

By: Senator(s) Huggins, Smith

To: Public Health and Welfare; Appropriations

COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL NO. 2666

1 AN ACT TO AMEND SECTION 73-23-41, MISSISSIPPI CODE OF 1972,  
2 TO CREATE THE STATE BOARD OF PHYSICAL THERAPY AND PRESCRIBE ITS  
3 POWERS AND DUTIES; TO PROVIDE FOR THE APPOINTMENT OF THE BOARD; TO  
4 AMEND SECTION 73-23-45, MISSISSIPPI CODE OF 1972, TO CREATE A  
5 SPECIAL FUND IN THE STATE TREASURY TO BE KNOWN AS THE PHYSICAL  
6 THERAPY FUND, FOR THE DEPOSIT OF ALL FEES AND OTHER MONIES  
7 COLLECTED OR RECEIVED BY THE BOARD; TO AMEND SECTION 73-23-65,  
8 MISSISSIPPI CODE OF 1972, TO ABOLISH THE PHYSICAL THERAPY ADVISORY  
9 COUNCIL AND TO TRANSFER THE POWERS AND DUTIES OF THE STATE BOARD  
10 OF HEALTH AND THE STATE DEPARTMENT OF HEALTH REGARDING THE  
11 LICENSURE AND REGULATION OF THE PROFESSION OF PHYSICAL THERAPY TO  
12 THE STATE BOARD OF PHYSICAL THERAPY; TO AMEND SECTIONS 73-23-33,  
13 73-23-35, 73-23-43, 73-23-47, 73-23-49, 73-23-51, 73-23-53,  
14 73-23-57, 73-23-61, 73-23-63 AND 73-23-64, MISSISSIPPI CODE OF  
15 1972, TO CONFORM TO THE PRECEDING PROVISIONS; TO REPEAL SECTION  
16 73-23-55, MISSISSIPPI CODE OF 1972, WHICH PROVIDED FOR THE  
17 LICENSING OF PHYSICAL THERAPISTS WHO WERE LICENSED UNDER  
18 PREVIOUSLY REPEALED STATUTES; AND FOR RELATED PURPOSES.

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

20 **SECTION 1.** Section 73-23-41, Mississippi Code of 1972, is  
21 amended as follows:

22 73-23-41. (1) There is established a State Board of  
23 Physical Therapy that shall consist of seven (7) members appointed  
24 by the Governor, with the advice and consent of the Senate. Four  
25 (4) members shall be physical therapists, one (1) member shall be  
26 a physical therapist assistant, one (1) member shall be a  
27 physician, and one (1) member shall be a consumer at large who is  
28 not associated with or financially interested in the practice or  
29 business of physical therapy. Each of the four (4) members who  
30 are physical therapists shall be appointed from a list of three  
31 (3) persons from each of the four (4) Mississippi congressional  
32 districts, as such districts currently exist, submitted by the  
33 Mississippi Physical Therapy Association, all of whom must be  
34 residents of Mississippi and must have engaged in the practice of  
35 physical therapy within the state for at least four (4) years.



36 The initial members of the board shall be appointed for staggered  
37 terms, as follows: Two (2) members shall be appointed for a term  
38 that ends on June 30, 2003; two (2) members shall be appointed for  
39 terms that end on June 30, 2004; one (1) member shall be appointed  
40 for a term that ends on June 30, 2005; and two (2) members shall  
41 be appointed for terms that end on June 30, 2006. All subsequent  
42 appointments to the board shall be for terms of four (4) years  
43 from the expiration date of the previous term. No person shall be  
44 appointed for more than two (2) consecutive terms. By approval of  
45 the majority of the board, the service of a member may be extended  
46 at the completion of a four-year term until a new member is  
47 appointed or the current member is reappointed.

48 (2) The board shall annually elect a chairman, secretary and  
49 treasurer. The board shall provide for the timely orientation and  
50 training of new professional and public appointees to the board  
51 regarding board licensing and disciplinary procedures, this  
52 chapter and board rules, regulations, policies and procedures. A  
53 member may be removed by the board only for due cause. Failure to  
54 attend at least half of the board meetings in a fiscal year shall  
55 constitute cause. The board shall meet at least once each  
56 quarter, and those meetings shall be held in compliance with the  
57 Open Meetings Law (Section 25-41-1 et seq.). A majority of board  
58 members shall constitute a quorum for the transaction of business.  
59 The board shall keep an official record of its meetings.  
60 Vacancies on the board shall be filled by board member vote from a  
61 list of nominees submitted by the Mississippi Physical Therapy  
62 Association. Members of the board shall receive the per diem  
63 authorized under Section 25-3-69 for each day spent actually  
64 discharging their official duties, and shall receive reimbursement  
65 for mileage and necessary travel expenses incurred as provided in  
66 Section 25-3-41. A board member who acts within the scope of  
67 board duties, without malice and in the reasonable belief that the



68 member's action is warranted by law is immune from civil  
69 liability.

70 **SECTION 2.** Section 73-23-33, Mississippi Code of 1972, is  
71 amended as follows:

72 73-23-33. As used in this chapter unless the context or  
73 subject matter otherwise requires:

74 (a) "Physical therapy" or "physiotherapy," which terms  
75 are deemed identical and interchangeable, means the art and  
76 science of a health specialty concerned with the prevention of  
77 disability, and the physical rehabilitation for congenital or  
78 acquired physical or mental disabilities, resulting from or  
79 secondary to injury or disease. The "practice of physical  
80 therapy" means the practice of the health specialty and  
81 encompasses physical therapy evaluation, treatment planning,  
82 treatment administration, instruction and consultative services,  
83 including:

84 (i) Performing and interpreting tests and  
85 measurements as an aid to physical therapy treatment, for the  
86 purpose of correcting or alleviating any physical condition and to  
87 prevent the development of any physical or mental disability  
88 within the scope of physical therapy; and the performance of  
89 neuromuscular-skeletal tests and measurements as an aid in  
90 diagnosis, evaluation or determination of the existence of and the  
91 extent of any body malfunction;

92 (ii) Planning initial and subsequent treatment  
93 programs, on the basis of test findings; and

94 (iii) Administering treatment by therapeutic  
95 exercise, neurodevelopmental procedures, therapeutic massage,  
96 mechanical devices and therapeutic agents which employ the  
97 physical, chemical and other properties of air, water, heat, cold,  
98 electricity, sound and radiant energy for the purpose of  
99 correcting or alleviating any physical condition or preventing the  
100 development of any physical or mental disability. The use of



101 roentgen rays and radium for any purpose, and the use of  
102 electricity for surgical purposes including cauterization, are not  
103 part of physical therapy;

104 (b) "Physical therapist" means a person licensed in  
105 this state to practice physical therapy as defined in this  
106 chapter, and whose license is in good standing;

107 (c) "Physical therapist assistant" means a health care  
108 worker who assists a physical therapist in the provision of  
109 physical therapy under the direct, on-site supervision of the  
110 physical therapist. The physical therapist assistant may perform  
111 physical therapy procedures and related tasks that have been  
112 selected and delegated by the supervising physical therapist, but  
113 shall not perform the following physical therapy activities:  
114 interpretation of referrals; physical therapy initial evaluation  
115 and reevaluation; identification, determination or modification of  
116 plans of care (including goals and treatment programs); final  
117 discharge assessment/evaluation or establishment of the discharge  
118 plan; or therapeutic techniques beyond the skill and knowledge of  
119 the physical therapist assistant;

120 (d) "Referral" means the written or oral designation of  
121 physical therapy services by a doctor of medicine, dentistry,  
122 osteopathy, podiatry or chiropractic, or by a nurse practitioner,  
123 holding a license in good standing; and the instruction therefor  
124 may be as detailed or as general as the doctor or nurse  
125 practitioner in his or her sound discretion deems necessary in the  
126 particular case;

127 (e) "Board" means the State Board of Physical Therapy  
128 established in Section 73-23-41;

129 \* \* \*

130 (f) "Direct, on-site supervision" means face-to-face  
131 oversight by a licensed physical therapist at regular intervals,  
132 as prescribed in regulations adopted by the board, of the services  
133 provided to a patient by a licensed physical therapist assistant.



134           (g) "Direct supervision" means face-to-face oversight  
135 at regular intervals of a physical therapist issued a temporary  
136 license under Section 73-23-53(1) by a licensed physical  
137 therapist. Such direct supervision shall be in accordance with  
138 the regulations adopted by the board.

139           **SECTION 3.** Section 73-23-35, Mississippi Code of 1972, is  
140 amended as follows:

141           73-23-35. It shall be unlawful for any person, corporation  
142 or association to, in any manner, represent himself or itself as a  
143 physical therapist, a physical therapist assistant or someone who  
144 provides physical therapy services, or use in connection with his  
145 or its name the words or letters physiotherapist, registered  
146 physical therapist, R.P.T., licensed physical therapist assistant,  
147 L.P.T.A., or any other letters, words, abbreviations or insignia,  
148 indicating or implying that he or it is a physical therapist, a  
149 physical therapist assistant or provides physical therapy  
150 services, without a valid existing license as a physical therapist  
151 or as a physical therapist assistant, as the case may be, issued  
152 to him or it pursuant to this chapter. It shall be unlawful to  
153 employ an unlicensed physical therapist or physical therapist  
154 assistant to provide physical therapy services.

155           The board shall aid the state's attorneys of the various  
156 counties in the enforcement of the provisions of this chapter and  
157 the prosecution of any violations thereof. In addition to the  
158 criminal penalties provided by this chapter, the civil remedy of  
159 injunction shall be available to restrain and enjoin violations of  
160 any provisions of this chapter without proof of actual damages  
161 sustained by any person.

162           **SECTION 4.** Section 73-23-43, Mississippi Code of 1972, is  
163 amended as follows:

164           73-23-43. (1) The board shall have the following general  
165 powers and duties:



166           (a) To examine and determine the qualifications and  
167 fitness of applicants for licenses to practice physical therapy  
168 and licenses to act as physical therapist assistants in this state  
169 and prepare or approve and conduct all examinations of applicants  
170 for licensure;

171           (b) To issue, renew, deny, suspend or revoke licenses  
172 to practice physical therapy and licenses to act as physical  
173 therapist assistants in this state or otherwise discipline  
174 licensed physical therapists and physical therapist assistants;

175           (c) To investigate alleged or suspected violations of  
176 the provisions of this chapter or other laws of this state  
177 pertaining to physical therapy and any rules and regulations  
178 adopted by the board; for this purpose, any authorized agents of  
179 the board shall have the power and right to enter and make  
180 reasonable inspections of any place where physical therapy is  
181 practiced, and may inspect and/or copy any records pertaining to  
182 clients or the practice of physical therapy under this chapter;

183           (d) To establish reasonable fees for application for  
184 examination, certificates of licensure and renewal, and other  
185 services provided by the board;

186           (e) To adopt, amend or repeal any rules or regulations  
187 necessary to carry out the purposes of this chapter and the duties  
188 and responsibilities of the \* \* \* board, in accordance with  
189 Section 25-43-1 et seq.;

190           (f) To hire appropriate support personnel to carry out  
191 the provisions of this chapter.

192           The powers and duties enumerated above are granted for the  
193 purpose of enabling the board to safeguard the public health,  
194 safety and welfare against unqualified or incompetent  
195 practitioners of physical therapy and persons acting as physical  
196 therapist assistants, and are to be liberally construed to  
197 accomplish this objective;



198           (2) The board shall maintain a register listing the name of  
199 every physical therapist and physical therapist assistant licensed  
200 to practice in this state, his last known place of business and  
201 last known place of residence, and the date and number of his  
202 license. The board shall, at least once a year, compile a list of  
203 physical therapists and physical therapist assistants licensed to  
204 practice in this state and such a list shall be available to any  
205 person upon application to the board and the payment of such  
206 charges as may be fixed by it.

207           **SECTION 5.** Section 73-23-45, Mississippi Code of 1972, is  
208 amended as follows:

209           73-23-45. All fees and other monies collected or received by  
210 the board shall be paid into and credited to a special fund that  
211 is created in the State Treasury, which shall be known as the  
212 "Physical Therapy Fund." Any interest earned on the special fund  
213 shall be credited to the special fund and shall not be paid into  
214 the State General Fund. Any unexpended monies remaining in the  
215 special fund at the end of a fiscal year shall not lapse into the  
216 State General Fund. Monies in the special fund shall be expended,  
217 upon appropriation by the Legislature, exclusively for the  
218 purposes of implementing the provisions of this chapter.  
219 Disbursement of monies in the special fund shall be made only upon  
220 warrants issued by the State Fiscal Officer upon requisitions  
221 signed by the treasurer of the board. The financial records of  
222 the board shall be audited annually by the State Auditor.

223           **SECTION 6.** Section 73-23-47, Mississippi Code of 1972, is  
224 amended as follows:

225           73-23-47. Any person who desires to be licensed under this  
226 chapter and who: (a) is of good moral character; (b) has been  
227 graduated from a physical therapy or physical therapist assistant  
228 program, as the case may be, accredited by an agency recognized by  
229 the United States Department of Education, Office on Postsecondary  
230 Education; and (c) has paid an application fee not to exceed



231 double the price of the examination, no part of which shall be  
232 refunded, shall be examined for licensure by the board. The  
233 licensure examination for physical therapists and for physical  
234 therapist assistants shall be selected by the board and may also  
235 include an oral examination or practical examination or both at  
236 the discretion of the board.

237 Each application or filing made under this section shall  
238 include the social security number(s) of the applicant in  
239 accordance with Section 93-11-64.

240 **SECTION 7.** Section 73-23-49, Mississippi Code of 1972, is  
241 amended as follows:

242 73-23-49. Any person who desires to be licensed as a  
243 physical therapist or as a physical therapist assistant shall  
244 apply to the board in writing on a form furnished by the board.  
245 He shall provide such documents as required by the application  
246 forms provided by the board. He shall pay the board at the time  
247 of filing an application fee fixed annually by the board but not  
248 to exceed Two Hundred Dollars (\$200.00), no part of which shall be  
249 refunded.

250 **SECTION 8.** Section 73-23-51, Mississippi Code of 1972, is  
251 amended as follows:

252 73-23-51. (1) The board may license as a physical therapist  
253 or as a physical therapist assistant, and furnish a certificate of  
254 licensure without examination to, any applicant who presents  
255 evidence, satisfactory to the board, of having passed an  
256 examination before a similar lawfully authorized examining agency  
257 or board in physical therapy of another state or the District of  
258 Columbia, if the standards for registration in physical therapy or  
259 for licensure as a physical therapist assistant in such other  
260 state or district are determined by the board to be as high as  
261 those of this state.

262 (2) Any person who has been trained as a physical therapist  
263 in a foreign country and desires to be licensed under this chapter





264 and who: (a) is of good moral character; (b) holds a diploma from  
265 an educational program for physical therapists approved by the  
266 board; (c) submits documentary evidence to the board that he has  
267 completed a course of professional instruction substantially  
268 equivalent to that obtained by an applicant for licensure; and (d)  
269 demonstrates satisfactory proof of proficiency in the English  
270 language, may make application on a form furnished by the board  
271 for examination as a foreign-trained physical therapist. At the  
272 time of making such application, the applicant shall pay the fee  
273 prescribed by the board, no portion of which shall be returned.

274 Any person who desires to be licensed under this subsection  
275 shall take an examination approved by the board and shall obtain a  
276 permanent license. If this requirement is not met, the license of  
277 the foreign-trained therapist may be revoked.

278 **SECTION 9.** Section 73-23-53, Mississippi Code of 1972, is  
279 amended as follows:

280 73-23-53. (1) A temporary license to practice as a physical  
281 therapist or physical therapist assistant may be granted to those  
282 persons meeting the requirements stated in Section 73-23-47 and  
283 who (a) have not taken the approved examination, or (b) have taken  
284 the approved examination but have not received the results of the  
285 examination. The temporary license shall be granted for a period  
286 not to exceed ninety (90) days. Any physical therapist granted a  
287 temporary license under the provisions of this subsection shall  
288 restrict his practice to the State of Mississippi and shall be  
289 under the direct supervision of a physical therapist licensed in  
290 Mississippi (physical therapy assistants shall be under the direct  
291 on-site supervision of a Mississippi licensed physical therapist).  
292 Documentation verifying the supervision shall be on file with the  
293 board before a temporary license is granted.

294 (2) A temporary license to practice physical therapy or to  
295 act as a physical therapist assistant may be granted to a physical  
296 therapist or a physical therapist assistant licensed in another



297 state who is moving into the state, provided the application for  
298 Mississippi licensure is pending and the current license is in  
299 good standing. This temporary license will be granted for a  
300 period not to exceed sixty (60) days.

301 (3) Any person granted a temporary license who is required  
302 to take the approved examination and fails to take the exam as  
303 required by the board or does not pass the required exam shall  
304 have the temporary license revoked and a license of any type shall  
305 not be issued until such person has passed an approved  
306 examination.

307 (4) Any person who has taken but not passed the required  
308 examination in this or another jurisdiction shall not be eligible  
309 for a license of any type until an approved examination is passed.

310 (5) Any person who has been trained as a physical therapist  
311 or physical therapist assistant in a foreign country and desires  
312 to be temporarily licensed under this subsection shall demonstrate  
313 proficiency in the English language and meet the other  
314 requirements of Section 73-23-51(2) before such temporary license  
315 shall be issued.

316 **SECTION 10.** Section 73-23-57, Mississippi Code of 1972, is  
317 amended as follows:

318 73-23-57. (1) Every licensed physical therapist and  
319 physical therapist assistant shall apply to the board for a  
320 renewal of licensure in a manner prescribed by the rules and  
321 regulations of the board, and pay the prescribed fee, not to  
322 exceed Seventy-five Dollars (\$75.00) per year, or One Hundred  
323 Fifty Dollars (\$150.00) every two (2) years. Licenses that are  
324 not so renewed shall automatically lapse.

325 (2) The manner in which lapsed licenses shall be revived or  
326 extended shall be established by the board.

327 **SECTION 11.** Section 73-23-61, Mississippi Code of 1972, is  
328 amended as follows:



329           73-23-61. (1) Each violation of Section 73-23-35 shall be  
330 punishable by a fine of not less than One Hundred Dollars  
331 (\$100.00) nor more than Five Hundred Dollars (\$500.00), or by  
332 imprisonment for not less than ten (10) days nor more than sixty  
333 (60) days, or both such fine and imprisonment.

334           (2) Any person who shall knowingly make a material, false  
335 statement in his application for license under this chapter or in  
336 response to any inquiry by \* \* \* the board, shall be fined not  
337 less than One Hundred Dollars (\$100.00) nor more than Five Hundred  
338 Dollars (\$500.00) or imprisoned for not less than ten (10) days  
339 nor more than sixty (60) days, or both such fine and imprisonment.

340           **SECTION 12.** Section 73-23-63, Mississippi Code of 1972, is  
341 amended as follows:

342           73-23-63. (1) Any person whose application for a license is  
343 denied shall be entitled to a hearing before the board if he  
344 submits a written request to the board. Such hearing shall be  
345 conducted at the earliest possible date. \* \* \* The board shall  
346 fix a time and place for the hearing and shall cause a written  
347 copy of the reason for denial of the license, together with a  
348 notice of the time and place fixed for the hearing to be served on  
349 the applicant requesting the hearing \* \* \*. Service of and notice  
350 of the hearing may be given by certified mail to the last known  
351 address of the licensee or applicant. For purposes of the  
352 hearing, the board \* \* \* shall have the power to subpoena persons  
353 and compel the production of records, papers and other documents.

354           (2) (a) All complaints concerning a licensee's business or  
355 professional practice shall be received by the board. Each  
356 complaint received shall be logged, recording at a minimum the  
357 following information: (i) licensee's name; (ii) name of the  
358 complaining party, if known; (iii) date of complaint; (iv) brief  
359 statement of complaint; and (v) disposition.

360           (b) Following the investigative process, the board may  
361 file formal charges against the licensee. Such formal complaint



362 shall, at a minimum, inform the licensee of the facts which are  
363 the basis of the charge and which are specific enough to enable  
364 the licensee to defend against the charges.

365 (c) Each licensee whose conduct is the subject of a  
366 formal charge which seeks to impose disciplinary action against  
367 the licensee shall be served notice of the formal charge at least  
368 thirty (30) days before the date of the hearing, which hearing  
369 shall be presided over by the board or the board's designee.  
370 Service shall be considered to have been given if the notice was  
371 personally received by the licensee or if the notice was mailed  
372 certified, return receipt requested, to the licensee at the  
373 licensee's last known address as listed with the state agency.

374 (d) The notice of the formal charge shall consist at a  
375 minimum of the following information:

376 (i) The time, place and date of the hearing;

377 (ii) That the licensee shall appear personally at  
378 the hearing and may be represented by counsel;

379 (iii) That the licensee shall have the right to  
380 produce witnesses and evidence in the licensee's behalf and shall  
381 have the right to cross-examine adverse witnesses and evidence;

382 (iv) That the hearing could result in disciplinary  
383 action being taken against the licensee's license;

384 (v) That rules for the conduct of these hearings  
385 exist and it may be in the licensee's best interest to obtain a  
386 copy;

387 (vi) That the board or its designee shall preside  
388 at the hearing and following the conclusion of the hearing shall  
389 make findings of facts, conclusions of law and recommendations,  
390 separately stated, to the board as to what disciplinary action, if  
391 any, should be imposed on the licensee;

392 (vii) The board or its designee shall hear  
393 evidence produced in support of the formal charges and contrary



394 evidence produced by the licensee. At the conclusion of the  
395 hearing, the board shall issue an order; and

396 (viii) All proceedings pursuant to this section  
397 are matters of public record and shall be preserved pursuant to  
398 state law.

399 (3) In addition to other remedies provided by law or in  
400 equity, any applicant or licensee aggrieved by any action of the  
401 board may appeal the action of the board to the chancery court of  
402 the county of his residence, if he be a resident of this state, or  
403 the Chancery Court of the First Judicial District of Hinds County,  
404 Mississippi, if he be a nonresident of this state, and the court  
405 after a hearing may modify, affirm or reverse the judgment of the  
406 board or may remand the case to the board for further proceedings.  
407 An appeal shall be filed within thirty (30) days immediately  
408 following the mailing or delivery to the applicant or licensee of  
409 a copy of the order of judgment of the board, unless the court,  
410 for good cause shown, extends the time. Appeals may be had to the  
411 Supreme Court of the State of Mississippi as provided by law from  
412 any final judgment of the chancery court. If the board appeals  
413 from any judgment of the chancery court, no bond shall be required  
414 of it in order to perfect its appeal. Any appeal of a license  
415 suspension that is required by Section 93-11-157 or 93-11-163  
416 shall be taken in accordance with the appeal procedure specified  
417 in Section 93-11-157 or 93-11-163, as the case may be, rather than  
418 the procedure specified in this section.

419 **SECTION 13.** Section 73-23-64, Mississippi Code of 1972, is  
420 amended as follows:

421 73-23-64. (1) The board may impose any of the following  
422 sanctions, singly or in combination, when it finds that a licensee  
423 is guilty of any such offense:

- 424 (a) Revocation of the license;
- 425 (b) Suspension of the license, for any period of time;
- 426 (c) Censure the licensee;



427 (d) Impose a monetary penalty of not more than Two  
428 Hundred Dollars (\$200.00);

429 (e) Place a licensee on probationary status and require  
430 the licensee to submit to any of the following: (i) report  
431 regularly to the board, or its designee, upon matters which are  
432 the basis of probation; (ii) continue to renew professional  
433 education until a satisfactory degree of skill has been attained  
434 in those areas which are the basis of probation; or (iii) such  
435 other reasonable requirements or restrictions as are proper;

436 (f) Refuse to renew a license; or

437 (g) Revoke probation which has been granted and impose  
438 any other disciplinary action in this subsection when the  
439 requirements of probation have not been fulfilled or have been  
440 violated.

441 (2) The board may summarily suspend a license under this  
442 chapter without a hearing simultaneously with the filing of a  
443 formal complaint and notice for a hearing provided under this  
444 section if the board finds that the continued practice in the  
445 profession would constitute an immediate danger to the public. If  
446 the board suspends summarily a license under the provisions of  
447 this subsection, a hearing must begin within twenty (20) days  
448 after such suspension begins, unless continued at the request of  
449 the licensee.

450 (3) Disposition of any formal complaint may be made by  
451 consent order or stipulation between the board and the licensee.

452 (4) The board may reinstate any licensee to good standing  
453 under this chapter if, after hearing, the board is satisfied that  
454 the applicant's renewed practice is in the public interest. The  
455 procedure for the reimbursement of a license that is suspended for  
456 being out of compliance with an order for support, as defined in  
457 Section 93-11-153, shall be governed by Section 93-11-157 or  
458 93-11-163, as the case may be.

459 \* \* \*



460       (5) The board shall seek to achieve consistency in the  
461 application of the foregoing sanctions, and significant departure  
462 from prior decisions involving similar conduct shall be explained  
463 by the board.

464       **SECTION 14.** Section 73-23-65, Mississippi Code of 1972, is  
465 amended as follows:

466       73-23-65. The \* \* \* Physical Therapy Advisory Council is  
467 abolished. All of the powers and duties of the State Board of  
468 Health and the State Department of Health regarding the licensure  
469 and regulation of the profession of physical therapy in the State  
470 of Mississippi are transferred to the State Board of Physical  
471 Therapy. Any property, contractual rights and obligations and  
472 unexpended funds of the State Board of Health and the State  
473 Department of Health relating to the licensure and regulation of  
474 the profession of physical therapy in the State of Mississippi are  
475 transferred to \* \* \* the State Board of Physical Therapy.

476       **SECTION 15.** Section 73-23-55, Mississippi Code of 1972,  
477 which provided for the licensing of physical therapists who were  
478 licensed under previously repealed statutes, is repealed.

479       **SECTION 16.** This act shall take effect and be in force from  
480 and after July 1, 2002.

