

*****Adopted*****

AMENDMENT No. 1 PROPOSED TO

Senate Bill NO. 2204

By Representative(s) Committee

**Amend by striking all after the enacting clause and inserting
in lieu thereof the following:**

98 **SECTION 1.** Section 73-9-1, Mississippi Code of 1972, is
99 reenacted as follows:

100 73-9-1. Every person who desires to practice dentistry or
101 dental hygiene in this state must obtain a license to do so as
102 hereinafter provided; but this section shall not apply to dentists
103 or dental hygienists now holding permanent licenses to practice
104 provided the same have been recorded as required by law.

105 **SECTION 2.** Section 73-9-3, Mississippi Code of 1972, is
106 reenacted and amended as follows:

107 73-9-3. "Dentistry" is defined as the evaluation, diagnosis,
108 prevention and/or treatment (nonsurgical, surgical or related
109 procedures) of diseases, disorders and/or conditions of the oral
110 cavity, maxillofacial area and/or the adjacent and associated
111 structures and their impact on the human body; provided by a
112 dentist, within the scope of his or her education, training and
113 experience, in accordance with the ethics of the profession and
114 applicable law, provided that nothing in this section shall be so
115 construed as to prevent:

116 (a) The practice of his or her profession by a
117 regularly licensed and registered physician under the laws of this

state unless he or she practices dentistry as a specialty; or

(b) The performance of mechanical work upon inanimate objects by persons working in dental offices under their supervision; or

(c) The operation of a dental laboratory and taking work by written work authorization from regularly licensed and registered dentists as provided for elsewhere in this chapter; or

(d) Dentists from outside the state from giving educational clinics or demonstrations before a dental society, convention or association; or

(e) Licensed dentists from outside the state from being called into Mississippi by licensed dentists of this state for consultative or operative purposes when the consultative or operative purposes have been authorized or approved by the Board of Dental Examiners for specified periods of time or as provided for by rules and regulations set forth by the board; or

(f) Applicants for a license to practice dentistry or dental hygiene in this state from working during an examination by and under the supervision and direction of the Board of Dental Examiners; or

(g) The practice of dentistry or of dental hygiene by students under the supervision of faculty in any dental school, college, or dental department of any school, college or university, or school of dental hygiene recognized by the board * * *; or

(h) Dental or dental hygiene students enrolled in accredited dental or dental hygiene schools from participating in off-site training recognized and approved by the board, but those activities shall not be carried on for profit; or

(i) A regularly licensed and registered dentist from the delegation of procedures to a regularly licensed and registered dental hygienist or other competent dental auxiliary personnel while acting under the direct supervision and full responsibility of the dentist except as follows: Those procedures that require the professional judgment and skill of a dentist such

as diagnosis, treatment planning, surgical procedures involving hard or soft tissues, or any intra-oral procedure of an irreversible nature that could result in injury to the patient. * * * However, the dentist may delegate the removal of calcareous deposits only to a regularly licensed and registered dental hygienist as regulated by the State Board of Dental Examiners.

All dentists and dental hygienists serving as faculty, as provided for in paragraphs (g) and (h) of this section, shall be required to be licensed by the Mississippi State Board of Dental Examiners.

SECTION 3. Section 73-9-5, Mississippi Code of 1972, is reenacted as follows:

73-9-5. (1) For the purpose of this chapter, a dental hygienist shall be an individual who has completed an accredited dental hygiene education program, passed the national dental hygiene board and is licensed by the State Board of Dental Examiners to provide, as an auxiliary to the dentist, preventive care services including, but not limited to, scaling and polishing. In fulfilling these services, dental hygienists provide treatment that helps to prevent oral disease such as dental caries and periodontal disease and for educating patients in prevention of these and other dental problems.

(2) The work of dental hygienists and dental assistants while working in the office of a regularly licensed and registered dentist shall at all times be under the direct supervision of the dentist. Dental hygienists in the employ of the State Board of Health or public school boards shall be limited to only performing oral hygiene instruction and screening when under the general supervision and direction of regularly licensed and registered dentists. Dental hygienists recognized by the board of dental examiners when making public demonstrations of dental hygiene for educational purposes shall be under the general supervision and direction of regularly licensed and registered dentists.

(3) The Board of Dental Examiners may prohibit any dental

hygienist or other auxiliary personnel from rendering service that it feels is not in the best interest of the public welfare.

SECTION 4. Section 73-9-7, Mississippi Code of 1972, is reenacted and amended as follows:

73-9-7. (1) The duties of the Mississippi State Board of Dental Examiners, or "the board," shall be to carry out the purposes and provisions of the laws pertaining to the practice of dentistry and dental hygiene. The Mississippi State Board of Dental Examiners is continued and reconstructed as follows: The board shall consist of seven (7) * * * licensed and actively practicing dentists and one (1) licensed and actively practicing dental hygienist, each a graduate of an accredited college of dentistry or dental hygiene, as appropriate, and practicing within the State of Mississippi for a period of five (5) or more years next preceding his or her appointment. No dentist or dental hygienist shall be eligible for appointment who can be construed to be in violation of current state ethics laws and regulations.

(2) The members of the board appointed and serving before July 1, 2002, shall complete their current four-year appointments. Upon completion of those appointments, the term of each of the successor dentist and dental hygienist appointees provided for in this section shall be for a period of six (6) years and shall terminate on and after June 30 of the sixth year.

(3) The Governor shall appoint one (1) dentist member of the board from the state at large. Upon expiration of the term of office of any of the six (6) members of the board who are appointed from districts, the Governor shall appoint his successor from a list of names to be submitted as set out in this subsection. All appointments to the board shall be made with the advice and consent of the Senate.

* * * The board shall poll all licensed dentists * * * in the state by dental district as follows:

Dental District One: Alcorn, Benton, Calhoun, Chickasaw, Choctaw, Clay, Itawamba, Lafayette, Lee, Lowndes, Marshall, Monroe, Oktibbeha, Pontotoc, Prentiss, Tippah, Tishomingo, Union,

223 Webster;

224 Dental District Two: Bolivar, Carroll, Coahoma, DeSoto,
225 Grenada, Holmes, Humphreys, Issaquena, Leflore, Montgomery,
226 Panola, Quitman, Sharkey, Sunflower, Tallahatchie, Tate, Tunica,
227 Washington, Yalobusha, Yazoo;

228 Dental District Three: Attala, Clarke, Covington, Forrest,
229 Jasper, Jones, Kemper, Lamar, Lauderdale, Leake, Neshoba, Newton,
230 Noxubee, Perry, Scott, Smith, Wayne, Winston;

231 Dental District Four: Hinds, Madison, Rankin, Warren;

232 Dental District Five: George, Greene, Hancock, Harrison,
233 Jackson, Pearl River, Stone;

234 Dental District Six: Adams, Amite, Claiborne, Copiah,
235 Franklin, Jefferson Davis, Jefferson, Lawrence, Lincoln, Marion,
236 Pike, Simpson, Walthall, Wilkinson;

237 and request the submission from each such dental district of three
238 (3) nominations for appointment as members of the board from the
239 six (6) districts. Thirty (30) days after submitting that
240 request, the board shall list all nominations by district
241 according to the number of votes each received. The top three (3)
242 names from each district shall then be considered as a list of
243 names to be submitted to the Governor as referred to above each
244 time a vacancy occurs in one (1) of the six (6) positions
245 appointed from districts or whenever the Governor requests that
246 submission. During the course of each calendar year, the board
247 shall take like polls of all licensed dentists practicing in each
248 dental district, and shall prepare new lists therefrom to be
249 submitted to the Governor, which shall be used in the appointment
250 of the six (6) members appointed from districts.

251 It is the purpose of this section that no more than one (1)
252 appointee of the six (6) members appointed from districts shall
253 serve from any district at any one (1) time * * *. The names on
254 the lists shall be given priority in accordance with the votes for
255 each nominee. In case of a tie, the persons receiving tie votes
256 shall have their names placed on the list even though it results
257 in more than three (3) names on the list from that district.

258 (4) The one (1) dental hygienist member shall be appointed
259 by the Governor from the state at large from a list of six (6)
260 dental hygienists, each of whom being the dental hygienist
261 receiving the highest number of votes in his or her individual
262 district from a poll conducted and compiled by the board. The
263 poll shall consist of a blank ballot with three (3) spaces for
264 nomination provided to all licensed dental hygienists in the
265 state. During the course of each calendar year, the board shall
266 take like polls of all licensed dental hygienists practicing in
267 the state, and shall prepare a new list of six (6) dental
268 hygienists, the list to consist of the dental hygienists receiving
269 the highest number of votes in each district, to be submitted to
270 the Governor, which shall be used in the appointment of the dental
271 hygienist member from the state at large. In case of a tie, the
272 persons receiving tie votes shall have their names placed on the
273 list even though it results in more than six (6) names on the
274 list.

275 The board shall poll all licensed dental hygienists in the
276 state by dental district as that enumerated in subsection (3) of
277 this section.

278 (5) No dentist or dental hygienist member shall be permitted
279 to serve consecutive terms, but may be nominated for reappointment
280 after the expiration of six (6) years from the conclusion of his
281 or her term. Any vacancy in the board membership shall be filled
282 by the Governor within sixty (60) days by appointment from the
283 list of nominees submitted for the existing term of office. Any
284 appointment made to fill a vacancy or to replace an incumbent
285 holding over shall terminate in accordance with the designation of
286 the particular term and until his or her successor is duly
287 appointed and qualified.

288 (6) A vote for an individual dentist or dental hygienist in
289 all polls may be counted only once for each ballot no matter how
290 many times the name is listed on the ballot.

291 (7) The Secretary of State shall, at his discretion, at any
292 time there is sufficient cause, investigate the method and

procedure of taking those polls and establishing those lists, and the board shall make available to him all records involved therein; and if the Secretary of State should find cause therefor he may, upon specifying the cause, declare the list invalid, whereupon the board shall follow the procedure set out above to establish a new list. If a vacancy exists and no list is available, the Board of Dental Examiners is to follow the above-described procedure in establishing a new list for the appropriate board appointment.

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

73-9-9. The Governor may remove any member of the board on proof of inefficiency, incompetency, immorality, unprofessional conduct, or continued absence from the state, for failure to perform duties, or for other sufficient cause. Any member who does not attend two (2) consecutive meetings of the board, without just cause, shall be subject to removal by the Governor. The president of the board shall notify the Governor in writing when any such member has failed to attend two (2) consecutive regular meetings. No removal shall be made without first giving the accused an opportunity to be heard in refutation of the charges made against him or her, and he or she shall be entitled to receive a copy of the charges at the time of filing.

SECTION 6. Section 73-9-11, Mississippi Code of 1972, is reenacted and amended as follows:

73-9-11. Each person appointed as a member of the board shall qualify by taking the oath prescribed by the constitution for the state officers, and shall file certificate thereof in the Office of the Secretary of State within fifteen (15) days after execution of such certificate. A majority of the board shall at all times constitute a quorum for the transaction of business.

SECTION 7. Section 73-9-13, Mississippi Code of 1972, is reenacted and amended as follows:

73-9-13. The State Board of Dental Examiners shall each year elect from their number a president, vice president and * * *

secretary-treasurer to serve for the coming year and until their successors are qualified. Only dentist members of the board may hold the offices of president and vice president. The board shall have a seal with appropriate wording to be kept at the offices of the board. The secretary and the executive director of the board shall be required to make bond in such sum and with such surety as the board may determine. It shall be the duty of the executive director to keep a complete record of the acts and proceedings of the board and to preserve all papers, documents and correspondence received by the board relating to its duties and office. * * *

The board shall have the following powers and duties:

(a) To carry out the purposes and provisions of the state laws pertaining to dentistry and dental hygiene, and the practice thereof and matters related thereto, particularly Sections 73-9-1 through 73-9-117, together with all amendments and additions thereto.

(b) To regulate the practice of dentistry and dental hygiene and to promulgate reasonable regulations as are necessary or convenient for the protection of the public.

(c) To make rules and regulations by which clinical facilities within institutions, schools, colleges, universities and other agencies may be recognized and approved for the practice of dentistry or of dental hygiene by unlicensed persons therein, as a precondition to their being excepted from the dental practice act and authorized in accordance with Section 73-9-3(g) and (h).

(d) To provide for the enforcement of and to enforce the laws of the State of Mississippi and the rules and regulations of the State Board of Dental Examiners.

(e) To compile at least once each calendar year and to maintain an adequate list of prospective dentist and dental hygienist appointees for approval by the Governor as provided for elsewhere by law * * *.

(f) To issue licenses and permits to applicants when found to be qualified.

(g) To provide for * * * reregistration of all licenses

363 and permits duly issued by the board.

364 (h) To maintain an up-to-date list of all licensees and
365 permit holders in the state, together with their addresses.

366 (i) To examine applicants for the practice of dentistry
367 or dental hygiene at least annually.

368 (j) To issue licenses or duplicates and * * *
369 reregistration/renewal certificates, and to collect and account
370 for fees for same.

371 (k) To maintain an office adequately staffed insofar as
372 funds are available for the purposes of carrying out the powers
373 and duties of the board.

374 (l) To provide by appropriate rules and regulations,
375 within the provisions of the state laws, for revoking or
376 suspending * * * licenses and permits and a system of fines for
377 lesser penalties.

378 (m) To prosecute, investigate or initiate prosecution
379 for violations of the laws of the state pertaining to practice of
380 dentistry or dental hygiene, or matters affecting the rights and
381 duties, or related thereto.

382 (n) To provide by rules for the conduct of as much
383 board business as practicable by mail, which, when so done, shall
384 be and have the same force and effect as if done in a regular
385 meeting duly organized.

386 (o) To adopt rules and regulations providing for the
387 reasonable regulation of advertising by dentists and dental
388 hygienists.

389 (p) To employ, in its discretion, a duly licensed
390 attorney to represent the board in individual cases.

391 (q) To employ, in its discretion, technical and
392 professional personnel to conduct dental office sedation site
393 visits, administer and monitor state board examinations and carry
394 out the powers and duties of the board.

395 **SECTION 8.** Section 73-9-15, Mississippi Code of 1972, is
396 reenacted and amended as follows:

397 73-9-15. All board action on rules, regulations and policy

matters, such as required to be by vote, shall be by roll call or mail ballot in which the vote of each member shall be recorded whether for, against or otherwise. The dental hygienist member of the board shall only vote on rules, regulations, policy and administrative matters relating to the licensing, qualifications and practice of dental hygiene. The results of the vote shall be a public record except that information pertaining to * * * investigations or examinations shall be confidential unless waived by the persons investigated or examined.

SECTION 9. Section 73-9-17, Mississippi Code of 1972, is reenacted as follows:

73-9-17. The board is authorized to prescribe and enforce regulations and to perform those acts compatible with and authorized by, either directly or by implication, the laws of the state for the purpose of implementing the provisions of this chapter.

SECTION 10. Section 73-9-19, Mississippi Code of 1972, is reenacted and amended as follows:

73-9-19. The State Board of Dental Examiners shall maintain a compiled list of the names and post office addresses of all licensees registered with the board, arranged alphabetically by name and also by the municipalities where their offices are situated. Every licensee shall notify the board within thirty (30) days of any change in address of his or her office or residence. Failure to keep the board apprised of any change of address may result in an administrative penalty to the licensee, the amount of which shall not exceed the amount stipulated in Section 73-9-43. Every licensee shall prominently display his or her current registration, either the original or a notarized copy, in his or her place(s) of business. As used in this section, the word "licensee" shall include all dental and dental hygiene license holders, as well as all holders of permits duly issued by the board.

Every licensee shall, in accordance with the laws and rules and regulations of the board, together with appropriate required

information and renewal fee, apply * * * for renewal for such
period as set by the board, and the board shall issue the
registration certificate to any licensee in good standing with the
board. The board shall have the specific authority to adopt such
rules and regulations setting the dates and deadlines for
license/permit renewal and establishing the penalty for failure to
renew same.

Any licensee performing acts within the scope of this chapter
without legally having in his or her custody a valid active
registration certificate or duly issued duplicate therefor in
accordance with provisions elsewhere set out may be found guilty
and punished or prosecuted therefor in accordance with law;
however, the filing of the application, the payment of the fee,
and the issuance of the certificate therefor, shall not entitle
the holder thereof to lawfully practice * * * within the State of
Mississippi unless he or she has in fact been previously
licensed * * * by the State Board of Dental Examiners as provided
by this chapter, * * * and unless the license/permit is in full
force and effect; in addition, in any prosecution for the
unlicensed practice, the receipt showing payment of the renewal
fee required by this chapter shall not be treated as evidence that
the holder thereof is lawfully entitled to practice according to
his or her license/permit.

Any licensee who is registered but not actively practicing in
the State of Mississippi at the time of making application for
renewal, shall be registered on the "inactive" list and shall not
be authorized to practice his or her profession in this state.
The "inactive" list shall be maintained by the board and shall set
out the names and post office addresses of all licensees
registered but not actively practicing in this state, arranged
alphabetically by name and also by the municipalities and states
of their last known professional or residential address. However,
licensed dentists or dental hygienists actively practicing * * *
at a veterans hospital, federal government facility or residency
graduate school program at the time of renewal shall not be

468 registered on the inactive list.

469 Only the licensees registered on the appropriate list as
470 actively practicing in the State of Mississippi shall be
471 authorized to practice their profession. For the purpose of this
472 section, any licensed dentist or dental hygienist who has actively
473 practiced his or her profession for at least three (3) months of
474 the immediately preceding license renewal period shall be
475 considered in active practice.

476 No licensee shall be registered on the "inactive" list until
477 the licensee has been furnished a statement of intent to take that
478 action by the board. The board shall notify the licensee by mail
479 that on the day fixed for hearing he or she may appear and show
480 cause, if any, why his or her license/permit to practice dentistry
481 or dental hygiene should remain active. The licensee may be
482 present at the hearing in person, by counsel, or both. For the
483 purpose of the hearing the board may require the attendance of
484 witnesses, administer oaths and hear testimony, either oral or
485 documentary, for and against the licensee, and if after the
486 hearing, the board is satisfied that the licensee should be
487 registered on the inactive list, it shall thereupon without
488 further notice take that action.

489 Any licensed dentist or dental hygienist registered on the
490 "inactive" list shall not be eligible for registration on the
491 active list until either of the following conditions have been
492 satisfied:

493 (a) Written application shall be submitted to the * * *
494 State Board of Dental Examiners stating the reasons for the
495 inactivity and setting forth such other information as the board
496 may require on an individual basis; or

497 (b) Evidence to the satisfaction of the board shall be
498 submitted that they have actively practiced their profession in
499 good standing in another state and have not been guilty of conduct
500 that would warrant suspension or revocation as provided by
501 applicable law.

502 **SECTION 11.** Section 73-9-21, Mississippi Code of 1972, is
HR03\SB2204A.J

reenacted as follows:

73-9-21. Such stationery, blank books and forms as may be needed by the board in the discharge of its duties shall be furnished to it in the manner as like supplies are furnished other state departments.

SECTION 12. Section 73-9-23, Mississippi Code of 1972, is reenacted and amended as follows:

73-9-23. (1) No person who desires to practice dentistry or dental hygiene in the State of Mississippi shall be licensed until that person has passed an examination by the board. Applicants for examination shall apply in writing to the * * * board for an examination at least thirty (30) days before the examination and shall upon application pay a nonrefundable fee as elsewhere provided in this chapter.

(2) An applicant for licensure by examination as a dentist who is a graduate of a dental school accredited by the Commission on Dental Accreditation * * * of the American Dental Association (ADA), or its successor commission, shall:

(a) Be of good moral character, be possessed of a high school education, and have attained the age of twenty-one (21) years;

(b) Exhibit with the application a diploma or certificate of graduation from the ADA accredited dental school; and

(c) Have successfully completed Parts I and II of the National Board * * * Examinations of the Joint Commission on National Dental Examinations, or its successor commission, unless the applicant graduated from an accredited dental school before 1960.

(3) An applicant for licensure by examination as a dentist who is a graduate of a non-ADA accredited foreign country dental school shall:

(a) Be of good moral character and have attained the age of twenty-one (21) years;

(b) Be proficient in oral and written communications in

the English language;

(c) Have completed not less than six (6) academic years of postsecondary study and graduated from a foreign dental school that is recognized by the licensure authorities in that country;

(d) Have been licensed as a dentist or admitted to the practice of dentistry in the foreign country in which the applicant received foreign dental school training;

(e) * * * Present documentation of having completed at least two (2) or more years of full-time post-doctoral general dental education in a dental school accredited by the Commission on Dental Accreditation * * * of the American Dental Association, or its successor commission, and has been certified by the dean of the accredited dental school as having achieved the same level of didactic and clinical competence as expected of a graduate of the school; and

(f) Have successfully completed Parts I and II of the National Board Examinations of the Joint Commission on National Dental Examinations, or its successor commission, unless the applicant graduated from an approved dental school before 1960.

(4) An applicant for licensure by examination as a dental hygienist who is a graduate of a dental hygiene school accredited by the Commission on Dental Accreditation * * * of the American Dental Association (ADA), or its successor commission, shall:

(a) Be of good moral character, be possessed of a high school education and have attained the age of eighteen (18) years; * * *

(b) Exhibit with the application a diploma or certificate of graduation from the ADA accredited dental hygiene school; and

(c) Have successfully completed the National Board Dental Hygiene Examinations of the Joint Commission on National Dental Examinations, or its successor commission.

(5) An applicant for licensure by examination as a dental hygienist who is a graduate of a non-ADA accredited foreign country dental hygiene school shall:

(a) Be of good moral character and have attained the age of eighteen (18) years;

(b) Be proficient in oral and written communications in the English language;

(c) Have completed not less than two (2) academic years of postsecondary study and graduated from a foreign dental hygiene school that is recognized by the licensure authorities in that country;

(d) Have been licensed as a dental hygienist or admitted to the practice of dental hygiene in the foreign country in which the applicant received foreign dental hygiene school training;

(e) * * * Present documentation of having completed at least one or more years of full-time post-graduate clinical education in a dental hygiene school accredited by the Commission on Dental Accreditation * * * of the American Dental Association, or its successor commission, and has been certified by the dean of the accredited dental hygiene school as having achieved the same level of didactic and clinical competence as expected of a graduate of the school; and

(f) Have successfully completed the National Board Dental Hygiene Examinations of the Joint Commission on National Dental Examinations, or its successor commission.

(6) Applications shall be made in the form and content as required in this section and as shall be prescribed by the board, and each applicant shall submit upon request such proof as the board may require as to age, character and qualifications.

Applications must be signed by two (2) citizens of the state of which the applicant is a resident, attesting under oath that the applicant is of good moral character. All applicants for licensure shall submit an endorsement from all states in which he or she is currently licensed or has ever been licensed to practice dentistry or dental hygiene. The board may disallow the licensure examination to any applicant who has been found guilty of any of the grounds for disciplinary action as enumerated in Section

73-9-61.

(7) Examination shall be as elsewhere provided in this chapter and the board may by its rules and regulations prescribe reasonable professional standards for oral, written, clinical and other examinations given to applicants, and, if deemed necessary by the board, include a requirement that licensure examinations of applicants be conducted utilizing live human subjects. Each applicant shall appear before the board and be examined to determine his or her learning and skill in dentistry or dental hygiene. If found by the members of the board conducting the examination to possess sufficient learning and skill therein and to be of good moral character, the board shall, as early as practicable, grant to the person a license to practice dentistry or dental hygiene, as the case may be, which shall be signed by each member of the board who attended the examination and approved the issuance of a license.

(8) The Board of Dental Examiners may, at its own discretion, accept certification of a licensure applicant, either dentist or dental hygienist, by the National Board Examinations of the Joint Commission on National Dental Examinations, or its successor commission, in lieu of the written examination. However, in all such instances the board shall retain the right to administer such further written and practical examinations and demonstrations as it deems necessary.

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

SECTION 13. Section 73-9-24, Mississippi Code of 1972, is reenacted and amended as follows:

73-9-24. (1) In addition to the method for obtaining a license to practice dentistry or dental hygiene by way of examination as provided by Section 73-9-23, the board, in its sole discretion, may grant a license to a candidate who meets the following criteria:

(a) Submit proof of graduation from a dental school or

643 school of dental hygiene accredited by the Commission on Dental
644 Accreditation * * * of the American Dental Association (ADA), or
645 its successor commission.

646 (b) Be engaged in the active practice of dentistry or
647 dental hygiene or in full-time dental education or dental hygiene
648 education for the past five (5) years;

649 (c) Currently hold a valid, unrestricted and unexpired
650 license in a state whose standards for licensure are determined by
651 the board as equivalent to Mississippi's standards, and which
652 state grants reciprocity or licensure by credentials to licensees
653 of the State of Mississippi;

654 (d) Provides an endorsement from all states in which he
655 or she is currently licensed or has ever been licensed to practice
656 dentistry or dental hygiene;

657 (e) Has not been the subject of pending or final
658 disciplinary action in any state in which the applicant has been
659 licensed;

660 (f) Is not the subject of a pending investigation in
661 any other state or jurisdiction;

662 (g) Has not failed at any time within the past five (5)
663 years, a licensure examination administered by another state or
664 jurisdiction;

665 (h) Has not failed at any time, a licensure examination
666 administered by the Mississippi State Board of Dental Examiners;

667 (i) Provides a written statement agreeing to appear for
668 interviews at the request of the board;

669 (j) Has successfully completed all parts of the
670 National Board Examinations of the Joint Commission on National
671 Dental Examinations, or its successor commission, unless the
672 applicant graduated from an accredited dental or dental hygiene
673 school before 1960;

674 (k) Successfully passes a written jurisprudence
675 examination;

676 (l) Provides payment of a nonrefundable application fee
677 as provided in Section 73-9-43; and

(m) In addition, the State Board of Dental Examiners may consider the following in accepting, rejecting or denying an application for licensure by credentialing:

(i) Information from the National Practitioner Data Bank, the Healthcare Integrity and Protection Data Bank and/or the American Association of Dental Examiners Clearinghouse for Disciplinary Information.

(ii) Questioning under oath.

(iii) Results of peer review reports from constituent societies and/or federal dental services.

(iv) Substance abuse testing or treatment.

(v) Background checks for criminal or fraudulent activities.

(vi) Participation in continuing education.

(vii) A current certificate in cardiopulmonary resuscitation.

(viii) Recent patient case reports and/or oral defense of diagnosis and treatment plans.

(ix) No physical or psychological impairment that would adversely affect the ability to deliver quality dental care.

(x) Agreement to initiate practice in the credentialing jurisdiction within a reasonable period of time.

(xi) Proof of professional liability coverage and that the coverage has not been refused, declined, canceled, nonrenewed or modified.

(xii) Any additional information or documentation that the board may stipulate by rule or regulation as necessary to qualify for a license by credentialing.

(2) The board shall be granted sufficient time to conduct a complete inquiry into the applicant's qualifications for licensure by credentials, and the board may adopt such rules and regulations pertaining to the time needed to conduct investigations and the responsibility of applicants to produce verifiable documentation.

(3) Any applicant failing to meet the criteria in subsection (1) of this section shall not be eligible for a license based on

713 credentials. Upon meeting the criteria in subsection (1) of this
714 section, the Mississippi State Board of Dental Examiners may, in
715 its discretion, issue to the applicant a license to practice
716 dentistry, or dental hygiene, unless grounds for denial of
717 licensure exist as enumerated in Section 73-9-61. Evidence of
718 falsification in the application for licensure through
719 credentialing will result in revocation of the license.

720 (4) Any applicant applying for a specialty license by
721 credentials must stay within his or her board recognized specialty
722 and must practice only that specialty within the State of
723 Mississippi. A specialty license holder must hold a general
724 dentistry license before obtaining a specialty license.

725 **SECTION 14.** Section 73-9-25, Mississippi Code of 1972, is
726 reenacted and amended as follows:

727 73-9-25. The regular meeting of the State Board of Dental
728 Examiners shall be held at least annually at such place, date and
729 time as the board may determine in its discretion, for the purpose
730 of examining applicants for a license to practice dentistry and
731 dental hygiene, and continue in session until all applicants * * *
732 have been examined and their examinations have been approved or
733 disapproved. The board may meet more often if necessary, in the
734 discretion of the board, at such times and places as it may deem
735 proper for the examination of applicants who may wish to practice
736 dentistry or dental hygiene in this state, to administer makeup
737 examinations, or for the purpose of enforcing the dental laws of
738 the state.

739 * * * Examinations for a license to practice dentistry or
740 dental hygiene shall cover the subjects taught in the recognized
741 schools of dentistry or dental hygiene together with such other
742 subjects and practical demonstrations as the board may require.

743 The state shall furnish the necessary equipment for the
744 required practical examinations for dentists and dental
745 hygienists, and properly house and care for same.

746 **SECTION 15.** Section 73-9-27, Mississippi Code of 1972, is
747 reenacted and amended as follows:

73-9-27. Each license issued by the board shall bear a serial number, the full name and residence of licensee, the date of issuance, the seal of the board, and shall be attested by the signatures of all the board members. Certified copies of the license may be issued by the president, secretary or executive director under their signature and seal, for which the secretary or executive director shall collect a fee as elsewhere provided in this chapter.

SECTION 16. Section 73-9-28, Mississippi Code of 1972, is reenacted and amended as follows:

73-9-28. The Mississippi State Board of Dental Examiners is * * * vested with the authority to promulgate rules and regulations allowing special categories of licenses, certificates, specialty certificates and permits under which institutional, teaching and provisional privileges may be granted on an individual basis, pursuant to such rules and regulations prescribing the qualifications, conditions and limitations of such privileges as may be established by the board. Those qualifications, conditions and limitations shall pertain to applicants who require but are eligible for less than complete resident licensure as provided for in the dental practice act.

Application for a special category of license, certificate, specialty certificate or permit, and the renewal thereof, shall be made to the * * * board in writing in accordance with such rules and regulations as the board may adopt. The secretary or executive director shall collect a fee therefor as provided in Section 73-9-43.

SECTION 17. Section 73-9-29, Mississippi Code of 1972, is reenacted and amended as follows:

73-9-29. Any dentist of this state licensed by the Mississippi State Board of Dental Examiners, who has complied with the requirements specified by the Council on Dental Education of the American Dental Association, or its successor council or commission, in a specialty branch of dentistry or who has otherwise met the requirements of the rules and regulations

promulgated by the board may apply for a certificate as a specialist. The application shall be accompanied by the payment of a fee not to exceed the fee provided for in Section 73-9-43 and the application must be on file for at least sixty (60) days before the regular meeting of the board, and if the application is accepted the applicant may be notified to appear for examination before the board and a committee of that particular specialty, if available, appointed by the board. Examinations may be oral, written, or both, and the applicant may be required to demonstrate his or her knowledge and proficiency in the specialty in which he or she desires to be certified. The board is authorized to certify specialists in all specialty areas approved by the American Dental Association.

Any dentist not licensed by the Mississippi State Board of Dental Examiners but who is eligible to take the Mississippi State Board examination, and is further eligible for specialty examination, may take both examinations at the discretion of the board.

No licensed dentist shall hold himself or herself out to the public as a specialist, or publicly announce as being specially qualified in any particular branch of dentistry, or publicly announce as giving special attention to any branch of dentistry, until he or she has been issued a certificate by the board authorizing him or her to do so. Failure to comply shall be cause for his or her dental license to be revoked or suspended.

Only the following shall be eligible to announce as specialists:

(a) A diplomate of a specialty board approved by the American Dental Association;

(b) A dentist who has complied with requirements as specified by the Council on Dental Education of the American Dental Association, or its successor council or commission, for graduate training in the specialty sought to be announced, the training to meet the educational or training requirement for diplomate status;

(c) A dentist who has announced a specialized practice in one (1) of the special areas of dental practice within the State of Mississippi for at least five (5) years before January 1, 1970, and who meets the requirements elsewhere in this section may be granted a specialist certificate upon application and payment only of an initial specialty registration fee.

A dentist specialist's certificate shall be revoked or voided upon the revocation or voiding of the holder's license to practice dentistry in Mississippi.

SECTION 18. Section 73-9-33, Mississippi Code of 1972, which required the resignation of licenses in the office of the circuit clerk of the residence of the licensee, is repealed.

SECTION 19. Section 73-9-35, Mississippi Code of 1972, is reenacted and amended as follows:

73-9-35. The holder of either of the licenses provided for, shall at all times, upon request, exhibit same * * * to any member of the Board of Dental Examiners, or his authorized agent or to any officer of the law.

SECTION 20. Section 73-9-37, Mississippi Code of 1972, is reenacted as follows:

73-9-37. If a license to practice dentistry or dental hygiene be issued and be lost or destroyed, the board may issue another in lieu thereof, upon satisfactory proof of such loss or destruction.

SECTION 21. Section 73-9-39, Mississippi Code of 1972, is reenacted as follows:

73-9-39. It shall be unlawful for any person or persons to practice or offer to practice dentistry under, or use the name of any company, association or corporation or business name or any name except his or their own in a manner which is in violation of Section 73-9-61, or to operate, manage or be employed in any room, rooms or office where dental work is done or contracted for, and that is operated under the name of any company, association, trade name or corporation in a manner which is in violation of Section 73-9-61.

853 **SECTION 22.** Section 73-9-41, Mississippi Code of 1972, is
854 reenacted and amended as follows:

855 73-9-41. (1) No person shall practice, attempt to practice
856 or offer to practice dentistry or dental hygiene within the state
857 without first having been authorized and issued a license by the
858 board; nor shall any person practice, attempt to practice, or
859 offer to practice dentistry or dental hygiene within the state
860 during any period of suspension of his or her license by the board
861 or after revocation or being voided for failure to reregister by
862 the board of any license previously issued to the offending
863 person.

864 (2) A person who has never been issued a license to practice
865 dentistry or dental hygiene or whose license has been suspended,
866 voided or revoked by action of the board, shall not perform any
867 act that would constitute the practice of dentistry or dental
868 hygiene as defined in Sections 73-9-3 and 73-9-5, including, but
869 not limited to, the following:

870 (a) Making impressions or casts of the human mouth or
871 teeth;

872 (b) Constructing or supplying dentures without the work
873 authorization or prescription of a person licensed under the laws
874 of this state to practice dentistry; and

875 (c) Constructing or supplying dentures from impressions
876 or casts without the work authorization or prescription of a
877 person licensed under the laws of this state to practice
878 dentistry.

879 (3) The fact that any person engages in or performs or
880 offers to engage in or performs any of the practices, acts or
881 operations set forth in Section 73-9-3 or Section 73-9-5 is prima
882 facie evidence that the person is engaged in the practice of
883 dentistry or dental hygiene.

884 (4) In addition to any other civil remedy or criminal
885 penalty provided for by law, the executive director or the
886 secretary of the board may issue a summons to appear before the
887 board to any person or persons who the executive director or any

member of the board has probable cause to believe has violated this section by practicing, attempting to practice, or offering to practice dentistry or dental hygiene without a current, valid license or permit and any necessary witnesses. The summons issued by the board shall command each person to whom it is directed to attend and give testimony at a time and place * * * specified in the summons. The summons shall be served upon the individual personally or by any type of mailing requiring a return receipt and shall include a statement of the charges and an explanation of the manner in which the unlicensed person shall be required to respond to the board.

(5) In proceedings conducted pursuant to subsection (4) of this section, the board may levy for each and every violation a civil penalty upon any unlicensed person who after a hearing is found to have practiced dentistry or dental hygiene without the benefit of a current, valid license having been issued by the board under the provisions of this chapter, as follows:

(a) For the first violation, a monetary penalty of not more than Five Hundred Dollars (\$500.00).

(b) For the second violation, a monetary penalty of not more than One Thousand Dollars (\$1,000.00).

(c) For the third and any subsequent violations, a monetary penalty of not more than Five Thousand Dollars (\$5,000.00).

(d) For any violation, the board may assess those reasonable costs that are expended by the board in the investigation and conduct of the hearing as provided in subsection (4) of this section, including, but not limited to, the cost of process service, court reporters, expert witnesses and other witness expenses paid by the board, and investigators. Appeals from the board's decision may be taken as provided in Section 73-9-65. Any monetary penalty or assessment levied under this section shall be paid to the board by the illegal practitioner upon the expiration of the period allowed for appealing those penalties or may be paid sooner if the illegal practitioner

923 elects. Monetary penalties collected by the board under this
924 section shall be deposited to the credit of the General Fund of
925 the State Treasury. Any monies collected for assessment of costs
926 by the board shall be deposited into the special fund of the
927 board.

928 (6) No person practicing dentistry or dental hygiene without
929 a current valid license * * * shall have the right to receive any
930 compensation for services so rendered. In addition to any other
931 penalties imposed under this section, any person who practices
932 dentistry or dental hygiene without a license shall return any
933 fees collected for practicing dentistry or dental hygiene and
934 shall be liable for any damages resulting from negligent conduct.
935 The board or any patient shall have the right to enforce the
936 obligation provided in this section.

937 **SECTION 23.** Section 73-9-43, Mississippi Code of 1972, is
938 reenacted and amended as follows:

939 73-9-43. (1) The secretary or executive director shall
940 collect in advance all fees provided for in this chapter as
941 established by the board, not to exceed:

942	Application for dental license.....	\$ 600.00
943	Application for dental license through	
944	credentials.....	2,500.00
945	Application for dental specialty license.....	400.00
946	Application for dental institutional,	
947	teaching or provisional license.....	600.00
948	Application for dental hygiene license.....	400.00
949	Application for dental hygiene license through	
950	credentials.....	750.00
951	Application for dental hygiene institutional,	
952	teaching or provisional license.....	400.00
953	Application for general anesthesia permit.....	400.00
954	Application for I.V. sedation permit.....	400.00
955	Application for radiology permit.....	100.00
956	* * * Dental license renewal.....	300.00
957	* * * Dental specialty license renewal.....	<u>200.00</u>

958	* * * Dental institutional, teaching or	
959	provisional license renewal.....	300.00
960	* * * Dental hygiene license renewal.....	150.00
961	* * * Dental hygiene institutional, teaching or	
962	provisional license renewal.....	150.00
963	* * * General anesthesia permit renewal.....	<u>200.00</u>
964	* * * I.V. sedation permit renewal.....	<u>200.00</u>
965	* * * Radiology permit renewal.....	75.00
966	Penalty for delinquent renewal of dental licenses;	
967	dental specialty licenses; and dental institutional,	
968	teaching and provisional licenses:	
969	First month (plus * * * renewal fee).....	100.00
970	Second month (plus * * * renewal fee).....	150.00
971	* * *	
972	Penalty for delinquent renewal of dental hygiene	
973	licenses and dental hygiene institutional, teaching	
974	and provisional licenses:	
975	First month (plus * * * renewal fee).....	50.00
976	Second month (plus * * * renewal fee).....	75.00
977	* * *	
978	Penalty for delinquent renewal of radiology permits:	
979	First month (plus * * * renewal fee).....	45.00
980	Second month (plus * * * renewal fee).....	65.00
981	* * *	
982	Penalty for nonnotification of change of address.....	50.00
983	Penalty for duplicate renewal forms and	
984	certification cards.....	50.00
985	Duplicate or replacement license or permit.....	40.00
986	Certification of licensure status.....	40.00
987	Certified copy of license or permit.....	40.00
988	Handling fee for nonsufficient funds check.....	50.00
989	Requests for database information.....	300.00
990	Radiology examinations administered in board's	
991	office.....	100.00
992	Dental and dental hygiene licensure examination	

993	manuals.....	50.00
994	Dental and dental hygiene licensure by	
995	credentials packets.....	50.00
996	Laws and/or regulations.....	50.00
997	Disciplinary action orders.....	25.00
998	Newsletters.....	20.00
999	* * *	

1000 (2) The board may enact and enforce for delinquency in
 1001 payment for any fees set out in this section a penalty in addition
 1002 to the fee of an amount up to but not in excess of the fee. An
 1003 additional fee of an amount equal to the first penalty may be
 1004 assessed for each thirty (30) days, or part thereof, of
 1005 delinquency. If any license or permit holder is delinquent in
 1006 payment of renewal fees exceeding sixty (60) days from the initial
 1007 renewal deadline as set by the board, the person shall be presumed
 1008 to be no longer practicing, shall be stricken from the rolls and
 1009 shall be deemed an illegal practitioner, subject to the penalties
 1010 as enumerated in Section 73-9-41. In order to practice his or her
 1011 profession in this state thereafter, the person may, at the
 1012 discretion of the board, be considered as a new applicant and
 1013 subject to examination and other licensing requirements as an
 1014 original applicant.

1015 (3) The secretary or executive director shall faithfully
 1016 account for all monies received by the board. All fees and any
 1017 other monies received by the board, except monetary penalties
 1018 collected under Section 73-9-61, shall be deposited in a special
 1019 fund that is created in the State Treasury and shall be used for
 1020 the implementation and administration of this chapter when
 1021 appropriated by the Legislature for that purpose. * * * Any
 1022 interest earned on this special fund shall be credited by the
 1023 State Treasurer to the fund and shall not be paid into the State
 1024 General Fund. Any unexpended monies remaining in the special fund
 1025 at the end of a fiscal year shall not lapse into the State General
 1026 Fund.

1027 * * *

1028 (4) For conducting the initial and retake examinations of
1029 applicants for licensure the secretary shall receive no more than
1030 Nine Hundred Dollars (\$900.00) per day for each examination, and
1031 no other member shall receive more than Seven Hundred Dollars
1032 (\$700.00) per day for each examination. The receipt of that
1033 compensation shall not entitle members of the board to receive or
1034 be eligible for any state employee group insurance, retirement or
1035 other fringe benefits. * * * Any fees or income other than the
1036 maximum allowable for examining applicants for licensure as set
1037 out above shall be accounted for and may be used as needed in
1038 carrying out the provisions of this chapter.

1039 (5) * * * A portion of the fee charged for license renewal
1040 of dentists and dental hygienists * * * may be used to support a
1041 program to aid impaired dentists and/or dental hygienists. The
1042 payment of per diem and expense for attending * * * board meetings
1043 shall be in addition to the compensation permitted above for
1044 examining applicants for licensure, and the per diem shall not
1045 exceed the amount provided in Section 25-3-69.

1046 **SECTION 24.** Section 73-9-45, Mississippi Code of 1972, is
1047 reenacted and amended as follows:

1048 73-9-45. Each member of the board and each licensed and
1049 practicing dentist and dental hygienist is constituted an agent
1050 who may investigate all complaints and all alleged cases of
1051 noncompliance with, or violation of the provisions of this chapter
1052 and may bring all those matters to the notice of the proper
1053 prosecuting officers, where it appears probable that an offense
1054 has been committed.

1055 **SECTION 25.** Section 73-9-47, Mississippi Code of 1972, is
1056 reenacted and amended as follows:

1057 73-9-47. The board shall, as far as practicable, provide by
1058 rule for the conduct of its business by mail, but all examinations
1059 shall be conducted in person by the board, or by a quorum thereof
1060 as provided herein.

1061 Any official action or vote taken by mail shall be preserved
1062 by the secretary or executive director in the same manner as the

minutes of regular meetings.

SECTION 26. Section 73-9-49, Mississippi Code of 1972, is reenacted and amended as follows:

73-9-49. The secretary or executive director of the board shall, at its regular annual meeting, submit a report of its receipts and disbursements for the preceding year, and a report of its actions in general during the preceding year. * * *

SECTION 27. Section 73-9-51, Mississippi Code of 1972, is reenacted as follows:

73-9-51. No member of the board shall during the term of his office or thereafter, be required to defend any action for damages in any of the courts of this state where it is shown that said damage followed or resulted from any of the official acts of said board in the performance of its powers, duties or authority as set forth in this chapter. Any such action filed shall upon motion be dismissed, at the cost of the plaintiff, with prejudice.

SECTION 28. Section 73-9-53, Mississippi Code of 1972, is reenacted as follows:

73-9-53. Legally licensed pharmacists of this state are hereby authorized to fill prescriptions of legally licensed and registered dentists of this state for any drugs to be used in the practice of dentistry.

SECTION 29. Section 73-9-55, Mississippi Code of 1972, is reenacted as follows:

73-9-55. A written work authorization shall accompany all dental laboratory work sent by a licensed dentist to a commercial dental laboratory or private dental laboratory technician.

The original of said written authorization shall be kept on file by a commercial dental laboratory or a private dental laboratory technician for a period of time required by the State Board of Dental Examiners, not to exceed two (2) years from the date it was received, and one (1) carbon copy of this written work authorization shall be kept on file by the licensed dentist executing this written work authorization for a like period not to exceed two (2) years from the date it was issued.

1098 This said written work authorization shall include the
1099 following information:

1100 (1) Date signed.

1101 (2) The name and address of the commercial dental
1102 laboratory or private dental laboratory technician.

1103 (3) The name or identification number of the patient
1104 for whom the act or service is ordered.

1105 (4) The licensed dentist's name, address, and license
1106 number.

1107 (5) The signature of the licensed dentist.

1108 (6) The description of the kind and type of appliance,
1109 process, fabrication, service, or material ordered.

1110 Any dental laboratory having received a work authorization
1111 from a licensed dentist for any appliance, process, fabrication,
1112 service, or material, who shall thereafter secure the services of
1113 another dental laboratory for the performance of any said work or
1114 services, shall furnish to such laboratory a written work order
1115 therefor, and both laboratories shall keep on file a record
1116 thereof for a like period not to exceed two (2) years from the
1117 date received.

1118 In the enforcement of this section and the foregoing rules
1119 and regulations promulgated pursuant thereto, the members of the
1120 Board of Dental Examiners, their agents, investigators, and
1121 employees shall have the right to inspect the records of any
1122 dental office or any dental laboratory during regular office
1123 hours.

1124 **SECTION 30.** Section 73-9-57, Mississippi Code of 1972, is
1125 reenacted and amended as follows:

1126 73-9-57. If any person for any reason whatsoever, shall
1127 practice, attempt, or offer to practice dentistry or dental
1128 hygiene illegally within the meaning of this chapter, he or she
1129 shall be deemed guilty of a misdemeanor, and upon conviction shall
1130 be fined not less than Two Thousand Dollars (\$2,000.00) nor more
1131 than Five Thousand Dollars (\$5,000.00) or be imprisoned in the
1132 county jail not less than two (2) months nor more than six (6)

1133 months.

1134 **SECTION 31.** Section 73-9-59, Mississippi Code of 1972, is
1135 reenacted as follows:

1136 73-9-59. It shall be the duty of the several prosecuting
1137 officers of this state on notice from a member of the board or
1138 other persons having knowledge of violations of this chapter to
1139 institute prosecutions in the same manner as for other
1140 misdemeanors.

1141 **SECTION 32.** Section 73-9-61, Mississippi Code of 1972, is
1142 reenacted and amended as follows:

1143 73-9-61. (1) Upon satisfactory proof, and in accordance
1144 with statutory provisions elsewhere set out for such hearings and
1145 protecting the rights of the accused as well as the public, the
1146 State Board of Dental Examiners may deny the issuance or renewal
1147 of a license or may revoke or suspend the license of any licensed
1148 dentist or dental hygienist practicing in the State of
1149 Mississippi, or take any other action in relation to the license
1150 as the board may deem proper under the circumstances, for any of
1151 the following reasons:

1152 (a) Misrepresentation in obtaining a license, or
1153 attempting to obtain, obtaining, attempting to renew or renewing a
1154 license or professional credential by making any material
1155 misrepresentation, including the signing in his or her
1156 professional capacity any certificate that is known to be false at
1157 the time he or she makes or signs the certificate.

1158 (b) Willful violation of any of the rules or
1159 regulations duly promulgated by the board, or of any of the rules
1160 or regulations duly promulgated by the appropriate dental
1161 licensure agency of another state or jurisdiction.

1162 (c) Being impaired in the ability to practice dentistry
1163 or dental hygiene with reasonable skill and safety to patients by
1164 reason of illness or use of alcohol, drugs, narcotics, chemicals,
1165 or any other type of material or as a result of any mental or
1166 physical condition.

1167 (d) Administering, dispensing or prescribing any

1168 prescriptive medication or drug outside the course of legitimate
1169 professional dental practice.

1170 (e) Being convicted or found guilty of or entering a
1171 plea of nolo contendere to, regardless of adjudication, a
1172 violation of any federal or state law regulating the possession,
1173 distribution or use of any narcotic drug or any drug considered a
1174 controlled substance under state or federal law, a certified copy
1175 of the conviction order or judgment rendered by the trial court
1176 being prima facie evidence thereof, notwithstanding the pendency
1177 of any appeal.

1178 (f) Practicing incompetently or negligently, regardless
1179 of whether there is actual harm to the patient.

1180 (g) Being convicted or found guilty of or entering a
1181 plea of nolo contendere to, regardless of adjudication, a crime in
1182 any jurisdiction that relates to the practice of dentistry or
1183 dental hygiene, a certified copy of the conviction order or
1184 judgment rendered by the trial court being prima facie evidence
1185 thereof, notwithstanding the pendency of any appeal.

1186 (h) Being convicted or found guilty of or entering a
1187 plea of nolo contendere to, regardless of adjudication, a felony
1188 in any jurisdiction, a certified copy of the conviction order or
1189 judgment rendered by the trial court being prima facie evidence
1190 thereof, notwithstanding the pendency of any appeal.

1191 (i) Delegating professional responsibilities to a
1192 person who is not qualified by training, experience or licensure
1193 to perform them.

1194 (j) The refusal of a licensing authority of another
1195 state or jurisdiction to issue or renew a license, permit or
1196 certificate to practice dentistry or dental hygiene in that
1197 jurisdiction or the revocation, suspension or other restriction
1198 imposed on a license, permit or certificate issued by the
1199 licensing authority that prevents or restricts practice in that
1200 jurisdiction, a certified copy of the disciplinary order or action
1201 taken by the other state or jurisdiction being prima facie
1202 evidence thereof, notwithstanding the pendency of any appeal.

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

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

(i) Committing any crime involving moral turpitude.

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

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

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

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

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

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

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

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

(o) Violation of a lawful order of the board previously

entered in a disciplinary or licensure hearing; failure to cooperate with any lawful request or investigation by the board; or failure to comply with a lawfully issued subpoena of the board.

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

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

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

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

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

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

(b) For the second violation of any of subparagraph

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

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

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

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

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

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

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

deposited to the credit of the General Fund of the State Treasury.

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

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

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

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

SECTION 33. Section 73-9-63, Mississippi Code of 1972, is reenacted and amended as follows:

73-9-63. A complaint may be filed with the secretary or executive director of the board, by any person charging a licensed dentist or dental hygienist with the commission of any of the

1343 offenses enumerated in * * * Section 73-9-61. The complaint shall
1344 be in writing and signed by the accuser, or accusers. If upon
1345 review of the complaint, the board determines that there is not
1346 substantial justification to believe that the accused dentist or
1347 dental hygienist has committed any of the offenses enumerated in
1348 the preceding section, it may dismiss the complaint. In the event
1349 of a dismissal, the person filing the complaint and the accused
1350 dentist or dental hygienist shall be given written notice of the
1351 board's determination. If the board determines there is
1352 reasonable cause to believe the accused has committed the
1353 offenses, and a hearing should be held to determine the validity
1354 of the complaint, the executive director of the board shall set a
1355 day for a hearing, and * * * shall notify the accused that on the
1356 day fixed for hearing he or she may appear and show cause, if any,
1357 why his or her license to practice dentistry or dental hygiene in
1358 the state should not be revoked or have other disciplinary action
1359 taken against it. The notice shall be served upon the dentist or
1360 dental hygienist either personally or by registered or certified
1361 mail with return receipt requested. The board may, by regulation,
1362 establish an investigative panel consisting of at least two (2)
1363 people, one (1) of whom shall be a board member, to review
1364 complaints to determine the existence of probable cause and
1365 whether the complaints should proceed to formal hearing.

1366 Nothing in this section shall prevent the board from
1367 determining that it should investigate a licensee without a signed
1368 complaint provided that a prior determination is made that
1369 probable cause exists that a violation of this chapter may have
1370 occurred.

1371 For the purpose of the hearings or investigation of
1372 complaints, the board is empowered to require the attendance of
1373 witnesses, reimburse witnesses for necessary expenses and mileage
1374 incurred, subpoena documents and records, employ and compensate
1375 expert witnesses, administer oaths, and hear testimony, either
1376 oral or documentary, for and against the accused. Hearings shall
1377 be conducted by a majority of the members of the board. A record

of the hearing shall be made, which shall consist of all testimony received and all documents and other material introduced. If after the hearing the board is satisfied that the accused has been guilty of the offense charged in the accusation, it shall thereupon, without further notice, order such disciplinary action as it deems proper. All procedural due process requirements as enumerated above also shall apply to any other license or permit issued by the board under this chapter or regulations duly adopted by the board.

SECTION 34. Section 73-9-65, Mississippi Code of 1972, is reenacted and amended as follows:

73-9-65. No disciplinary action against a licensee shall be taken until the accused has been furnished a statement of the charges against him or her and a notice of the time and place of hearing thereof. The accused may be present at the hearing in person, by counsel, or both. * * * The board may, for good cause shown, reinstate any license * * * revoked or suspended. The procedure for the reinstatement of a license that is suspended for being out of compliance with an order for support, as defined in Section 93-11-153, shall be governed by Section 93-11-157 or 93-11-163, as the case may be. The right to appeal any disciplinary actions of the board regarding the license of any dentist or dental hygienist is * * * granted. The appeal shall be to the chancery court of the county in which the dentist or dental hygienist resides, except where the dentist or dental hygienist does not reside in the State of Mississippi, in which case the appeal shall be to the Chancery Court of the First Judicial District of Hinds County, Mississippi. The appeal must be taken within thirty (30) days after notice of the action of the board * * *. The appeal is perfected upon filing a notice of appeal, together with a bond in the sum of One Hundred Dollars (\$100.00), with two (2) sureties, conditioned that if the action of the board regarding the license is affirmed by the chancery court the dentist or dental hygienist will pay the costs of the appeal and the action in the chancery court. Those bonds shall be

approved by the president of the board. In lieu of the bond, the dentist or dental hygienist may deposit One Hundred Dollars (\$100.00) with the clerk of the chancery court. If there is an appeal, the appeal may, in the discretion of and on motion to the chancery court, act as a supersedeas. The chancery court shall dispose of the appeal and enter its decision promptly. The hearing on the appeal may, in the discretion of the chancellor, be tried in vacation. Appeals may be had to the Supreme Court of the State of Mississippi as provided by law from any final action of the chancery court. No such person shall be allowed to practice dentistry or dental hygiene or deliver health care services in violation of any action of the chancery court * * * while any such appeal to the Supreme Court is pending. All procedural appeal requirements as enumerated above also shall apply to any other license or permit issued by the board under this chapter or regulations duly adopted by the board.

Actions taken by the board in suspending a license when required by Section 93-11-157 or 93-11-163 are not actions from which an appeal may be taken under this section. Any appeal of a license suspension that is required by Section 93-11-157 or 93-11-163 shall be taken in accordance with the appeal procedure specified in Section 93-11-157 or 93-11-163, as the case may be, rather than the procedure specified in this section.

SECTION 35. Section 73-9-67, Mississippi Code of 1972, which is the automatic repealer of Sections 73-9-1 through 73-9-117, Mississippi Code of 1972, which create the Board of Dental Examiners and describe its duties and powers, is repealed.

SECTION 36. Section 73-9-107, Mississippi Code of 1972, is amended as follows:

73-9-107. (1) The examining committee assigned to examine a dentist or dental hygienist pursuant to referral by the board under Section 73-9-105 shall conduct an examination of the dentist or dental hygienist for the purpose of determining his or her fitness to practice dentistry or dental hygiene with reasonable skill and safety to patients, either on a restricted or

unrestricted basis, and shall report its findings and recommendations to the board. The committee shall order the dentist or dental hygienist to appear before the committee for examination and give him or her ten (10) days' notice of the time and place of the examination, together with a statement of the cause for the examination. The notice shall be served upon the dentist or dental hygienist either personally or by registered or certified mail with return receipt requested.

(2) If the examining committee, in its discretion, * * * deems an independent mental or physical examination of the dentist or dental hygienist necessary to its determination of the fitness of the dentist or dental hygienist to practice, the committee shall order the dentist or dental hygienist to submit to the examination. Any person licensed to practice dentistry or dental hygiene in this state shall be deemed to have waived all objections to the admissibility of the examining committee's report in any proceedings before the board under Sections 73-9-101 through 73-9-117 on the grounds of privileged communication. Any dentist or dental hygienist ordered to an examination before the committee under this subsection shall be entitled to an independent mental or physical examination if he or she makes a request therefor.

(3) Any dentist or dental hygienist who submits to a diagnostic mental or physical examination as ordered by the examining committee shall have a right to designate another physician to be present at the examination and make an independent report to the board.

(4) Failure of a dentist or dental hygienist to comply with a committee order under subsection (1) of this section to appear before it for examination or to submit to mental or physical examination under subsection (2) of this section shall be reported by the committee to the board, and unless due to circumstances beyond the control of the dentist or dental hygienist, shall be grounds for suspension by the board of his or her license to practice dentistry or dental hygiene in this state until such time

as the dentist or dental hygienist has complied with the order of the committee.

(5) The examining committee may inspect patient records in accordance with the rules and regulations duly promulgated by the Board of Dental Examiners.

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

SECTION 37. Section 73-9-113, Mississippi Code of 1972, is amended as follows:

73-9-113. (1) The board may proceed against a dentist or dental hygienist under Sections 73-9-101 through 73-9-117 by serving upon the dentist or dental hygienist at least fifteen (15) days' notice of a time and place fixed for a hearing, together with copies of the examining committee's report and diagnosis. The notice and reports shall be served upon the dentist or dental hygienist either personally or by registered or certified mail with return receipt requested.

(2) At the hearing the dentist or dental hygienist shall have the right to be present, to be represented by counsel, to produce witnesses or evidence in his or her behalf, to cross-examine witnesses, and to have subpoenas issued by the board.

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

(a) Make a recommendation that the dentist or dental hygienist submit to the care, counseling or treatment by physicians acceptable to the board.

1518 (b) Suspend or restrict the license to practice
1519 dentistry or dental hygiene for the duration of his or her
1520 impairment.

1521 (c) Revoke the license of the dentist or dental
1522 hygienist.

1523 (d) Impose an assessment of costs or monetary penalty
1524 as provided for in Section 73-9-61.

1525 (4) The board may temporarily suspend the license of any
1526 dentist or dental hygienist without a hearing, simultaneously with
1527 the institution of proceedings for a hearing under this section,
1528 if it finds that the evidence in support of the examining
1529 committee's determination is clear, competent and unequivocal and
1530 that his or her continuation in practice would constitute an
1531 imminent danger to public health and safety.

1532 (5) Neither the record of the proceedings nor any order
1533 entered against a dentist or dental hygienist may be used against
1534 him or her in any other legal proceedings except upon judicial
1535 review as provided herein.

1536 **SECTION 38.** This act shall take effect and be in force from
1537 and after June 30, 2002.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

1 AN ACT TO REENACT SECTIONS 73-9-1 THROUGH 73-9-29 AND 73-9-35
2 THROUGH 73-9-65, MISSISSIPPI CODE OF 1972, WHICH CREATE THE
3 MISSISSIPPI BOARD OF DENTAL EXAMINERS AND PRESCRIBE ITS POWERS AND
4 DUTIES; TO AMEND REENACTED SECTION 73-9-3, MISSISSIPPI CODE OF
5 1972, TO REVISE CERTAIN DEFINITIONS UNDER THE DENTAL PRACTICE ACT;
6 TO AMEND REENACTED SECTION 73-9-7, MISSISSIPPI CODE OF 1972, TO
7 REVISE THE TERMS OF OFFICE FOR MEMBERS OF THE BOARD AND TO ENSURE
8 APPOINTMENTS ARE NOT IN VIOLATION OF CURRENT ETHICS LAWS AND
9 REGULATIONS; TO AMEND REENACTED SECTION 73-9-9, MISSISSIPPI CODE
10 OF 1972, TO PROVIDE THAT A BOARD MEMBER WHO MISSES TWO CONSECUTIVE
11 MEETINGS WITHOUT JUST CAUSE IS SUBJECT TO REMOVAL; TO AMEND
12 REENACTED SECTION 73-9-11, MISSISSIPPI CODE OF 1972, TO CLARIFY
13 THE APPOINTMENT PROCESS FOR BOARD MEMBERS; TO AMEND REENACTED
14 SECTION 73-9-13, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR A VICE
15 PRESIDENT AND AN EXECUTIVE DIRECTOR, TO REQUIRE THAT ONLY DENTIST
16 MEMBERS SERVE AS EITHER PRESIDENT OR VICE PRESIDENT, TO TRANSFER
17 CERTAIN DUTIES TO THE EXECUTIVE DIRECTOR, TO DELETE LANGUAGE
18 COVERED BY THE PUBLIC ACCESS TO PUBLIC RECORDS LAW, TO PROVIDE FOR
19 REGISTRATION OF ALL LICENSES AND PERMITS ISSUED BY THE BOARD; TO
20 AMEND REENACTED SECTION 73-9-15, MISSISSIPPI CODE OF 1972, TO
21 CLARIFY THE CONFIDENTIALITY OF BOARD PERSONNEL MATTERS; TO AMEND
22 REENACTED SECTION 73-9-19, MISSISSIPPI CODE OF 1972, TO PROVIDE
23 FOR MAINTAINING A LIST OF ALL LICENSES AND PERMITS ISSUED BY THE

24 BOARD, TO REQUIRE LICENSEES TO PROMPTLY NOTIFY THE BOARD OF
25 ADDRESS CHANGES OR BE ASSESSED AN ADMINISTRATIVE PENALTY, TO
26 PROVIDE FOR A LICENSE/PERMIT RENEWAL PERIOD AS ESTABLISHED BY THE
27 BOARD THROUGH RULE OR REGULATION, TO DELETE THE REQUIREMENT THAT
28 LICENSES BE FILED IN THE COUNTY OF RESIDENCE; TO AMEND REENACTED
29 SECTION 73-9-23, MISSISSIPPI CODE OF 1972, TO CLARIFY THE
30 QUALIFICATIONS FOR THE ACCREDITATION OF DENTAL AND DENTAL HYGIENE
31 SCHOOLS, TO REQUIRE THAT A PORTION OF THE LICENSURE EXAMINATIONS
32 BE CONDUCTED ON LIVE HUMAN SUBJECTS IF DEEMED NECESSARY BY THE
33 BOARD; TO AMEND REENACTED SECTION 73-9-24, MISSISSIPPI CODE OF
34 1972, TO CLARIFY THE QUALIFICATIONS FOR THE ACCREDITATION OF
35 DENTAL AND DENTAL HYGIENE SCHOOLS, AND TO PROVIDE FOR ACQUISITION
36 OF INFORMATION FROM THE HEALTHCARE INTEGRITY AND PROTECTION DATA
37 BANK; TO AMEND REENACTED SECTION 73-9-25, MISSISSIPPI CODE OF
38 1972, TO DELETE CERTAIN LANGUAGE CONCERNING THE SUBJECTS FOR
39 WRITTEN EXAMINATIONS; TO AMEND REENACTED SECTION 73-9-27,
40 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT SIGNATURES OF ALL BOARD
41 MEMBERS BE AFFIXED TO LICENSES BY CREDENTIALS AND EXAMINATION, AND
42 TO FURTHER CLARIFY THE DUTIES OF THE EXECUTIVE DIRECTOR; TO AMEND
43 REENACTED SECTION 73-9-28, MISSISSIPPI CODE OF 1972, TO CLARIFY
44 THE DUTIES OF THE SECRETARY AND EXECUTIVE DIRECTOR; TO AMEND
45 REENACTED SECTION 73-9-29, MISSISSIPPI CODE OF 1972, TO PROVIDE
46 FOR A SPECIALTY LICENSE FEE; TO REPEAL SECTION 73-9-33,
47 MISSISSIPPI CODE OF 1972, WHICH REQUIRES A LICENSEE TO RECORD HIS
48 OR HER LICENSE WITH THE CIRCUIT CLERK OF HIS OR HER COUNTY OF
49 RESIDENCE; TO AMEND REENACTED SECTION 73-9-35, MISSISSIPPI CODE OF
50 1972, TO REMOVE THE REQUIREMENT THAT A CERTIFICATE OF RECORDATION
51 BE DISPLAYED; TO AMEND REENACTED SECTION 73-9-41, MISSISSIPPI CODE
52 OF 1972, TO PROVIDE FOR THE UNLICENSED PRACTICE AFTER A LICENSE
53 HAS BEEN VOIDED FOR A FAILURE TO REREGISTER, TO PROVIDE THAT THIS
54 SECTION NOT ONLY PERTAINS TO INDIVIDUALS WHO PREVIOUSLY HELD
55 LICENSES BUT ALSO TO INDIVIDUALS WHO HAVE NEVER HELD LICENSES; TO
56 AMEND REENACTED SECTION 73-9-43, MISSISSIPPI CODE OF 1972, TO
57 PROVIDE FOR CERTAIN INCREASES IN THE STATUTORY MAXIMUM FEE
58 ASSESSMENTS, TO DELETE THE EXEMPTION FROM THE PAYMENT OF RENEWAL
59 FEES FOR DENTISTS OVER THE AGE OF 70, TO PROVIDE FOR A TWO-MONTH
60 PENALTY PHASE AND CLARIFY THE LANGUAGE THEREFOR TO APPLY TO ALL
61 LICENSES AND PERMITS, TO DELETE CERTAIN PROVISIONS COVERED BY
62 OTHER STATUTES, TO PROVIDE FOR A DAILY PER DIEM FOR BOARD MEMBERS
63 WHO ADMINISTER INITIAL AND RETAKE LICENSURE EXAMINATIONS; TO AMEND
64 REENACTED SECTION 73-9-45, MISSISSIPPI CODE OF 1972, TO DELETE THE
65 REQUIREMENT THAT EACH DENTIST AND DENTAL HYGIENIST MUST
66 INVESTIGATE COMPLAINTS; TO AMEND REENACTED SECTION 73-9-47,
67 MISSISSIPPI CODE OF 1972, TO PROVIDE FOR THE DUTIES OF THE
68 EXECUTIVE DIRECTOR; TO AMEND REENACTED SECTION 73-9-49,
69 MISSISSIPPI CODE OF 1972, TO PROVIDE FOR THE DUTIES OF THE
70 EXECUTIVE DIRECTOR, AND TO DELETE THE REQUIREMENT THAT ANNUAL
71 REPORTS BE FILED WITH THE GOVERNOR; TO AMEND REENACTED SECTION
72 73-9-57, MISSISSIPPI CODE OF 1972, TO INCREASE THE PENALTIES FOR
73 PRACTICING ILLEGALLY; TO AMEND REENACTED SECTION 73-9-61,
74 MISSISSIPPI CODE OF 1972, TO PROVIDE FOR DISCIPLINARY ACTION
75 AGAINST ALL LICENSES AND PERMITS ISSUED BY THE BOARD; TO AMEND
76 REENACTED SECTION 73-9-63, MISSISSIPPI CODE OF 1972, TO CLARIFY
77 THE PROCEDURES FOR FILING NOTICES OF COMPLAINTS, AND TO PROVIDE
78 FOR NOTICES OF COMPLAINTS FOR ALL LICENSES AND PERMITS ISSUED BY
79 THE BOARD; TO AMEND REENACTED SECTION 73-9-65, MISSISSIPPI CODE OF
80 1972, TO DELETE THE REQUIREMENT THAT SUSPENSIONS, REVOCATIONS AND
81 REINSTATEMENTS BE FILED WITH THE CIRCUIT CLERK, TO PROVIDE FOR
82 APPEAL FROM ALL TYPES OF DISCIPLINARY ACTIONS, TO PROVIDE AN
83 APPEAL VENUE FOR DISCIPLINED LICENSEES WHO RESIDE OUTSIDE THE
84 STATE OF MISSISSIPPI, TO PROVIDE AN APPEAL VENUE FOR HOLDERS OF
85 ALL LICENSES AND PERMITS ISSUED BY THE BOARD; TO REPEAL SECTION
86 73-9-67, MISSISSIPPI CODE OF 1972, WHICH IS THE AUTOMATIC REPEALER
87 ON THOSE STATUTES AUTHORIZING THE BOARD OF DENTAL EXAMINERS AND
88 ITS DUTIES AND POWERS; TO AMEND SECTION 73-9-107, MISSISSIPPI CODE
89 OF 1972, TO PROVIDE FOR THE CONFIDENTIALITY OF ALL RECORDS IN THE
90 POSSESSION OF THE BOARD AND EXAMINING COMMITTEE UNLESS SO ORDERED
91 BY THE COURT, AND TO PROVIDE FOR ANONYMITY OF THOSE INDIVIDUALS
92 FILING REPORTS WITH THE BOARD WHO HAVE REQUESTED TO REMAIN

93 ANONYMOUS; TO AMEND SECTION 73-9-113, MISSISSIPPI CODE OF 1972, TO
94 ALLOW FOR THE RECOVERY OF COSTS AND IMPOSITION OF PENALTIES AS
95 PROVIDED FOR IN SECTION 73-9-61, MISSISSIPPI CODE OF 1972; AND FOR
96 RELATED PURPOSES.