(1)(j)
1627 without being licensed as provided herein.

1628 (8) A license certificate issued by the board is the
1629 property of the board and must be surrendered on demand.

1630 **SECTION 10.** Section 73-11-57, Mississippi Code of 1972, is
1631 amended as follows:

1632 73-11-57. (1) The board may refuse to examine or to issue
1633 or renew, or may suspend or revoke, any license, or may reprimand
1634 or place the holder thereof on a term of probation, after proper



1635 hearing, upon finding the holder of the license to be guilty of
1636 acts of commission or omission including the following:

1637 (a) The employment of fraud or deception in applying
1638 for a license or in passing the examination provided for in this
1639 chapter;

1640 (b) The erroneous issuance of a license to any person;

1641 (c) The conviction of a felony by any court in this
1642 state or any federal court or by the court of any other state or
1643 territory of the United States;

1644 (d) The practice of embalming under a false name or
1645 without a license for the practice of funeral service;

1646 (e) The impersonation of another funeral service or
1647 funeral directing licensee;

1648 (f) The permitting of a person other than a funeral
1649 service or funeral directing licensee to make arrangements for a
1650 funeral and/or form of disposition;

1651 (g) Violation of any provision of this chapter or any
1652 rule or regulation of the board;

1653 (h) Having had a license for the practice of funeral
1654 service or funeral directing suspended or revoked in any
1655 jurisdiction, having voluntarily surrendered his license in any
1656 jurisdiction, having been placed on probation in any jurisdiction,
1657 having been placed under disciplinary order(s) or other
1658 restriction in any manner for funeral directing and/or funeral
1659 service, or operating a funeral establishment (a certified copy of
1660 the order of suspension, revocation, probation or disciplinary
1661 action shall be prima facie evidence of that action);

1662 (i) Solicitation of dead human bodies by the licensee,
1663 his agents, assistants or employees, whether the solicitation
1664 occurs after death or when death is imminent; however, this shall
1665 not be deemed to prohibit general advertising;

1666 (j) Employment directly or indirectly of any
1667 apprentice, agent, assistant, employee, or other person, on a



1668 part-time or full-time basis or on commission, for the purpose of
1669 calling upon individuals or institutions by whose influence dead
1670 human bodies may be turned over to a particular funeral
1671 establishment;

1672 (k) Unprofessional conduct that includes but is not
1673 limited to:

1674 (i) Retaining a dead human body for the payment of
1675 a fee for the performance of services not authorized in writing;

1676 (ii) Knowingly performing any act that in any way
1677 assists an unlicensed person to practice funeral service or
1678 funeral directing;

1679 (iii) Being guilty of any dishonorable conduct
1680 likely to deceive, defraud or harm the public;

1681 (iv) Any act or omission in the practice of
1682 funeral service or directing that constitutes dishonesty, fraud or
1683 misrepresentation with the intent to benefit the licensee, another
1684 person or funeral establishment, or with the intent to
1685 substantially injure another person, licensee or funeral
1686 establishment; or

1687 (v) Any act or conduct, whether the same or of a
1688 different character than specified above, that constitutes or
1689 demonstrates bad faith, incompetency or untrustworthiness; or
1690 dishonest, fraudulent or improper dealing; or any other violation
1691 of the provisions of this chapter, the rules and regulations
1692 established by the board or any rule or regulation promulgated by
1693 the Federal Trade Commission relative to the practice of funeral
1694 service or directing.

1695 (2) Notwithstanding any provision of this chapter:

1696 (a) The board, acting on its own motion or, in the case
1697 of a default on a loan, on the recommendation of the state agency
1698 to which payments are due, shall suspend the license of any person
1699 who defaults on or fails to comply with the requirements of a
1700 state educational loan, service conditional scholarship or loan



1701 repayment program obligation under which the person obtained any
1702 of the education necessary to qualify for a license under this
1703 chapter. However, before a state agency may recommend the
1704 suspension of a license due to the person's default on a loan,
1705 that agency must provide the license holder with notice of its
1706 intention to recommend the suspension of the person's license and
1707 an opportunity for the license holder to respond; and

1708 (b) The person's license will remain suspended until
1709 the person has: (i) made arrangements satisfactory to the board
1710 for meeting the obligations of the loan, scholarship or loan
1711 repayment program; or (ii) in the case of a default, made
1712 arrangements satisfactory to the state agency to which payments
1713 are due for the repayment of the educational loan or scholarship.

1714 (3) The board may, upon satisfactory proof that the
1715 applicant or licensee has been guilty of any of the offenses * * *
1716 enumerated in subsection (1) of this section, refuse to examine or
1717 issue a license to the applicant, or may refuse to renew or revoke
1718 or suspend the license of the licensee, or place on probation or
1719 reprimand him, upon a majority vote of the board members, after a
1720 hearing thereon. The board is * * * vested with full power and
1721 authority to hold and conduct those hearings, compel the
1722 attendance of witnesses and the production of books, records and
1723 documents, issue subpoenas therefor, administer oaths, examine
1724 witnesses, and do all things necessary to properly conduct those
1725 hearings. The board may waive the necessity of a hearing if the
1726 person accused of a violation admits that he has been guilty of
1727 that offense. Any person who has been refused a license or whose
1728 license has been revoked or suspended may, within thirty (30) days
1729 after the decision of the board, file with the board a written
1730 notice stating that he feels himself aggrieved by the decision and
1731 appeals therefrom to the circuit court. Upon the filing of the
1732 notice, the secretary of the board shall transmit to the clerk of
1733 the circuit court the records and findings of the proceedings.



1734 The circuit court shall hear and determine as to whether the
1735 action of the board was in accord or consistent with law, or was
1736 arbitrary, unwarranted or in abuse of discretion. An appeal from
1737 the circuit court judgment or decree may be reviewed by the
1738 Supreme Court as is provided by law for other appeals.

1739 (4) In a proceeding conducted under this section by the
1740 board for the revocation or suspension of a license, the board
1741 shall have the power and authority for the grounds stated for the
1742 revocation or suspension, and in addition thereto or in lieu of
1743 the revocation or suspension may assess and levy upon any person
1744 licensed under this chapter, a monetary penalty, as follows:

1745 (a) For the first violation of any of the subparagraphs
1746 of subsection (1) of this section, a monetary penalty of not less
1747 than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars
1748 (\$500.00).

1749 (b) For the second violation of any of the
1750 subparagraphs of subsection (1) of this section, a monetary
1751 penalty of not less than One Hundred Dollars (\$100.00) nor more
1752 than One Thousand Dollars (\$1,000.00).

1753 (c) For the third and any subsequent violation of any
1754 of the subparagraphs of subsection (1) of this section, a monetary
1755 penalty of not less than Five Hundred Dollars (\$500.00) and not
1756 more than Five Thousand Dollars (\$5,000.00).

1757 (d) For any violation of any of the subparagraphs of
1758 subsection (1) of this section, those reasonable costs that are
1759 expended by the board in the investigation and conduct of a
1760 proceeding for licensure revocation or suspension, including but
1761 not limited to the cost of process service, court reporters,
1762 expert witnesses and investigators.

1763 (5) The power and authority of the board to assess and levy
1764 the monetary penalties under this section shall not be affected or
1765 diminished by any other proceeding, civil or criminal, concerning



1766 the same violation or violations except as provided in this
1767 section.

1768 (6) A licensee shall have the right of appeal from the
1769 assessment and levy of a monetary penalty as provided in this
1770 section under the same conditions as a right of appeal is provided
1771 elsewhere for appeals from an adverse ruling, order or decision of
1772 the board.

1773 (7) Any monetary penalty assessed and levied under this
1774 section shall not take effect until after the time for appeal has
1775 expired. If there is an appeal, the appeal shall act as a
1776 supersedeas.

1777 (8) A monetary penalty assessed and levied under this
1778 section shall be paid to the board by the licensee upon the
1779 expiration of the period allowed for appeal of the penalties under
1780 this section or may be paid sooner if the licensee elects.
1781 With the exception of subsection (4)(d) of this section, monetary
1782 penalties collected by the board under this section shall be
1783 deposited to the credit of the General Fund of the State Treasury.
1784 Any monies collected by the board under subsection (4)(d) of this
1785 section shall be deposited into the special fund operating account
1786 of the board.

1787 (9) When payment of a monetary penalty assessed and levied
1788 by the board against a licensee in accordance with this section is
1789 not paid by the licensee when due under this section, the board
1790 shall have power to institute and maintain proceedings in its name
1791 for enforcement of payment in the chancery court of the county and
1792 judicial district of residence of the licensee, and if the
1793 licensee is a nonresident of the State of Mississippi, the
1794 proceedings shall be in the Chancery Court of the First Judicial
1795 District of Hinds County, Mississippi.

1796 (10) In addition to the reasons specified in subsection (1)
1797 of this section, the board may suspend the license of any licensee
1798 for being out of compliance with an order for support, as defined



1799 in Section 93-11-153. The procedure for suspension of a license
1800 for being out of compliance with an order for support, and the
1801 procedure for the reissuance or reinstatement of a license
1802 suspended for that purpose, and the payment of any fees for the
1803 reissuance or reinstatement of a license suspended for that
1804 purpose, shall be governed by Section 93-11-157 or 93-11-163, as
1805 the case may be. Actions taken by the board in suspending a
1806 license when required by Section 93-11-157 or 93-11-163 are not
1807 actions from which an appeal may be taken under this section. Any
1808 appeal of a license suspension that is required by Section
1809 93-11-157 or 93-11-163 shall be taken in accordance with the
1810 appeal procedure specified in Section 93-11-157 or 93-11-163, as
1811 the case may be, rather than the procedure specified in this
1812 section. If there is any conflict between any provision of
1813 Section 93-11-157 or 93-11-163 and any provision of this chapter,
1814 the provisions of Section 93-11-157 or 93-11-163, as the case may
1815 be, shall control.

1816 **SECTION 11.** Section 73-13-37, Mississippi Code of 1972, is
1817 amended as follows:

1818 73-13-37. (1) The board, upon satisfactory proof and in
1819 accordance with the provisions of this chapter and the
1820 implementing regulations of the board pertaining thereto, may take
1821 the disciplinary actions provided for hereinafter against any
1822 person practicing engineering or surveying, including
1823 nonregistrants, for any of the following reasons:

1824 (a) Violating any of the provisions of Sections 73-13-1
1825 through 73-13-45 or the implementing bylaws, rules, regulations,
1826 or standards of ethics or conduct duly adopted and promulgated by
1827 the board pertaining to the practice of engineering;

1828 (b) Fraud, deceit or misrepresentation in obtaining a
1829 certificate of registration;

1830 (c) Gross negligence, malpractice or incompetency;



1831 (d) Any professional misconduct, as defined by the
1832 board through bylaws, rules and regulations, and standards of
1833 conduct and ethics;

1834 (e) Practicing or offering to practice engineering on
1835 an expired certificate or while under suspension or revocation of
1836 certificate unless the suspension or revocation is abated through
1837 probation, as provided for hereinafter; or

1838 (f) Addiction to or dependence on alcohol or other
1839 habit-forming drugs or being an habitual user of alcohol,
1840 narcotics, barbiturates, amphetamines, hallucinogens, or other
1841 drugs having similar effect.

1842 (2) Notwithstanding any provision of this chapter:

1843 (a) The board, acting on its own motion or, in the case
1844 of a default on a loan, on the recommendation of the state agency
1845 to which payments are due, shall suspend the certificate of
1846 registration of any person who defaults on or fails to comply with
1847 the requirements of a state educational loan, service conditional
1848 scholarship or loan repayment program obligation under which the
1849 person obtained any of the education necessary to qualify for a
1850 certificate of registration under this chapter. However, before a
1851 state agency may recommend the suspension of a certificate of
1852 registration due to the person's default on a loan, that agency
1853 must provide the certificate holder with notice of its intention
1854 to recommend the suspension of the person's certificate of
1855 registration and an opportunity for the certificate holder to
1856 respond; and

1857 (b) The person's certificate of registration will
1858 remain suspended until the person has: (i) made arrangements
1859 satisfactory to the board for meeting the obligations of the loan,
1860 scholarship or loan repayment program; or (ii) in the case of a
1861 default, made arrangements satisfactory to the state agency to
1862 which payments are due for the repayment of the educational loan
1863 or scholarship.



1864 (3) Any person may prefer charges against any other person
1865 practicing engineering or surveying, including nonregistrants, for
1866 committing any of the acts set forth in subsection (1) or (2) of
1867 this section. The charges shall be sworn to, either upon actual
1868 knowledge or upon information and belief, and shall be filed with
1869 the board. If any person certified under Sections 73-13-1 through
1870 73-13-45 is expelled from membership in any Mississippi
1871 professional engineering society or association, the board shall
1872 thereafter cite the person to appear at a hearing before the board
1873 and to show cause why disciplinary action should not be taken
1874 against him.

1875 The board shall investigate all charges filed with it and,
1876 upon finding reasonable cause to believe that the charges are not
1877 frivolous, unfounded or filed in bad faith, may, in its
1878 discretion, cause a hearing to be held, at a time and place fixed
1879 by the board, regarding the charges and may compel the accused by
1880 subpoena to appear before the board to respond to the charges.

1881 No disciplinary action taken under this section, may be taken
1882 until the accused has been furnished both a statement of the
1883 charges against him and notice of the time and place of the
1884 hearing thereof, which shall be personally served on or mailed by
1885 registered or certified mail, return receipt requested, to the
1886 last-known business or residence address of the accused not less
1887 than thirty (30) days before the date fixed for the hearing.

1888 (4) At any hearing held under this section, the board shall
1889 have the power to subpoena witnesses and compel their attendance
1890 and may also require the production of books, papers, documents,
1891 etc., as provided elsewhere in this chapter. The board may
1892 designate or secure a hearing officer to conduct the hearing. All
1893 evidence shall be presented under oath, which may be administered
1894 by any member of the board, and thereafter the proceedings may, if
1895 necessary, be transcribed in full by the court reporter and filed
1896 as part of the record in the case. Copies of those transcriptions



1897 may be provided to any party to the proceedings at a cost to be
1898 fixed by the board.

1899 All witnesses who shall be subpoenaed and who shall appear in
1900 any proceedings before the board shall receive the same fees and
1901 mileage as allowed by law in judicial civil proceedings, and all
1902 such fees shall be taxed as part of the costs in the case.

1903 Where in any proceeding before the board any witness * * *
1904 fails or refuses to attend upon subpoena issued by the
1905 board, * * * refuses to testify or * * * refuses to produce any
1906 books and papers, the production of which is called for by the
1907 subpoena, the attendance of the witness and the giving of his
1908 testimony and the production of the books and papers shall be
1909 enforced by any court of competent jurisdiction of this state in
1910 the manner provided for the enforcement of attendance and
1911 testimony of witnesses in civil cases in the courts of this state.

1912 The accused shall have the right to be present at the hearing
1913 in person, by counsel or other representative, or both. The board
1914 may continue or recess the hearing as may be necessary.

1915 (5) At the conclusion of the hearing, the board may either
1916 decide the issue at that time or take the case under advisement
1917 for further deliberation. The board shall render its decision not
1918 more than ninety (90) days after the close of the hearing, and
1919 shall forward to the last-known business or residence address of
1920 the accused, by certified or registered mail, return receipt
1921 requested, a written statement of the decision of the board.

1922 If a majority of the board finds the accused guilty of the
1923 charges filed, the board may:

1924 (a) Issue a public or private reprimand;

1925 (b) Require the guilty party to complete a course,
1926 approved by the board, in ethics;

1927 (c) Suspend or revoke the certificate of the accused,
1928 if the accused is a registrant; or



1929 (d) In lieu of or in addition to the reprimand, course
1930 completion, suspension or revocation, assess and levy upon the
1931 guilty party a monetary penalty of not less than One Hundred
1932 Dollars (\$100.00) nor more than Five Thousand Dollars (\$5,000.00)
1933 for each violation.

1934 (6) A monetary penalty assessed and levied under this
1935 section shall be paid to the board upon the expiration of the
1936 period allowed for appeal of the penalties under this section, or
1937 may be paid sooner if the guilty party elects. Money collected by
1938 the board under this section shall be deposited to the credit of
1939 the board's special fund in the State Treasury.

1940 When payment of a monetary penalty assessed and levied by the
1941 board in accordance with this section is not paid when due, the
1942 board shall have the power to institute and maintain proceedings
1943 in its name for enforcement of payment in the chancery court of
1944 the county and judicial district of residence of the guilty party
1945 and if the guilty party is a nonresident of the State of
1946 Mississippi, the proceedings shall be in the Chancery Court of the
1947 First Judicial District of Hinds County, Mississippi.

1948 (7) When the board has taken a disciplinary action under
1949 this section, the board may, in its discretion, stay the action
1950 and place the guilty party on probation for a period not to exceed
1951 one (1) year upon the condition that the guilty party shall not
1952 further violate either the laws of the State of Mississippi
1953 pertaining to the practice of engineering or the bylaws, rules and
1954 regulations, or standards of conduct and ethics promulgated by the
1955 board.

1956 (8) The board, in its discretion, may assess and tax any
1957 part or all of the costs of any disciplinary proceedings conducted
1958 under this section against either the accused, the charging party,
1959 or both, as it may elect.

1960 (9) The power and authority of the board to assess and levy
1961 the monetary penalties provided for in this section shall not be



1962 affected or diminished by any other proceeding, civil or criminal,
1963 concerning the same violation or violations except as provided in
1964 this section.

1965 (10) The board, for sufficient cause, may reissue a revoked
1966 certificate of registration whenever a majority of the board
1967 members vote to do so.

1968 (11) Any person aggrieved by an action of the board denying
1969 or revoking his certificate of registration or re-registration as
1970 a professional engineer or his certificate of enrollment as an
1971 engineer intern, or who is aggrieved by the action of the board as
1972 a result of disciplinary proceedings conducted under this section
1973 may appeal therefrom to the chancery court of either the county in
1974 which the appellant resides or the Chancery Court of the First
1975 Judicial District of Hinds County, at the election of the
1976 appellant. If the appellant is a nonresident of this state, the
1977 appeal shall be made to the Chancery Court of the First Judicial
1978 District of Hinds County. The appeal shall be perfected before
1979 the board by the filing with the board of a notice of appeal to
1980 the chancery court. The court shall require a bond in an amount
1981 not to exceed One Thousand Dollars (\$1,000.00) conditioned to pay
1982 all costs that may be adjudged against the appellant. The notice
1983 of appeal shall be filed not later than thirty (30) days after the
1984 decision of the board is forwarded to the guilty party, as
1985 provided hereinabove.

1986 All appeals perfected under this section shall act as a
1987 supersedeas, and shall be made to the chancery court solely upon
1988 the record made before the board during the disciplinary hearing.
1989 When the appeal has been properly perfected as provided in this
1990 section, the board shall cause the record of the proceedings
1991 conducted before it to be compiled, certified and filed with the
1992 chancery court. The briefing schedule shall be the same as for
1993 appeals to the Supreme Court. The chancery court shall be
1994 required to rule on the case within sixty (60) days of the close



1995 of briefing. All procedures and penalties provided for in this
1996 section shall apply to nonregistrants as well as registrants.

1997 (12) In addition to the reasons specified in subsection (1)
1998 of this section, the board may suspend the certificate of
1999 registration of any person for being out of compliance with an
2000 order for support, as defined in Section 93-11-153. The procedure
2001 for suspension of a certificate for being out of compliance with
2002 an order for support, and the procedure for the reissuance or
2003 reinstatement of a certificate suspended for that purpose, and the
2004 payment of any fees for the reissuance or reinstatement of a
2005 certificate suspended for that purpose, shall be governed by
2006 Section 93-11-157 or 93-11-163, as the case may be. Actions taken
2007 by the board in suspending a certificate when required by Section
2008 93-11-157 or 93-11-163 are not actions from which an appeal may be
2009 taken under this section. Any appeal of a suspension of a
2010 certificate that is required by Section 93-11-157 or 93-11-163
2011 shall be taken in accordance with the appeal procedure specified
2012 in Section 93-11-157 or 93-11-163, as the case may be, rather than
2013 the procedure specified in this section. If there is any conflict
2014 between any provision of Section 93-11-157 or 93-11-163 and any
2015 provision of this chapter, the provisions of Section 93-11-157 or
2016 93-11-163, as the case may be, shall control.

2017 (13) Any board member whose objectivity in a disciplinary
2018 proceeding is impaired shall either recuse himself from sitting as
2019 a member of the board in a formal disciplinary hearing in that
2020 proceeding or be disqualified therefrom. If a disciplinary
2021 proceeding is brought against a member or former member of the
2022 board, no member of the board who has served concurrently with the
2023 respondent in the disciplinary proceeding shall sit as a member of
2024 the board in a formal disciplinary hearing in that proceeding.
2025 If, after recusal or disqualification of board members as provided
2026 herein, there does not remain a quorum of the board to sit for a
2027 disciplinary hearing, the board shall have the power to select, in



2028 accordance with duly promulgated regulations of the board,
2029 substitute panel members from slates of candidates established by
2030 the Mississippi Engineering Society and the Mississippi
2031 Association of Professional Surveyors to the extent necessary to
2032 achieve the number of panel members equivalent to a quorum of the
2033 board. Substitute panel members must meet the qualifications of
2034 board members as provided in Section 73-13-7 and shall receive
2035 compensation as provided for board members in Section 73-13-9.

2036 **SECTION 12.** Section 73-15-29, Mississippi Code of 1972, is
2037 amended as follows:

2038 73-15-29. (1) The board shall have power to revoke, suspend
2039 or refuse to renew any license issued by the board, or to revoke
2040 or suspend any privilege to practice, or to deny an application
2041 for a license, or to fine, place on probation and/or discipline a
2042 licensee, in any manner specified in this chapter, upon proof that
2043 the person:

2044 (a) Has committed fraud or deceit in securing or
2045 attempting to secure the license;

2046 (b) Has been convicted of felony, or a crime involving
2047 moral turpitude or has had accepted by a court a plea of nolo
2048 contendere to a felony or a crime involving moral turpitude (a
2049 certified copy of the judgment of the court of competent
2050 jurisdiction of the conviction or pleas shall be prima facie
2051 evidence of the conviction);

2052 (c) Has negligently or willfully acted in a manner
2053 inconsistent with the health or safety of the persons under the
2054 licensee's care;

2055 (d) Has had a license or privilege to practice as a
2056 registered nurse or a licensed practical nurse suspended or
2057 revoked in any jurisdiction, has voluntarily surrendered the
2058 license or privilege to practice in any jurisdiction, has been
2059 placed on probation as a registered nurse or licensed practical
2060 nurse in any jurisdiction or has been placed under a disciplinary



2061 order(s) in any manner as a registered nurse or licensed practical
2062 nurse in any jurisdiction, (a certified copy of the order of
2063 suspension, revocation, probation or disciplinary action shall be
2064 prima facie evidence of the action);

2065 (e) Has negligently or willfully practiced nursing in a
2066 manner that fails to meet generally accepted standards of that
2067 nursing practice;

2068 (f) Has negligently or willfully violated any order,
2069 rule or regulation of the board pertaining to nursing practice or
2070 licensure;

2071 (g) Has falsified or in a repeatedly negligent manner
2072 made incorrect entries or failed to make essential entries on
2073 records;

2074 (h) Is addicted to or dependent on alcohol or other
2075 habit-forming drugs or is a habitual user of narcotics,
2076 barbiturates, amphetamines, hallucinogens, or other drugs having
2077 similar effect, or has misappropriated any medication;

2078 (i) Has a physical, mental or emotional disability that
2079 renders the licensee unable to perform nursing services or duties
2080 with reasonable skill and safety;

2081 (j) Has engaged in any other conduct, whether of the
2082 same or of a different character from that specified in this
2083 chapter, that would constitute a crime as defined in Title 97 of
2084 the Mississippi Code of 1972, as now or hereafter amended, and
2085 that relates to the person's employment as a registered nurse or
2086 licensed practical nurse;

2087 (k) Engages in conduct likely to deceive, defraud or
2088 harm the public;

2089 (l) Engages in any unprofessional conduct as identified
2090 by the board in its rules; or

2091 (m) Has violated any provision of this chapter.

2092 (2) Notwithstanding any provision of this chapter:



2093 (a) The board, acting on its own motion or, in the case
2094 of a default on a loan, on the recommendation of the state agency
2095 to which payments are due, shall suspend the license of any person
2096 who defaults on or fails to comply with the requirements of a
2097 state educational loan, service conditional scholarship or loan
2098 repayment program obligation under which the person obtained any
2099 of the education necessary to qualify for a license under this
2100 chapter. However, before a state agency may recommend the
2101 suspension of a license due to the person's default on a loan,
2102 that agency must provide the license holder with notice of its
2103 intention to recommend the suspension of the person's license and
2104 an opportunity for the license holder to respond; and

2105 (b) The person's license will remain suspended until
2106 the person has: (i) made arrangements satisfactory to the board
2107 for meeting the obligations of the loan, scholarship or loan
2108 repayment program; or (ii) in the case of a default, made
2109 arrangements satisfactory to the state agency to which payments
2110 are due for the repayment of the educational loan or scholarship.

2111 (3) When the board finds any person unqualified because of
2112 any of the grounds set forth in subsection (1) of this section, it
2113 may enter an order imposing one or more of the following
2114 penalties:

2115 (a) Denying application for a license or other
2116 authorization to practice nursing or practical nursing;

2117 (b) Administering a reprimand;

2118 (c) Suspending or restricting the license or other
2119 authorization to practice as a registered nurse or licensed
2120 practical nurse for up to two (2) years without review;

2121 (d) Revoking the license or other authorization to
2122 practice nursing or practical nursing;

2123 (e) Requiring the discipline to submit to care,
2124 counseling or treatment by persons and/or agencies approved or
2125 designated by the board as a condition for initial, continued or



2126 renewed licensure or other authorization to practice nursing or
2127 practical nursing;

2128 (f) Requiring the discipline to participate in a
2129 program of education prescribed by the board as a condition for
2130 initial, continued or renewed licensure or other authorization to
2131 practice;

2132 (g) Requiring the discipline to practice under the
2133 supervision of a registered nurse for a specified period of time;
2134 or

2135 (h) Imposing a fine not to exceed Five Hundred Dollars
2136 (\$500.00).

2137 (4) In addition to the grounds specified in subsection (1)
2138 of this section, the board may suspend the license or privilege to
2139 practice of any licensee for being out of compliance with an order
2140 for support, as defined in Section 93-11-153. The procedure for
2141 suspension of a license or privilege to practice for being out of
2142 compliance with an order for support, and the procedure for the
2143 reissuance or reinstatement of a license or privilege to practice
2144 suspended for that purpose, and the payment of any fees for the
2145 reissuance or reinstatement of a license or privilege to practice
2146 suspended for that purpose, shall be governed by Section 93-11-157
2147 or 93-11-163, as the case may be. If there is any conflict
2148 between any provision of Section 93-11-157 or 93-11-163 and any
2149 provision of this chapter, the provisions of Section 93-11-157 or
2150 93-11-163, as the case may be, shall control.

2151 **SECTION 13.** Section 73-19-23, Mississippi Code of 1972, is
2152 amended as follows:

2153 73-19-23. (1) The board shall refuse to grant a certificate
2154 of licensure to any applicant and may cancel, revoke or suspend
2155 the operation of any certificate by it granted for any or all of
2156 the following reasons, to wit: unprofessional and unethical
2157 conduct or the conviction of a crime involving moral turpitude,
2158 habitual intemperance in the use of ardent spirits, or stimulants,



2159 narcotics, or any other substance that impairs the intellect and
2160 judgment to such an extent as to incapacitate one for the
2161 performance of the duties of an optometrist. The certificate of
2162 licensure of any person can be revoked for violating any section
2163 of this chapter.

2164 (2) The board may take disciplinary action against a
2165 licensee for any unlawful acts, which shall include violations of
2166 regulations promulgated by the board, as well as the following
2167 acts:

2168 (a) Fraud or misrepresentation in applying for or
2169 procuring an optometric license or in connection with applying for
2170 or procuring periodic renewal of an optometric license.

2171 (b) Cheating on or attempting to subvert the optometric
2172 licensing examination(s).

2173 (c) The conviction of a felony in this state or any
2174 other jurisdiction, or the entry of guilty or nolo contendere plea
2175 to a felony charge.

2176 (d) The conviction of a felony as defined by federal
2177 law, or the entry of a guilty or nolo contendere plea to a felony
2178 charge.

2179 (e) Conduct likely to deceive, defraud or harm the
2180 public.

2181 (f) Making a false or misleading statement regarding
2182 his or her skill or the efficacy or value of the medicine, device,
2183 treatment or remedy prescribed by him or her or used at his or her
2184 direction in the treatment of any disease or other condition.

2185 (g) Willfully or negligently violating the
2186 confidentiality between doctor and patient, except as required by
2187 law.

2188 (h) Negligence or gross incompetence in the practice of
2189 optometry as determined by the board.

2190 (i) Being found mentally incompetent or insane by any
2191 court of competent jurisdiction.



2192 (j) The use of any false, fraudulent, deceptive or
2193 misleading statement in any document connected with the practice
2194 of optometry.

2195 (k) Aiding or abetting the practice of optometry by an
2196 unlicensed, incompetent or impaired person.

2197 (l) Commission of any act of sexual abuse, misconduct
2198 or exploitation related to the licensee's practice of optometry.

2199 (m) Being addicted or habituated to a drug or
2200 intoxicant.

2201 (n) Violating any state or federal law or regulation
2202 relating to a drug legally classified as a controlled substance.

2203 (o) Obtaining any fee by fraud, deceit or
2204 misrepresentation.

2205 (p) Disciplinary action of another state or
2206 jurisdiction against a licensee or other authorization to practice
2207 optometry based upon acts or conduct by the licensee similar to
2208 acts or conduct that would constitute grounds for action as
2209 defined in this chapter, a certified copy of the record of the
2210 action taken by the other state or jurisdiction being conclusive
2211 evidence thereof.

2212 (q) Failure to report to the board the relocation of
2213 his or her office in or out of the jurisdiction, or to furnish
2214 floor plans as required by regulation.

2215 (r) Violation of any provision(s) of the Optometry
2216 Practice Act or the rules and regulations of the board or of an
2217 action, stipulation or agreement of the board.

2218 (s) To advertise in a manner that tends to deceive,
2219 mislead or defraud the public.

2220 (t) The designation of any person licensed under this
2221 chapter, other than by the terms "optometrist," "Doctor of
2222 Optometry" or "O.D."



2223 (u) To knowingly submit or cause to be submitted any
2224 misleading, deceptive or fraudulent representation on a claim
2225 form, bill or statement.

2226 (v) To practice or attempt to practice optometry while
2227 his or her license is suspended.

2228 (3) Notwithstanding any provision of this chapter:

2229 (a) The board, acting on its own motion or, in the case
2230 of a default on a loan, on the recommendation of the state agency
2231 to which payments are due, shall suspend the certificate of
2232 licensure of any person who defaults on or fails to comply with
2233 the requirements of a state educational loan, service conditional
2234 scholarship or loan repayment program obligation under which the
2235 person obtained any of the education necessary to qualify for a
2236 certificate of licensure under this chapter. However, before a
2237 state agency may recommend the suspension of a certificate of
2238 licensure due to the person's default on a loan, that agency
2239 must provide the certificate holder with notice of its intention
2240 to recommend the suspension of the person's certificate of
2241 licensure and an opportunity for the certificate holder to
2242 respond; and

2243 (b) The person's certificate of licensure will remain
2244 suspended until the person has: (i) made arrangements
2245 satisfactory to the board for meeting the obligations of the loan,
2246 scholarship or loan repayment program; or (ii) in the case of a
2247 default, made arrangements satisfactory to the state agency to
2248 which payments are due for the repayment of the educational loan
2249 or scholarship.

2250 (4) Any person who is holder of a certificate of licensure
2251 or who is an applicant for examination for a certificate of
2252 licensure, against whom is preferred any charges, shall be
2253 furnished by the board with a copy of the complaint and shall have
2254 a hearing in Jackson, Mississippi, before the board, at which
2255 hearing he may be represented by counsel. At the hearing



2256 witnesses may be examined for and against the accused respecting
2257 the * * * charges, and the hearing orders or appeals will be
2258 conducted according to the procedure now provided in Section
2259 73-25-27. The suspension of a certificate of licensure, by reason
2260 of the use of stimulants or narcotics may be removed when the
2261 holder thereof has been adjudged by the * * * board to be cured
2262 and capable of practicing optometry.

2263 (5) In addition to the reasons specified in subsections (1)
2264 and (2) of this section, the board may suspend the license of any
2265 licensee for being out of compliance with an order for support, as
2266 defined in Section 93-11-153. The procedure for suspension of a
2267 license for being out of compliance with an order for support, and
2268 the procedure for the reissuance or reinstatement of a license
2269 suspended for that purpose, and the payment of any fees for the
2270 reissuance or reinstatement of a license suspended for that
2271 purpose, shall be governed by Section 93-11-157 or 93-11-163, as
2272 the case may be. If there is any conflict between any provision
2273 of Section 93-11-157 or 93-11-163 and any provision of this
2274 chapter, the provisions of Section 93-11-157 or 93-11-163, as the
2275 case may be, shall control.

2276 **SECTION 14.** Section 73-21-97, Mississippi Code of 1972, is
2277 amended as follows:

2278 73-21-97. (1) The board may refuse to issue or renew, or
2279 may suspend, reprimand, revoke or restrict the license,
2280 registration or permit of any person upon one or more of the
2281 following grounds:

2282 (a) Unprofessional conduct as defined by the rules and
2283 regulations of the board;

2284 (b) Incapacity of a nature that prevents a pharmacist
2285 from engaging in the practice of pharmacy with reasonable skill,
2286 confidence and safety to the public;

2287 (c) Being found guilty by a court of competent
2288 jurisdiction of one or more of the following:



- 2289 (i) A felony;
- 2290 (ii) Any act involving moral turpitude or gross
2291 immorality; or
- 2292 (iii) Violation of pharmacy or drug laws of this
2293 state or rules or regulations pertaining thereto, or of statutes,
2294 rules or regulations of any other state or the federal government;
- 2295 (d) Fraud or intentional misrepresentation by a
2296 licensee or permit holder in securing the issuance or renewal of a
2297 license or permit;
- 2298 (e) Engaging or aiding and abetting an individual to
2299 engage in the practice of pharmacy without a license;
- 2300 (f) Violation of any of the provisions of this chapter
2301 or rules or regulations adopted under this chapter;
- 2302 (g) Failure to comply with lawful orders of the board;
- 2303 (h) Negligently or willfully acting in a manner
2304 inconsistent with the health or safety of the public;
- 2305 (i) Addiction to or dependence on alcohol or controlled
2306 substances or the unauthorized use or possession of controlled
2307 substances;
- 2308 (j) Misappropriation of any prescription drug;
- 2309 (k) Being found guilty by the licensing agency in
2310 another state of violating the statutes, rules or regulations of
2311 that jurisdiction; or
- 2312 (l) The unlawful or unauthorized possession of a
2313 controlled substance.
- 2314 (2) In lieu of suspension, revocation or restriction of a
2315 license as provided for above, the board may warn or reprimand the
2316 offending pharmacist.
- 2317 (3) Notwithstanding any provision of this chapter:
- 2318 (a) The board, acting on its own motion or, in the case
2319 of a default on a loan, on the recommendation of the state agency
2320 to which payments are due, shall suspend the pharmacist's license
2321 of any person who defaults on or fails to comply with the



2322 requirements of a state educational loan, service conditional
2323 scholarship or loan repayment program obligation under which the
2324 person obtained any of the education necessary to qualify for a
2325 pharmacist's license under this chapter. However, before a state
2326 agency may recommend the suspension of a pharmacist's license due
2327 to the person's default on a loan, that agency must provide the
2328 license holder with notice of its intention to recommend the
2329 suspension of the person's pharmacist's license and an opportunity
2330 for the license holder to respond; and

2331 (b) The person's pharmacist's license will remain
2332 suspended until the person has: (i) made arrangements
2333 satisfactory to the board for meeting the obligations of the loan,
2334 scholarship or loan repayment program; or (ii) in the case of a
2335 default, made arrangements satisfactory to the state agency to
2336 which payments are due for the repayment of the educational loan
2337 or scholarship.

2338 (4) In addition to the grounds specified in subsection (1)
2339 of this section, the board may suspend the license, registration
2340 or permit of any person for being out of compliance with an order
2341 for support, as defined in Section 93-11-153. The procedure for
2342 suspension of a license, registration or permit for being out of
2343 compliance with an order for support, and the procedure for the
2344 reissuance or reinstatement of a license, registration or permit
2345 suspended for that purpose, and the payment of any fees for the
2346 reissuance or reinstatement of a license, registration or permit
2347 suspended for that purpose, shall be governed by Section 93-11-157
2348 or 93-11-163, as the case may be. If there is any conflict
2349 between any provision of Section 93-11-157 or 93-11-163 and any
2350 provision of this chapter, the provisions of Section 93-11-157 or
2351 93-11-163, as the case may be, shall control.

2352 **SECTION 15.** Section 73-23-59, Mississippi Code of 1972, is
2353 amended as follows:



2354 73-23-59. (1) Licensees subject to this chapter shall
2355 conduct their activities, services and practice in accordance with
2356 this chapter and any rules promulgated pursuant hereto. Licensees
2357 may be subject to the exercise of the disciplinary sanction
2358 enumerated in Section 73-23-64 if the board finds that a licensee
2359 is guilty of any of the following:

2360 (a) Negligence in the practice or performance of
2361 professional services or activities;

2362 (b) Engaging in dishonorable, unethical or
2363 unprofessional conduct of a character likely to deceive, defraud
2364 or harm the public in the course of professional services or
2365 activities;

2366 (c) Perpetrating or cooperating in fraud or material
2367 deception in obtaining or renewing a license or attempting the
2368 same;

2369 (d) Being convicted of any crime that has a substantial
2370 relationship to the licensee's activities and services or an
2371 essential element of which is misstatement, fraud or dishonesty;

2372 (e) Being convicted of any crime that is a felony under
2373 the laws of this state or the United States;

2374 (f) Engaging in or permitting the performance of
2375 unacceptable services personally or by others working under the
2376 licensee's supervision due to the licensee's deliberate or
2377 negligent act or acts or failure to act, regardless of whether
2378 actual damage or damages to the public is established;

2379 (g) Continued practice although the licensee has become
2380 unfit to practice as a physical therapist or physical therapist
2381 assistant due to:

2382 (i) Failure to keep abreast of current
2383 professional theory or practice; * * *

2384 (ii) Physical or mental disability; the entry of
2385 an order or judgment by a court of competent jurisdiction that a



2386 licensee is in need of mental treatment or is incompetent shall
2387 constitute mental disability; or

2388 (iii) Addiction or severe dependency upon alcohol
2389 or other drugs that may endanger the public by impairing the
2390 licensee's ability to practice;

2391 (h) Having disciplinary action taken against the
2392 licensee's license in another state;

2393 (i) Making differential, detrimental treatment against
2394 any person because of race, color, creed, sex, religion or
2395 national origin;

2396 (j) Engaging in lewd conduct in connection with
2397 professional services or activities;

2398 (k) Engaging in false or misleading advertising;

2399 (l) Contracting, assisting or permitting unlicensed
2400 persons to perform services for which a license is required under
2401 this chapter;

2402 (m) Violation of any probation requirements placed on a
2403 license by the board;

2404 (n) Revealing confidential information except as may be
2405 required by law;

2406 (o) Failing to inform clients of the fact that the
2407 client no longer needs the services or professional assistance of
2408 the licensee;

2409 (p) Charging excessive or unreasonable fees or engaging
2410 in unreasonable collection practices;

2411 (q) For treating or attempting to treat ailments or
2412 other health conditions of human beings other than by physical
2413 therapy as authorized by this chapter;

2414 (r) For applying or offering to apply physical therapy,
2415 exclusive of initial evaluation or screening and exclusive of
2416 education or consultation for the prevention of physical and
2417 mental disability within the scope of physical therapy, other than
2418 upon the referral of a licensed physician, dentist, osteopath,



2419 podiatrist, chiropractor or nurse practitioner; or for acting as a
2420 physical therapist assistant other than under the direct, on-site
2421 supervision of a licensed physical therapist;

2422 (s) Violations of the current codes of conduct for
2423 physical therapists and physical therapy assistants adopted by the
2424 American Physical Therapy Association;

2425 (t) Violations of any rules or regulations promulgated
2426 under this chapter.

2427 (2) The board may order a licensee to submit to a reasonable
2428 physical or mental examination if the licensee's physical or
2429 mental capacity to practice safely is at issue in a disciplinary
2430 proceeding.

2431 (3) Failure to comply with a board order to submit to a
2432 physical or mental examination shall render a licensee subject to
2433 the summary suspension procedures described in Section 73-23-64.

2434 (4) Notwithstanding any provision of this chapter:

2435 (a) The board, acting on its own motion or, in the case
2436 of a default on a loan, on the recommendation of the state agency
2437 to which payments are due, shall suspend the license of any person
2438 who defaults on or fails to comply with the requirements of a
2439 state educational loan, service conditional scholarship or loan
2440 repayment program obligation under which the person obtained any
2441 of the education necessary to qualify for a license under this
2442 chapter. However, before a state agency may recommend the
2443 suspension of a license due to the person's default on a loan,
2444 that agency must provide the license holder with notice of its
2445 intention to recommend the suspension of the person's license and
2446 an opportunity for the license holder to respond; and

2447 (b) The person's license will remain suspended until
2448 the person has: (i) made arrangements satisfactory to the board
2449 for meeting the obligations of the loan, scholarship or loan
2450 repayment program; or (ii) in the case of a default, made



2451 arrangements satisfactory to the state agency to which payments
2452 are due for the repayment of the educational loan or scholarship.

2453 (5) In addition to the reasons specified in subsection (1)
2454 of this section, the board may suspend the license of any licensee
2455 for being out of compliance with an order for support, as defined
2456 in Section 93-11-153. The procedure for suspension of a license
2457 for being out of compliance with an order for support, and the
2458 procedure for the reissuance or reinstatement of a license
2459 suspended for that purpose, and the payment of any fees for the
2460 reissuance or reinstatement of a license suspended for that
2461 purpose, shall be governed by Section 93-11-157 or 93-11-163, as
2462 the case may be. If there is any conflict between any provision
2463 of Section 93-11-157 or 93-11-163 and any provision of this
2464 chapter, the provisions of Section 93-11-157 or 93-11-163, as the
2465 case may be, shall control.

2466 **SECTION 16.** Section 73-24-24, Mississippi Code of 1972, is
2467 amended as follows:

2468 73-24-24. (1) Licensees subject to this chapter shall
2469 conduct their activities, services and practice in accordance with
2470 this chapter and any rules promulgated pursuant hereto. Licenses
2471 may be subject to the exercise of the disciplinary sanction
2472 enumerated in Section 73-24-25 if the board finds that a licensee
2473 is guilty of any of the following:

2474 (a) Negligence in the practice or performance of
2475 professional services or activities;

2476 (b) Engaging in dishonorable, unethical or
2477 unprofessional conduct of a character likely to deceive, defraud
2478 or harm the public in the course of professional services or
2479 activities;

2480 (c) Perpetrating or cooperating in fraud or material
2481 deception in obtaining or renewing a license or attempting the
2482 same;



2483 (d) Being convicted of any crime that has a substantial
2484 relationship to the licensee's activities and services or an
2485 essential element of which is misstatement, fraud or dishonesty;

2486 (e) Being convicted of any crime that is a felony under
2487 the laws of this state or the United States;

2488 (f) Engaging in or permitting the performance of
2489 unacceptable services personally or by others working under the
2490 licensee's supervision due to the licensee's deliberate or
2491 negligent act or acts or failure to act, regardless of whether
2492 actual damage or damages to the public is established;

2493 (g) Continued practice although the licensee has become
2494 unfit to practice as an occupational therapist or occupational
2495 therapist assistant due to:

2496 (i) Failure to keep abreast of current
2497 professional theory or practice; * * *

2498 (ii) Physical or mental disability; the entry of
2499 an order or judgment by a court of competent jurisdiction that a
2500 licensee is in need of mental treatment or is incompetent shall
2501 constitute mental disability; or

2502 (iii) Addition or severe dependency upon alcohol
2503 or other drugs that may endanger the public by impairing the
2504 licensee's ability to practice;

2505 (h) Having disciplinary action taken against the
2506 licensee's license in another state;

2507 (i) Making differential, detrimental treatment against
2508 any person because of race, color, creed, sex, religion or
2509 national origin;

2510 (j) Engaging in lewd conduct in connection with
2511 professional services or activities;

2512 (k) Engaging in false or misleading advertising;

2513 (l) Contracting, assisting or permitting unlicensed
2514 persons to perform services for which a license is required under
2515 this chapter;



2516 (m) Violation of any probation requirements placed on a
2517 license by the board;

2518 (n) Revealing confidential information except as may be
2519 required by law;

2520 (o) Failing to inform clients of the fact that the
2521 client no longer needs the services or professional assistance of
2522 the licensee;

2523 (p) Charging excessive or unreasonable fees or engaging
2524 in unreasonable collection practices;

2525 (q) For treating or attempting to treat ailments or
2526 other health conditions of human beings other than by occupational
2527 therapy as authorized by this chapter;

2528 (r) For practice or activities considered to be
2529 unprofessional conduct as defined by the rules and regulations;

2530 (s) Violations of the current codes of conduct for
2531 occupational therapists and occupational therapy assistants
2532 adopted by the American Occupational Therapy Association;

2533 (t) Violations of any rules or regulations promulgated
2534 under this chapter.

2535 (2) Notwithstanding any provision of this chapter:

2536 (a) The board, acting on its own motion or, in the case
2537 of a default on a loan, on the recommendation of the state agency
2538 to which payments are due, shall suspend the license of any person
2539 who defaults on or fails to comply with the requirements of a
2540 state educational loan, service conditional scholarship or loan
2541 repayment program obligation under which the person obtained any
2542 of the education necessary to qualify for a license under this
2543 chapter. However, before a state agency may recommend the
2544 suspension of a license due to the person's default on a loan,
2545 that agency must provide the license holder with notice of its
2546 intention to recommend the suspension of the person's license and
2547 an opportunity for the license holder to respond; and



2548 (b) The person's license will remain suspended until
2549 the person has: (i) made arrangements satisfactory to the board
2550 for meeting the obligations of the loan, scholarship or loan
2551 repayment program; or (ii) in the case of a default, made
2552 arrangements satisfactory to the state agency to which payments
2553 are due for the repayment of the educational loan or scholarship.

2554 (3) The board may order a licensee to submit to a reasonable
2555 physical or mental examination if the licensee's physical or
2556 mental capacity to practice safely is at issue in a disciplinary
2557 proceeding.

2558 (4) Failure to comply with a board order to submit to a
2559 physical or mental examination shall render a licensee subject to
2560 the summary suspension procedures described in Section 73-24-25.

2561 **SECTION 17.** Section 73-25-29, Mississippi Code of 1972, is
2562 amended as follows:

2563 73-25-29. (1) The grounds for the nonissuance, suspension,
2564 revocation or restriction of a license or the denial of
2565 reinstatement or renewal of a license are:

2566 (a) Habitual personal use of narcotic drugs, or any
2567 other drug having addiction-forming or addiction-sustaining
2568 liability.

2569 (b) Habitual use of intoxicating liquors, or any
2570 beverage, to an extent that affects professional competency.

2571 (c) Administering, dispensing or prescribing any
2572 narcotic drug, or any other drug having addiction-forming or
2573 addiction-sustaining liability otherwise than in the course of
2574 legitimate professional practice.

2575 (d) Conviction of violation of any federal or state law
2576 regulating the possession, distribution or use of any narcotic
2577 drug or any drug considered a controlled substance under state or
2578 federal law, a certified copy of the conviction order or judgment
2579 rendered by the trial court being prima facie evidence thereof,
2580 notwithstanding the pendency of any appeal.



2581 (e) Procuring, or attempting to procure, or aiding in,
2582 an abortion that is not medically indicated.

2583 (f) Conviction of a felony or misdemeanor involving
2584 moral turpitude, a certified copy of the conviction order or
2585 judgment rendered by the trial court being prima facie evidence
2586 thereof, notwithstanding the pendency of any appeal.

2587 (g) Obtaining or attempting to obtain a license by
2588 fraud or deception.

2589 (h) Unprofessional conduct, which includes, but is not
2590 limited to:

2591 (i) Practicing medicine under a false or assumed
2592 name or impersonating another practitioner, living or dead.

2593 (ii) Knowingly performing any act that in any way
2594 assists an unlicensed person to practice medicine.

2595 (iii) Making or willfully causing to be made any
2596 flamboyant claims concerning the licensee's professional
2597 excellence.

2598 (iv) Being guilty of any dishonorable or unethical
2599 conduct likely to deceive, defraud or harm the public.

2600 (v) Obtaining a fee as personal compensation or
2601 gain from a person on fraudulent representation a disease or
2602 injury condition generally considered incurable by competent
2603 medical authority in the light of current scientific knowledge and
2604 practice can be cured or offering, undertaking, attempting or
2605 agreeing to cure or treat the same by a secret method, which he
2606 refuses to divulge to the board upon request.

2607 (vi) Use of any false, fraudulent or forged
2608 statement or document, or the use of any fraudulent, deceitful,
2609 dishonest or immoral practice in connection with any of the
2610 licensing requirements, including the signing in his professional
2611 capacity any certificate that is known to be false at the time he
2612 makes or signs the certificate.



2613 (vii) Failing to identify a physician's school of
2614 practice in all professional uses of his name by use of his earned
2615 degree or a description of his school of practice.

2616 (i) The refusal of a licensing authority of another
2617 state or jurisdiction to issue or renew a license, permit or
2618 certificate to practice medicine in that jurisdiction or the
2619 revocation, suspension or other restriction imposed on a license,
2620 permit or certificate issued by that licensing authority which
2621 prevents or restricts practice in that jurisdiction, a certified
2622 copy of the disciplinary order or action taken by the other state
2623 or jurisdiction being prima facie evidence thereof,
2624 notwithstanding the pendency of any appeal.

2625 (j) Surrender of a license or authorization to practice
2626 medicine in another state or jurisdiction or surrender of
2627 membership on any medical staff or in any medical or professional
2628 association or society while under disciplinary investigation by
2629 any of those authorities or bodies for acts or conduct similar to
2630 acts or conduct that would constitute grounds for action as
2631 defined in this section.

2632 (k) Final sanctions imposed by the United States
2633 Department of Health and Human Services, Office of Inspector
2634 General or any successor federal agency or office, based upon a
2635 finding of incompetency, gross misconduct or failure to meet
2636 professionally recognized standards of health care; a certified
2637 copy of the notice of final sanction being prima facie evidence
2638 thereof. As used in this paragraph, the term "final sanction"
2639 means the written notice to a physician from the United States
2640 Department of Health and Human Services, Officer of Inspector
2641 General or any successor federal agency or office, that implements
2642 the exclusion.

2643 (l) Failure to furnish the board, its investigators or
2644 representatives information legally requested by the board.



2645 (m) Violation of any provision(s) of the Medical
2646 Practice Act or the rules and regulations of the board or of any
2647 order, stipulation or agreement with the board.

2648 (2) Notwithstanding any provision of this chapter:

2649 (a) The board, acting on its own motion or, in the case
2650 of a default on a loan, on the recommendation of the state agency
2651 to which payments are due, shall suspend the license of any person
2652 who defaults on or fails to comply with the requirements of a
2653 state educational loan, service conditional scholarship or loan
2654 repayment program obligation under which the person obtained any
2655 of the education necessary to qualify for a license under this
2656 chapter. However, before a state agency may recommend the
2657 suspension of a license due to the person's default on a loan,
2658 that agency must provide the license holder with notice of its
2659 intention to recommend the suspension of the person's license and
2660 an opportunity for the license holder to respond; and

2661 (b) The person's license will remain suspended until
2662 the person has: (i) made arrangements satisfactory to the board
2663 for meeting the obligations of the loan, scholarship or loan
2664 repayment program; or (ii) in the case of a default, made
2665 arrangements satisfactory to the state agency to which payments
2666 are due for the repayment of the educational loan or scholarship.

2667 (3) In addition to the grounds specified in subsection (1)
2668 of this section, the board may suspend the license of any licensee
2669 for being out of compliance with an order for support, as defined
2670 in Section 93-11-153. The procedure for suspension of a license
2671 for being out of compliance with an order for support, and the
2672 procedure for the reissuance or reinstatement of a license
2673 suspended for that purpose, and the payment of any fees for the
2674 reissuance or reinstatement of a license suspended for that
2675 purpose, shall be governed by Section 93-11-157 or 93-11-163, as
2676 the case may be. If there is any conflict between any provision
2677 of Section 93-11-157 or 93-11-163 and any provision of this



2678 chapter, the provisions of Section 93-11-157 or 93-11-163, as the
2679 case may be, shall control.

2680 **SECTION 18.** Section 73-26-5, Mississippi Code of 1972, is
2681 amended as follows:

2682 73-26-5. (1) The board shall promulgate and publish
2683 reasonable rules and regulations necessary to enable it to
2684 discharge its functions and to enforce the provisions of law
2685 regulating the practice of physician assistants. Those rules
2686 shall include, but are not limited to:

2687 (a) Qualifications for licensure for physician
2688 assistants;

2689 (b) Scope of practice of physician assistants;

2690 (c) Supervision of physician assistants;

2691 (d) Identification of physician assistants;

2692 (e) Grounds for disciplinary actions and discipline of
2693 physician assistants; and

2694 (f) Setting and charging reasonable fees for licensure
2695 and license renewals for physician assistants.

2696 However, nothing in this chapter or in rules adopted by the
2697 board shall authorize physician assistants to administer or
2698 monitor general inhaled anesthesia, epidural anesthesia, spinal
2699 anesthesia, or monitored anesthesia as utilized in surgical
2700 procedures.

2701 (2) Notwithstanding any provision of this chapter:

2702 (a) The board, acting on its own motion or, in the case
2703 of a default on a loan, on the recommendation of the state agency
2704 to which payments are due, shall suspend the license of any person
2705 who defaults on or fails to comply with the requirements of a
2706 state educational loan, service conditional scholarship or loan
2707 repayment program obligation under which the person obtained any
2708 of the education necessary to qualify for a license under this
2709 chapter. However, before a state agency may recommend the
2710 suspension of a license due to the person's default on a loan,



2711 that agency must provide the license holder with notice of its
2712 intention to recommend the suspension of the person's license and
2713 an opportunity for the license holder to respond; and

2714 (b) The person's license will remain suspended until
2715 the person has: (i) made arrangements satisfactory to the board
2716 for meeting the obligations of the loan, scholarship or loan
2717 repayment program; or (ii) in the case of a default, made
2718 arrangements satisfactory to the state agency to which payments
2719 are due for the repayment of the educational loan or scholarship.

2720 (3) If the board appoints a task force or committee to
2721 address physician assistant regulation, at least one (1) member of
2722 the task force shall be a nurse practitioner who is a member of
2723 the Mississippi Board of Nursing or a nurse practitioner appointee
2724 selected by the board from a list of three (3) recommendations
2725 submitted by the Mississippi Nurses Association, and at least one
2726 (1) member shall be a physician assistant selected by the board
2727 from a list of three (3) recommendations submitted by the
2728 Mississippi Academy of Physician Assistants.

2729 **SECTION 19.** Section 73-27-13, Mississippi Code of 1972, is
2730 amended as follows:

2731 73-27-13. (1) The State Board of Medical Licensure may
2732 refuse to issue, suspend, revoke or otherwise restrict any license
2733 provided for in this chapter, with the advice of the advisory
2734 committee, based upon the following grounds:

2735 (a) Habitual personal use of narcotic drugs, or any
2736 other drug having addiction-forming or addiction-sustaining
2737 liability.

2738 (b) Habitual use of intoxicating liquors, or any
2739 beverage, to an extent that affects professional competency.

2740 (c) Administering, dispensing or prescribing any
2741 narcotic drug, or any other drug having addiction-forming or
2742 addiction-sustaining liability otherwise than in the course of
2743 legitimate professional practice.



2744 (d) Conviction of violation of any federal or state law
2745 regulating the possession, distribution or use of any narcotic
2746 drug or any drug considered a controlled substance under state or
2747 federal law.

2748 (e) Performing any medical diagnosis or treatment
2749 outside the scope of podiatry as defined in Section 73-27-1.

2750 (f) Conviction of a felony or misdemeanor involving
2751 moral turpitude.

2752 (g) Obtaining or attempting to obtain a license by
2753 fraud or deception.

2754 (h) Unprofessional conduct, which includes, but is not
2755 limited to:

2756 (i) Practicing medicine under a false or assumed
2757 name or impersonating another practitioner, living or dead.

2758 (ii) Knowingly performing any act that in any way
2759 assists an unlicensed person to practice podiatry.

2760 (iii) Making or willfully causing to be made any
2761 flamboyant claims concerning the licensee's professional
2762 excellence.

2763 (iv) Being guilty of any dishonorable or unethical
2764 conduct likely to deceive, defraud or harm the public.

2765 (v) Obtaining a fee as personal compensation or
2766 gain from a person on fraudulent representation a disease or
2767 injury condition generally considered incurable by competent
2768 medical authority in the light of current scientific knowledge and
2769 practice can be cured or offering, undertaking, attempting or
2770 agreeing to cure or treat the same by a secret method, which he
2771 refuses to divulge to the board upon request.

2772 (vi) Use of any false, fraudulent or forged
2773 statement or document, or the use of any fraudulent, deceitful,
2774 dishonest or immoral practice in connection with any of the
2775 licensing requirements, including the signing in his professional



2776 capacity any certificate that is known to be false at the time he
2777 makes or signs the certificate.

2778 (vii) Failing to identify a podiatrist's school of
2779 practice in all professional uses of his name by use of his earned
2780 degree or a description of his school of practice.

2781 (i) The refusal of a licensing authority of another
2782 state to issue or renew a license, permit or certificate to
2783 practice podiatry in that state or the revocation, suspension or
2784 other restriction imposed on a license, permit or certificate
2785 issued by that licensing authority which prevents or restricts
2786 practice in that state.

2787 (2) Notwithstanding any provision of this chapter:

2788 (a) The board, acting on its own motion or, in the case
2789 of a default on a loan, on the recommendation of the state agency
2790 to which payments are due, shall suspend the license of any person
2791 who defaults on or fails to comply with the requirements of a
2792 state educational loan, service conditional scholarship or loan
2793 repayment program obligation under which the person obtained any
2794 of the education necessary to qualify for a license under this
2795 chapter. However, before a state agency may recommend the
2796 suspension of a license due to the person's default on a loan,
2797 that agency must provide the license holder with notice of its
2798 intention to recommend the suspension of the person's license and
2799 an opportunity for the license holder to respond; and

2800 (b) The person's license will remain suspended until
2801 the person has: (i) made arrangements satisfactory to the board
2802 for meeting the obligations of the loan, scholarship or loan
2803 repayment program; or (ii) in the case of a default, made
2804 arrangements satisfactory to the state agency to which payments
2805 are due for the repayment of the educational loan or scholarship.

2806 (3) Upon the nonissuance, suspension or revocation of a
2807 license to practice podiatry, the board may, in its discretion and
2808 with the advice of the advisory committee, reissue a license after



2809 a lapse of six (6) months. No advertising shall be permitted
2810 except regular professional cards.

2811 (4) In its investigation of whether the license of a
2812 podiatrist should be suspended, revoked or otherwise restricted,
2813 the board may inspect patient records in accordance with the
2814 provisions of Section 73-25-28.

2815 (5) In addition to the grounds specified in subsection (1)
2816 of this section, the board may suspend the license of any licensee
2817 for being out of compliance with an order for support, as defined
2818 in Section 93-11-153. The procedure for suspension of a license
2819 for being out of compliance with an order for support, and the
2820 procedure for the reissuance or reinstatement of a license
2821 suspended for that purpose, and the payment of any fees for the
2822 reissuance or reinstatement of a license suspended for that
2823 purpose, shall be governed by Section 93-11-157 or 93-11-163, as
2824 the case may be. If there is any conflict between any provision
2825 of Section 93-11-157 or 93-11-163 and any provision of this
2826 chapter, the provisions of Section 93-11-157 or 93-11-163, as the
2827 case may be, shall control.

2828 **SECTION 20.** Section 73-30-21, Mississippi Code of 1972, is
2829 amended as follows:

2830 73-30-21. (1) The board may, after notice and opportunity
2831 for a hearing, suspend, revoke or refuse to issue or renew a
2832 license or may reprimand the license holder, upon a determination
2833 by the board that the license holder or applicant for licensure
2834 has:

- 2835 (a) Been adjudged by any court to be mentally
2836 incompetent or have had a guardian of person appointed;
2837 (b) Been convicted of a felony;
2838 (c) Sworn falsely under oath or affirmation;
2839 (d) Obtained a license or certificate by fraud, deceit
2840 or other misrepresentation;



2841 (e) Engaged in the conduct of professional counseling
2842 in a grossly negligent or incompetent manner;

2843 (f) Intentionally violated any provision of this
2844 chapter;

2845 (g) Violated any rules or regulations of the board; or

2846 (h) Aided or assisted another in falsely obtaining a
2847 license under this chapter.

2848 (2) Notwithstanding any provision of this chapter:

2849 (a) The board, acting on its own motion or, in the case
2850 of a default on a loan, on the recommendation of the state agency
2851 to which payments are due, shall suspend the license of any person
2852 who defaults on or fails to comply with the requirements of a
2853 state educational loan, service conditional scholarship or loan
2854 repayment program obligation under which the person obtained any
2855 of the education necessary to qualify for a license under this
2856 chapter. However, before a state agency may recommend the
2857 suspension of a license due to the person's default on a loan,
2858 that agency must provide the license holder with notice of its
2859 intention to recommend the suspension of the person's license and
2860 an opportunity for the license holder to respond; and

2861 (b) The person's license will remain suspended until
2862 the person has: (i) made arrangements satisfactory to the board
2863 for meeting the obligations of the loan, scholarship or loan
2864 repayment program; or (ii) in the case of a default, made
2865 arrangements satisfactory to the state agency to which payments
2866 are due for the repayment of the educational loan or scholarship.

2867 (3) No revoked license may be reinstated within twelve (12)
2868 months after the revocation. Reinstatement thereafter shall be
2869 upon such conditions as the board may prescribe, which may
2870 include, without being limited to, successful passing of the
2871 examination required by this chapter.

2872 (4) A license certificate issued by the board is the
2873 property of the board and must be surrendered on demand.



2874 (5) The chancery court is * * * vested with the jurisdiction
2875 and power to enjoin the unlawful practice of counseling and/or the
2876 false representation as a licensed counselor in a proceeding
2877 brought by the board or any members thereof or by any citizen of
2878 this state.

2879 (6) In addition to the reasons specified in subsection (1)
2880 of this section, the board may suspend the license of any licensee
2881 for being out of compliance with an order for support, as defined
2882 in Section 93-11-153. The procedure for suspension of a license
2883 for being out of compliance with an order for support, and the
2884 procedure for the reissuance or reinstatement of a license
2885 suspended for that purpose, and the payment of any fees for the
2886 reissuance or reinstatement of a license suspended for that
2887 purpose, shall be governed by Section 93-11-157 or 93-11-163, as
2888 the case may be. If there is any conflict between any provision
2889 of Section 93-11-157 or 93-11-163 and any provision of this
2890 chapter, the provisions of Section 93-11-157 or 93-11-163, as the
2891 case may be, shall control.

2892 **SECTION 21.** Section 73-31-21, Mississippi Code of 1972, is
2893 amended as follows:

2894 73-31-21. (1) The board, by an affirmative vote of at least
2895 four (4) of its seven (7) members, shall withhold, deny, revoke or
2896 suspend any license issued or applied for in accordance with the
2897 provisions of this chapter, or otherwise discipline a licensed
2898 psychologist, upon proof that the applicant or licensed
2899 psychologist:

2900 (a) Has violated the current code of ethics of the
2901 American Psychological Association or other codes of ethical
2902 standards adopted by the board; or

2903 (b) Has been convicted of a felony or any offense
2904 involving moral turpitude, the record of conviction being
2905 conclusive evidence thereof; or



2906 (c) Is using any narcotic or any alcoholic beverage to
2907 an extent or in a manner dangerous to any other person or the
2908 public, or to an extent that the use impairs his ability to
2909 perform the work of a professional psychologist with safety to the
2910 public; or

2911 (d) Has impersonated another person holding a
2912 psychologist license or allowed another person to use his license;
2913 or

2914 (e) Has used fraud or deception in applying for a
2915 license or in taking an examination provided for in this chapter;
2916 or

2917 (f) Has accepted commissions or rebates or other forms
2918 of remuneration for referring clients to other professional
2919 persons; or

2920 (g) Has allowed his name or license issued under this
2921 chapter to be used in connection with any person or persons who
2922 perform psychological services outside of the area of their
2923 training, experience or competence; or

2924 (h) Is legally adjudicated mentally incompetent, the
2925 record of the adjudication being conclusive evidence thereof; or

2926 (i) Has willfully or negligently violated any of the
2927 provisions of this chapter. The board may recover from any person
2928 disciplined under this chapter, the costs of investigation,
2929 prosecution, and adjudication of the disciplinary action.

2930 (2) Notwithstanding any provision of this chapter:

2931 (a) The board, acting on its own motion or, in the case
2932 of a default on a loan, on the recommendation of the state agency
2933 to which payments are due, shall suspend the license of any person
2934 who defaults on or fails to comply with the requirements of a
2935 state educational loan, service conditional scholarship or loan
2936 repayment program obligation under which the person obtained any
2937 of the education necessary to qualify for a license under this
2938 chapter. However, before a state agency may recommend the



2939 suspension of a license due to the person's default on a loan,
2940 that agency must provide the license holder with notice of its
2941 intention to recommend the suspension of the person's license and
2942 an opportunity for the license holder to respond; and

2943 (b) The person's license will remain suspended until
2944 the person has: (i) made arrangements satisfactory to the board
2945 for meeting the obligations of the loan, scholarship or loan
2946 repayment program; or (ii) in the case of a default, made
2947 arrangements satisfactory to the state agency to which payments
2948 are due for the repayment of the educational loan or scholarship.

2949 (3) Notice shall be effected by registered mail or personal
2950 service setting forth the particular reasons for the proposed
2951 action and fixing a date not less than thirty (30) days nor more
2952 than sixty (60) days from the date of the mailing or the service,
2953 at which time the applicant or licentiate shall be given an
2954 opportunity for a prompt and fair hearing. For the purpose of the
2955 hearing the board, acting by and through its executive secretary,
2956 may subpoena persons and papers on its own behalf and on behalf of
2957 the applicant or licentiate, may administer oaths and may take
2958 testimony. That testimony, when properly transcribed, together
2959 with the papers and exhibits, shall be admissible in evidence for
2960 or against the applicant or licentiate. At the hearing applicant
2961 or licentiate may appear by counsel and personally in his own
2962 behalf. Any person sworn and examined by a witness in the hearing
2963 shall not be held to answer criminally, nor shall any papers or
2964 documents produced by the witness be competent evidence in any
2965 criminal proceedings against the witness other than for perjury in
2966 delivering his evidence. On the basis of any such hearing, or
2967 upon default of applicant or licentiate, the board shall make a
2968 determination specifying its findings of fact and conclusions of
2969 law. A copy of that determination shall be sent by registered
2970 mail or served personally upon the applicant or licentiate. The
2971 decision of the board denying, revoking or suspending the license



2972 shall become final thirty (30) days after so mailed or served
2973 unless within that period the licentiate appeals the decision to
2974 the chancery court, under the provisions hereof, and the
2975 proceedings in chancery shall be conducted as other matters coming
2976 before the court. All proceedings and evidence, together with
2977 exhibits, presented at the hearing before the board if there is an
2978 appeal shall be admissible in evidence in the court.

2979 (4) The board may subpoena persons and papers on its own
2980 behalf and on behalf of the respondent, may administer oaths and
2981 may compel the testimony of witnesses. It may issue commissions
2982 to take testimony, and testimony so taken and sworn to shall be
2983 admissible in evidence for and against the respondent. The board
2984 shall be entitled to the assistance of the chancery court or the
2985 chancellor in vacation, which, on petition by the board, shall
2986 issue ancillary subpoenas and petitions and may punish as for
2987 contempt of court if there is noncompliance therewith.

2988 (5) Every order and judgment of the board shall take effect
2989 immediately on its promulgation unless the board in the order or
2990 judgment fixes a probationary period for applicant or licentiate.
2991 The order and judgment shall continue in effect unless upon appeal
2992 the court by proper order or decree terminates it earlier. The
2993 board may make public its order and judgments in such manner and
2994 form as it deems proper. It shall, in event of the suspension or
2995 revocation of a license, direct the clerk of the circuit court of
2996 the county in which that license was recorded to cancel the
2997 record.

2998 (6) Nothing in this section shall be construed as limiting
2999 or revoking the authority of any court or of any licensing or
3000 registering officer or board, other than the Mississippi Board of
3001 Psychology, to suspend, revoke and reinstate licenses and to
3002 cancel registrations under the provisions of Section 41-29-311.

3003 (7) Suspension by the board of the license of a psychologist
3004 shall be for a period not exceeding one (1) year. At the end of



3005 this period the board shall reevaluate the suspension, and shall
3006 either reinstate or revoke the license. A person whose license
3007 has been revoked under the provisions of this section may reapply
3008 for license after more than two (2) years have elapsed from the
3009 date the denial or revocation is legally effective.

3010 (8) In addition to the reasons specified in subsection (1)
3011 of this section, the board may suspend the license of any licensee
3012 for being out of compliance with an order for support, as defined
3013 in Section 93-11-153. The procedure for suspension of a license
3014 for being out of compliance with an order for support, and the
3015 procedure for the reissuance or reinstatement of a license
3016 suspended for that purpose, and the payment of any fees for the
3017 reissuance or reinstatement of a license suspended for that
3018 purpose, shall be governed by Section 93-11-157. Actions taken by
3019 the board in suspending a license when required by Section
3020 93-11-157 or 93-11-163 are not actions from which an appeal may be
3021 taken under this section. Any appeal of a license suspension that
3022 is required by Section 93-11-157 or 93-11-163 shall be taken in
3023 accordance with the appeal procedure specified in Section
3024 93-11-157 or 93-11-163, as the case may be, rather than the
3025 procedure specified in this section. If there is any conflict
3026 between any provision of Section 93-11-157 or 93-11-163 and any
3027 provision of this chapter, the provisions of Section 93-11-157 or
3028 93-11-163, as the case may be, shall control.

3029 (9) This section shall stand repealed from and after July 1,
3030 2011.

3031 **SECTION 22.** Section 73-33-11, Mississippi Code of 1972, is
3032 amended as follows:

3033 73-33-11. (1) The Mississippi State Board of Public
3034 Accountancy may revoke, suspend or take other appropriate action
3035 with respect to any license or permit issued under this chapter
3036 for any unprofessional conduct by the licensee or permit holder,
3037 or for other sufficient cause, provided written notice has been



3038 sent by registered mail (with the addressee's receipt required) to
3039 the holder thereof, twenty (20) days before any hearing thereon,
3040 stating the cause for the contemplated action and appointing a day
3041 and a place for a full hearing thereon by the board. * * * No
3042 certificate or license may be cancelled or revoked until a hearing
3043 has been given to the holder thereof according to law. * * *
3044 After the hearing, the board may, in its discretion, suspend such
3045 a certified public accountant from practice as a certified public
3046 accountant in this state.

3047 (2) The members of the board may sit as a trial board; * * *
3048 administer oaths (or affirmations); * * * summon any witness
3049 and * * * compel his attendance and/or his testimony, under oath
3050 (or affirmation) before the board; * * * compel the production
3051 before it, of any book, paper or document by the owner or
3052 custodian thereof; and/or * * * compel any officer to produce,
3053 at the hearing a copy of any public record (not privileged from
3054 public inspection by law) in his official custody, certified to,
3055 by him. The board shall elect one (1) of its members to serve as
3056 clerk, to issue summons and other processes, and to certify copies
3057 of its records or, the board may delegate those duties to the
3058 executive director.

3059 (3) The accused may appear in person and/or by counsel or,
3060 in the instance of a firm permit holder through its manager and/or
3061 counsel to defend the charges. If the accused does not appear or
3062 answer, judgment may be entered by default, provided the board
3063 finds that proper service was made on the accused.

3064 (4) The minutes of the board shall be recorded in an
3065 appropriate minute book permanently maintained by the board at its
3066 office.

3067 (5) In a proceeding conducted under this section by the
3068 board for disciplinary action against a licensee or permit holder,
3069 those reasonable costs that are expended by the board in the
3070 investigation and conduct of a proceeding for discipline



3071 including, but not limited to, the cost of service of process,
3072 court reporters, expert witnesses, investigators and legal fees
3073 may be imposed by the board on the accused, the charging party or
3074 both.

3075 Those costs shall be paid to the board upon the expiration of
3076 the period allowed for appeal of the penalties under this section,
3077 or may be paid sooner if the guilty party elects.

3078 (6) Money collected by the board under this section shall be
3079 deposited to the credit of the board's special fund in the State
3080 Treasury. When payment of a monetary penalty assessed by the
3081 board under this section is not paid when due, the board shall
3082 have the power to institute and maintain proceedings in its name
3083 for enforcement of payment in the Chancery Court of the First
3084 Judicial District of Hinds County, Mississippi, or in the Chancery
3085 Court of the county where the respondent resides.

3086 (7) In case of a decision adverse to the accused, appeal
3087 shall be made within thirty (30) days from the day on which
3088 decision is made to the circuit court of the First Judicial
3089 District of Hinds County, Mississippi, or in the circuit court of
3090 the county in which the accused resides. In the case of a
3091 nonresident licensee, the appeal shall be made to the First
3092 Judicial District of Hinds County, Mississippi. The order of the
3093 board shall not take effect until the expiration of the thirty
3094 (30) days.

3095 (8) In case of an appeal, bond for costs in the circuit
3096 court shall be given as in other cases; and the order of the board
3097 shall not take effect until the appeal has been finally disposed
3098 of by the court or courts.

3099 (9) The board may, at any time, reinstate a license or
3100 permit if it finds that the reinstatement is justified.

3101 (10) Notwithstanding any provision of this chapter:

3102 (a) The board, acting on its own motion or, in the case
3103 of a default on a loan, on the recommendation of the state agency



3104 to which payments are due, shall suspend the license of any person
3105 who defaults on or fails to comply with the requirements of a
3106 state educational loan, service conditional scholarship or loan
3107 repayment program obligation under which the person obtained any
3108 of the education necessary to qualify for a license under this
3109 chapter. However, before a state agency may recommend the
3110 suspension of a license due to the person's default on a loan,
3111 that agency must provide the license holder with notice of its
3112 intention to recommend the suspension of the person's license and
3113 an opportunity for the license holder to respond; and

3114 (b) The person's license will remain suspended until
3115 the person has: (i) made arrangements satisfactory to the board
3116 for meeting the obligations of the loan, scholarship or loan
3117 repayment program; or (ii) in the case of a default, made
3118 arrangements satisfactory to the state agency to which payments
3119 are due for the repayment of the educational loan or scholarship.

3120 (11) In addition to the reasons specified in subsection 1 of
3121 this section, the board may suspend the license of any licensee
3122 for being out of compliance with an order for support, as defined
3123 in Section 93-11-153. The procedure for suspension of a license
3124 for being out of compliance with an order for support, and the
3125 procedure for the reissuance or reinstatement of a license
3126 suspended for that purpose, and the payment of any fees for the
3127 reissuance or reinstatement of a license suspended for that
3128 purpose, shall be governed by Section 93-11-157 or 93-11-163, as
3129 the case may be. Actions taken by the board in suspending a
3130 license when required by Section 93-11-157 or 93-11-163 are not
3131 actions from which an appeal may be taken under this section. Any
3132 appeal of a license suspension that is required by Section
3133 93-11-157 or 93-11-163 shall be taken in accordance with the
3134 appeal procedure specified in Section 93-11-157 or 93-11-163, as
3135 the case may be, rather than the procedure specified in this
3136 section. If there is any conflict between any provision of



3137 Section 93-11-157 or 93-11-163 and any provision of this chapter,
3138 the provisions of Section 93-11-157 or 93-11-163, as the case may
3139 be, shall control.

3140 **SECTION 23.** Section 73-36-33, Mississippi Code of 1972, is
3141 amended as follows:

3142 73-36-33. (1) The board shall have the power, after notice
3143 and hearing, to suspend or revoke the license of any registrant
3144 who:

3145 (a) Is found guilty by the board of fraud or gross
3146 negligence in the practice of professional forestry;

3147 (b) Fails to comply with board rules and regulations;

3148 (c) Is found guilty by the board of unprofessional or
3149 unethical conduct; or

3150 (d) Has had his license suspended or revoked for cause
3151 in another jurisdiction.

3152 (2) Notwithstanding any provision of this chapter:

3153 (a) The board, acting on its own motion or, in the case
3154 of a default on a loan, on the recommendation of the state agency
3155 to which payments are due, shall suspend the license of any person
3156 who defaults on or fails to comply with the requirements of a
3157 state educational loan, service conditional scholarship or loan
3158 repayment program obligation under which the person obtained any
3159 of the education necessary to qualify for a license under this
3160 chapter. However, before a state agency may recommend the
3161 suspension of a license due to the person's default on a loan,
3162 that agency must provide the license holder with notice of its
3163 intention to recommend the suspension of the person's license and
3164 an opportunity for the license holder to respond; and

3165 (b) The person's license will remain suspended until
3166 the person has: (i) made arrangements satisfactory to the board
3167 for meeting the obligations of the loan, scholarship or loan
3168 repayment program; or (ii) in the case of a default, made



3169 arrangements satisfactory to the state agency to which payments
3170 are due for the repayment of the educational loan or scholarship.

3171 (3) Any person may prefer charges of fraud or gross
3172 negligence in connection with any forestry practice against any
3173 registrant. The charges shall be in writing, shall be sworn to by
3174 the person making them, and shall be filed with the secretary of
3175 the board. All charges shall be heard by the board under its
3176 rules and regulations without undue delay.

3177 (4) Any applicant whose license is suspended or revoked by
3178 the board may apply for a review of the proceedings with reference
3179 to the suspension or revocation by appealing to the Chancery Court
3180 of the First Judicial District of Hinds County, Mississippi,
3181 provided a notice of appeal is filed by the applicant with the
3182 clerk of the court within sixty (60) days from entry of an order
3183 by the board suspending or revoking his license, provided the
3184 applicant files with the notice of appeal a bond to be approved by
3185 the court assuring the prompt payment of any and all costs of the
3186 appeal, the amount to be fixed by the court. Upon the filing of
3187 the notice of appeal and posting of the bond, the clerk of
3188 the * * * court shall notify the secretary of the board thereof
3189 and the record of the proceedings involved shall be prepared by
3190 the secretary and forwarded to the court within a period of sixty
3191 (60) days from the notice by the clerk. The court shall thereupon
3192 review the proceedings on the record presented and may hear such
3193 additional testimony as to the court may appear material and
3194 dispose of the appeal in termtime or in vacation, and the court
3195 may sustain or dismiss the appeal, or modify or vacate the order
3196 complained of, but in case the order is modified or vacated, the
3197 court may also, in its discretion, remand the matter to the board
3198 for such further proceedings not inconsistent with the court's
3199 order as, in the opinion of the court, justice may require. The
3200 decision of the chancery court may be appealed as other cases to
3201 the Supreme Court.



3202 (5) The board may secure, by contract, the services of an
3203 investigator when deemed necessary by the board to properly
3204 consider any charge then before it. The board may, at its
3205 discretion, establish a program of routine inspections.

3206 (6) In addition to the reasons specified in subsection (1)
3207 of this section, the board may suspend the license of any licensee
3208 for being out of compliance with an order for support, as defined
3209 in Section 93-11-153. The procedure for suspension of a license
3210 for being out of compliance with an order for support, and the
3211 procedure for the reissuance or reinstatement of a license
3212 suspended for that purpose, and the payment of any fees for the
3213 reissuance or reinstatement of a license suspended for that
3214 purpose, shall be governed by Section 93-11-157 or 93-11-163, as
3215 the case may be. Actions taken by the board in suspending a
3216 license when required by Section 93-11-157 or 93-11-163 are not
3217 actions from which an appeal may be taken under this section. Any
3218 appeal of a license suspension that is required by Section
3219 93-11-157 or 93-11-163 shall be taken in accordance with the
3220 appeal procedure specified in Section 93-11-157 or 93-11-163, as
3221 the case may be, rather than the procedure specified in this
3222 section. If there is any conflict between any provision of
3223 Section 93-11-157 or 93-11-163 and any provision of this chapter,
3224 the provisions of Section 93-11-157 or 93-11-163, as the case may
3225 be, shall control.

3226 **SECTION 24.** Section 73-38-27, Mississippi Code of 1972, is
3227 amended as follows:

3228 73-38-27. (1) The board may refuse to issue or renew a
3229 license, or may suspend or revoke a license where the licensee or
3230 applicant for license has been guilty of unprofessional conduct
3231 that has endangered or is likely to endanger the health, welfare
3232 or safety of the public. That unprofessional conduct may result
3233 from:



3234 (a) Obtaining a license by means of fraud,
3235 misrepresentation or concealment of material facts;
3236 (b) Being guilty of unprofessional conduct as defined
3237 by the rules established by the board;
3238 (c) Being convicted of a felony in any court of the
3239 United States if the acts for which he is convicted are found by
3240 the board to have a direct bearing on whether he should be
3241 entrusted to serve the public in the capacity of a speech-language
3242 pathologist or audiologist;
3243 (d) Violating any lawful order, rule or regulation
3244 rendered or adopted by the board;
3245 (e) Violating any provisions of this chapter.
3246 (2) Notwithstanding any provision of this chapter:
3247 (a) The board, acting on its own motion or, in the case
3248 of a default on a loan, on the recommendation of the state agency
3249 to which payments are due, shall suspend the license of any person
3250 who defaults on or fails to comply with the requirements of a
3251 state educational loan, service conditional scholarship or loan
3252 repayment program obligation under which the person obtained any
3253 of the education necessary to qualify for a license under this
3254 chapter. However, before a state agency may recommend the
3255 suspension of a license due to the person's default on a loan,
3256 that agency must provide the license holder with notice of its
3257 intention to recommend the suspension of the person's license and
3258 an opportunity for the license holder to respond; and
3259 (b) The person's license will remain suspended until
3260 the person has: (i) made arrangements satisfactory to the board
3261 for meeting the obligations of the loan, scholarship or loan
3262 repayment program; or (ii) in the case of a default, made
3263 arrangements satisfactory to the state agency to which payments
3264 are due for the repayment of the educational loan or scholarship.
3265 (3) The board may deny an application for, or suspend,
3266 revoke or impose probationary conditions upon a license upon



3267 recommendations of the council made after a hearing as provided in
3268 this chapter. One (1) year from the date of revocation of a
3269 license under this section, application may be made to the board
3270 for reinstatement. The board shall have discretion to accept or
3271 reject an application for reinstatement and may require an
3272 examination for the reinstatement.

3273 (4) A plea or verdict of guilty, or a conviction following a
3274 plea of nolo contendere, made to a charge of a felony or of any
3275 offense involving moral turpitude is a conviction within the
3276 meaning of this section. After due notice and administrative
3277 hearing, the license of the person so convicted shall be suspended
3278 or revoked or the board shall decline to issue a license when:

3279 (a) The time for appeal has elapsed;

3280 (b) The judgment of conviction has been affirmed on
3281 appeal; or

3282 (c) An order granting probation has been made
3283 suspending the imposition of sentence, without regard to a
3284 subsequent order allowing the withdrawal of a guilty plea and the
3285 substitution therefor of a not guilty plea, or the setting aside
3286 of a guilty verdict, or the dismissal of the acquisition,
3287 information or indictment.

3288 (5) Within thirty (30) days after any order or act of the
3289 board, any person aggrieved thereby may appeal to the chancery
3290 court of the county where the person resides.

3291 (6) Notice of appeals shall be filed in the office of the
3292 clerk of the court, who shall issue a writ of certiorari directed
3293 to the board, commanding it within ten (10) days after service
3294 thereof to certify to the court its entire record in the matter in
3295 which the appeal has been taken. The appeal shall thereupon be
3296 heard in the due course by the court, and the court shall review
3297 the record and make its determination of the cause between the
3298 parties.



3299 (7) Any order, rule or decision of the board shall not take
3300 effect until after the time of appeal in the * * * court has
3301 expired. If an appeal is taken by a defendant, the appeal shall
3302 not act as a supersedeas, and the court shall enter its decision
3303 promptly.

3304 (8) Any person taking an appeal shall post a satisfactory
3305 bond in the amount of Two Hundred Dollars (\$200.00) for payment of
3306 any cost that may be adjudged against him.

3307 (9) In addition to the reasons specified in subsection (1)
3308 of this section, the board may suspend the license of any licensee
3309 for being out of compliance with an order for support, as defined
3310 in Section 93-11-153. The procedure for suspension of a license
3311 for being out of compliance with an order for support, and the
3312 procedure for the reissuance or reinstatement of a license
3313 suspended for that purpose, and the payment of any fees for the
3314 reissuance or reinstatement of a license suspended for that
3315 purpose, shall be governed by Section 93-11-157 or 93-11-163, as
3316 the case may be. Actions taken by the board in suspending a
3317 license when required by Section 93-11-157 or 93-11-163 are not
3318 actions from which an appeal may be taken under this section. Any
3319 appeal of a license suspension that is required by Section
3320 93-11-15 or 93-11-163 shall be taken in accordance with the appeal
3321 procedure specified in Section 93-11-157 or 93-11-163, as the case
3322 may be, rather than the procedure specified in this section. If
3323 there is any conflict between any provision of Section 93-11-157
3324 or 93-11-163 and any provision of this chapter, the provisions of
3325 Section 93-11-157 or 93-11-163, as the case may be, shall control.

3326 **SECTION 25.** Section 73-39-19, Mississippi Code of 1972, is
3327 amended as follows:

3328 73-39-19. (1) After a hearing held as set out in this
3329 chapter, the board, on concurrence of three (3) members, shall
3330 have the right and power to revoke or suspend the license of a
3331 veterinarian, or the certificate of an animal technician and may



3332 place the veterinarian or technician on prohibition conditioned on
3333 future good conduct and compliance with this chapter, and may
3334 impose an administrative fine not to exceed One Thousand Dollars
3335 (\$1,000.00) for each such separate offense, for any of the
3336 following reasons:

3337 (a) Insanity or mental incompetence or an adjudication
3338 of insanity or mental incompetence by a court of competent
3339 jurisdiction.

3340 (b) Chronic inebriety or habitual use of drugs, or any
3341 adjudication by a court of competent jurisdiction that the
3342 veterinarian is an alcoholic or habitual user of drugs. Decrees
3343 of divorce shall not be construed as an adjudication that a
3344 veterinarian is an alcoholic or habitual user of drugs.

3345 (c) A final conviction of a felony or of an offense
3346 involving moral turpitude by a court of competent jurisdiction.

3347 (d) Fraud or dishonesty in the application or reporting
3348 of any test for disease in animals, including intentional
3349 misrepresentation on any forms filed with any governmental agency.

3350 (e) Failure to report or making a false report of any
3351 contagious or infectious disease required by state or federal law
3352 to be reported.

3353 (f) Dishonesty, intentional misrepresentation or gross
3354 negligence in the inspection of foodstuffs or the issuance of
3355 health or inspection certificates.

3356 (g) The refusal of licensing authority of another state
3357 to issue or renew a license, permit or certificate to practice
3358 veterinary medicine in that state or the revocation, suspension or
3359 other restriction imposed on a license, permit or certificate
3360 issued by that licensing authority which prevents or restricts
3361 practice in that state; further, any probationary status imposed
3362 by another state that had the offense occurred in this state would
3363 have been a violation of this chapter.



- 3364 (h) The employment of fraud, misrepresentation or
3365 deception in obtaining a license.
- 3366 (i) The use of advertising or solicitation that is
3367 false or misleading or is deemed unprofessional under rules or
3368 regulations adopted by the board.
- 3369 (j) Incompetence, gross negligence, cruelty or gross
3370 malpractice in the practice of veterinary medicine.
- 3371 (k) Employing any person practicing veterinary medicine
3372 unlawfully with the knowledge of the illegal practice by the
3373 employee.
- 3374 (l) Failure to keep veterinary premises and equipment
3375 in a clean and sanitary condition.
- 3376 (m) Cruelty to animals in the practice of veterinary
3377 medicine.
- 3378 (n) Unprofessional or unethical conduct as defined in
3379 regulations adopted by the board.
- 3380 (o) Administering, dispensing or prescribing any
3381 narcotic drug having addiction-forming, addiction-sustaining or
3382 habituating liability otherwise than in the course of legitimate
3383 professional practice.
- 3384 (p) Conviction of violation of any federal or state law
3385 regulating the possession, distribution or use of any narcotic
3386 drug or any drug considered a controlled substance under state or
3387 federal law.
- 3388 (q) Obtaining or procuring, or attempting to obtain or
3389 procure by misrepresentation, fraud, deception or subterfuge, any
3390 narcotic or drug classified as a controlled substance.
- 3391 (r) Making or causing to be made any false claims
3392 concerning the licensee's professional excellence.
- 3393 (s) Being guilty of any dishonorable or unethical
3394 conduct likely to deceive, defraud or harm the public.



3395 (t) Refusing to permit the board or any legal
3396 representative of the board to inspect the business premises of
3397 the licensee during regular business hours.

3398 (u) Failure to complete requirement of continuing
3399 education.

3400 (2) A certified copy of any judgment of conviction or
3401 finding of guilt by a court of competent jurisdiction or by a
3402 governmental board or agency authorized to issue licenses or
3403 permits, including the United States Department of Agriculture,
3404 Animal and Plant Health Inspection Service, the Mississippi Board
3405 of Animal Health and the Mississippi State Board of Health, of a
3406 veterinarian or animal technician of any of the matters listed in
3407 paragraph (a), (b), (c), (d), (e), (f) or (g) of subsection (1)
3408 shall be admissible in evidence in any hearing held by the board
3409 to discipline the veterinarian and shall constitute prima facie
3410 evidence of the commission of any such act.

3411 (3) Notwithstanding any provision of this chapter:

3412 (a) The board, acting on its own motion or, in the case
3413 of a default on a loan, on the recommendation of the state agency
3414 to which payments are due, shall suspend the veterinarian's
3415 license of any person who defaults on or fails to comply with the
3416 requirements of a state educational loan, service conditional
3417 scholarship or loan repayment program obligation under which the
3418 person obtained any of the education necessary to qualify for a
3419 veterinarian's license under this chapter. However, before a
3420 state agency may recommend the suspension of a veterinarian's
3421 license due to the person's default on a loan, that agency must
3422 provide the license holder with notice of its intention to
3423 recommend the suspension of the person's veterinarian's license
3424 and an opportunity for the license holder to respond; and

3425 (b) The person's veterinarian's license will remain
3426 suspended until the person has: (i) made arrangements
3427 satisfactory to the board for meeting the obligations of the loan,



3428 scholarship or loan repayment program; or (ii) in the case of a
3429 default, made arrangements satisfactory to the state agency to
3430 which payments are due for the repayment of the educational loan
3431 or scholarship.

3432 (4) In addition to the reasons specified in subsection (1)
3433 of this section, the board may suspend the license or certificate
3434 of any licensee or certificate holder for being out of compliance
3435 with an order for support, as defined in Section 93-11-153. The
3436 procedure for suspension of a license or certificate for being out
3437 of compliance with an order for support, and the procedure for the
3438 reissuance or reinstatement of a license or certificate suspended
3439 for that purpose, and the payment of any fees for the reissuance
3440 or reinstatement of a license or certificate suspended for that
3441 purpose, shall be governed by Section 93-11-157 or 93-11-163, as
3442 the case may be. If there is any conflict between any provision
3443 of Section 93-11-157 or 93-11-163 and any provision of this
3444 chapter, the provisions of Section 93-11-157 or 93-11-163, as the
3445 case may be, shall control.

3446 **SECTION 26.** Section 73-53-17, Mississippi Code of 1972, is
3447 amended as follows:

3448 73-53-17. (1) Licensees subject to this chapter shall
3449 conduct their activities, services and practice in accordance with
3450 this chapter and any rules promulgated pursuant hereto. Licensees
3451 may be subject to the exercise of the disciplinary sanctions
3452 enumerated in Section 73-53-23 if the board finds that a licensee
3453 is guilty of any of the following:

3454 (a) Negligence in the practice or performance of
3455 professional services or activities;

3456 (b) Engaging in dishonorable, unethical or
3457 unprofessional conduct of a character likely to deceive, defraud
3458 or harm the public in the course of professional services or
3459 activities;



3460 (c) Perpetrating or cooperating in fraud or material
3461 deception in obtaining or renewing a license or attempting the
3462 same;

3463 (d) Being convicted of any crime that has a substantial
3464 relationship to the licensee's activities and services or an
3465 essential element of which is misstatement, fraud or dishonesty;

3466 (e) Being convicted of any crime that is a felony under
3467 the laws of this state or of the United States;

3468 (f) Engaging in or permitting the performance of
3469 unacceptable services personally or by assistants working under
3470 the licensee's supervision due to the licensee's deliberate or
3471 grossly negligent act or acts or failure to act, regardless of
3472 whether actual damage or damages to the public is established;

3473 (g) Continued practice although the licensee has become
3474 unfit to practice social work due to: (i) failure to keep abreast
3475 of current professional theory or practice; or (ii) physical or
3476 mental disability; the entry of an order or judgment by a court of
3477 competent jurisdiction that a licensee is in need of mental
3478 treatment or is incompetent shall constitute mental disability; or
3479 (iii) addiction or severe dependency upon alcohol or other drugs
3480 that may endanger the public by impairing the licensee's ability
3481 to practice;

3482 (h) Having disciplinary action taken against the
3483 licensee's license in another state;

3484 (i) Making differential, detrimental treatment against
3485 any person because of race, color, creed, sex, religion or
3486 national origin;

3487 (j) Engaging in lewd conduct in connection with
3488 professional services or activities;

3489 (k) Engaging in false or misleading advertising;

3490 (l) Contracting, assisting or permitting unlicensed
3491 persons to perform services for which a license is required under
3492 this chapter;



3493 (m) Violation of any probation requirements placed on a
3494 licensee by the board;

3495 (n) Revealing confidential information except as may be
3496 required by law;

3497 (o) Failing to inform clients of the fact that the
3498 client no longer needs the services or professional assistance of
3499 the licensee;

3500 (p) Charging excessive or unreasonable fees or engaging
3501 in unreasonable collection practices.

3502 (2) Notwithstanding any provision of this chapter:

3503 (a) The board, acting on its own motion or, in the case
3504 of a default on a loan, on the recommendation of the state agency
3505 to which payments are due, shall suspend the license of any person
3506 who defaults on or fails to comply with the requirements of a
3507 state educational loan, service conditional scholarship or loan
3508 repayment program obligation under which the person obtained any
3509 of the education necessary to qualify for a license under this
3510 chapter. However, before a state agency may recommend the
3511 suspension of a license due to the person's default on a loan,
3512 that agency must provide the license holder with notice of its
3513 intention to recommend the suspension of the person's license and
3514 an opportunity for the license holder to respond; and

3515 (b) The person's license will remain suspended until
3516 the person has: (i) made arrangements satisfactory to the board
3517 for meeting the obligations of the loan, scholarship or loan
3518 repayment program; or (ii) in the case of a default, made
3519 arrangements satisfactory to the state agency to which payments
3520 are due for the repayment of the educational loan or scholarship.

3521 (3) The board may order a licensee to submit to a reasonable
3522 physical or mental examination if the licensee's physical or
3523 mental capacity to practice safely is at issue in a disciplinary
3524 proceeding.



3525 (4) Failure to comply with a board order to submit to a
3526 physical or mental examination shall render a licensee subject to
3527 the summary suspension procedures described in Section 73-53-23.

3528 (5) In addition to the reasons specified in subsection (1)
3529 of this section, the board may suspend the license of any licensee
3530 for being out of compliance with an order for support, as defined
3531 in Section 2 of this act. The procedure for suspension of a
3532 license for being out of compliance with an order for support, and
3533 the procedure for the reissuance or reinstatement of a license
3534 suspended for that purpose, and the payment of any fees for the
3535 reissuance or reinstatement of a license suspended for that
3536 purpose, shall be governed by Section 93-11-157 or 93-11-163, as
3537 the case may be. If there is any conflict between any provision
3538 of Section 93-11-157 or 93-11-163 and any provision of this
3539 chapter, the provisions of Section 93-11-157 or 93-11-163, as the
3540 case may be, shall control.

3541 **SECTION 27.** Section 73-54-29, Mississippi Code of 1972, is
3542 amended as follows:

3543 73-54-29. (1) Licensees subject to this chapter shall
3544 conduct their activities, services and practice in accordance with
3545 this chapter and any rules promulgated pursuant under this
3546 chapter. Licensees may be subject to the exercise of the
3547 disciplinary sanctions enumerated in Section 73-53-23 if the board
3548 finds that a licensee is guilty of any of the actions listed in
3549 Section 73-53-17(1) or is guilty of any of the following:

3550 (a) Violation of any provision of this chapter or any
3551 rules or regulations of the board adopted under the provisions of
3552 this chapter.

3553 (b) Other just and sufficient cause that renders a
3554 person unfit to practice marriage and family therapy as determined
3555 by the board but not limited to:

3556 (i) Habitual use of alcohol or drugs to an extent
3557 that affects professional competence;



3558 (ii) Adjudication as being mentally incompetent by
3559 a court of competent jurisdiction;

3560 (iii) Practicing in a manner detrimental to the
3561 public health and welfare;

3562 (iv) Revocation of a license or certification by a
3563 licensing agency or by a certifying professional organization; or

3564 (v) Any other violation of this chapter or the
3565 code of ethical standards of the American Association of Marriage
3566 and Family Therapy or other ethical standards adopted by the board
3567 under the provisions of this chapter.

3568 (2) Notwithstanding any provision of this chapter:

3569 (a) The board, acting on its own motion or, in the case
3570 of a default on a loan, on the recommendation of the state agency
3571 to which payments are due, shall suspend the license of any person
3572 who defaults on or fails to comply with the requirements of a
3573 state educational loan, service conditional scholarship or loan
3574 repayment program obligation under which the person obtained any
3575 of the education necessary to qualify for a license under this
3576 chapter. However, before a state agency may recommend the
3577 suspension of a license due to the person's default on a loan,
3578 that agency must provide the license holder with notice of its
3579 intention to recommend the suspension of the person's license and
3580 an opportunity for the license holder to respond; and

3581 (b) The person's license will remain suspended until
3582 the person has: (i) made arrangements satisfactory to the board
3583 for meeting the obligations of the loan, scholarship or loan
3584 repayment program; or (ii) in the case of a default, made
3585 arrangements satisfactory to the state agency to which payments
3586 are due for the repayment of the educational loan or scholarship.

3587 **SECTION 28.** Section 73-57-31, Mississippi Code of 1972, is
3588 amended as follows:

3589 73-57-31. (1) The board may revoke, suspend or refuse to
3590 renew any license or permit, or place on probation, or otherwise



3591 reprimand a licensee or permit holder, or deny a license to an
3592 applicant if it finds that person:

3593 (a) Is guilty of fraud or deceit in procuring or
3594 attempting to procure a license or renewal of a license to
3595 practice respiratory care.

3596 (b) Is unfit or incompetent by reason of negligence,
3597 habits or other causes of incompetency.

3598 (c) Is habitually intemperate in the use of alcoholic
3599 beverages.

3600 (d) Is addicted to, or has improperly obtained,
3601 possessed, used or distributed habit-forming drugs or narcotics.

3602 (e) Is guilty of dishonest or unethical conduct.

3603 (f) Has practiced respiratory care after his license or
3604 permit has expired or has been suspended.

3605 (g) Has practiced respiratory care under cover of any
3606 permit or license illegally or fraudulently obtained or issued.

3607 (h) Has violated or aided or abetted others in
3608 violation of any provision of this chapter.

3609 (2) Notwithstanding any provision of this chapter:

3610 (a) The board, acting on its own motion or, in the case
3611 of a default on a loan, on the recommendation of the state agency
3612 to which payments are due, shall suspend the license of any person
3613 who defaults on or fails to comply with the requirements of a
3614 state educational loan, service conditional scholarship or loan
3615 repayment program obligation under which the person obtained any
3616 of the education necessary to qualify for a license under this
3617 chapter. However, before a state agency may recommend the
3618 suspension of a license due to the person's default on a loan,
3619 that agency must provide the license holder with notice of its
3620 intention to recommend the suspension of the person's license and
3621 an opportunity for the license holder to respond; and

3622 (b) The person's license will remain suspended until
3623 the person has: (i) made arrangements satisfactory to the board



3624 for meeting the obligations of the loan, scholarship or loan
3625 repayment program; or (ii) in the case of a default, made
3626 arrangements satisfactory to the state agency to which payments
3627 are due for the repayment of the educational loan or scholarship.

3628 (3) In addition to the reasons specified in subsection (1)
3629 of this section, the board may suspend the license or permit of
3630 any licensee or permit holder for being out of compliance with an
3631 order for support, as defined in Section 2 of this act. The
3632 procedure for suspension of a license or permit for being out of
3633 compliance with an order for support, and the procedure for the
3634 reissuance or reinstatement of a license or permit suspended for
3635 that purpose, and the payment of any fees for the reissuance or
3636 reinstatement of a license or permit suspended for that purpose,
3637 shall be governed by Section 93-11-157 or 93-11-163, as the case
3638 may be. If there is any conflict between any provision of Section
3639 93-11-157 or 93-11-163 and any provision of this chapter, the
3640 provisions of Section 93-11-157 or 93-11-163, as the case may be,
3641 shall control.

3642 **SECTION 29.** Section 73-63-43, Mississippi Code of 1972, is
3643 amended as follows:

3644 73-63-43. (1) The board, upon satisfactory proof and in
3645 accordance with this chapter and rules and regulations of the
3646 board, may take the disciplinary actions provided under this
3647 chapter against any person for the following reasons:

3648 (a) Violation of this chapter, any rule or regulation
3649 or written order of the board, any condition of registration or
3650 standards of professional conduct;

3651 (b) Fraud, deceit or misrepresentation in obtaining a
3652 certificate of registration as a registered professional geologist
3653 or certificate of enrollment as a geologist-in-training;

3654 (c) Gross negligence, malpractice, incompetency,
3655 misconduct, or repeated incidents of simple negligence in or
3656 related to the practice of geology;



3657 (d) Practicing or offering to practice geology, or
3658 holding oneself out as being registered or qualified to practice
3659 geology, by an individual who is not registered under this
3660 chapter, or by any other person not employing a registered
3661 professional geologist as required by this chapter;

3662 (e) Using the seal of another, or using or allowing use
3663 of one's seal on geologic work not performed by or under the
3664 supervision of the registered professional geologist, or otherwise
3665 aiding or abetting any person in the violation of this chapter; or

3666 (f) Disciplinary action by any state agency, board of
3667 registration or similar licensing agency for geologists or any
3668 profession or occupation related to the practice of geology. The
3669 sanction imposed by the board shall not exceed in severity or
3670 duration the sanction upon which that action is based.

3671 (2) Notwithstanding any provision of this chapter:

3672 (a) The board, acting on its own motion or, in the case
3673 of a default on a loan, on the recommendation of the state agency
3674 to which payments are due, shall suspend the license of any person
3675 who defaults on or fails to comply with the requirements of a
3676 state educational loan, service conditional scholarship or loan
3677 repayment program obligation under which the person obtained any
3678 of the education necessary to qualify for a license under this
3679 chapter. However, before a state agency may recommend the
3680 suspension of a license due to the person's default on a loan,
3681 that agency must provide the license holder with notice of its
3682 intention to recommend the suspension of the person's license and
3683 an opportunity for the license holder to respond; and

3684 (b) The person's license will remain suspended until
3685 the person has: (i) made arrangements satisfactory to the board
3686 for meeting the obligations of the loan, scholarship or loan
3687 repayment program; or (ii) in the case of a default, made
3688 arrangements satisfactory to the state agency to which payments
3689 are due for the repayment of the educational loan or scholarship.



3690 (3) Any person may bring a complaint alleging a violation of
3691 this chapter, any rule or regulation or written order of the
3692 board, any condition of registration or standards of professional
3693 conduct. Complaints shall be made in writing, sworn to by the
3694 person filing the complaint, and filed with the board. The board
3695 shall investigate all complaints and upon finding a basis for that
3696 complaint, shall notify the accused in writing specifying the
3697 provisions of this chapter, rule, regulation or order of the board
3698 or the condition or standard alleged to be violated and the facts
3699 alleged to constitute the violation. The notice shall require the
3700 accused to appear before the board at a time and place to answer
3701 the charges. The time of appearance shall be at least thirty (30)
3702 days from the date of service of the notice. Notice shall be made
3703 by service on the person or by registered or certified mail,
3704 return receipt requested, to last known business or residence
3705 address of the accused, as shown on the records of the board.
3706 Within fifteen (15) days following receipt of that notice, the
3707 accused shall file a written response, admitting, denying, or
3708 taking exception to the charges. In the absence of a response or
3709 if the charges are admitted or if no exception is taken, the board
3710 may take disciplinary action without holding a hearing. A
3711 disciplinary action may be settled by the board and the accused,
3712 either before or after a hearing has begun.

3713 A person who reports or provides information to the board in
3714 good faith is not subject to an action for civil damages.

3715 (4) Any hearing under this section may be conducted by the
3716 board itself at a regular or special meeting of the board or by a
3717 hearing officer designated by the board. The hearing officer may
3718 conduct the hearings in the name of the board at any time and
3719 place as conditions and circumstances may warrant. The hearing
3720 officer or any member of the board may administer oaths or
3721 affirmations to witnesses appearing before the hearing officer or
3722 the board.



3723 If any witness fails or refuses to attend upon subpoena
3724 issued by the board, refuses to testify or refuses to produce
3725 books, papers, reports, documents and similar material, the
3726 production of which is called for by a subpoena, the attendance of
3727 any witness and the giving of that person's testimony and the
3728 production of books, papers, reports, documents and similar
3729 material shall be enforced by any court of competent jurisdiction
3730 of this state in the manner provided for the enforcement of the
3731 attendance and testimony of witnesses in civil cases in the courts
3732 of this state.

3733 All hearings before the board shall be recorded either by a
3734 court reporter or by tape or mechanical recorders and subject to
3735 transcription upon order of the board or any interested person.
3736 If the request for transcription originates with an interested
3737 person, that person shall pay the cost of transcription.

3738 The accused shall have the right to be present at the hearing
3739 in person, by counsel or other representative, or both. The board
3740 may continue or recess the hearing as may be necessary.

3741 (5) If a hearing officer conducts the hearing on behalf of
3742 the board, the hearing officer shall upon completion have the
3743 record of that hearing prepared. The record shall be submitted to
3744 the board along with that hearing officer's findings of fact and
3745 recommended decision. Upon receipt and review of the record of
3746 the hearing and the hearing officer's findings of fact and
3747 recommended decision, the board shall render its final decision as
3748 provided in subsection (6) of this section.

3749 Any person ordered to appear for an alleged violation may
3750 request a hearing before a majority of the board. A verbatim
3751 record of any previous hearings on that matter shall be filed with
3752 the board, together with findings of fact and conclusions of law
3753 made by the board based on the record.

3754 (6) At the conclusion of the hearing, the board may either
3755 decide the issue at that time or take the case under advisement



3756 for further deliberation. The board shall render its decision not
3757 more than ninety (90) days after the close of the hearing, and
3758 shall forward to the last known business or residence address of
3759 the accused, by certified or registered mail, return receipt
3760 requested, a written statement of the decision of the board.

3761 If a majority of the board finds the accused guilty of the
3762 charges filed, the board may take any combination of the following
3763 actions:

3764 (a) Deny the renewal of a certificate of registration
3765 or certificate of enrollment;

3766 (b) Suspend the certificate of registration or
3767 certificate of enrollment of any registrant for a specified period
3768 of time, not to exceed three (3) years, or revoke the certificate
3769 of registration or certificate of enrollment of any registrant;

3770 (c) Censure, reprimand or issue a public or private
3771 admonishment to an applicant, a registrant or any other person
3772 engaged in the practice of geology under this chapter;

3773 (d) Impose limitations, conditions or restrictions upon
3774 the practice of an applicant, a registrant or upon any other
3775 person engaged in the practice of geology;

3776 (e) Require the guilty party to complete a course,
3777 approved by the board, in ethics;

3778 (f) Impose probation upon a registrant, requiring
3779 regular reporting to the board;

3780 (g) Require restitution, in whole or in part, of the
3781 compensation or fees earned by a registrant or by any other person
3782 engaging in the practice of geology; or

3783 (h) Assess and levy upon the guilty party a monetary
3784 penalty not to exceed Five Thousand Dollars (\$5,000.00) for each
3785 violation.

3786 (7) Any monetary penalty assessed and levied under this
3787 section shall be paid to the board upon the expiration of the
3788 period allowed for appeal of that penalty, or may be paid sooner



3789 if the guilty party elects. Money collected by the board under
3790 this section shall be deposited to the credit of the registered
3791 professional geologists fund.

3792 When payment of a monetary penalty assessed and levied by the
3793 board in accordance with this section is not paid when due, the
3794 board may begin and maintain proceedings in its name for
3795 enforcement of payment in the chancery court of the county and
3796 judicial district of residence of the guilty party and if the
3797 guilty party is a nonresident of the State of Mississippi, the
3798 proceedings shall be in the Chancery Court of the First Judicial
3799 District of Hinds County, Mississippi.

3800 (8) The board may assess and impose the costs of any
3801 disciplinary proceedings conducted under this section against
3802 either the accused, the charging party, or both, as it may elect.

3803 (9) The authority of the board to assess and levy the
3804 monetary penalties under this section shall not be affected or
3805 diminished by any other proceeding, civil or criminal, concerning
3806 the same violation or violations, unless provided in this section.

3807 (10) If the board determines there is an imminent danger to
3808 the public welfare, the board may issue an order for the immediate
3809 suspension of a certificate of registration or a certificate of
3810 enrollment. The registrant may request a hearing on the matter
3811 within fifteen (15) days after receipt of the order of suspension.
3812 The board shall file charges as provided in this section within
3813 thirty (30) days after the issuance of an order, or the suspension
3814 shall be of no further force and effect. If charges are filed,
3815 the order of suspension shall remain in effect until disposition
3816 of all charges.

3817 (11) The board, for sufficient cause, may reissue a revoked
3818 certificate of registration or certificate of enrollment, upon
3819 written application to the board by the applicant. The
3820 application shall be made not less than three (3) years after the



3821 revocation. The board may impose reasonable conditions or
3822 limitations in connection with any reissuance.

3823 (12) In addition to the reasons named in subsection (1) of
3824 this section, the board may suspend the certificate of
3825 registration or certificate of enrollment of any person for being
3826 out of compliance with an order for support, as defined in Section
3827 93-11-153. The procedure for suspension of a certificate for
3828 being out of compliance with an order for support, and the
3829 procedure for the reissuance or reinstatement of a certificate
3830 suspended for that purpose, and the payment of any fees for the
3831 reissuance or reinstatement of a certificate suspended for that
3832 purpose, shall be governed by Section 93-11-157 or 93-11-163, as
3833 the case may be. Actions taken by the board in suspending a
3834 certificate when required by Section 93-11-157 or 93-11-163 are
3835 not actions from which an appeal may be taken under Section
3836 73-63-49. Any appeal of a suspension of a certificate that is
3837 required by Section 93-11-157 or 93-11-163 shall be taken in
3838 accordance with the appeal procedure specified in Section
3839 93-11-157 or 93-11-163, as the case may be, rather than the
3840 procedure specified in Section 73-63-49. If there is any conflict
3841 between Section 93-11-157 or 93-11-163 and this chapter, Section
3842 93-11-157 or 93-11-163, as the case may be, shall control.

3843 **SECTION 30.** Section 73-65-13, Mississippi Code of 1972, is
3844 amended as follows:

3845 73-65-13. (1) The board may deny any application, or
3846 suspend or revoke any license held or applied for under the
3847 provisions of Section 73-65-7 if the person:

3848 (a) Is found guilty of fraud, deceit, or
3849 misrepresentation in procuring or attempting to procure a license
3850 to practice art therapy;

3851 (b) Is adjudicated mentally incompetent;

3852 (c) Is found guilty of a felony or misdemeanor
3853 involving moral turpitude;



3854 (d) Is found guilty of unprofessional or unethical
3855 conduct in this or any other jurisdiction;

3856 (e) Has been using any controlled substance or
3857 alcoholic beverage to an extent or in a manner dangerous to the
3858 person, any other person, or the public, or to an extent that the
3859 use impairs the ability to perform as a licensed professional art
3860 therapist;

3861 (f) Has violated any provision of this chapter; or

3862 (g) Willfully or negligently divulges a professional
3863 confidence.

3864 (2) A certified copy of the record of conviction shall be
3865 conclusive evidence of the conviction.

3866 (3) Disciplinary proceedings may be initiated upon the
3867 receipt by the board of a sworn complaint by any person, including
3868 members of the board.

3869 (4) Notwithstanding any provision of this chapter:

3870 (a) The board, acting on its own motion or, in the case
3871 of a default on a loan, on the recommendation of the state agency
3872 to which payments are due, shall suspend the license of any person
3873 who defaults on or fails to comply with the requirements of a
3874 state educational loan, service conditional scholarship or loan
3875 repayment program obligation under which the person obtained any
3876 of the education necessary to qualify for a license under this
3877 chapter. However, before a state agency may recommend the
3878 suspension of a license due to the person's default on a loan,
3879 that agency must provide the license holder with notice of its
3880 intention to recommend the suspension of the person's license and
3881 an opportunity for the license holder to respond; and

3882 (b) The person's license will remain suspended until
3883 the person has: (i) made arrangements satisfactory to the board
3884 for meeting the obligations of the loan, scholarship or loan
3885 repayment program; or (ii) in the case of a default, made



3886 arrangements satisfactory to the state agency to which payments
3887 are due for the repayment of the educational loan or scholarship.

3888 **SECTION 31.** Section 73-67-27, Mississippi Code of 1972, is
3889 amended as follows:

3890 73-67-27. (1) The board may refuse to issue or renew or may
3891 deny, suspend or revoke any certificate of registration held or
3892 applied for under this chapter upon finding that the holder of a
3893 certificate of registration or applicant:

3894 (a) Is guilty of fraud, deceit or misrepresentation in
3895 procuring or attempting to procure any certificate of registration
3896 provided for in this chapter;

3897 (b) Attempted to use as his own the certificate of
3898 registration of another;

3899 (c) Allowed the use of his certificate of registration
3900 by another;

3901 (d) Has been adjudicated as mentally incompetent by
3902 regularly constituted authorities;

3903 (e) Has been convicted of a crime, or has charges or
3904 disciplinary action pending that directly relates to the practice
3905 of massage therapy or to the ability to practice massage therapy.
3906 Any plea of nolo contendere shall be considered a conviction for
3907 the purposes of this section;

3908 (f) Is guilty of unprofessional or unethical conduct as
3909 defined by the code of ethics;

3910 (g) Is guilty of false, misleading or deceptive
3911 advertising, or is guilty of aiding or assisting in the
3912 advertising of any unregistered or unpermitted person in the
3913 practice of massage therapy;

3914 (h) Is grossly negligent or incompetent in the practice
3915 of massage therapy; or

3916 (i) Has had rights, credentials, or one or more
3917 license(s) to practice massage therapy revoked, suspended or
3918 denied in any jurisdiction, territory or possession of the United



3919 States or another country for acts of the licensee similar to acts
3920 described in this section. A certified copy of the record of the
3921 jurisdiction making such a revocation, suspension or denial shall
3922 be conclusive evidence thereof.

3923 (2) Notwithstanding any provision of this chapter:

3924 (a) The board, acting on its own motion or, in the case
3925 of a default on a loan, on the recommendation of the state agency
3926 to which payments are due, shall suspend the certificate of
3927 registration of any person who defaults on or fails to comply with
3928 the requirements of a state educational loan, service conditional
3929 scholarship or loan repayment program obligation under which the
3930 person obtained any of the education necessary to qualify for a
3931 certificate of registration under this chapter. However, before a
3932 state agency may recommend the suspension of a certificate of
3933 registration due to the person's default on a loan, that agency
3934 must provide the certificate holder with notice of its intention
3935 to recommend the suspension of the person's certificate of
3936 registration and an opportunity for the certificate holder to
3937 respond; and

3938 (b) The person's certificate of registration will
3939 remain suspended until the person has: (i) made arrangements
3940 satisfactory to the board for meeting the obligations of the loan,
3941 scholarship or loan repayment program; or (ii) in the case of a
3942 default, made arrangements satisfactory to the state agency to
3943 which payments are due for the repayment of the educational loan
3944 or scholarship.

3945 (3) Investigative proceedings may be implemented by a
3946 complaint by any person, including members of the board.

3947 (4) (a) Any person(s) found guilty of prostitution using as
3948 any advertisement, claim or insignia of being an actual registered
3949 massage therapist or to be practicing massage therapy by using the
3950 word "massage" or any other description indicating the same,
3951 whether or not the person(s) have one or more such certificate of



3952 registration for person(s) or establishment(s), shall be guilty of
3953 a misdemeanor, and upon conviction, shall be punished by a fine of
3954 not less than One Thousand Dollars (\$1,000.00), nor more than Five
3955 Thousand Dollars (\$5,000.00), or imprisonment of up to six (6)
3956 months, or both, per offense, per person.

3957 (b) Any person who knowingly participates in receiving
3958 illegal service(s) of any person found guilty as described in
3959 paragraph (a) of this subsection, upon conviction, shall be
3960 punished by a fine not exceeding Five Hundred Dollars (\$500.00),
3961 or imprisonment for up to one (1) month, or both. Persons
3962 officially designated to investigate complaints are exempt.

3963 (c) Any person who violates any provision of this
3964 chapter, other than violation(s) of paragraph (a) of this
3965 subsection, is guilty of a misdemeanor, and upon conviction, shall
3966 be punished by a fine not exceeding Five Hundred Dollars
3967 (\$500.00), or imprisonment for up to one (1) month in jail, or
3968 both, per offense.

3969 **SECTION 32.** This act shall take effect and be in force from
3970 and after July 1, 2002.

