

By: Representative Howell

To: Education

COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 431

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

146 (b) **Standard License - Nontraditional Teaching Route.**

147 Beginning January 1, 2003, an individual who possesses at least a  
148 bachelor's degree from a nationally or regionally accredited  
149 institution of higher learning, who has a passing score on the  
150 Praxis I Basic Skills and Praxis II Specialty Area Test in the  
151 requested area of endorsement may apply for the Teach Mississippi  
152 Institute (TMI) program to teach students in Grades 7 through 12  
153 if the individual meets the requirements of this paragraph (b).

154 The State Board of Education shall adopt rules requiring that  
155 teacher preparation institutions which provide the Teach  
156 Mississippi Institute (TMI) program for the preparation of  
157 nontraditional teachers shall meet the standards and comply with  
158 the provisions of this paragraph.

159 (i) The Teach Mississippi Institute (TMI) shall  
160 include an intensive eight-week, nine-semester-hour summer  
161 program, which shall include, but not be limited to, instruction  
162 in education, effective teaching strategies, classroom management,  
163 state curriculum requirements, planning and instruction,  
164 instructional methods and pedagogy, using test results to improve  
165 instruction, and a one (1) semester three-hour supervised  
166 internship to be completed while the teacher is employed as a

167 full-time teacher intern in a local school district. The TMI  
168 shall be implemented on a pilot program basis, with courses to be  
169 offered at up to four (4) locations in the state, with one (1) TMI  
170 site to be located in each of the three (3) Mississippi Supreme  
171 Court districts.

172 (ii) The school sponsoring the teacher intern  
173 shall enter into a written agreement with the institution  
174 providing the Teach Mississippi Institute (TMI) program, under  
175 terms and conditions as agreed upon by the contracting parties,  
176 providing that the school district shall provide teacher interns  
177 seeking a nontraditional provisional teaching license with a  
178 one-year classroom teaching experience. The teacher intern shall  
179 successfully complete the one (1) semester three-hour intensive  
180 internship in the school district during the semester immediately  
181 following successful completion of the TMI and prior to the end of  
182 the one-year classroom teaching experience.

183 (iii) Upon completion of the nine-semester-hour  
184 TMI, the individual shall submit his transcript to the commission  
185 for provisional licensure of the intern teacher, and the intern  
186 teacher shall be issued a provisional teaching license by the  
187 commission, which will allow the individual to legally serve as a  
188 teacher while the person completes a nontraditional teacher  
189 preparation internship program.

190 (iv) During the semester of internship in the  
191 school district, the teacher preparation institution shall monitor  
192 the performance of the intern teacher. The school district that  
193 employs the provisional teacher shall supervise the provisional  
194 teacher during the teacher's intern year of employment under a  
195 nontraditional provisional license, and shall, in consultation  
196 with the teacher intern's mentor at the school district of  
197 employment, submit to the commission a comprehensive evaluation of  
198 the teacher's performance sixty (60) days prior to the expiration  
199 of the nontraditional provisional license. If the comprehensive

200 evaluation establishes that the provisional teacher intern's  
201 performance fails to meet the standards of the approved  
202 nontraditional teacher preparation internship program, the  
203 individual shall not be approved for a standard license.

204                   (v) An individual issued a provisional teaching  
205 license under this nontraditional route shall successfully  
206 complete, at a minimum, a one-year beginning teacher mentoring and  
207 induction program administered by the employing school district  
208 with the assistance of the State Department of Education.

209                   (vi) Upon successful completion of the TMI and the  
210 internship provisional license period, applicants for a Standard  
211 License-Nontraditional Route shall submit to the commission a  
212 transcript of successful completion of the twelve (12) semester  
213 hours required in the internship program, and the employing school  
214 district shall submit to the commission a recommendation for  
215 standard licensure of the intern. If the school district  
216 recommends licensure, the applicant shall be issued a Standard  
217 License-Nontraditional Route which shall be valid for a five-year  
218 period and be renewable.

219                   (vii) At the discretion of the teacher-preparation  
220 institution, the individual shall be allowed to credit the twelve  
221 (12) semester hours earned in the nontraditional teacher  
222 internship program toward the graduate hours required for a Master  
223 of Arts in Teacher (MAT) Degree.

224                   (viii) The local school district in which the  
225 nontraditional teacher intern or provisional licensee is employed  
226 shall compensate such teacher interns at Step 1 of the required  
227 salary level during the period of time such individual is  
228 completing teacher internship requirements and shall compensate  
229 such Standard License-Nontraditional Route teachers at Step 3 of  
230 the required salary level when they complete license requirements.

231 Implementation of the TMI program provided for under this  
232 paragraph (b) shall be contingent upon the availability of funds  
233 appropriated specifically for such purpose by the Legislature.  
234 Such implementation of the TMI program may not be deemed to  
235 prohibit the State Board of Education from developing and  
236 implementing additional alternative route teacher licensure  
237 programs, as deemed appropriate by the board. The emergency  
238 certification program in effect prior to July 1, 2002, shall  
239 remain in effect.

240 The State Department of Education shall compile and report,  
241 in consultation with the commission, information relating to  
242 nontraditional teacher preparation internship programs, including  
243 the number of programs available and geographic areas in which  
244 they are available, the number of individuals who apply for and  
245 possess a nontraditional conditional license, the subject areas in  
246 which individuals who possess nontraditional conditional licenses  
247 are teaching and where they are teaching, and shall submit its  
248 findings and recommendations to the legislative committees on  
249 education by December 1, 2004.

250 A Standard License - Approved Program Route shall be issued  
251 for a five-year period, and may be renewed. Recognizing teaching  
252 as a profession, a hiring preference shall be granted to persons  
253 holding a Standard License - Approved Program Route or Standard  
254 License - Nontraditional Teaching Route over persons holding any  
255 other license.

256 (c) **Special License - Expert Citizen.** In order to  
257 allow a school district to offer specialized or technical courses,  
258 the State Department of Education, in accordance with rules and  
259 regulations established by the State Board of Education, may grant  
260 a one-year expert citizen-teacher license to local business or  
261 other professional personnel to teach in a public school or  
262 nonpublic school accredited or approved by the state. The person  
263 may begin teaching upon his employment by the local school board



264 and licensure by the Mississippi Department of Education. The  
265 board shall adopt rules and regulations to administer the expert  
266 citizen-teacher license. A special license - expert citizen may  
267 be renewed in accordance with the established rules and  
268 regulations of the State Department of Education.

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

274 (e) **Nonlicensed Teaching Personnel.** A nonlicensed  
275 person may teach for a maximum of three (3) periods per teaching  
276 day in a public school or a nonpublic school accredited/approved  
277 by the state. The person shall submit to the department a  
278 transcript or record of his education and experience that  
279 substantiates his preparation for the subject to be taught and  
280 shall meet other qualifications specified by the commission and  
281 approved by the State Board of Education. In no case shall any  
282 local school board hire nonlicensed personnel as authorized under  
283 this paragraph in excess of five percent (5%) of the total number  
284 of licensed personnel in any single school.

285 (f) **Special License - Transitional Bilingual Education.**  
286 Beginning July 1, 2003, the commission shall grant special  
287 licenses to teachers of transitional bilingual education who  
288 possess such qualifications as are prescribed in this section.  
289 Teachers of transitional bilingual education shall be compensated  
290 by local school boards at not less than one (1) step on the  
291 regular salary schedule applicable to permanent teachers licensed  
292 under this section. The commission shall grant special licenses  
293 to teachers of transitional bilingual education who present the  
294 commission with satisfactory evidence that they (i) possess a  
295 speaking and reading ability in a language, other than English, in  
296 which bilingual education is offered and communicative skills in

297 English; (ii) are in good health and sound moral character; (iii)  
298 possess a bachelor's degree or an associate's degree in teacher  
299 education from an accredited institution of higher education; (iv)  
300 meet such requirements as to courses of study, semester hours  
301 therein, experience and training as may be required by the  
302 commission; and (v) are legally present in the United States and  
303 possess legal authorization for employment. A teacher of  
304 transitional bilingual education serving under a special license  
305 shall be under an exemption from standard licensure if he achieves  
306 the requisite qualifications therefor. Two (2) years of service  
307 by a teacher of transitional bilingual education under such an  
308 exemption shall be credited to the teacher in acquiring a Standard  
309 Educator License. Nothing in this paragraph shall be deemed to  
310 prohibit a local school board from employing a teacher licensed in  
311 an appropriate field as approved by the State Department of  
312 Education to teach in a program in transitional bilingual  
313 education.

314 (g) If any school district meets Level 4 or 5  
315 accreditation standards, the State Board of Education, in its  
316 discretion, may exempt the school district from any restrictions  
317 in paragraph (e) relating to the employment of nonlicensed  
318 teaching personnel.

319 (7) **Administrator License.** The State Board of Education may  
320 establish rules and regulations and to administer the licensure  
321 process of the school administrators in the State of Mississippi.  
322 There will be four (4) categories of administrator licensure with  
323 exceptions only through special approval of the State Board of  
324 Education.

325 (a) **Administrator License - Nonpracticing.** Those  
326 educators holding administrative endorsement but have no  
327 administrative experience or not serving in an administrative  
328 position on January 15, 1997.

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

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

337           (d) **Administrator License - Nontraditional Route.** The  
338 board may establish a nontraditional route for licensing  
339 administrative personnel. The nontraditional route for  
340 administrative licensure shall be available for persons holding,  
341 but not limited to, a master of business administration degree, a  
342 master of public administration degree, a master of public  
343 planning and policy degree or a doctor of jurisprudence degree  
344 from an accredited college or university, with five (5) years of  
345 administrative or supervisory experience. Successful completion  
346 of the requirements of alternate route licensure for  
347 administrators shall qualify the person for a standard  
348 administrator license.

349           The State Department of Education shall compile and report,  
350 in consultation with the commission, information relating to  
351 nontraditional administrator preparation internship programs,  
352 including the number of programs available and geographic areas in  
353 which they are available, the number of individuals who apply for  
354 and possess a nontraditional conditional license and where they  
355 are employed, and shall submit its findings and recommendations to  
356 the legislative committees on education by December 1, 2004.

357           Beginning with the 1997-1998 school year, individuals seeking  
358 school administrator licensure under paragraph (b), (c) or (d)  
359 shall successfully complete a training program and an assessment  
360 process prescribed by the State Board of Education. Applicants  
361 seeking school administrator licensure before June 30, 1997, and

362 completing all requirements for provisional or standard  
363 administrator certification and who have never practiced, shall be  
364 exempt from taking the Mississippi Assessment Battery Phase I.  
365 Applicants seeking school administrator licensure during the  
366 period beginning July 1, 1997, through June 30, 1998, shall  
367 participate in the Mississippi Assessment Battery, and upon  
368 request of the applicant, the department shall reimburse the  
369 applicant for the cost of the assessment process required. After  
370 June 30, 1998, all applicants for school administrator licensure  
371 shall meet all requirements prescribed by the department under  
372 paragraph (b), (c) or (d), and the cost of the assessment process  
373 required shall be paid by the applicant.

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

378       (b) The department shall grant a nonrenewable special  
379 license to any individual who possesses a credential that is less  
380 than a standard license or certification from another state, or  
381 who possesses a standard license from another state but has less  
382 than two (2) years of full-time teaching or administration  
383 experience. The special license shall be valid for the current  
384 school year plus one (1) additional school year to expire on June  
385 30 of the second year, not to exceed a total period of twenty-four  
386 (24) months, during which time the applicant shall be required to  
387 complete the requirements for a standard license in Mississippi.

388       (9) **Renewal and Reinstatement of Licenses.** The State Board  
389 of Education may establish rules and regulations for the renewal  
390 and reinstatement of educator and administrator licenses.  
391 Effective May 15, 1997, the valid standard license held by an  
392 educator shall be extended five (5) years beyond the expiration  
393 date of the license in order to afford the educator adequate time  
394 to fulfill new renewal requirements established under this

395 subsection. An educator completing a master of education,  
396 educational specialist or doctor of education degree in May 1997  
397 for the purpose of upgrading the educator's license to a higher  
398 class shall be given this extension of five (5) years plus five  
399 (5) additional years for completion of a higher degree.

400 (10) All controversies involving the issuance, revocation,  
401 suspension or any change whatsoever in the licensure of an  
402 educator required to hold a license shall be initially heard in a  
403 hearing de novo, by the commission or by a subcommittee  
404 established by the commission and composed of commission members  
405 for the purpose of holding hearings. Any complaint seeking the  
406 denial of issuance, revocation or suspension of a license shall be  
407 by sworn affidavit filed with the Commission of Teacher and  
408 Administrator Education, Certification and Licensure and  
409 Development. The decision thereon by the commission or its  
410 subcommittee shall be final, unless the aggrieved party shall  
411 appeal to the State Board of Education, within ten (10) days, of  
412 the decision of the committee or its subcommittee. An appeal to  
413 the State Board of Education shall be on the record previously  
414 made before the commission or its subcommittee unless otherwise  
415 provided by rules and regulations adopted by the board. The State  
416 Board of Education in its authority may reverse, or remand with  
417 instructions, the decision of the committee or its subcommittee.  
418 The decision of the State Board of Education shall be final.

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

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

424 (b) The applicant has a physical, emotional or mental  
425 disability that renders the applicant unfit to perform the duties  
426 authorized by the license, as certified by a licensed psychologist  
427 or psychiatrist;

428           (c) The applicant is actively addicted to or actively  
429 dependent on alcohol or other habit-forming drugs or is a habitual  
430 user of narcotics, barbiturates, amphetamines, hallucinogens, or  
431 other drugs having similar effect, at the time of application for  
432 a license;

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

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

437           (f) Failing or refusing to furnish reasonable evidence  
438 of identification;

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

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

445           (12) The State Board of Education, acting on the  
446 recommendation of the commission, may revoke or suspend any  
447 teacher or administrator license for specified periods of time for  
448 one or more of the following:

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

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

455           (c) Suspension or revocation of a certificate or  
456 license by another state shall result in immediate suspension or  
457 revocation and shall continue until records in the prior state  
458 have been cleared;

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

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

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

468 (13) Notwithstanding any provision of this section:

469 (a) The State Board of Education, acting on its own  
470 motion or, in the case of a default on a loan, on the  
471 recommendation of the agency, political subdivision or other  
472 public or private entity to which payments are due, shall suspend  
473 the teacher or administrator license of any person who defaults on  
474 or fails to comply with the requirements of an educational loan,  
475 service conditional scholarship or loan repayment program  
476 obligation that has been granted or guaranteed by any federal,  
477 state or local agency or political subdivision under which the  
478 person obtained any of the education necessary to qualify for a  
479 teacher or administrator license. However, before an agency,  
480 political subdivision or other public or private entity may  
481 recommend the suspension of a license due to the person's default  
482 on a loan, that agency, political subdivision or other public or  
483 private entity must provide the license holder with notice of its  
484 intention to recommend the suspension of the person's license and  
485 an opportunity for the license holder to respond; and

486 (b) The person's teacher or administrator license will  
487 remain suspended until the person has: (i) made arrangements  
488 satisfactory to the State Board of Education for meeting the  
489 obligations of the loan, scholarship or loan repayment program; or  
490 (ii) in the case of a default on a loan, made arrangements  
491 satisfactory to the agency, political subdivision or other public

492 or private entity to which payments are due for the repayment of  
493 the loan.

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

499 (b) Any offense committed or attempted in any other  
500 state shall result in the same penalty as if committed or  
501 attempted in this state.

502 (c) A person may voluntarily surrender a license. The  
503 surrender of the license may result in the commission recommending  
504 any of the above penalties without the necessity of a hearing.  
505 However, any such license that has voluntarily been surrendered by  
506 a licensed employee may be reinstated by a unanimous vote of all  
507 members of the commission.

508 (15) A person whose license has been suspended on any  
509 grounds except criminal grounds may petition for reinstatement of  
510 the license after one (1) year from the date of suspension, or  
511 after one-half (1/2) of the suspended time has lapsed, whichever  
512 is greater. A license suspended on the criminal grounds may be  
513 reinstated upon petition to the commission filed after expiration  
514 of the sentence and parole or probationary period imposed upon  
515 conviction. A revoked license may be reinstated upon satisfactory  
516 showing of evidence of rehabilitation. The commission shall  
517 require all who petition for reinstatement to furnish evidence  
518 satisfactory to the commission of good character, good mental,  
519 emotional and physical health and such other evidence as the  
520 commission may deem necessary to establish the petitioner's  
521 rehabilitation and fitness to perform the duties authorized by the  
522 license.

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



525 commission, subject to the approval of the State Board of  
526 Education. The revocation or suspension of a license shall be  
527 effected at the time indicated on the notice of suspension or  
528 revocation. The commission shall immediately notify the  
529 superintendent of the school district or school board where the  
530 teacher or administrator is employed of any disciplinary action  
531 and also notify the teacher or administrator of such revocation or  
532 suspension and shall maintain records of action taken. The State  
533 Board of Education may reverse or remand with instructions any  
534 decision of the commission regarding a petition for reinstatement  
535 of a license, and any such decision of the State Board of  
536 Education shall be final.

537       (17) An appeal from the action of the State Board of  
538 Education in denying an application, revoking or suspending a  
539 license or otherwise disciplining any person under the provisions  
540 of this section, shall be filed in the Chancery Court of the First  
541 Judicial District of Hinds County on the record made, including a  
542 verbatim transcript of the testimony at the hearing. The appeal  
543 shall be filed within thirty (30) days after notification of the  
544 action of the board is mailed or served and the proceedings in  
545 chancery court shall be conducted as other matters coming before  
546 the court. The appeal shall be perfected upon filing notice of  
547 the appeal and by the prepayment of all costs, including the cost  
548 of preparation of the record of the proceedings by the State Board  
549 of Education, and the filing of a bond in the sum of Two Hundred  
550 Dollars (\$200.00) conditioned that if the action of the board be  
551 affirmed by the chancery court, the applicant or license holder  
552 shall pay the costs of the appeal and the action of the chancery  
553 court.

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

558       (19) The granting of a license shall not be deemed a  
559 property right nor a guarantee of employment in any public school  
560 district. A license is a privilege indicating minimal eligibility  
561 for teaching in the public schools of Mississippi. This section  
562 shall in no way alter or abridge the authority of local school  
563 districts to require greater qualifications or standards of  
564 performance as a prerequisite of initial or continued employment  
565 in such districts.

566       (20) In addition to the reasons specified in subsections  
567 (12) and (14) of this section, the board may be authorized to  
568 suspend the license of any licensee for being out of compliance  
569 with an order for support, as defined in Section 93-11-153. The  
570 procedure for suspension of a license for being out of compliance  
571 with an order for support, and the procedure for the reissuance or  
572 reinstatement of a license suspended for that purpose, and the  
573 payment of any fees for the reissuance or reinstatement of a  
574 license suspended for that purpose, shall be governed by Section  
575 93-11-157 or 93-11-163, as the case may be. Actions taken by the  
576 board in suspending a license when required by Section 93-11-157  
577 or 93-11-163 are not actions from which an appeal may be taken  
578 under this section. Any appeal of a license suspension that is  
579 required by Section 93-11-157 or 93-11-163 shall be taken in  
580 accordance with the appeal procedure specified in Section  
581 93-11-157 or 93-11-163, as the case may be, rather than the  
582 procedure specified in this section. If there is any conflict  
583 between any provision of Section 93-11-157 or 93-11-163 and any  
584 provision of this chapter, the provisions of Section 93-11-157 or  
585 93-11-163, as the case may be, shall control.

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

588       73-1-29. (1) The board, upon satisfactory proof and in  
589 accordance with this chapter and the regulations of the board, may

590 take the disciplinary actions provided for hereinafter against any  
591 person for any of the following reasons:

592 (a) Violating any of the provisions of Sections 73-1-1  
593 through 73-1-43 or the bylaws, rules, regulations or standards of  
594 ethics or conduct duly adopted by the board pertaining to the  
595 practice of architecture;

596 (b) Obtaining a certificate of registration by fraud,  
597 deceit or misrepresentation;

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

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

604 (e) Practicing or offering to practice architecture on  
605 an expired certificate or while under suspension or revocation of  
606 certificate unless the suspension or revocation is abated through  
607 probation, as provided for hereinafter;

608 (f) Practicing architecture under an assumed or  
609 fictitious name;

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

613 (h) Willfully misleading or defrauding any person  
614 employing him as an architect by any artifice or false statement;  
615 or

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

618 (2) Notwithstanding any provision of this chapter:

619 (a) The board, acting on its own motion or, in the case  
620 of a default on a loan, on the recommendation of the agency,  
621 political subdivision or other public or private entity to which  
622 payments are due, shall suspend the certificate of registration of

623 any person who defaults on or fails to comply with the  
624 requirements of an educational loan, service conditional  
625 scholarship or loan repayment program obligation that has been  
626 granted or guaranteed by any federal, state or local agency or  
627 political subdivision under which the person obtained any of the  
628 education necessary to qualify for a certificate of registration  
629 under this chapter. However, before an agency, political  
630 subdivision or other public or private entity may recommend the  
631 suspension of a certificate of registration due to the person's  
632 default on a loan, that agency, political subdivision or other  
633 public or private entity must provide the certificate holder with  
634 notice of its intention to recommend the suspension of the  
635 person's certificate of registration and an opportunity for the  
636 certificate holder to respond; and

637 (b) The person's certificate of registration will  
638 remain suspended until the person has: (i) made arrangements  
639 satisfactory to the board for meeting the obligations of the loan,  
640 scholarship or loan repayment program; or (ii) in the case of a  
641 default on a loan, made arrangements satisfactory to the agency,  
642 political subdivision or other public or private entity to which  
643 payments are due for the repayment of the loan.

644 (3) Any person may prefer charges against any other person  
645 for committing any of the acts set forth in subsection (1) or (2)  
646 of this section. The charges need not be sworn to, may be made  
647 upon actual knowledge or upon information and belief, and must be  
648 filed with the board. If any person licensed under Sections  
649 73-1-1 through 73-1-43 is expelled from membership in any  
650 Mississippi or national professional architectural society or  
651 association, the board shall thereafter cite the person to appear  
652 at a hearing before the board to show cause why disciplinary  
653 action should not be taken against that person.

654 The board shall investigate all charges filed with it and,  
655 upon finding reasonable cause to believe that the charges are not

656 frivolous, unfounded or filed in bad faith, may cause a hearing to  
657 be held, at a time and place fixed by the board, regarding the  
658 charges and may compel the accused by subpoena to appear before  
659 the board to respond to the charges.

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

667 (4) At any hearing held under this section, the board, upon  
668 application and approval of the chancery court, shall have the  
669 power to subpoena witnesses and compel their attendance and may  
670 also require the production of books, papers and other documents,  
671 as provided in this chapter. The hearing shall be conducted  
672 before the full board with the president of the board serving as  
673 the presiding judge. Counsel for the board shall present all  
674 evidence relating to the charges. All evidence shall be presented  
675 under oath, which may be administered by any member of the board,  
676 and thereafter the proceedings may, if necessary, be transcribed  
677 in full by the court reporter and filed as part of the record in  
678 the case. Copies of those transcriptions may be provided to any  
679 party to the proceedings at a cost fixed by the board.

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

684 If in any proceeding before the board any witness fails or  
685 refuses to attend upon subpoena issued by the board, refuses to  
686 testify, or refuses to produce any books and papers the production  
687 of which is called for by the subpoena, the attendance of the  
688 witness and the giving of his testimony and the production of the

689 books and papers shall be enforced by any court of competent  
690 jurisdiction of this state in the manner provided for the  
691 enforcement of attendance and testimony of witnesses in civil  
692 cases in the courts of this state.

693 The accused shall have the right to be present at the hearing  
694 in person, by counsel or other representative, or both. The  
695 accused shall have the right to present evidence and to examine  
696 and cross-examine all witnesses. The board may continue or recess  
697 the hearing as may be necessary.

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

705 If a majority of the board finds the accused guilty of the  
706 charges filed, the board may:

707 (a) Issue a public or private reprimand;

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

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

715 (6) A monetary penalty assessed and levied under this  
716 section shall be paid to the board upon the expiration of the  
717 period allowed for appeal of the penalties under this section, or  
718 may be paid sooner if the guilty party elects. Money collected by  
719 the board under this section shall be deposited to the credit of  
720 the special fund created in Section 73-1-43, Mississippi Code of  
721 1972.

722           When payment of the monetary penalty assessed and levied by  
723 the board is delinquent, the board shall have the power to  
724 institute and maintain proceedings in its name for enforcement of  
725 payment in the chancery court of the county of residence of the  
726 guilty party. If the guilty party is a nonresident of the State  
727 of Mississippi, the proceedings shall be in the Chancery Court of  
728 the First Judicial District of Hinds County, Mississippi.

729           (7) When the board has taken a disciplinary action under  
730 this section, the board may stay the action and place the guilty  
731 party on probation for a period not to exceed one (1) year upon  
732 condition that the guilty party shall not further violate either  
733 the laws of the State of Mississippi pertaining to the practice of  
734 architecture or the bylaws, rules and regulations, or standards of  
735 conduct and ethics promulgated by the board.

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

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

744           (10) The board, for sufficient cause, may reissue a revoked  
745 certificate of registration by a majority vote of the board  
746 members; but in no event shall a revoked certificate be issued  
747 within two (2) years of the revocation. A new certificate of  
748 registration required to replace a revoked, lost, mutilated or  
749 destroyed certificate may be issued, subject to the rules of the  
750 board, for a charge not to exceed Ten Dollars (\$10.00).

751           (11) In addition to the reasons specified in subsection (1)  
752 of this section, the board may suspend the certificate of  
753 registration of any person for being out of compliance with an  
754 order for support, as defined in Section 93-11-153. The procedure

755 for suspension of a certificate for being out of compliance with  
756 an order for support, and the procedure for the reissuance or  
757 reinstatement of a certificate suspended for that purpose, and the  
758 payment of any fees for the reissuance or reinstatement of a  
759 certificate suspended for that purpose, shall be governed by  
760 Section 93-11-157 or 93-11-163, as the case may be. If there is  
761 any conflict between any provision of Section 93-11-157 or  
762 93-11-163 and any provision of this chapter, the provisions of  
763 Section 93-11-157 or 93-11-163, as the case may be, shall control.

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

766 73-2-16. (1) The board shall also have the power to revoke,  
767 suspend or annul the certificate or registration of a landscape  
768 architect or reprimand, censure or otherwise discipline a  
769 landscape architect.

770 (2) The board, upon satisfactory proof and in accordance  
771 with the provisions of this chapter, may take the disciplinary  
772 actions against any registered landscape architect for any of the  
773 following reasons:

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

778 (b) Fraud, deceit or misrepresentation in obtaining a  
779 certificate of registration;

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

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

786 (e) Practicing or offering to practice landscape  
787 architecture on an expired license or while under suspension or



788 revocation of a license unless the suspension or revocation is  
789 abated through probation;

790 (f) Practicing landscape architecture under an assumed  
791 or fictitious name;

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

795 (h) Willfully misleading or defrauding any person  
796 employing him as a landscape architect by any artifice or false  
797 statement;

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

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

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

802 (3) Notwithstanding any provision of this chapter:

803 (a) The board, acting on its own motion or, in the case  
804 of a default on a loan, on the recommendation of the agency,  
805 political subdivision or other public or private entity to which  
806 payments are due, shall suspend the certificate of registration of  
807 any person who defaults on or fails to comply with the  
808 requirements of an educational loan, service conditional  
809 scholarship or loan repayment program obligation that has been  
810 granted or guaranteed by any federal, state or local agency or  
811 political subdivision under which the person obtained any of the  
812 education necessary to qualify for a certificate of registration  
813 under this chapter. However, before an agency, political  
814 subdivision or other public or private entity may recommend the  
815 suspension of a certificate of registration due to the person's  
816 default on a loan, that agency, political subdivision or other  
817 public or private entity must provide the certificate holder with  
818 notice of its intention to recommend the suspension of the  
819 person's certificate of registration and an opportunity for the  
820 certificate holder to respond; and

821           (b) The person's certificate of registration will  
822 remain suspended until the person has: (i) made arrangements  
823 satisfactory to the board for meeting the obligations of the loan,  
824 scholarship or loan repayment program; or (ii) in the case of a  
825 default on a loan, made arrangements satisfactory to the agency,  
826 political subdivision or other public or private entity to which  
827 payments are due for the repayment of the loan.

828           (4) Any person may prefer charges against any other person  
829 for committing any of the acts set forth in subsection (2) or (3)  
830 of this section. The charges need not be sworn to, may be made  
831 upon actual knowledge, or upon information and belief, and shall  
832 be filed with the board. If any person licensed under Sections  
833 73-2-1 through 73-2-21 is expelled from membership in any  
834 Mississippi or national professional landscape architectural  
835 society or association, the board shall thereafter cite the person  
836 to appear at a hearing before the board and to show cause why  
837 disciplinary action should not be taken against that person.

838           The board shall investigate all charges filed with it and,  
839 upon finding reasonable cause to believe that the charges are not  
840 frivolous, unfounded or filed in bad faith, may, in its  
841 discretion, cause a hearing to be held, at a time and place fixed  
842 by the board, regarding the charges and may compel the accused by  
843 subpoena to appear before the board to respond to the charges.

844           No disciplinary action taken under this section may be taken  
845 until the accused has been furnished both a statement of the  
846 charges against him and notice of the time and place of the  
847 hearing thereof, which shall be personally served on the accused  
848 or mailed by registered or certified mail, return receipt  
849 requested, to the last known business or residence address of the  
850 accused not less than thirty (30) days before the date fixed for  
851 the hearing.

852           (5) At any hearing held under the provisions of this  
853 section, the board shall have the power to subpoena witnesses and

854 compel their attendance and require the production of any books,  
855 papers or documents. The hearing shall be conducted before the  
856 full board with the president of the board serving as the  
857 presiding judge. Counsel for the board shall present all evidence  
858 relating to the charges. All evidence shall be presented under  
859 oath, which may be administered by any member of the board, and  
860 thereafter the proceedings may, if necessary, be transcribed in  
861 full by the court reporter and filed as part of the record in the  
862 case. Copies of the transcription may be provided to any party to  
863 the proceedings at a cost to be fixed by the board.

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

868 Where in any proceedings before the board any witness \* \* \*  
869 fails or refuses to attend upon subpoena issued by the  
870 board, \* \* \* refuses to testify or \* \* \* refuses to produce any  
871 books and papers, the production of which is called for by the  
872 subpoena, the attendance of the witness and the giving of his  
873 testimony and the production of the books and papers shall be  
874 enforced by any court of competent jurisdiction of this state in  
875 the manner provided for the enforcement of attendance and  
876 testimony of witnesses in civil cases in the courts of this state.

877 The accused shall have the right to be present at the hearing  
878 in person, by counsel or other representative, or both. The  
879 accused shall have the right to present evidence and to examine  
880 and cross-examine all witnesses. The board may continue or recess  
881 the hearing as may be necessary.

882 (6) At the conclusion of the hearing, the board may either  
883 decide the issue at that time or take the case under advisement  
884 for further deliberation. The board shall render its decision not  
885 more than forty-five (45) days after the close of the hearing, and  
886 shall forward to the last known business or residence address of

887 the accused by certified or registered mail, return receipt  
888 requested, a written statement of the decision of the board.

889 If a majority of the board finds the accused guilty of the  
890 charges filed, the board may: (a) issue a public or private  
891 reprimand; (b) suspend or revoke the license of the accused, if  
892 the accused is a registrant; or (c) in lieu of or in addition to  
893 the reprimand, suspension or revocation, assess and levy upon the  
894 guilty party a monetary penalty of not less than One Hundred  
895 Dollars (\$100.00) nor more than Five Thousand Dollars (\$5,000.00)  
896 for each violation.

897 (7) A monetary penalty assessed and levied under this  
898 section shall be paid to the board upon the expiration of the  
899 period allowed for appeal of the penalties under this section, or  
900 may be paid sooner if the guilty party elects. Money collected by  
901 the board under this section shall be deposited to the credit of  
902 the board's general operating fund.

903 When payment of a monetary penalty assessed and levied by the  
904 board in accordance with this section is not paid when due, the  
905 board shall have the power to institute and maintain proceedings  
906 in its name for enforcement of payment in the chancery court of  
907 the county and judicial district of the residence of the guilty  
908 party and if the guilty party is a nonresident of the State of  
909 Mississippi, the proceedings shall be in the Chancery Court of the  
910 First Judicial District of Hinds County, Mississippi.

911 (8) When the board has taken a disciplinary action under  
912 this section, the board may, in its discretion, stay the action  
913 and place the guilty party on probation for a period not to exceed  
914 one (1) year upon the condition that the guilty party shall not  
915 further violate either the law of the State of Mississippi  
916 pertaining to the practice of landscape architecture or the  
917 bylaws, rules and regulations, or standards of conduct and ethics  
918 promulgated by the board.

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

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

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

935       (12) The board may direct the advisory committee to review  
936 and investigate any charges brought against any landscape  
937 architect under this chapter and to hold the hearings provided for  
938 in this section and to make findings of fact and recommendations  
939 to the board concerning the disposition of the charges.

940       (13) Nothing \* \* \* contained in this section shall preclude  
941 the board or advisory committee from initiating proceedings in any  
942 case. The advisory committee shall furnish legal advice and  
943 assistance to the board whenever that service is requested.

944       (14) In addition to the reasons specified in subsection (2)  
945 of this section, the board may suspend the license of any licensee  
946 for being out of compliance with an order for support, as defined  
947 in Section 93-11-153. The procedure for suspension of a license  
948 for being out of compliance with an order for support, and the  
949 procedure for the reissuance or reinstatement of a license  
950 suspended for that purpose, and the payment of any fees for the  
951 reissuance or reinstatement of a license suspended for that

952 purpose, shall be governed by Section 93-11-157 or 93-11-163, as  
953 the case may be. If there is any conflict between any provision  
954 of Section 93-11-157 or 93-11-163 and any provision of this  
955 chapter, the provisions of Section 93-11-157 or 93-11-163, as the  
956 case may be, shall control.

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

959 73-3-327. (1) At the conclusion of the hearing the  
960 complaint tribunal, upon the majority vote of the members of the  
961 tribunal, shall render a written opinion incorporating a finding  
962 of fact and a judgment thereon. The judgment of the complaint  
963 tribunal may provide the following:

964 (a) Exonerate the accused attorney and dismiss the  
965 complaint.

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

968 (c) Suspend the attorney from the practice of law for  
969 any period of time.

970 (d) Permanently disbar the attorney.

971 (2) Notwithstanding any provision of this article:

972 (a) The Supreme Court, acting on its own motion or, in  
973 the case of a default on a loan, on the recommendation of the  
974 agency, political subdivision or other public or private entity to  
975 which payments are due, shall suspend from the practice of law any  
976 attorney who defaults on or fails to comply with the requirements  
977 of an educational loan, service conditional scholarship or loan  
978 repayment program obligation that has been granted or guaranteed  
979 by any federal, state or local agency or political subdivision  
980 under which the attorney obtained any of the education necessary  
981 to qualify for a license to practice law. However, before an  
982 agency, political subdivision or other public or private entity  
983 may recommend the suspension of an attorney's license to practice  
984 law due to the attorney's default on a loan, that agency,

985 political subdivision or other public or private entity must  
986 provide the attorney with notice of its intention to recommend the  
987 suspension of the attorney's license and an opportunity for the  
988 attorney to respond; and

989 (b) The attorney will remain suspended from the  
990 practice of law until the attorney has: (i) made arrangements  
991 satisfactory to the Supreme Court for meeting the obligations of  
992 the loan, scholarship or loan repayment program; or (ii) in the  
993 case of a default on a loan, made arrangements satisfactory to the  
994 agency, political subdivision or other public or private entity to  
995 which payments are due for the repayment of the loan.

996 (3) In cases in which the Clerk of the Supreme Court has  
997 received notice from the division that the attorney is out of  
998 compliance with an order for support, as defined in Section  
999 93-11-153, the Supreme Court shall suspend the attorney from the  
1000 practice of law until such time as the attorney may be reinstated  
1001 to practice law because of the attorney's compliance with the  
1002 requirements of Section 93-11-157 or 93-11-163, as the case may  
1003 be.

1004 **SECTION 5.** Section 73-5-25, Mississippi Code of 1972, is  
1005 amended as follows:

1006 73-5-25. (1) The Board of Barber Examiners may refuse to  
1007 issue, or may suspend definitely or indefinitely, or revoke any  
1008 certificate of registration for any one or a combination of the  
1009 following causes:

1010 (a) Conviction of a felony shown by a certified copy of  
1011 the judgment of court in which the conviction is had, unless upon  
1012 a full and unconditional pardon of the convict, and upon  
1013 satisfactory showing that the convict will in the future conduct  
1014 himself in a law-abiding way.

1015 (b) Gross malpractice or gross incompetency.

1016 (c) Continued practice by a person knowingly having an  
1017 infectious or contagious disease.

1018 (d) Advertising, practicing or attempting to practice  
1019 under a trade name or name other than one's own.

1020 (e) Habitual drunkenness or habitual addiction to the  
1021 use of morphine, cocaine or habit forming drug.

1022 (f) Immoral or unprofessional conduct.

1023 (g) Violation of regulations that may be prescribed as  
1024 provided for in Section 73-5-7 and the commission of any of the  
1025 offenses set forth in Section 73-5-43.

1026 (2) Notwithstanding any provision of this chapter:

1027 (a) The board, acting on its own motion or, in the case  
1028 of a default on a loan, on the recommendation of the agency,  
1029 political subdivision or other public or private entity to which  
1030 payments are due, shall suspend the certificate of registration of  
1031 any person who defaults on or fails to comply with the  
1032 requirements of an educational loan, service conditional  
1033 scholarship or loan repayment program obligation that has been  
1034 granted or guaranteed by any federal, state or local agency or  
1035 political subdivision under which the person obtained any of the  
1036 education necessary to qualify for a certificate of registration  
1037 under this chapter. However, before an agency, political  
1038 subdivision or other public or private entity may recommend the  
1039 suspension of a certificate of registration due to the person's  
1040 default on a loan, that agency, political subdivision or other  
1041 public or private entity must provide the certificate holder with  
1042 notice of its intention to recommend the suspension of the  
1043 person's certificate of registration and an opportunity for the  
1044 certificate holder to respond; and

1045 (b) The person's certificate of registration will  
1046 remain suspended until the person has: (i) made arrangements  
1047 satisfactory to the board for meeting the obligations of the loan,  
1048 scholarship or loan repayment program; or (ii) in the case of a  
1049 default on a loan, made arrangements satisfactory to the agency,



1050 political subdivision or other public or private entity to which  
1051 payments are due for the repayment of the loan.

1052       (3) In addition to the causes specified in subsection (1) of  
1053 this section, the board may suspend the certificate of  
1054 registration of any person for being out of compliance with an  
1055 order for support, as defined in Section 93-11-153. The procedure  
1056 for suspension of a certificate for being out of compliance with  
1057 an order for support, and the procedure for the reissuance or  
1058 reinstatement of a certificate suspended for that purpose, and the  
1059 payment of any fees for the reissuance or reinstatement of a  
1060 certificate suspended for that purpose, shall be governed by  
1061 Section 93-11-157 or 93-11-163. If there is any conflict between  
1062 any provision of Section 93-11-157 or 93-11-163 and any provision  
1063 of this chapter, the provisions of Section 93-11-157 or 93-11-163,  
1064 as the case may be, shall control.

1065       **SECTION 6.** Section 73-6-19, Mississippi Code of 1972, is  
1066 amended as follows:

1067       73-6-19. (1) The board shall refuse to grant a certificate  
1068 of licensure to any applicant or may cancel, revoke or suspend the  
1069 certificate upon the finding of any of the following facts  
1070 regarding the applicant or licensed practitioner:

1071           (a) Failure to comply with the rules and regulations  
1072 adopted by the State Board of Chiropractic Examiners;

1073           (b) Violation of any of the provisions of this chapter  
1074 or any of the rules and regulations of the State Board of Health  
1075 under this chapter with regard to the operation and use of x-rays;

1076           (c) Fraud or deceit in obtaining a license;

1077           (d) Addiction to the use of alcohol, narcotic drugs, or  
1078 anything that would seriously interfere with the competent  
1079 performance of his professional duties;

1080           (e) Conviction by a court of competent jurisdiction of  
1081 a felony, other than manslaughter or any violation of the United  
1082 States Revenue Code;

- 1083                   (f) Unprofessional and unethical conduct;
- 1084                   (g) Contraction of a contagious disease that may be  
1085 carried for a prolonged period;
- 1086                   (h) Failure to report to the Mississippi Department of  
1087 Human Services or the county attorney any case in which there are  
1088 reasonable grounds to believe that a child has been abused by its  
1089 parent or person responsible for the child's welfare;
- 1090                   (i) Advising a patient to use drugs, prescribing or  
1091 providing drugs for a patient, or advising a patient not to use a  
1092 drug prescribed by a licensed physician or dentist;
- 1093                   (j) Professional incompetency in the practice of  
1094 chiropractic;
- 1095                   (k) Having disciplinary action taken by his peers  
1096 within any professional chiropractic association or society;
- 1097                   (l) Offering to accept or accepting payment for  
1098 services rendered by assignment from any third-party payor after  
1099 offering to accept or accepting whatever the third-party payor  
1100 covers as payment in full, if the effect of the offering or  
1101 acceptance is to eliminate or give the impression of eliminating  
1102 the need for payment by an insured of any required deductions  
1103 applicable in the policy of the insured;
- 1104                   (m) Associating his practice with any chiropractor who  
1105 does not hold a valid chiropractic license in Mississippi, or  
1106 teach chiropractic manipulation to nonqualified persons under  
1107 Section 73-6-13;
- 1108                   (n) Failure to make payment on chiropractic student  
1109 loans;
- 1110                   (o) Failure to follow record keeping requirements  
1111 prescribed in Section 73-6-18; or
- 1112                   (p) If the practitioner is certified to provide animal  
1113 chiropractic treatment, failure to follow guidelines approved by  
1114 the Mississippi Board of Veterinary Medicine.
- 1115                   (2) Notwithstanding any provision of this chapter:

1116           (a) The board, acting on its own motion or, in the case  
1117 of a default on a loan, on the recommendation of the agency,  
1118 political subdivision or other public or private entity to which  
1119 payments are due, shall suspend the license of any person who  
1120 defaults on or fails to comply with the requirements of an  
1121 educational loan, service conditional scholarship or loan  
1122 repayment program obligation that has been granted or guaranteed  
1123 by any federal, state or local agency or political subdivision  
1124 under which the person obtained any of the education necessary to  
1125 qualify for a license under this chapter. However, before an  
1126 agency, political subdivision or other public or private entity  
1127 may recommend the suspension of a license due to the person's  
1128 default on a loan, that agency, political subdivision or other  
1129 public or private entity must provide the license holder with  
1130 notice of its intention to recommend the suspension of the  
1131 person's license and an opportunity for the license holder to  
1132 respond; and

1133           (b) The person's license will remain suspended until  
1134 the person has: (i) made arrangements satisfactory to the board  
1135 for meeting the obligations of the loan, scholarship or loan  
1136 repayment program; or (ii) in the case of a default on a loan,  
1137 made arrangements satisfactory to the agency, political  
1138 subdivision or other public or private entity to which payments  
1139 are due for the repayment of the loan.

1140           (3) Any holder of the certificate or any applicant therefor  
1141 against whom is preferred any of the designated charges shall be  
1142 furnished a copy of the complaint and shall receive a formal  
1143 hearing in Jackson, Mississippi, before the board, at which time  
1144 he may be represented by counsel and examine witnesses. The board  
1145 may administer oaths as may be necessary for the proper conduct of  
1146 any such hearing. In addition, the board may issue subpoenas for  
1147 the attendance of witnesses and the production of books and  
1148 papers. The process issued by the board shall extend to all parts

1149 of the state. Where in any proceeding before the board any  
1150 witness \* \* \* failsu or refusesu to attend upon subpoena issued by  
1151 the board, \* \* \* refusesu to testify, or \* \* \* refusesu to produce  
1152 any books and papers, the production of which is called for by the  
1153 subpoena, the attendance of the witness and the giving of his  
1154 testimony and the production of the books and papers shall be  
1155 enforced by any court of competent jurisdiction of this state in  
1156 the manner provided for the enforcement of attendance and  
1157 testimony of witnesses in civil cases in the courts of this state.

1158       (4) In addition to any other investigators the board  
1159 employs, the board shall appoint one or more licensed  
1160 chiropractors to act for the board in investigating the conduct  
1161 relating to the competency of a chiropractor, whenever  
1162 disciplinary action is being considered for professional  
1163 incompetence and unprofessional conduct.

1164       (5) Whenever the board finds any person unqualified to  
1165 practice chiropractic because of any of the grounds set forth in  
1166 subsection (1) of this section, after a hearing has been conducted  
1167 as prescribed by this section, the board may enter an order  
1168 imposing one or more of the following:

1169           (a) Deny his application for a license or other  
1170 authorization to practice chiropractic;

1171           (b) Administer a public or private reprimand;

1172           (c) Suspend, limit or restrict his license or other  
1173 authorization to practice chiropractic for up to five (5) years;

1174           (d) Revoke or cancel his license or other authorization  
1175 to practice chiropractic;

1176           (e) Require him to submit to care, counseling or  
1177 treatment by physicians or chiropractors designated by the board,  
1178 as a condition for initial, continued or renewal of licensure or  
1179 other authorization to practice chiropractic;

1180           (f) Require him to participate in a program of  
1181 education prescribed by the board; or

1182           (g) Require him to practice under the direction of a  
1183 chiropractor designated by the board for a specified period of  
1184 time.

1185           (6) Any person whose application for a license or whose  
1186 license to practice chiropractic has been cancelled, revoked or  
1187 suspended by the board within thirty (30) days from the date of  
1188 the final decision shall have the right of a de novo appeal to the  
1189 circuit court of his county of residence or the Circuit Court of  
1190 the First Judicial District of Hinds County, Mississippi. If  
1191 there is an appeal, the appeal may, in the discretion of and on  
1192 motion to the circuit court, act as a supersedeas. The circuit  
1193 court shall dispose of the appeal and enter its decision promptly.  
1194 The hearing on the appeal may, in the discretion of the circuit  
1195 judge, be tried in vacation. Either party shall have the right of  
1196 appeal to the Supreme Court as provided by law from any decision  
1197 of the circuit court.

1198           (7) In a proceeding conducted under this section by the  
1199 board for the revocation, suspension or cancellation of a license  
1200 to practice chiropractic, after a hearing has been conducted as  
1201 prescribed by this section, the board shall have the power and  
1202 authority for the grounds stated in subsection (1) of this  
1203 section, with the exception of paragraph (c) thereof, to assess  
1204 and levy upon any person licensed to practice chiropractic in the  
1205 state a monetary penalty in lieu of the revocation, suspension or  
1206 cancellation, as follows:

1207           (a) For the first violation, a monetary penalty of not  
1208 less than Five Hundred Dollars (\$500.00) nor more than One  
1209 Thousand Dollars (\$1,000.00) for each violation.

1210           (b) For the second and each subsequent violation, a  
1211 monetary penalty of not less than One Thousand Dollars (\$1,000.00)  
1212 nor more than Two Thousand Five Hundred Dollars (\$2,500.00) for  
1213 each violation.

1214           The power and authority of the board to assess and levy the  
1215 monetary penalties under this section shall not be affected or  
1216 diminished by any other proceeding, civil or criminal, concerning  
1217 the same violation or violations. A licensee shall have the right  
1218 of appeal from the assessment and levy of a monetary penalty as  
1219 provided in this section to the circuit court under the same  
1220 conditions as a right of appeal is provided for in this section  
1221 for appeals from an adverse ruling, or order, or decision of the  
1222 board. Any monetary penalty assessed and levied under this  
1223 section shall not take effect until after the time for appeal has  
1224 expired, and an appeal of the assessment and levy of such a  
1225 monetary penalty shall act as a supersedeas.

1226           (8) In addition to the grounds specified in subsection (1)  
1227 of this section, the board may suspend the license of any licensee  
1228 for being out of compliance with an order for support, as defined  
1229 in Section 93-11-153. The procedure for suspension of a license  
1230 for being out of compliance with an order for support, and the  
1231 procedure for the reissuance or reinstatement of a license  
1232 suspended for that purpose, and the payment of any fees for the  
1233 reissuance or reinstatement of a license suspended for that  
1234 purpose, shall be governed by Section 93-11-157 or 93-11-163, as  
1235 the case may be. Actions taken by the board in suspending a  
1236 license when required by Section 93-11-157 or 93-11-163 are not  
1237 actions from which an appeal may be taken under this section. Any  
1238 appeal of a license suspension that is required by Section  
1239 93-11-157 or 93-11-163 shall be taken in accordance with the  
1240 appeal procedure specified in Section 93-11-157 or 93-11-163, as  
1241 the case may be, rather than the procedure specified in this  
1242 section. If there is any conflict between any provision of  
1243 Section 93-11-157 or 93-11-163 and any provision of this chapter,  
1244 the provisions of Section 93-11-157 or 93-11-163, as the case may  
1245 be, shall control.

1246           **SECTION 7.** Section 73-7-27, Mississippi Code of 1972, is  
1247 amended as follows:

1248           73-7-27. (1) Any complaint may be filed with the board by a  
1249 member or agent of the board or by any person charging any  
1250 licensee of the board with the commission of any of the offenses  
1251 enumerated in subsection (2) or (3) of this section. The  
1252 complaint shall be in writing, signed by the accuser or accusers,  
1253 and verified under oath, and the complaints shall be investigated  
1254 as set forth in Section 73-7-7. If, after the investigation, the  
1255 board through its administrative review agents determines that  
1256 there is not substantial justification to believe that the accused  
1257 licensee has committed any of the offenses enumerated, it may  
1258 dismiss the complaint or may prepare a formal complaint proceeding  
1259 against the licensee as hereinafter provided. When used with  
1260 reference to any complaint filed against a licensee herein, the  
1261 term "not substantial justification" means a complaint that is  
1262 frivolous, groundless in fact or law, or vexatious, as determined  
1263 by unanimous vote of the board. If there is a dismissal, the  
1264 person filing the accusation and the accused licensee shall be  
1265 given written notice of the board's determination. If the board  
1266 determines there is reasonable cause to believe the accused has  
1267 committed any of those offenses, the secretary of the board shall  
1268 give written notice of that determination to the accused licensee  
1269 and set a day for a hearing as provided in subsection (3) of this  
1270 section.

1271           (2) The board shall have the power to revoke, suspend or  
1272 refuse to issue or renew any license or certificate provided for  
1273 in this chapter, and to fine, place on probation and/or otherwise  
1274 discipline a student or licensee or holder of a certificate, upon  
1275 proof that the person:

1276           (a) Has not complied with or has violated any of the  
1277 rules and regulations promulgated by the board;

1278 (b) Has not complied with or has violated any of the  
1279 sections of this chapter;

1280 (c) Has committed fraud or dishonest conduct in the  
1281 taking of the examination herein provided for;

1282 (d) Has been convicted of a felony;

1283 (e) Has committed grossly unprofessional or dishonest  
1284 conduct;

1285 (f) Is addicted to the excessive use of intoxicating  
1286 liquors or to the use of drugs to such an extent as to render him  
1287 or her unfit to practice in any of the practices or occupations  
1288 set forth in this chapter;

1289 (g) Has advertised by means of knowingly false or  
1290 deceptive statements; \* \* \*

1291 (h) Has failed to display the license or certificate  
1292 issued to him or her as provided for in this chapter; or

1293 (i) Has been convicted of violating any of the  
1294 provisions of this chapter.

1295 A conviction of violating any of the provisions of this  
1296 chapter shall be grounds for automatic suspension of the license  
1297 or certificate of the person.

1298 (3) Notwithstanding any provision of this chapter:

1299 (a) The board, acting on its own motion or, in the case  
1300 of a default on a loan, on the recommendation of the agency,  
1301 political subdivision or other public or private entity to which  
1302 payments are due, shall suspend the license of any person who  
1303 defaults on or fails to comply with the requirements of an  
1304 educational loan, service conditional scholarship or loan  
1305 repayment program obligation that has been granted or guaranteed  
1306 by any federal, state or local agency or political subdivision  
1307 under which the person obtained any of the education necessary to  
1308 qualify for a license under this chapter. However, before an  
1309 agency, political subdivision or other public or private entity  
1310 may recommend the suspension of a license due to the person's



1311 default on a loan, that agency, political subdivision or other  
1312 public or private entity must provide the license holder with  
1313 notice of its intention to recommend the suspension of the  
1314 person's license and an opportunity for the license holder to  
1315 respond; and

1316           (b) The person's license will remain suspended until  
1317 the person has: (i) made arrangements satisfactory to the board  
1318 for meeting the obligations of the loan, scholarship or loan  
1319 repayment program; or (ii) in the case of a default on a loan,  
1320 made arrangements satisfactory to the agency, political  
1321 subdivision or other public or private entity to which payments  
1322 are due for the repayment of the loan.

1323           (4) The board shall not revoke, suspend or refuse to issue  
1324 or renew any license or certificate, or fine, place on probation  
1325 or otherwise discipline any person in a disciplinary matter except  
1326 after a hearing of which the applicant or licensee or holder of  
1327 the certificate affected shall be given at least twenty (20) days'  
1328 notice in writing, specifying the reason or reasons for denying  
1329 the applicant a license or certificate of registration, or in the  
1330 case of any other disciplinary action, the offense or offenses of  
1331 which the licensee or holder of a certificate of registration is  
1332 charged. The notice may be served by mailing a copy thereof by  
1333 United States first class certified mail, postage prepaid, to the  
1334 last known residence or business address of the applicant,  
1335 licensee or holder of a certificate. The hearing on the charges  
1336 shall be at such time and place as the board may prescribe.

1337           (5) At those hearings, all witnesses shall be sworn by a  
1338 member of the board, and stenographic notes of the proceedings  
1339 shall be taken. Any party to the proceedings desiring it shall be  
1340 furnished with a copy of the stenographic notes upon payment to  
1341 the board of such fees as it shall prescribe, not exceeding,  
1342 however, the actual costs of transcription.

1343           (6) The board may issue subpoenas for the attendance of  
1344 witnesses and the production of books and papers. The process  
1345 issued by the board shall extend to all parts of the state and the  
1346 process shall be served by any person designated by the board for  
1347 that service. The person serving the process shall receive such  
1348 compensation as may be allowed by the board, not to exceed the fee  
1349 prescribed by law for similar services. All witnesses who shall  
1350 be subpoenaed, and who shall appear in any proceedings before the  
1351 board, shall receive the same fees and mileage as allowed by law.

1352           (7) Where in any proceeding before the board any  
1353 witness \* \* \* fails or refuses to attend upon subpoena issued by  
1354 the board, \* \* \* refuses to testify, or \* \* \* refuses to produce  
1355 any books and papers, the production of which is called for by the  
1356 subpoena, the attendance of the witness and the giving of his  
1357 testimony and the production of the books and papers shall be  
1358 enforced by any court of competent jurisdiction of this state, in  
1359 the manner as are enforced the attendance and testimony of  
1360 witnesses in civil cases in the courts of this state.

1361           (8) The board shall conduct the hearing in an orderly and  
1362 continuous manner, granting continuances only when the ends of  
1363 justice may be served. The board shall, within sixty (60) days  
1364 after conclusion of the hearing, reduce its decision to writing  
1365 and forward an attested true copy thereof to the last known  
1366 residence or business address of the applicant, licensee or holder  
1367 of a certificate, by way of United States first class certified  
1368 mail, postage prepaid. The applicant, licensee, holder of a  
1369 certificate, or person aggrieved shall have the right of appeal  
1370 from an adverse ruling, or order, or decision of the board to the  
1371 chancery court upon forwarding notice of appeal to the board  
1372 within thirty (30) days after the decision of the board is mailed  
1373 in the manner here contemplated. An appeal will not be allowed if  
1374 notice of appeal, together with the appeal bond hereinafter  
1375 required, is not \* \* \* forwarded to the board within the

1376 thirty-day period. Appeal shall be to the chancery court of the  
1377 county and judicial district of the residence of the appellant, or  
1378 to the Chancery Court of the First Judicial District of Hinds  
1379 County, Mississippi, at the election of the appellant. The notice  
1380 of appeal shall elect venue, unless the appellant be a nonresident  
1381 of the State of Mississippi, in which event the board shall  
1382 certify all documents and evidence directly to the Chancery Court  
1383 of the First Judicial District of Hinds County for further  
1384 proceedings. The appeal shall thereupon be heard in due course by  
1385 the court, which shall review the record and make its  
1386 determination thereon.

1387       (9) The appellant shall, together with the notice of appeal,  
1388 forward to and post with the board a satisfactory bond in the  
1389 amount of Five Hundred Dollars (\$500.00) for the payment of any  
1390 costs that may be adjudged against him.

1391       (10) If there is an appeal, the court shall dispose of the  
1392 appeal and enter its decision promptly. The hearing on the appeal  
1393 may, in the discretion of the chancellor, be tried in vacation.  
1394 If there is an appeal, the appeal may, in the discretion of and on  
1395 motion to the chancery court, act as a supersedeas. However, any  
1396 fine imposed by the board under the provisions of this chapter  
1397 shall not take effect until after the time for appeal has expired,  
1398 and an appeal of the imposition of such a fine shall act as a  
1399 supersedeas.

1400       (11) Any fine imposed by the board upon a licensee or holder  
1401 of a certificate shall be in accordance with the following  
1402 schedule:

1403               (a) For the first violation, a fine of not less than  
1404 Fifty Dollars (\$50.00) nor more than One Hundred Dollars (\$100.00)  
1405 for each violation.

1406               (b) For the second and each subsequent violation, a  
1407 fine of not less than One Hundred Dollars (\$100.00) nor more than  
1408 Four Hundred Dollars (\$400.00) for each violation.

1409           The power and authority of the board to impose the fines  
1410 under this section shall not be affected or diminished by any  
1411 other proceeding, civil or criminal, concerning the same violation  
1412 or violations.

1413           (12) In addition to the reasons specified in subsection (2)  
1414 of this section, the board may suspend the license of any licensee  
1415 for being out of compliance with an order for support, as defined  
1416 in Section 93-11-153. The procedure for suspension of a license  
1417 for being out of compliance with an order for support, and the  
1418 procedure for the reissuance or reinstatement of a license  
1419 suspended for that purpose, and the payment of any fees for the  
1420 reissuance or reinstatement of a license suspended for that  
1421 purpose, shall be governed by Section 93-11-157 or 93-11-163, as  
1422 the case may be. Actions taken by the board in suspending a  
1423 license when required by Section 93-11-157 or 93-11-163 are not  
1424 actions from which an appeal may be taken under this section. Any  
1425 appeal of a license suspension that is required by Section  
1426 93-11-157 or 93-11-163 shall be taken in accordance with the  
1427 appeal procedure specified in Section 93-11-157 or 93-11-163, as  
1428 the case may be, rather than the procedure specified in this  
1429 section. If there is any conflict between any provision of  
1430 Section 93-11-157 or 93-11-163 and any provision of this chapter,  
1431 the provisions of Section 93-11-157 or 93-11-163, as the case may  
1432 be, shall control.

1433           **SECTION 8.** Section 73-9-61, Mississippi Code of 1972, is  
1434 amended as follows:

1435           73-9-61. (1) Upon satisfactory proof, and in accordance  
1436 with statutory provisions elsewhere set out for those hearings and  
1437 protecting the rights of the accused as well as the public, the  
1438 State Board of Dental Examiners may deny the issuance or renewal  
1439 of a license or may revoke or suspend the license of any licensed  
1440 dentist or dental hygienist practicing in the State of  
1441 Mississippi, or take any other action in relation to the license

1442 as the board may deem proper under the circumstances, for any of  
1443 the following reasons:

1444 (a) Misrepresentation in obtaining a license, or  
1445 attempting to obtain, obtaining, attempting to renew or renewing a  
1446 license or professional credential by making any material  
1447 misrepresentation, including the signing in his or her  
1448 professional capacity any certificate that is known to be false at  
1449 the time he or she makes or signs the certificate.

1450 (b) Willful violation of any of the rules or  
1451 regulations duly promulgated by the board, or of any of the rules  
1452 or regulations duly promulgated by the appropriate dental  
1453 licensure agency of another state or jurisdiction.

1454 (c) Being impaired in the ability to practice dentistry  
1455 or dental hygiene with reasonable skill and safety to patients by  
1456 reason of illness or use of alcohol, drugs, narcotics, chemicals,  
1457 or any other type of material or as a result of any mental or  
1458 physical condition.

1459 (d) Administering, dispensing or prescribing any  
1460 prescriptive medication or drug outside the course of legitimate  
1461 professional dental practice.

1462 (e) Being convicted or found guilty of or entering a  
1463 plea of nolo contendere to, regardless of adjudication, a  
1464 violation of any federal or state law regulating the possession,  
1465 distribution or use of any narcotic drug or any drug considered a  
1466 controlled substance under state or federal law, a certified copy  
1467 of the conviction order or judgment rendered by the trial court  
1468 being prima facie evidence thereof, notwithstanding the pendency  
1469 of any appeal.

1470 (f) Practicing incompetently or negligently, regardless  
1471 of whether there is actual harm to the patient.

1472 (g) Being convicted or found guilty of or entering a  
1473 plea of nolo contendere to, regardless of adjudication, a crime in  
1474 any jurisdiction that relates to the practice of dentistry or

1475 dental hygiene, a certified copy of the conviction order or  
1476 judgment rendered by the trial court being prima facie evidence  
1477 thereof, notwithstanding the pendency of any appeal.

1478 (h) Being convicted or found guilty of or entering a  
1479 plea of nolo contendere to, regardless of adjudication, a felony  
1480 in any jurisdiction, a certified copy of the conviction order or  
1481 judgment rendered by the trial court being prima facie evidence  
1482 thereof, notwithstanding the pendency of any appeal.

1483 (i) Delegating professional responsibilities to a  
1484 person who is not qualified by training, experience or licensure  
1485 to perform them.

1486 (j) The refusal of a licensing authority of another  
1487 state or jurisdiction to issue or renew a license, permit or  
1488 certificate to practice dentistry or dental hygiene in that  
1489 jurisdiction or the revocation, suspension or other restriction  
1490 imposed on a license, permit or certificate issued by that  
1491 licensing authority that prevents or restricts practice in that  
1492 jurisdiction, a certified copy of the disciplinary order or action  
1493 taken by the other state or jurisdiction being prima facie  
1494 evidence thereof, notwithstanding the pendency of any appeal.

1495 (k) Surrender of a license or authorization to practice  
1496 dentistry or dental hygiene in another state or jurisdiction when  
1497 the board has reasonable cause to believe that the surrender is  
1498 made to avoid or in anticipation of a disciplinary action.

1499 (l) Any unprofessional conduct to be determined by the  
1500 board on a case-by-case basis, which shall include, but not be  
1501 restricted to, the following:

1502 (i) Committing any crime involving moral  
1503 turpitude.

1504 (ii) Practicing deceit or other fraud upon the  
1505 public.

1506 (iii) Practicing dentistry or dental hygiene under  
1507 a false or assumed name.

1508 (iv) Advertising that is false, deceptive or  
1509 misleading.

1510 (v) Announcing a specialized practice shall be  
1511 considered advertising that tends to deceive or mislead the public  
1512 unless the dentist announcing as a specialist conforms to other  
1513 statutory provisions and the duly promulgated rules or regulations  
1514 of the board pertaining to practice of dentistry in the State of  
1515 Mississippi.

1516 (m) Failure to provide and maintain reasonable sanitary  
1517 facilities and conditions or failure to follow board rules  
1518 regarding infection control.

1519 (n) Committing any act that would constitute sexual  
1520 misconduct upon a patient or upon ancillary staff. For purposes  
1521 of this subsection, the term sexual misconduct means:

1522 (i) Use of the licensee-patient relationship to  
1523 engage or attempt to engage the patient in sexual activity; or

1524 (ii) Conduct of a licensee that is intended to  
1525 intimidate, coerce, influence or trick any person employed by or  
1526 for the licensee in a dental practice or educational setting for  
1527 the purpose of engaging in sexual activity or activity intended  
1528 for the sexual gratification of the licensee.

1529 (o) Violation of a lawful order of the board previously  
1530 entered in a disciplinary or licensure hearing; failure to  
1531 cooperate with any lawful request or investigation by the board;  
1532 or failure to comply with a lawfully issued subpoena of the board.

1533 (p) Willful, obstinate and continuing refusal to  
1534 cooperate with the board in observing its rules and regulations in  
1535 promptly paying all legal license or other fees required by law.

1536 (q) Practicing dentistry or dental hygiene while the  
1537 person's license is suspended.

1538 (2) Notwithstanding any provision of this chapter:

1539 (a) The board, acting on its own motion or, in the case  
1540 of a default on a loan, on the recommendation of the agency,

1541 political subdivision or other public or private entity to which  
1542 payments are due, shall suspend the license of any person who  
1543 defaults on or fails to comply with the requirements of an  
1544 educational loan, service conditional scholarship or loan  
1545 repayment program obligation that has been granted or guaranteed  
1546 by any federal, state or local agency or political subdivision  
1547 under which the person obtained any of the education necessary to  
1548 qualify for a license under this chapter. However, before an  
1549 agency, political subdivision or other public or private entity  
1550 may recommend the suspension of a license due to the person's  
1551 default on a loan, that agency, political subdivision or other  
1552 public or private entity must provide the license holder with  
1553 notice of its intention to recommend the suspension of the  
1554 person's license and an opportunity for the license holder to  
1555 respond; and

1556       (b) The person's license will remain suspended until  
1557 the person has: (i) made arrangements satisfactory to the board  
1558 for meeting the obligations of the loan, scholarship or loan  
1559 repayment program; or (ii) in the case of a default on a loan,  
1560 made arrangements satisfactory to the agency, political  
1561 subdivision or other public or private entity to which payments  
1562 are due for the repayment of the loan.

1563       (3) In lieu of revocation of a license as provided for in  
1564 subsection (1) of this section, the board may suspend the license  
1565 of the offending dentist or dental hygienist, suspend the sedation  
1566 permit of the offending dentist, or take any other action in  
1567 relation to his or her license as the board may deem proper under  
1568 the circumstances.

1569       (4) When a license to practice dentistry or dental hygiene  
1570 is revoked or suspended by the board, the board may, in its  
1571 discretion, stay the revocation or suspension and simultaneously  
1572 place the licensee on probation upon the condition that the  
1573 licensee shall not violate the laws of the State of Mississippi



1574 pertaining to the practice of dentistry or dental hygiene and  
1575 shall not violate the rules and regulations of the board and shall  
1576 not violate any terms in relation to his or her license as may be  
1577 set by the board.

1578       (5) In a proceeding conducted under this section by the  
1579 board for the denial, revocation or suspension of a license to  
1580 practice dentistry or dental hygiene, the board shall have the  
1581 power and authority for the grounds stated for that denial,  
1582 revocation or suspension, and in addition thereto or in lieu of  
1583 that denial, revocation or suspension may assess and levy upon any  
1584 person licensed to practice dentistry or dental hygiene in the  
1585 State of Mississippi, a monetary penalty, as follows:

1586           (a) For the first violation of any of subparagraph (a),  
1587 (b), (c), (d), (f), (i), (l), (m), (n), (o) or (q) of subsection  
1588 (1) of this section, a monetary penalty of not less than Fifty  
1589 Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00).

1590           (b) For the second violation of any of subparagraph  
1591 (a), (b), (c), (d), (f), (i), (l), (m), (n), (o) or (q) of  
1592 subsection (1) of this section, a monetary penalty of not less  
1593 than One Hundred Dollars (\$100.00) nor more than One Thousand  
1594 Dollars (\$1,000.00).

1595           (c) For the third and any subsequent violation of any  
1596 of subparagraph (a), (b), (c), (d), (f), (i), (l), (m), (n), (o)  
1597 or (q) of subsection (1) of this section, a monetary penalty of  
1598 not less than Five Hundred Dollars (\$500.00) and not more than  
1599 Five Thousand Dollars (\$5,000.00).

1600           (d) For any violation of any of subparagraphs (a)  
1601 through (q) of subsection (1) of this section, those reasonable  
1602 costs that are expended by the board in the investigation and  
1603 conduct of a proceeding for licensure revocation or suspension,  
1604 including, but not limited to, the cost of process service, court  
1605 reporters, expert witnesses and investigators.

1606       (6) The power and authority of the board to assess and levy  
1607 monetary penalties under this section shall not be affected or  
1608 diminished by any other proceeding, civil or criminal, concerning  
1609 the same violation or violations except as provided in this  
1610 section.

1611       (7) A licensee shall have the right of appeal from the  
1612 assessment and levy of a monetary penalty as provided in this  
1613 section under the same conditions as a right of appeal is provided  
1614 elsewhere for appeals from an adverse ruling, order or decision of  
1615 the board.

1616       (8) Any monetary penalty assessed and levied under this  
1617 section shall not take effect until after the time for appeal has  
1618 expired. If there is an appeal, the appeal shall act as a  
1619 supersedeas.

1620       (9) A monetary penalty assessed and levied under this  
1621 section shall be paid to the board by the licensee upon the  
1622 expiration of the period allowed for appeal of those penalties  
1623 under this section or may be paid sooner if the licensee elects.  
1624 With the exception of subsection (5)(d) of this section, monetary  
1625 penalties collected by the board under this section shall be  
1626 deposited to the credit of the General Fund of the State Treasury.  
1627 Any monies collected by the board under subsection (5)(d) of this  
1628 section shall be deposited into the special fund operating account  
1629 of the board.

1630       (10) When payment of a monetary penalty assessed and levied  
1631 by the board against a licensee in accordance with this section is  
1632 not paid by the licensee when due under this section, the board  
1633 shall have power to institute and maintain proceedings in its name  
1634 for enforcement of payment in the chancery court of the county and  
1635 judicial district of residence of the licensee, and if the  
1636 licensee is a nonresident of the State of Mississippi, the  
1637 proceedings shall be in the Chancery Court of the First Judicial  
1638 District of Hinds County, Mississippi.

1639           (11) In addition to the reasons specified in subsection (1)  
1640 of this section, the board may suspend the license of any licensee  
1641 for being out of compliance with an order for support, as defined  
1642 in Section 93-11-153. The procedure for suspension of a license  
1643 for being out of compliance with an order for support, and the  
1644 procedure for the reissuance or reinstatement of a license  
1645 suspended for that purpose, and the payment of any fees for the  
1646 reissuance or reinstatement of a license suspended for that  
1647 purpose, shall be governed by Section 93-11-157 or 93-11-163, as  
1648 the case may be. If there is any conflict between any provision  
1649 of Section 93-11-157 or 93-11-163 and any provision of this  
1650 chapter, the provisions of Section 93-11-157 or 93-11-163, as the  
1651 case may be, shall control.

1652           (12) All grounds for disciplinary action, including  
1653 imposition of fines and assessment of costs as enumerated above,  
1654 shall also apply to any other license or permit issued by the  
1655 board under this chapter or regulations duly adopted by the board.

1656           **SECTION 9.** Section 73-10-21, Mississippi Code of 1972, is  
1657 amended as follows:

1658           73-10-21. (1) Rules, regulations and standards.

1659           (a) The board shall adopt, amend, promulgate and  
1660 enforce such rules, regulations and standards governing dietitians  
1661 as may be necessary to further the accomplishment of the purpose  
1662 of the governing law, and in so doing shall utilize as the basis  
1663 thereof the corresponding recommendations of the advisory council.  
1664 The rules, regulations and minimum standards for licensing of  
1665 dietitians may be amended by the board as deemed necessary. In so  
1666 doing, the board shall utilize as the basis thereof the  
1667 corresponding recommendations of the advisory council.

1668           (b) The board shall publish and disseminate to all  
1669 licensees, in appropriate manner, the licensure standards  
1670 prescribed by this chapter, any amendments thereto, and such rules

1671 and regulations as the board may adopt under the authority vested  
1672 by Section 73-38-13, within sixty (60) days of their adoption.

1673 (2) The board shall adopt a code of ethics for dietitians  
1674 using as the basis thereof the ADA "Code of Ethics for the  
1675 Profession of Dietetics."

1676 (3) Issuance and renewal of licenses.

1677 (a) The board shall issue a license to any person who  
1678 meets the requirements of this chapter upon payment of the license  
1679 fee prescribed.

1680 (b) Upon the first renewal, licenses under this chapter  
1681 shall be valid for two (2) calendar years and shall be subject to  
1682 renewal and shall expire unless renewed in the manner prescribed  
1683 by the rules and regulations of the board, upon the payment of a  
1684 biennial renewal fee to be set at the discretion of the board, but  
1685 not to exceed One Hundred Dollars (\$100.00), and the presentation  
1686 of evidence satisfactory to the board that the licensee has met  
1687 such continuing education requirements as the board may require.  
1688 An applicant for license renewal shall demonstrate to the board  
1689 evidence of satisfactory completion of the continuing education  
1690 requirements established by the American Dietetic Association  
1691 and/or other continuing education requirements as may be required  
1692 by the board.

1693 (c) The board may provide for the late renewal of a  
1694 license upon the payment of a late fee in accordance with its  
1695 rules and regulations, but no such late renewal of a license may  
1696 be granted more than one (1) year after its expiration.

1697 (d) A suspended license shall be subject to expiration  
1698 and may be renewed as provided in this section, but that renewal  
1699 shall not entitle the licensee, while the license remains  
1700 suspended and until it is reinstated, to engage in the licensed  
1701 activity, or in any other conduct or activity in violation of the  
1702 order of judgment by which the license was suspended. If a  
1703 license revoked on disciplinary grounds is reinstated, the

1704 licensee, as a condition of reinstatement, shall pay the renewal  
1705 fee and any late fee that may be applicable.

1706 (4) Denial or revocation of license.

1707 (a) The board may deny or refuse to renew a license, or  
1708 suspend or revoke a license, or issue orders to cease or desist  
1709 from certain conduct, or issue warnings or reprimands where the  
1710 licensee or applicant for license has been convicted of unlawful  
1711 conduct or has demonstrated unprofessional conduct that has  
1712 endangered or is likely to endanger the health, welfare or safety  
1713 of the public. That conduct includes:

1714 (i) Obtaining a license by means of fraud,  
1715 misrepresentation or concealment of material facts;

1716 (ii) Being guilty of unprofessional conduct as  
1717 defined by the rules and established by the board or violating the  
1718 Code of Ethics of the American Dietetic Association;

1719 (iii) Being convicted of a crime in any court  
1720 other than a misdemeanor;

1721 (iv) Violating any lawful order, rule or  
1722 regulation rendered or adopted by the board; or

1723 (v) Violating any provision of this chapter.

1724 (b) The denial, refusal to renew, suspension,  
1725 revocation, order to cease and desist from designated conduct, or  
1726 warning or reprimand may be ordered by the board in a decision  
1727 made after a hearing in the manner provided by the rules and  
1728 regulations adopted by the board. One (1) year from the date of  
1729 the revocation of a license, application may be made to the board  
1730 for reinstatement. The board shall have discretion to accept or  
1731 reject an application for reinstatement and may, but shall not be  
1732 required to, hold a hearing to consider the reinstatement.

1733 (c) Notwithstanding any provision of this chapter:

1734 (i) The board, acting on its own motion or, in the  
1735 case of a default on a loan, on the recommendation of the agency,  
1736 political subdivision or other public or private entity to which

1737 payments are due, shall suspend the license of any person who  
1738 defaults on or fails to comply with the requirements of an  
1739 educational loan, service conditional scholarship or loan  
1740 repayment program obligation that has been granted or guaranteed  
1741 by any federal, state or local agency or political subdivision  
1742 under which the person obtained any of the education necessary to  
1743 qualify for a license under this chapter. However, before an  
1744 agency, political subdivision or other public or private entity  
1745 may recommend the suspension of a license due to the person's  
1746 default on a loan, that agency, political subdivision or other  
1747 public or private entity must provide the license holder with  
1748 notice of its intention to recommend the suspension of the  
1749 person's license and an opportunity for the license holder to  
1750 respond; and

1751 (ii) The person's license will remain suspended  
1752 until the person has: made arrangements satisfactory to the board  
1753 for meeting the obligations of the loan, scholarship or loan  
1754 repayment program; or, in the case of a default on a loan, made  
1755 arrangements satisfactory to the agency, political subdivision or  
1756 other public or private entity to which payments are due for the  
1757 repayment of the loan.

1758 (d) In addition to the reasons specified in paragraph  
1759 (a) of this subsection (4), the board may suspend the license of  
1760 any licensee for being out of compliance with an order for  
1761 support, as defined in Section 93-11-153. The procedure for  
1762 suspension of a license for being out of compliance with an order  
1763 for support, and the procedure for the reissuance or reinstatement  
1764 of a license suspended for that purpose, and the payment of any  
1765 fees for the reissuance or reinstatement of a license suspended  
1766 for that purpose, shall be governed by Section 93-11-157 or  
1767 93-11-163, as the case may be. If there is any conflict between  
1768 any provision of Section 93-11-157 or 93-11-163 and any provision

1769 of this chapter, the provisions of Section 93-11-157 or 93-11-163,  
1770 as the case may be, shall control.

1771 (5) Establish fees.

1772 (a) A person licensed under this chapter shall pay to  
1773 the board a fee, not to exceed One Hundred Dollars (\$100.00), to  
1774 be set by the board for the issuance of a license.

1775 (b) Those fees shall be set in such an amount as to  
1776 reimburse the state to the extent feasible for the cost of the  
1777 services rendered.

1778 (6) Collect funds.

1779 (a) The administration of the provisions of this  
1780 chapter shall be financed from income accruing from fees, licenses  
1781 and other charges assessed and collected by the board in  
1782 administering this chapter.

1783 (b) The board shall receive and account for all funds  
1784 received and shall keep those funds in a separate fund.

1785 (c) Funds collected under the provisions of this  
1786 chapter shall be used solely for the expenses of the advisory  
1787 council and the board to administer the provisions of this  
1788 chapter. Those funds shall be subject to audit by the State  
1789 Auditor.

1790 (d) Members of the advisory council shall receive no  
1791 compensation for services performed on the council, but may be  
1792 reimbursed for necessary and actual expenses incurred in  
1793 connection with attendance at meetings of the council or for  
1794 authorized business of the council from funds made available for  
1795 that purpose, as provided in Section 25-3-41.

1796 (7) Receive and process complaints.

1797 (a) The board shall have full authority to investigate  
1798 and evaluate each and every applicant applying for a license to  
1799 practice dietetics, with the advice of the advisory council.

1800 (b) The board shall have the authority to issue  
1801 subpoenas, examine witnesses and administer oaths, and shall, at

1802 its discretion, investigate allegations or practices violating the  
1803 provisions of this chapter, and in so doing shall have power to  
1804 seek injunctive relief to prohibit any person from providing  
1805 professional dietetic services as defined in Section 73-10-3(1)(j)  
1806 without being licensed as provided herein.

1807 (8) A license certificate issued by the board is the  
1808 property of the board and must be surrendered on demand.

1809 **SECTION 10.** Section 73-11-57, Mississippi Code of 1972, is  
1810 amended as follows:

1811 73-11-57. (1) The board may refuse to examine or to issue  
1812 or renew, or may suspend or revoke, any license, or may reprimand  
1813 or place the holder thereof on a term of probation, after proper  
1814 hearing, upon finding the holder of the license to be guilty of  
1815 acts of commission or omission including the following:

1816 (a) The employment of fraud or deception in applying  
1817 for a license or in passing the examination provided for in this  
1818 chapter;

1819 (b) The erroneous issuance of a license to any person;

1820 (c) The conviction of a felony by any court in this  
1821 state or any federal court or by the court of any other state or  
1822 territory of the United States;

1823 (d) The practice of embalming under a false name or  
1824 without a license for the practice of funeral service;

1825 (e) The impersonation of another funeral service or  
1826 funeral directing licensee;

1827 (f) The permitting of a person other than a funeral  
1828 service or funeral directing licensee to make arrangements for a  
1829 funeral and/or form of disposition;

1830 (g) Violation of any provision of this chapter or any  
1831 rule or regulation of the board;

1832 (h) Having had a license for the practice of funeral  
1833 service or funeral directing suspended or revoked in any  
1834 jurisdiction, having voluntarily surrendered his license in any



1835 jurisdiction, having been placed on probation in any jurisdiction,  
1836 having been placed under disciplinary order(s) or other  
1837 restriction in any manner for funeral directing and/or funeral  
1838 service, or operating a funeral establishment (a certified copy of  
1839 the order of suspension, revocation, probation or disciplinary  
1840 action shall be prima facie evidence of that action);

1841 (i) Solicitation of dead human bodies by the licensee,  
1842 his agents, assistants or employees, whether the solicitation  
1843 occurs after death or when death is imminent; if the person  
1844 solicited has made known a desire not to receive the  
1845 communication, or if the solicitation involves coercion, duress or  
1846 harassment, or if the solicitation takes place at the residence of  
1847 the client or prospective client, is uninvited by the client or  
1848 prospective client and has not been previously agreed to by the  
1849 client or prospective client; however, this shall not be deemed to  
1850 prohibit general advertising;

1851 (j) Employment directly or indirectly of any  
1852 apprentice, agent, assistant, employee, or other person, on a  
1853 part-time or full-time basis or on commission, for the purpose of  
1854 calling upon individuals or institutions by whose influence dead  
1855 human bodies may be turned over to a particular funeral  
1856 establishment;

1857 (k) Failure to make responses to communications or  
1858 requests of the board within thirty (30) days;

1859 (l) Failure to comply with an order of the board within  
1860 thirty (30) days;

1861 (m) Knowingly performing any act that in any way  
1862 assists an unlicensed person to practice funeral service or  
1863 funeral directing;

1864 (n) Making a false statement on death certificates; or

1865 (o) Unprofessional conduct that includes, but is not  
1866 limited to:

1867 (i) Retaining a dead human body for the payment of  
1868 a fee for the performance of services not authorized in writing;

1869 (ii) Knowingly performing any act that in any way  
1870 assists an unlicensed person to practice funeral service or  
1871 funeral directing;

1872 (iii) Being guilty of any dishonorable conduct  
1873 likely to deceive, defraud or harm the public;

1874 (iv) Any act or omission in the practice of  
1875 funeral service or directing that constitutes dishonesty, fraud or  
1876 misrepresentation with the intent to benefit the licensee, another  
1877 person or funeral establishment, or with the intent to  
1878 substantially injure another person, licensee or funeral  
1879 establishment; or

1880 (v) Any act or conduct, whether the same or of a  
1881 different character than specified above, that constitutes or  
1882 demonstrates bad faith, incompetency or untrustworthiness; or  
1883 dishonest, fraudulent or improper dealing; or any other violation  
1884 of the provisions of this chapter, the rules and regulations  
1885 established by the board or any rule or regulation promulgated by  
1886 the Federal Trade Commission relative to the practice of funeral  
1887 service or funeral directing.

1888 (2) Notwithstanding any provision of this chapter:

1889 (a) The board, acting on its own motion or, in the case  
1890 of a default on a loan, on the recommendation of the agency,  
1891 political subdivision or other public or private entity to which  
1892 payments are due, shall suspend the license of any person who  
1893 defaults on or fails to comply with the requirements of an  
1894 educational loan, service conditional scholarship or loan  
1895 repayment program obligation that has been granted or guaranteed  
1896 by any federal, state or local agency or political subdivision  
1897 under which the person obtained any of the education necessary to  
1898 qualify for a license under this chapter. However, before an  
1899 agency, political subdivision or other public or private entity

1900 may recommend the suspension of a license due to the person's  
1901 default on a loan, that agency, political subdivision or other  
1902 public or private entity must provide the license holder with  
1903 notice of its intention to recommend the suspension of the  
1904 person's license and an opportunity for the license holder to  
1905 respond; and

1906           (b) The person's license will remain suspended until  
1907 the person has: (i) made arrangements satisfactory to the board  
1908 for meeting the obligations of the loan, scholarship or loan  
1909 repayment program; or (ii) in the case of a default on a loan,  
1910 made arrangements satisfactory to the agency, political  
1911 subdivision or other public or private entity to which payments  
1912 are due for the repayment of the loan.

1913           (3) The board may, upon satisfactory proof that the  
1914 applicant or licensee has been guilty of any of the offenses \* \* \*  
1915 enumerated in subsection (1) of this section, refuse to examine or  
1916 issue a license to the applicant, or may refuse to renew or revoke  
1917 or suspend the license of the licensee, or place on probation or  
1918 reprimand him, upon a majority vote of the board members, after a  
1919 hearing thereon. The board is \* \* \* vested with full power and  
1920 authority to hold and conduct those hearings, compel the  
1921 attendance of witnesses and the production of books, records and  
1922 documents, issue subpoenas therefor, administer oaths, examine  
1923 witnesses, and do all things necessary to properly conduct those  
1924 hearings. The board may waive the necessity of a hearing if the  
1925 person accused of a violation admits that he has been guilty of  
1926 that offense. Any person who has been refused a license or whose  
1927 license has been revoked or suspended may, within thirty (30) days  
1928 after the decision of the board, file with the board a written  
1929 notice stating that he feels himself aggrieved by the decision and  
1930 appeals therefrom to the circuit court. Upon the filing of the  
1931 notice, the secretary of the board shall transmit to the clerk of  
1932 the circuit court the records and findings of the proceedings.

1933 The circuit court shall hear and determine as to whether the  
1934 action of the board was in accord or consistent with law, or was  
1935 arbitrary, unwarranted or in abuse of discretion. An appeal from  
1936 the circuit court judgment or decree may be reviewed by the  
1937 Supreme Court as is provided by law for other appeals. An appeal  
1938 of a decision or order of the board does not act as a supersedeas.

1939 (4) In a proceeding conducted under this section by the  
1940 board for the revocation or suspension of a license, the board  
1941 shall have the power and authority for the grounds stated for the  
1942 revocation or suspension, and in addition thereto or in lieu of  
1943 the revocation or suspension may assess and levy upon any person  
1944 licensed under this chapter, a monetary penalty, as follows:

1945 (a) For the first violation of any of the subparagraphs  
1946 of subsection (1) of this section, a monetary penalty of not less  
1947 than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars  
1948 (\$500.00).

1949 (b) For the second violation of any of the  
1950 subparagraphs of subsection (1) of this section, a monetary  
1951 penalty of not less than One Hundred Dollars (\$100.00) nor more  
1952 than One Thousand Dollars (\$1,000.00).

1953 (c) For the third and any subsequent violation of any  
1954 of the subparagraphs of subsection (1) of this section, a monetary  
1955 penalty of not less than Five Hundred Dollars (\$500.00) and not  
1956 more than Five Thousand Dollars (\$5,000.00).

1957 (d) For any violation of any of the subparagraphs of  
1958 subsection (1) of this section, those reasonable costs that are  
1959 expended by the board in the investigation and conduct of a  
1960 proceeding for licensure revocation or suspension, including, but  
1961 not limited to, the cost of process service, court reporters,  
1962 expert witnesses and investigators.

1963 (5) The power and authority of the board to assess and levy  
1964 the monetary penalties under this section shall not be affected or  
1965 diminished by any other proceeding, civil or criminal, concerning

1966 the same violation or violations except as provided in this  
1967 section.

1968       (6) A licensee shall have the right of appeal from the  
1969 assessment and levy of a monetary penalty as provided in this  
1970 section under the same conditions as a right of appeal is provided  
1971 elsewhere for appeals from an adverse ruling, order or decision of  
1972 the board.

1973       (7) Any monetary penalty assessed and levied under this  
1974 section shall not take effect until after the time for appeal has  
1975 expired.

1976       (8) A monetary penalty assessed and levied under this  
1977 section shall be paid to the board by the licensee upon the  
1978 expiration of the period allowed for appeal of the penalties under  
1979 this section or may be paid sooner if the licensee elects.  
1980 With the exception of subsection (4)(d) of this section, monetary  
1981 penalties collected by the board under this section shall be  
1982 deposited to the credit of the General Fund of the State Treasury.  
1983 Any monies collected by the board under subsection (4)(d) of this  
1984 section shall be deposited into the special fund operating account  
1985 of the board.

1986       (9) When payment of a monetary penalty assessed and levied  
1987 by the board against a licensee in accordance with this section is  
1988 not paid by the licensee when due under this section, the board  
1989 shall have power to institute and maintain proceedings in its name  
1990 for enforcement of payment in the chancery court of the county and  
1991 judicial district of residence of the licensee, and if the  
1992 licensee is a nonresident of the State of Mississippi, the  
1993 proceedings shall be in the Chancery Court of the First Judicial  
1994 District of Hinds County, Mississippi.

1995       (10) In addition to the reasons specified in subsection (1)  
1996 of this section, the board may suspend the license of any licensee  
1997 for being out of compliance with an order for support, as defined  
1998 in Section 93-11-153. The procedure for suspension of a license

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

2015       **SECTION 11.** Section 73-13-37, Mississippi Code of 1972, is  
2016 amended as follows:

2017       73-13-37. (1) The board, upon satisfactory proof and in  
2018 accordance with the provisions of this chapter and the  
2019 implementing regulations of the board pertaining thereto, may take  
2020 the disciplinary actions provided for hereinafter against any  
2021 person practicing engineering or surveying, including  
2022 nonregistrants, for any of the following reasons:

2023           (a) Violating any of the provisions of Sections 73-13-1  
2024 through 73-13-45 or the implementing of bylaws, rules,  
2025 regulations, or standards of ethics or conduct duly adopted and  
2026 promulgated by the board pertaining to the practice of  
2027 engineering;

2028           (b) Fraud, deceit or misrepresentation in obtaining a  
2029 certificate of registration;

2030           (c) Gross negligence, malpractice or incompetency;

2031 (d) Any professional misconduct, as defined by the  
2032 board through bylaws, rules and regulations, and standards of  
2033 conduct and ethics;

2034 (e) Practicing or offering to practice engineering on  
2035 an expired certificate or while under suspension or revocation of  
2036 certificate unless the suspension or revocation is abated through  
2037 probation, as provided for hereinafter; or

2038 (f) Addiction to or dependence on alcohol or other  
2039 habit-forming drugs or being an habitual user of alcohol,  
2040 narcotics, barbiturates, amphetamines, hallucinogens, or other  
2041 drugs having similar effect.

2042 (2) Notwithstanding any provision of this chapter:

2043 (a) The board, acting on its own motion or, in the case  
2044 of a default on a loan, on the recommendation of the agency,  
2045 political subdivision or other public or private entity to which  
2046 payments are due, shall suspend the certificate of registration of  
2047 any person who defaults on or fails to comply with the  
2048 requirements of an educational loan, service conditional  
2049 scholarship or loan repayment program obligation that has been  
2050 granted or guaranteed by any federal, state or local agency or  
2051 political subdivision under which the person obtained any of the  
2052 education necessary to qualify for a certificate of registration  
2053 under this chapter. However, before an agency, political  
2054 subdivision or other public or private entity may recommend the  
2055 suspension of a certificate of registration due to the person's  
2056 default on a loan, that agency, political subdivision or other  
2057 public or private entity must provide the certificate holder with  
2058 notice of its intention to recommend the suspension of the  
2059 person's certificate of registration and an opportunity for the  
2060 certificate holder to respond; and

2061 (b) The person's certificate of registration will  
2062 remain suspended until the person has: (i) made arrangements  
2063 satisfactory to the board for meeting the obligations of the loan,

2064 scholarship or loan repayment program; or (ii) in the case of a  
2065 default on a loan, made arrangements satisfactory to the agency,  
2066 political subdivision or other public or private entity to which  
2067 payments are due for the repayment of the loan.

2068       (3) Any person may prefer charges against any other person  
2069 practicing engineering or surveying, including nonregistrants, for  
2070 committing any of the acts set forth in subsection (1) or (2) of  
2071 this section. The charges shall be sworn to, either upon actual  
2072 knowledge or upon information and belief, and shall be filed with  
2073 the board. If any person certified under Sections 73-13-1 through  
2074 73-13-45 is expelled from membership in any Mississippi  
2075 professional engineering society or association, the board shall  
2076 thereafter cite the person to appear at a hearing before the board  
2077 and to show cause why disciplinary action should not be taken  
2078 against him.

2079       The board shall investigate all charges filed with it and,  
2080 upon finding reasonable cause to believe that the charges are not  
2081 frivolous, unfounded or filed in bad faith, may, in its  
2082 discretion, cause a hearing to be held, at a time and place fixed  
2083 by the board, regarding the charges and may compel the accused by  
2084 subpoena to appear before the board to respond to the charges.

2085       No disciplinary action taken under this section may be taken  
2086 until the accused has been furnished both a statement of the  
2087 charges against him and notice of the time and place of the  
2088 hearing thereof, which shall be personally served on or mailed by  
2089 registered or certified mail, return receipt requested, to the  
2090 last-known business or residence address of the accused not less  
2091 than thirty (30) days before the date fixed for the hearing.

2092       (4) At any hearing held under this section, the board shall  
2093 have the power to subpoena witnesses and compel their attendance  
2094 and may also require the production of books, papers, documents,  
2095 etc., as provided elsewhere in this chapter. The board may  
2096 designate or secure a hearing officer to conduct the hearing. All



2097 evidence shall be presented under oath, which may be administered  
2098 by any member of the board, and thereafter the proceedings may, if  
2099 necessary, be transcribed in full by the court reporter and filed  
2100 as part of the record in the case. Copies of those transcriptions  
2101 may be provided to any party to the proceedings at a cost to be  
2102 fixed by the board.

2103 All witnesses who shall be subpoenaed and who shall appear in  
2104 any proceedings before the board shall receive the same fees and  
2105 mileage as allowed by law in judicial civil proceedings, and all  
2106 such fees shall be taxed as part of the costs in the case.

2107 Where in any proceeding before the board any witness \* \* \*  
2108 fails or refuses to attend upon subpoena issued by the  
2109 board, \* \* \* refuses to testify or \* \* \* refuses to produce any  
2110 books and papers, the production of which is called for by the  
2111 subpoena, the attendance of the witness and the giving of his  
2112 testimony and the production of the books and papers shall be  
2113 enforced by any court of competent jurisdiction of this state in  
2114 the manner provided for the enforcement of attendance and  
2115 testimony of witnesses in civil cases in the courts of this state.

2116 The accused shall have the right to be present at the hearing  
2117 in person, by counsel or other representative, or both. The board  
2118 may continue or recess the hearing as may be necessary.

2119 (5) At the conclusion of the hearing, the board may either  
2120 decide the issue at that time or take the case under advisement  
2121 for further deliberation. The board shall render its decision not  
2122 more than ninety (90) days after the close of the hearing, and  
2123 shall forward to the last-known business or residence address of  
2124 the accused, by certified or registered mail, return receipt  
2125 requested, a written statement of the decision of the board.

2126 If a majority of the board finds the accused guilty of the  
2127 charges filed, the board may:

2128 (a) Issue a public or private reprimand;

2129 (b) Require the guilty party to complete a course,  
2130 approved by the board, in ethics;

2131 (c) Suspend or revoke the certificate of the accused,  
2132 if the accused is a registrant; or

2133 (d) In lieu of or in addition to the reprimand, course  
2134 completion, suspension or revocation, assess and levy upon the  
2135 guilty party a monetary penalty of not less than One Hundred  
2136 Dollars (\$100.00) nor more than Five Thousand Dollars (\$5,000.00)  
2137 for each violation.

2138 (6) A monetary penalty assessed and levied under this  
2139 section shall be paid to the board upon the expiration of the  
2140 period allowed for appeal of the penalties under this section, or  
2141 may be paid sooner if the guilty party elects. Money collected by  
2142 the board under this section shall be deposited to the credit of  
2143 the board's special fund in the State Treasury.

2144 When payment of a monetary penalty assessed and levied by the  
2145 board in accordance with this section is not paid when due, the  
2146 board shall have the power to institute and maintain proceedings  
2147 in its name for enforcement of payment in the chancery court of  
2148 the county and judicial district of residence of the guilty party  
2149 and if the guilty party is a nonresident of the State of  
2150 Mississippi, the proceedings shall be in the Chancery Court of the  
2151 First Judicial District of Hinds County, Mississippi.

2152 (7) When the board has taken a disciplinary action under  
2153 this section, the board may, in its discretion, stay the action  
2154 and place the guilty party on probation for a period not to exceed  
2155 one (1) year upon the condition that the guilty party shall not  
2156 further violate either the laws of the State of Mississippi  
2157 pertaining to the practice of engineering or the bylaws, rules and  
2158 regulations, or standards of conduct and ethics promulgated by the  
2159 board.

2160 (8) The board, in its discretion, may assess and tax any  
2161 part or all of the costs of any disciplinary proceedings conducted

2162 under this section against either the accused, the charging party,  
2163 or both, as it may elect.

2164       (9) The power and authority of the board to assess and levy  
2165 the monetary penalties provided for in this section shall not be  
2166 affected or diminished by any other proceeding, civil or criminal,  
2167 concerning the same violation or violations except as provided in  
2168 this section.

2169       (10) The board, for sufficient cause, may reissue a revoked  
2170 certificate of registration whenever a majority of the board  
2171 members vote to do so.

2172       (11) Any person aggrieved by an action of the board denying  
2173 or revoking his certificate of registration or re-registration as  
2174 a professional engineer or his certificate of enrollment as an  
2175 engineer intern, or who is aggrieved by the action of the board as  
2176 a result of disciplinary proceedings conducted under this section  
2177 may appeal therefrom to the chancery court of either the county in  
2178 which the appellant resides or the Chancery Court of the First  
2179 Judicial District of Hinds County, at the election of the  
2180 appellant. If the appellant is a nonresident of this state, the  
2181 appeal shall be made to the Chancery Court of the First Judicial  
2182 District of Hinds County. The appeal shall be perfected before  
2183 the board by the filing with the board of a notice of appeal to  
2184 the chancery court. The court shall require a bond in an amount  
2185 not to exceed One Thousand Dollars (\$1,000.00) conditioned to pay  
2186 all costs that may be adjudged against the appellant. The notice  
2187 of appeal shall be filed not later than thirty (30) days after the  
2188 decision of the board is forwarded to the guilty party, as  
2189 provided hereinabove.

2190       All appeals perfected under this section shall act as a  
2191 supersedeas, and shall be made to the chancery court solely upon  
2192 the record made before the board during the disciplinary hearing.  
2193 When the appeal has been properly perfected as provided in this  
2194 section, the board shall cause the record of the proceedings

2195 conducted before it to be compiled, certified and filed with the  
2196 chancery court. The briefing schedule shall be the same as for  
2197 appeals to the Supreme Court. The chancery court shall be  
2198 required to rule on the case within sixty (60) days of the close  
2199 of briefing. All procedures and penalties provided for in this  
2200 section shall apply to nonregistrants as well as registrants.

2201       (12) In addition to the reasons specified in subsection (1)  
2202 of this section, the board may suspend the certificate of  
2203 registration of any person for being out of compliance with an  
2204 order for support, as defined in Section 93-11-153. The procedure  
2205 for suspension of a certificate for being out of compliance with  
2206 an order for support, and the procedure for the reissuance or  
2207 reinstatement of a certificate suspended for that purpose, and the  
2208 payment of any fees for the reissuance or reinstatement of a  
2209 certificate suspended for that purpose, shall be governed by  
2210 Section 93-11-157 or 93-11-163, as the case may be. Actions taken  
2211 by the board in suspending a certificate when required by Section  
2212 93-11-157 or 93-11-163 are not actions from which an appeal may be  
2213 taken under this section. Any appeal of a suspension of a  
2214 certificate that is required by Section 93-11-157 or 93-11-163  
2215 shall be taken in accordance with the appeal procedure specified  
2216 in Section 93-11-157 or 93-11-163, as the case may be, rather than  
2217 the procedure specified in this section. If there is any conflict  
2218 between any provision of Section 93-11-157 or 93-11-163 and any  
2219 provision of this chapter, the provisions of Section 93-11-157 or  
2220 93-11-163, as the case may be, shall control.

2221       (13) Any board member whose objectivity in a disciplinary  
2222 proceeding is impaired shall either recuse himself from sitting as  
2223 a member of the board in a formal disciplinary hearing in that  
2224 proceeding or be disqualified therefrom. If a disciplinary  
2225 proceeding is brought against a member or former member of the  
2226 board, no member of the board who has served concurrently with the  
2227 respondent in the disciplinary proceeding shall sit as a member of

2228 the board in a formal disciplinary hearing in that proceeding.  
2229 If, after recusal or disqualification of board members as provided  
2230 herein, there does not remain a quorum of the board to sit for a  
2231 disciplinary hearing, the board shall have the power to select, in  
2232 accordance with duly promulgated regulations of the board,  
2233 substitute panel members from slates of candidates established by  
2234 the Mississippi Engineering Society and the Mississippi  
2235 Association of Professional Surveyors to the extent necessary to  
2236 achieve the number of panel members equivalent to a quorum of the  
2237 board. Substitute panel members must meet the qualifications of  
2238 board members as provided in Section 73-13-7 and shall receive  
2239 compensation as provided for board members in Section 73-13-9.

2240 **SECTION 12.** Section 73-15-29, Mississippi Code of 1972, is  
2241 amended as follows:

2242 73-15-29. (1) The board shall have power to revoke, suspend  
2243 or refuse to renew any license issued by the board, or to revoke  
2244 or suspend any privilege to practice, or to deny an application  
2245 for a license, or to fine, place on probation and/or discipline a  
2246 licensee, in any manner specified in this chapter, upon proof that  
2247 the person:

2248 (a) Has committed fraud or deceit in securing or  
2249 attempting to secure the license;

2250 (b) Has been convicted of felony, or a crime involving  
2251 moral turpitude or has had accepted by a court a plea of nolo  
2252 contendere to a felony or a crime involving moral turpitude (a  
2253 certified copy of the judgment of the court of competent  
2254 jurisdiction of the conviction or pleas shall be prima facie  
2255 evidence of the conviction);

2256 (c) Has negligently or willfully acted in a manner  
2257 inconsistent with the health or safety of the persons under the  
2258 licensee's care;

2259 (d) Has had a license or privilege to practice as a  
2260 registered nurse or a licensed practical nurse suspended or

2261 revoked in any jurisdiction, has voluntarily surrendered the  
2262 license or privilege to practice in any jurisdiction, has been  
2263 placed on probation as a registered nurse or licensed practical  
2264 nurse in any jurisdiction or has been placed under a disciplinary  
2265 order(s) in any manner as a registered nurse or licensed practical  
2266 nurse in any jurisdiction, (a certified copy of the order of  
2267 suspension, revocation, probation or disciplinary action shall be  
2268 prima facie evidence of the action);

2269 (e) Has negligently or willfully practiced nursing in a  
2270 manner that fails to meet generally accepted standards of that  
2271 nursing practice;

2272 (f) Has negligently or willfully violated any order,  
2273 rule or regulation of the board pertaining to nursing practice or  
2274 licensure;

2275 (g) Has falsified or in a repeatedly negligent manner  
2276 made incorrect entries or failed to make essential entries on  
2277 records;

2278 (h) Is addicted to or dependent on alcohol or other  
2279 habit-forming drugs or is a habitual user of narcotics,  
2280 barbiturates, amphetamines, hallucinogens, or other drugs having  
2281 similar effect, or has misappropriated any medication;

2282 (i) Has a physical, mental or emotional disability that  
2283 renders the licensee unable to perform nursing services or duties  
2284 with reasonable skill and safety;

2285 (j) Has engaged in any other conduct, whether of the  
2286 same or of a different character from that specified in this  
2287 chapter, that would constitute a crime as defined in Title 97 of  
2288 the Mississippi Code of 1972, as now or hereafter amended, and  
2289 that relates to the person's employment as a registered nurse or  
2290 licensed practical nurse;

2291 (k) Engages in conduct likely to deceive, defraud or  
2292 harm the public;

2293 (1) Engages in any unprofessional conduct as identified  
2294 by the board in its rules; or

2295 (m) Has violated any provision of this chapter.

2296 (2) Notwithstanding any provision of this chapter:

2297 (a) The board, acting on its own motion or, in the case  
2298 of a default on a loan, on the recommendation of the agency,  
2299 political subdivision or other public or private entity to which  
2300 payments are due, shall suspend the license of any person who  
2301 defaults on or fails to comply with the requirements of an  
2302 educational loan, service conditional scholarship or loan  
2303 repayment program obligation that has been granted or guaranteed  
2304 by any federal, state or local agency or political subdivision  
2305 under which the person obtained any of the education necessary to  
2306 qualify for a license under this chapter. However, before an  
2307 agency, political subdivision or other public or private entity  
2308 may recommend the suspension of a license due to the person's  
2309 default on a loan, that agency, political subdivision or other  
2310 public or private entity must provide the license holder with  
2311 notice of its intention to recommend the suspension of the  
2312 person's license and an opportunity for the license holder to  
2313 respond; and

2314 (b) The person's license will remain suspended until  
2315 the person has: (i) made arrangements satisfactory to the board  
2316 for meeting the obligations of the loan, scholarship or loan  
2317 repayment program; or (ii) in the case of a default on a loan,  
2318 made arrangements satisfactory to the agency, political  
2319 subdivision or other public or private entity to which payments  
2320 are due for the repayment of the loan.

2321 (3) When the board finds any person unqualified because of  
2322 any of the grounds set forth in subsection (1) of this section, it  
2323 may enter an order imposing one or more of the following  
2324 penalties:

2325           (a) Denying application for a license or other  
2326 authorization to practice nursing or practical nursing;  
2327           (b) Administering a reprimand;  
2328           (c) Suspending or restricting the license or other  
2329 authorization to practice as a registered nurse or licensed  
2330 practical nurse for up to two (2) years without review;  
2331           (d) Revoking the license or other authorization to  
2332 practice nursing or practical nursing;  
2333           (e) Requiring the discipline to submit to care,  
2334 counseling or treatment by persons and/or agencies approved or  
2335 designated by the board as a condition for initial, continued or  
2336 renewed licensure or other authorization to practice nursing or  
2337 practical nursing;  
2338           (f) Requiring the discipline to participate in a  
2339 program of education prescribed by the board as a condition for  
2340 initial, continued or renewed licensure or other authorization to  
2341 practice;  
2342           (g) Requiring the discipline to practice under the  
2343 supervision of a registered nurse for a specified period of time;  
2344 or  
2345           (h) Imposing a fine not to exceed Five Hundred Dollars  
2346 (\$500.00).

2347       (4) In addition to the grounds specified in subsection (1)  
2348 of this section, the board may suspend the license or privilege to  
2349 practice of any licensee for being out of compliance with an order  
2350 for support, as defined in Section 93-11-153. The procedure for  
2351 suspension of a license or privilege to practice for being out of  
2352 compliance with an order for support, and the procedure for the  
2353 reissuance or reinstatement of a license or privilege to practice  
2354 suspended for that purpose, and the payment of any fees for the  
2355 reissuance or reinstatement of a license or privilege to practice  
2356 suspended for that purpose, shall be governed by Section 93-11-157  
2357 or 93-11-163, as the case may be. If there is any conflict



2358 between any provision of Section 93-11-157 or 93-11-163 and any  
2359 provision of this chapter, the provisions of Section 93-11-157 or  
2360 93-11-163, as the case may be, shall control.

2361         **SECTION 13.** Section 73-19-23, Mississippi Code of 1972, is  
2362 amended as follows:

2363         73-19-23. (1) The board shall refuse to grant a certificate  
2364 of licensure to any applicant and may cancel, revoke or suspend  
2365 the operation of any certificate by it granted for any or all of  
2366 the following reasons, to wit: unprofessional and unethical  
2367 conduct or the conviction of a crime involving moral turpitude,  
2368 habitual intemperance in the use of ardent spirits, or stimulants,  
2369 narcotics, or any other substance that impairs the intellect and  
2370 judgment to such an extent as to incapacitate one for the  
2371 performance of the duties of an optometrist. The certificate of  
2372 licensure of any person can be revoked for violating any section  
2373 of this chapter.

2374         (2) The board may take disciplinary action against a  
2375 licensee for any unlawful acts, which shall include violations of  
2376 regulations promulgated by the board, as well as the following  
2377 acts:

2378                 (a) Fraud or misrepresentation in applying for or  
2379 procuring an optometric license or in connection with applying for  
2380 or procuring periodic renewal of an optometric license.

2381                 (b) Cheating on or attempting to subvert the optometric  
2382 licensing examination(s).

2383                 (c) The conviction of a felony in this state or any  
2384 other jurisdiction, or the entry of guilty or nolo contendere plea  
2385 to a felony charge.

2386                 (d) The conviction of a felony as defined by federal  
2387 law, or the entry of a guilty or nolo contendere plea to a felony  
2388 charge.

2389                 (e) Conduct likely to deceive, defraud or harm the  
2390 public.

2391           (f) Making a false or misleading statement regarding  
2392 his or her skill or the efficacy or value of the medicine, device,  
2393 treatment or remedy prescribed by him or her or used at his or her  
2394 direction in the treatment of any disease or other condition.

2395           (g) Willfully or negligently violating the  
2396 confidentiality between doctor and patient, except as required by  
2397 law.

2398           (h) Negligence or gross incompetence in the practice of  
2399 optometry as determined by the board.

2400           (i) Being found mentally incompetent or insane by any  
2401 court of competent jurisdiction.

2402           (j) The use of any false, fraudulent, deceptive or  
2403 misleading statement in any document connected with the practice  
2404 of optometry.

2405           (k) Aiding or abetting the practice of optometry by an  
2406 unlicensed, incompetent or impaired person.

2407           (l) Commission of any act of sexual abuse, misconduct  
2408 or exploitation related to the licensee's practice of optometry.

2409           (m) Being addicted or habituated to a drug or  
2410 intoxicant.

2411           (n) Violating any state or federal law or regulation  
2412 relating to a drug legally classified as a controlled substance.

2413           (o) Obtaining any fee by fraud, deceit or  
2414 misrepresentation.

2415           (p) Disciplinary action of another state or  
2416 jurisdiction against a licensee or other authorization to practice  
2417 optometry based upon acts or conduct by the licensee similar to  
2418 acts or conduct that would constitute grounds for action as  
2419 defined in this chapter, a certified copy of the record of the  
2420 action taken by the other state or jurisdiction being conclusive  
2421 evidence thereof.

2422           (q) Failure to report to the board the relocation of  
2423 his or her office in or out of the jurisdiction, or to furnish  
2424 floor plans as required by regulation.

2425           (r) Violation of any provision(s) of the Optometry  
2426 Practice Act or the rules and regulations of the board or of an  
2427 action, stipulation or agreement of the board.

2428           (s) To advertise in a manner that tends to deceive,  
2429 mislead or defraud the public.

2430           (t) The designation of any person licensed under this  
2431 chapter, other than by the terms "optometrist," "Doctor of  
2432 Optometry" or "O.D."

2433           (u) To knowingly submit or cause to be submitted any  
2434 misleading, deceptive or fraudulent representation on a claim  
2435 form, bill or statement.

2436           (v) To practice or attempt to practice optometry while  
2437 his or her license is suspended.

2438           (3) Notwithstanding any provision of this chapter:

2439           (a) The board, acting on its own motion or, in the case  
2440 of a default on a loan, on the recommendation of the agency,  
2441 political subdivision or other public or private entity to which  
2442 payments are due, shall suspend the certificate of licensure of  
2443 any person who defaults on or fails to comply with the  
2444 requirements of an educational loan, service conditional  
2445 scholarship or loan repayment program obligation that has been  
2446 granted or guaranteed by any federal, state or local agency or  
2447 political subdivision under which the person obtained any of the  
2448 education necessary to qualify for a certificate of licensure  
2449 under this chapter. However, before an agency, political  
2450 subdivision or other public or private entity may recommend the  
2451 suspension of a certificate of licensure due to the person's  
2452 default on a loan, that agency, political subdivision or other  
2453 public or private entity must provide the certificate holder with  
2454 notice of its intention to recommend the suspension of the

2455 person's certificate of licensure and an opportunity for the  
2456 certificate holder to respond; and

2457 (b) The person's certificate of licensure will remain  
2458 suspended until the person has: (i) made arrangements  
2459 satisfactory to the board for meeting the obligations of the loan,  
2460 scholarship or loan repayment program; or (ii) in the case of a  
2461 default on a loan, made arrangements satisfactory to the agency,  
2462 political subdivision or other public or private entity to which  
2463 payments are due for the repayment of the loan.

2464 (4) Any person who is holder of a certificate of licensure  
2465 or who is an applicant for examination for a certificate of  
2466 licensure, against whom is preferred any charges, shall be  
2467 furnished by the board with a copy of the complaint and shall have  
2468 a hearing in Jackson, Mississippi, before the board, at which  
2469 hearing he may be represented by counsel. At the hearing  
2470 witnesses may be examined for and against the accused respecting  
2471 the \* \* \* charges, and the hearing orders or appeals will be  
2472 conducted according to the procedure now provided in Section  
2473 73-25-27. The suspension of a certificate of licensure, by reason  
2474 of the use of stimulants or narcotics may be removed when the  
2475 holder thereof has been adjudged by the \* \* \* board to be cured  
2476 and capable of practicing optometry.

2477 (5) In addition to the reasons specified in subsections (1)  
2478 and (2) of this section, the board may suspend the license of any  
2479 licensee for being out of compliance with an order for support, as  
2480 defined in Section 93-11-153. The procedure for suspension of a  
2481 license for being out of compliance with an order for support, and  
2482 the procedure for the reissuance or reinstatement of a license  
2483 suspended for that purpose, and the payment of any fees for the  
2484 reissuance or reinstatement of a license suspended for that  
2485 purpose, shall be governed by Section 93-11-157 or 93-11-163, as  
2486 the case may be. If there is any conflict between any provision  
2487 of Section 93-11-157 or 93-11-163 and any provision of this

2488 chapter, the provisions of Section 93-11-157 or 93-11-163, as the  
2489 case may be, shall control.

2490         **SECTION 14.** Section 73-21-97, Mississippi Code of 1972, is  
2491 amended as follows:

2492             73-21-97. (1) The board may refuse to issue or renew, or  
2493 may suspend, reprimand, revoke or restrict the license,  
2494 registration or permit of any person upon one or more of the  
2495 following grounds:

2496             (a) Unprofessional conduct as defined by the rules and  
2497 regulations of the board;

2498             (b) Incapacity of a nature that prevents a pharmacist  
2499 from engaging in the practice of pharmacy with reasonable skill,  
2500 confidence and safety to the public;

2501             (c) Being found guilty by a court of competent  
2502 jurisdiction of one or more of the following:

2503                 (i) A felony;

2504                 (ii) Any act involving moral turpitude or gross  
2505 immorality; or

2506                 (iii) Violation of pharmacy or drug laws of this  
2507 state or rules or regulations pertaining thereto, or of statutes,  
2508 rules or regulations of any other state or the federal government;

2509             (d) Fraud or intentional misrepresentation by a  
2510 licensee or permit holder in securing the issuance or renewal of a  
2511 license or permit;

2512             (e) Engaging or aiding and abetting an individual to  
2513 engage in the practice of pharmacy without a license;

2514             (f) Violation of any of the provisions of this chapter  
2515 or rules or regulations adopted under this chapter;

2516             (g) Failure to comply with lawful orders of the board;

2517             (h) Negligently or willfully acting in a manner  
2518 inconsistent with the health or safety of the public;

2519           (i) Addiction to or dependence on alcohol or controlled  
2520 substances or the unauthorized use or possession of controlled  
2521 substances;

2522           (j) Misappropriation of any prescription drug;

2523           (k) Being found guilty by the licensing agency in  
2524 another state of violating the statutes, rules or regulations of  
2525 that jurisdiction; or

2526           (1) The unlawful or unauthorized possession of a  
2527 controlled substance.

2528           (2) In lieu of suspension, revocation or restriction of a  
2529 license as provided for above, the board may warn or reprimand the  
2530 offending pharmacist.

2531           (3) Notwithstanding any provision of this chapter:

2532           (a) The board, acting on its own motion or, in the case  
2533 of a default on a loan, on the recommendation of the agency,  
2534 political subdivision or other public or private entity to which  
2535 payments are due, shall suspend the pharmacist's license of any  
2536 person who defaults on or fails to comply with the requirements of  
2537 an educational loan, service conditional scholarship or loan  
2538 repayment program obligation that has been granted or guaranteed  
2539 by any federal, state or local agency or political subdivision  
2540 under which the person obtained any of the education necessary to  
2541 qualify for a pharmacist's license under this chapter. However,  
2542 before an agency, political subdivision or other public or private  
2543 entity may recommend the suspension of a pharmacist's license due  
2544 to the person's default on a loan, that agency, political  
2545 subdivision or other public or private entity must provide the  
2546 license holder with notice of its intention to recommend the  
2547 suspension of the person's pharmacist's license and an opportunity  
2548 for the license holder to respond; and

2549           (b) The person's pharmacist's license will remain  
2550 suspended until the person has: (i) made arrangements  
2551 satisfactory to the board for meeting the obligations of the loan,

2552 scholarship or loan repayment program; or (ii) in the case of a  
2553 default on a loan, made arrangements satisfactory to the agency,  
2554 political subdivision or other public or private entity to which  
2555 payments are due for the repayment of the loan.

2556       (4) In addition to the grounds specified in subsection (1)  
2557 of this section, the board may suspend the license, registration  
2558 or permit of any person for being out of compliance with an order  
2559 for support, as defined in Section 93-11-153. The procedure for  
2560 suspension of a license, registration or permit for being out of  
2561 compliance with an order for support, and the procedure for the  
2562 reissuance or reinstatement of a license, registration or permit  
2563 suspended for that purpose, and the payment of any fees for the  
2564 reissuance or reinstatement of a license, registration or permit  
2565 suspended for that purpose, shall be governed by Section 93-11-157  
2566 or 93-11-163, as the case may be. If there is any conflict  
2567 between any provision of Section 93-11-157 or 93-11-163 and any  
2568 provision of this chapter, the provisions of Section 93-11-157 or  
2569 93-11-163, as the case may be, shall control.

2570       **SECTION 15.** Section 73-23-59, Mississippi Code of 1972, is  
2571 amended as follows:

2572       73-23-59. (1) Licensees subject to this chapter shall  
2573 conduct their activities, services and practice in accordance with  
2574 this chapter and any rules promulgated pursuant hereto. Licensees  
2575 may be subject to the exercise of the disciplinary sanction  
2576 enumerated in Section 73-23-64 if the board finds that a licensee  
2577 is guilty of any of the following:

2578           (a) Negligence in the practice or performance of  
2579 professional services or activities;

2580           (b) Engaging in dishonorable, unethical or  
2581 unprofessional conduct of a character likely to deceive, defraud  
2582 or harm the public in the course of professional services or  
2583 activities;

2584 (c) Perpetrating or cooperating in fraud or material  
2585 deception in obtaining or renewing a license or attempting the  
2586 same;

2587 (d) Being convicted of any crime that has a substantial  
2588 relationship to the licensee's activities and services or an  
2589 essential element of which is misstatement, fraud or dishonesty;

2590 (e) Being convicted of any crime that is a felony under  
2591 the laws of this state or the United States;

2592 (f) Engaging in or permitting the performance of  
2593 unacceptable services personally or by others working under the  
2594 licensee's supervision due to the licensee's deliberate or  
2595 negligent act or acts or failure to act, regardless of whether  
2596 actual damage or damages to the public is established;

2597 (g) Continued practice although the licensee has become  
2598 unfit to practice as a physical therapist or physical therapist  
2599 assistant due to:

2600 (i) Failure to keep abreast of current  
2601 professional theory or practice; \* \* \*

2602 (ii) Physical or mental disability; the entry of  
2603 an order or judgment by a court of competent jurisdiction that a  
2604 licensee is in need of mental treatment or is incompetent shall  
2605 constitute mental disability; or

2606 (iii) Addiction or severe dependency upon alcohol  
2607 or other drugs that may endanger the public by impairing the  
2608 licensee's ability to practice;

2609 (h) Having disciplinary action taken against the  
2610 licensee's license in another state;

2611 (i) Making differential, detrimental treatment against  
2612 any person because of race, color, creed, sex, religion or  
2613 national origin;

2614 (j) Engaging in lewd conduct in connection with  
2615 professional services or activities;

2616 (k) Engaging in false or misleading advertising;



2617           (1) Contracting, assisting or permitting unlicensed  
2618 persons to perform services for which a license is required under  
2619 this chapter;

2620           (m) Violation of any probation requirements placed on a  
2621 license by the board;

2622           (n) Revealing confidential information except as may be  
2623 required by law;

2624           (o) Failing to inform clients of the fact that the  
2625 client no longer needs the services or professional assistance of  
2626 the licensee;

2627           (p) Charging excessive or unreasonable fees or engaging  
2628 in unreasonable collection practices;

2629           (q) For treating or attempting to treat ailments or  
2630 other health conditions of human beings other than by physical  
2631 therapy as authorized by this chapter;

2632           (r) For applying or offering to apply physical therapy,  
2633 exclusive of initial evaluation or screening and exclusive of  
2634 education or consultation for the prevention of physical and  
2635 mental disability within the scope of physical therapy, other than  
2636 upon the referral of a licensed physician, dentist, osteopath,  
2637 podiatrist, chiropractor or nurse practitioner; or for acting as a  
2638 physical therapist assistant other than under the direct, on-site  
2639 supervision of a licensed physical therapist;

2640           (s) Violations of the current codes of conduct for  
2641 physical therapists and physical therapy assistants adopted by the  
2642 American Physical Therapy Association;

2643           (t) Violations of any rules or regulations promulgated  
2644 under this chapter.

2645           (2) The board may order a licensee to submit to a reasonable  
2646 physical or mental examination if the licensee's physical or  
2647 mental capacity to practice safely is at issue in a disciplinary  
2648 proceeding.

2649           (3) Failure to comply with a board order to submit to a  
2650 physical or mental examination shall render a licensee subject to  
2651 the summary suspension procedures described in Section 73-23-64.

2652           (4) Notwithstanding any provision of this chapter:

2653                 (a) The board, acting on its own motion or, in the case  
2654 of a default on a loan, on the recommendation of the agency,  
2655 political subdivision or other public or private entity to which  
2656 payments are due, shall suspend the license of any person who  
2657 defaults on or fails to comply with the requirements of an  
2658 educational loan, service conditional scholarship or loan  
2659 repayment program obligation that has been granted or guaranteed  
2660 by any federal, state or local agency or political subdivision  
2661 under which the person obtained any of the education necessary to  
2662 qualify for a license under this chapter. However, before an  
2663 agency, political subdivision or other public or private entity  
2664 may recommend the suspension of a license due to the person's  
2665 default on a loan, that agency, political subdivision or other  
2666 public or private entity must provide the license holder with  
2667 notice of its intention to recommend the suspension of the  
2668 person's license and an opportunity for the license holder to  
2669 respond; and

2670                 (b) The person's license will remain suspended until  
2671 the person has: (i) made arrangements satisfactory to the board  
2672 for meeting the obligations of the loan, scholarship or loan  
2673 repayment program; or (ii) in the case of a default on a loan,  
2674 made arrangements satisfactory to the agency, political  
2675 subdivision or other public or private entity to which payments  
2676 are due for the repayment of the loan.

2677           (5) In addition to the reasons specified in subsection (1)  
2678 of this section, the board may suspend the license of any licensee  
2679 for being out of compliance with an order for support, as defined  
2680 in Section 93-11-153. The procedure for suspension of a license  
2681 for being out of compliance with an order for support, and the

2682 procedure for the reissuance or reinstatement of a license  
2683 suspended for that purpose, and the payment of any fees for the  
2684 reissuance or reinstatement of a license suspended for that  
2685 purpose, shall be governed by Section 93-11-157 or 93-11-163, as  
2686 the case may be. If there is any conflict between any provision  
2687 of Section 93-11-157 or 93-11-163 and any provision of this  
2688 chapter, the provisions of Section 93-11-157 or 93-11-163, as the  
2689 case may be, shall control.

2690 **SECTION 16.** Section 73-24-24, Mississippi Code of 1972, is  
2691 amended as follows:

2692 73-24-24. (1) Licensees subject to this chapter shall  
2693 conduct their activities, services and practice in accordance with  
2694 this chapter and any rules promulgated pursuant hereto. Licenses  
2695 may be subject to the exercise of the disciplinary sanction  
2696 enumerated in Section 73-24-25 if the board finds that a licensee  
2697 is guilty of any of the following:

2698 (a) Negligence in the practice or performance of  
2699 professional services or activities;

2700 (b) Engaging in dishonorable, unethical or  
2701 unprofessional conduct of a character likely to deceive, defraud  
2702 or harm the public in the course of professional services or  
2703 activities;

2704 (c) Perpetrating or cooperating in fraud or material  
2705 deception in obtaining or renewing a license or attempting the  
2706 same;

2707 (d) Being convicted of any crime that has a substantial  
2708 relationship to the licensee's activities and services or an  
2709 essential element of which is misstatement, fraud or dishonesty;

2710 (e) Being convicted of any crime that is a felony under  
2711 the laws of this state or the United States;

2712 (f) Engaging in or permitting the performance of  
2713 unacceptable services personally or by others working under the  
2714 licensee's supervision due to the licensee's deliberate or

2715 negligent act or acts or failure to act, regardless of whether  
2716 actual damage or damages to the public is established;

2717 (g) Continued practice although the licensee has become  
2718 unfit to practice as an occupational therapist or occupational  
2719 therapist assistant due to:

2720 (i) Failure to keep abreast of current  
2721 professional theory or practice; \* \* \*

2722 (ii) Physical or mental disability; the entry of  
2723 an order or judgment by a court of competent jurisdiction that a  
2724 licensee is in need of mental treatment or is incompetent shall  
2725 constitute mental disability; or

2726 (iii) Addiction or severe dependency upon alcohol  
2727 or other drugs that may endanger the public by impairing the  
2728 licensee's ability to practice;

2729 (h) Having disciplinary action taken against the  
2730 licensee's license in another state;

2731 (i) Making differential, detrimental treatment against  
2732 any person because of race, color, creed, sex, religion or  
2733 national origin;

2734 (j) Engaging in lewd conduct in connection with  
2735 professional services or activities;

2736 (k) Engaging in false or misleading advertising;

2737 (l) Contracting, assisting or permitting unlicensed  
2738 persons to perform services for which a license is required under  
2739 this chapter;

2740 (m) Violation of any probation requirements placed on a  
2741 license by the board;

2742 (n) Revealing confidential information except as may be  
2743 required by law;

2744 (o) Failing to inform clients of the fact that the  
2745 client no longer needs the services or professional assistance of  
2746 the licensee;

2747 (p) Charging excessive or unreasonable fees or engaging  
2748 in unreasonable collection practices;

2749 (q) For treating or attempting to treat ailments or  
2750 other health conditions of human beings other than by occupational  
2751 therapy as authorized by this chapter;

2752 (r) For practice or activities considered to be  
2753 unprofessional conduct as defined by the rules and regulations;

2754 (s) Violations of the current codes of conduct for  
2755 occupational therapists and occupational therapy assistants  
2756 adopted by the American Occupational Therapy Association;

2757 (t) Violations of any rules or regulations promulgated  
2758 pursuant to this chapter.

2759 (2) Notwithstanding any provision of this chapter:

2760 (a) The board, acting on its own motion or, in the case  
2761 of a default on a loan, on the recommendation of the agency,  
2762 political subdivision or other public or private entity to which  
2763 payments are due, shall suspend the license of any person who  
2764 defaults on or fails to comply with the requirements of an  
2765 educational loan, service conditional scholarship or loan  
2766 repayment program obligation that has been granted or guaranteed  
2767 by any federal, state or local agency or political subdivision  
2768 under which the person obtained any of the education necessary to  
2769 qualify for a license under this chapter. However, before an  
2770 agency, political subdivision or other public or private entity  
2771 may recommend the suspension of a license due to the person's  
2772 default on a loan, that agency, political subdivision or other  
2773 public or private entity must provide the license holder with  
2774 notice of its intention to recommend the suspension of the  
2775 person's license and an opportunity for the license holder to  
2776 respond; and

2777 (b) The person's license will remain suspended until  
2778 the person has: (i) made arrangements satisfactory to the board  
2779 for meeting the obligations of the loan, scholarship or loan

2780 repayment program; or (ii) in the case of a default on a loan,  
2781 made arrangements satisfactory to the agency, political  
2782 subdivision or other public or private entity to which payments  
2783 are due for the repayment of the loan.

2784       (3) The board may order a licensee to submit to a reasonable  
2785 physical or mental examination if the licensee's physical or  
2786 mental capacity to practice safely is at issue in a disciplinary  
2787 proceeding.

2788       (4) Failure to comply with a board order to submit to a  
2789 physical or mental examination shall render a licensee subject to  
2790 the summary suspension procedures described in Section 73-24-25.

2791       **SECTION 17.** Section 73-25-29, Mississippi Code of 1972, is  
2792 amended as follows:

2793       73-25-29. (1) The grounds for the nonissuance, suspension,  
2794 revocation or restriction of a license or the denial of  
2795 reinstatement or renewal of a license are:

2796           (a) Habitual personal use of narcotic drugs, or any  
2797 other drug having addiction-forming or addiction-sustaining  
2798 liability.

2799           (b) Habitual use of intoxicating liquors, or any  
2800 beverage, to an extent that affects professional competency.

2801           (c) Administering, dispensing or prescribing any  
2802 narcotic drug, or any other drug having addiction-forming or  
2803 addiction-sustaining liability otherwise than in the course of  
2804 legitimate professional practice.

2805           (d) Conviction of violation of any federal or state law  
2806 regulating the possession, distribution or use of any narcotic  
2807 drug or any drug considered a controlled substance under state or  
2808 federal law, a certified copy of the conviction order or judgment  
2809 rendered by the trial court being prima facie evidence thereof,  
2810 notwithstanding the pendency of any appeal.

2811           (e) Procuring, or attempting to procure, or aiding in,  
2812 an abortion that is not medically indicated.

2813           (f) Conviction of a felony or misdemeanor involving  
2814 moral turpitude, a certified copy of the conviction order or  
2815 judgment rendered by the trial court being prima facie evidence  
2816 thereof, notwithstanding the pendency of any appeal.

2817           (g) Obtaining or attempting to obtain a license by  
2818 fraud or deception.

2819           (h) Unprofessional conduct, which includes, but is not  
2820 limited to:

2821                 (i) Practicing medicine under a false or assumed  
2822 name or impersonating another practitioner, living or dead.

2823                 (ii) Knowingly performing any act that in any way  
2824 assists an unlicensed person to practice medicine.

2825                 (iii) Making or willfully causing to be made any  
2826 flamboyant claims concerning the licensee's professional  
2827 excellence.

2828                 (iv) Being guilty of any dishonorable or unethical  
2829 conduct likely to deceive, defraud or harm the public.

2830                 (v) Obtaining a fee as personal compensation or  
2831 gain from a person on fraudulent representation a disease or  
2832 injury condition generally considered incurable by competent  
2833 medical authority in the light of current scientific knowledge and  
2834 practice can be cured or offering, undertaking, attempting or  
2835 agreeing to cure or treat the same by a secret method, which he  
2836 refuses to divulge to the board upon request.

2837                 (vi) Use of any false, fraudulent or forged  
2838 statement or document, or the use of any fraudulent, deceitful,  
2839 dishonest or immoral practice in connection with any of the  
2840 licensing requirements, including the signing in his professional  
2841 capacity any certificate that is known to be false at the time he  
2842 makes or signs the certificate.

2843                 (vii) Failing to identify a physician's school of  
2844 practice in all professional uses of his name by use of his earned  
2845 degree or a description of his school of practice.

2846           (i) The refusal of a licensing authority of another  
2847 state or jurisdiction to issue or renew a license, permit or  
2848 certificate to practice medicine in that jurisdiction or the  
2849 revocation, suspension or other restriction imposed on a license,  
2850 permit or certificate issued by that licensing authority which  
2851 prevents or restricts practice in that jurisdiction, a certified  
2852 copy of the disciplinary order or action taken by the other state  
2853 or jurisdiction being prima facie evidence thereof,  
2854 notwithstanding the pendency of any appeal.

2855           (j) Surrender of a license or authorization to practice  
2856 medicine in another state or jurisdiction or surrender of  
2857 membership on any medical staff or in any medical or professional  
2858 association or society while under disciplinary investigation by  
2859 any of those authorities or bodies for acts or conduct similar to  
2860 acts or conduct that would constitute grounds for action as  
2861 defined in this section.

2862           (k) Final sanctions imposed by the United States  
2863 Department of Health and Human Services, Office of Inspector  
2864 General or any successor federal agency or office, based upon a  
2865 finding of incompetency, gross misconduct or failure to meet  
2866 professionally recognized standards of health care; a certified  
2867 copy of the notice of final sanction being prima facie evidence  
2868 thereof. As used in this paragraph, the term "final sanction"  
2869 means the written notice to a physician from the United States  
2870 Department of Health and Human Services, Officer of Inspector  
2871 General or any successor federal agency or office, that implements  
2872 the exclusion.

2873           (l) Failure to furnish the board, its investigators or  
2874 representatives information legally requested by the board.

2875           (m) Violation of any provision(s) of the Medical  
2876 Practice Act or the rules and regulations of the board or of any  
2877 order, stipulation or agreement with the board.

2878           (2) Notwithstanding any provision of this chapter:



2879           (a) The board, acting on its own motion or, in the case  
2880 of a default on a loan, on the recommendation of the agency,  
2881 political subdivision or other public or private entity to which  
2882 payments are due, shall suspend the license of any person who  
2883 defaults on or fails to comply with the requirements of an  
2884 educational loan, service conditional scholarship or loan  
2885 repayment program obligation that has been granted or guaranteed  
2886 by any federal, state or local agency or political subdivision  
2887 under which the person obtained any of the education necessary to  
2888 qualify for a license under this chapter. However, before an  
2889 agency, political subdivision or other public or private entity  
2890 may recommend the suspension of a license due to the person's  
2891 default on a loan, that agency, political subdivision or other  
2892 public or private entity must provide the license holder with  
2893 notice of its intention to recommend the suspension of the  
2894 person's license and an opportunity for the license holder to  
2895 respond; and

2896           (b) The person's license will remain suspended until  
2897 the person has: (i) made arrangements satisfactory to the board  
2898 for meeting the obligations of the loan, scholarship or loan  
2899 repayment program; or (ii) in the case of a default on a loan,  
2900 made arrangements satisfactory to the agency, political  
2901 subdivision or other public or private entity to which payments  
2902 are due for the repayment of the loan.

2903           (3) In addition to the grounds specified in subsection (1)  
2904 of this section, the board may suspend the license of any licensee  
2905 for being out of compliance with an order for support, as defined  
2906 in Section 93-11-153. The procedure for suspension of a license  
2907 for being out of compliance with an order for support, and the  
2908 procedure for the reissuance or reinstatement of a license  
2909 suspended for that purpose, and the payment of any fees for the  
2910 reissuance or reinstatement of a license suspended for that  
2911 purpose, shall be governed by Section 93-11-157 or 93-11-163, as

2912 the case may be. If there is any conflict between any provision  
2913 of Section 93-11-157 or 93-11-163 and any provision of this  
2914 chapter, the provisions of Section 93-11-157 or 93-11-163, as the  
2915 case may be, shall control.

2916 **SECTION 18.** Section 73-26-5, Mississippi Code of 1972, is  
2917 amended as follows:

2918 73-26-5. (1) The board shall promulgate and publish  
2919 reasonable rules and regulations necessary to enable it to  
2920 discharge its functions and to enforce the provisions of law  
2921 regulating the practice of physician assistants. Those rules  
2922 shall include, but are not limited to:

2923 (a) Qualifications for licensure for physician  
2924 assistants;

2925 (b) Scope of practice of physician assistants;

2926 (c) Supervision of physician assistants;

2927 (d) Identification of physician assistants;

2928 (e) Grounds for disciplinary actions and discipline of  
2929 physician assistants; and

2930 (f) Setting and charging reasonable fees for licensure  
2931 and license renewals for physician assistants. However, nothing  
2932 in this chapter or in rules adopted by the board shall authorize  
2933 physician assistants to administer or monitor general inhaled  
2934 anesthesia, epidural anesthesia, spinal anesthesia or monitored  
2935 anesthesia as utilized in surgical procedures.

2936 (2) Notwithstanding any provision of this chapter:

2937 (a) The board, acting on its own motion or, in the case  
2938 of a default on a loan, on the recommendation of the agency,  
2939 political subdivision or other public or private entity to which  
2940 payments are due, shall suspend the license of any person who  
2941 defaults on or fails to comply with the requirements of an  
2942 educational loan, service conditional scholarship or loan  
2943 repayment program obligation that has been granted or guaranteed  
2944 by any federal, state or local agency or political subdivision

2945 under which the person obtained any of the education necessary to  
2946 qualify for a license under this chapter. However, before an  
2947 agency, political subdivision or other public or private entity  
2948 may recommend the suspension of a license due to the person's  
2949 default on a loan, that agency, political subdivision or other  
2950 public or private entity must provide the license holder with  
2951 notice of its intention to recommend the suspension of the  
2952 person's license and an opportunity for the license holder to  
2953 respond; and

2954       (b) The person's license will remain suspended until  
2955 the person has: (i) made arrangements satisfactory to the board  
2956 for meeting the obligations of the loan, scholarship or loan  
2957 repayment program; or (ii) in the case of a default on a loan,  
2958 made arrangements satisfactory to the agency, political  
2959 subdivision or other public or private entity to which payments  
2960 are due for the repayment of the loan.

2961       (3) If the board appoints a task force or committee to  
2962 address physician assistant regulation, at least one (1) member of  
2963 the task force shall be a nurse practitioner who is a member of  
2964 the Mississippi Board of Nursing or a nurse practitioner appointee  
2965 selected by the board from a list of three (3) recommendations  
2966 submitted by the Mississippi Nurses Association, and at least one  
2967 (1) member shall be a physician assistant selected by the board  
2968 from a list of three (3) recommendations submitted by the  
2969 Mississippi Academy of Physician Assistants.

2970       **SECTION 19.** Section 73-27-13, Mississippi Code of 1972, is  
2971 amended as follows:

2972       73-27-13. (1) The State Board of Medical Licensure may  
2973 refuse to issue, suspend, revoke or otherwise restrict any license  
2974 provided for in this chapter, with the advice of the advisory  
2975 committee, based upon the following grounds:

2976 (a) Habitual personal use of narcotic drugs, or any  
2977 other drug having addiction-forming or addiction-sustaining  
2978 liability.

2979 (b) Habitual use of intoxicating liquors, or any  
2980 beverage, to an extent that affects professional competency.

2981 (c) Administering, dispensing or prescribing any  
2982 narcotic drug, or any other drug having addiction-forming or  
2983 addiction-sustaining liability otherwise than in the course of  
2984 legitimate professional practice.

2985 (d) Conviction of violation of any federal or state law  
2986 regulating the possession, distribution or use of any narcotic  
2987 drug or any drug considered a controlled substance under state or  
2988 federal law.

2989 (e) Performing any medical diagnosis or treatment  
2990 outside the scope of podiatry as defined in Section 73-27-1.

2991 (f) Conviction of a felony or misdemeanor involving  
2992 moral turpitude.

2993 (g) Obtaining or attempting to obtain a license by  
2994 fraud or deception.

2995 (h) Unprofessional conduct, which includes, but is not  
2996 limited to:

2997 (i) Practicing medicine under a false or assumed  
2998 name or impersonating another practitioner, living or dead.

2999 (ii) Knowingly performing any act that in any way  
3000 assists an unlicensed person to practice podiatry.

3001 (iii) Making or willfully causing to be made any  
3002 flamboyant claims concerning the licensee's professional  
3003 excellence.

3004 (iv) Being guilty of any dishonorable or unethical  
3005 conduct likely to deceive, defraud or harm the public.

3006 (v) Obtaining a fee as personal compensation or  
3007 gain from a person on fraudulent representation a disease or  
3008 injury condition generally considered incurable by competent

3009 medical authority in the light of current scientific knowledge and  
3010 practice can be cured or offering, undertaking, attempting or  
3011 agreeing to cure or treat the same by a secret method, which he  
3012 refuses to divulge to the board upon request.

3013 (vi) Use of any false, fraudulent or forged  
3014 statement or document, or the use of any fraudulent, deceitful,  
3015 dishonest or immoral practice in connection with any of the  
3016 licensing requirements, including the signing in his professional  
3017 capacity any certificate that is known to be false at the time he  
3018 makes or signs the certificate.

3019 (vii) Failing to identify a podiatrist's school of  
3020 practice in all professional uses of his name by use of his earned  
3021 degree or a description of his school of practice.

3022 (i) The refusal of a licensing authority of another  
3023 state to issue or renew a license, permit or certificate to  
3024 practice podiatry in that state or the revocation, suspension or  
3025 other restriction imposed on a license, permit or certificate  
3026 issued by that licensing authority which prevents or restricts  
3027 practice in that state.

3028 (2) Notwithstanding any provision of this chapter:

3029 (a) The board, acting on its own motion or, in the case  
3030 of a default on a loan, on the recommendation of the agency,  
3031 political subdivision or other public or private entity to which  
3032 payments are due, shall suspend the license of any person who  
3033 defaults on or fails to comply with the requirements of an  
3034 educational loan, service conditional scholarship or loan  
3035 repayment program obligation that has been granted or guaranteed  
3036 by any federal, state or local agency or political subdivision  
3037 under which the person obtained any of the education necessary to  
3038 qualify for a license under this chapter. However, before an  
3039 agency, political subdivision or other public or private entity  
3040 may recommend the suspension of a license due to the person's  
3041 default on a loan, that agency, political subdivision or other

3042 public or private entity must provide the license holder with  
3043 notice of its intention to recommend the suspension of the  
3044 person's license and an opportunity for the license holder to  
3045 respond; and

3046       (b) The person's license will remain suspended until  
3047 the person has: (i) made arrangements satisfactory to the board  
3048 for meeting the obligations of the loan, scholarship or loan  
3049 repayment program; or (ii) in the case of a default on a loan,  
3050 made arrangements satisfactory to the agency, political  
3051 subdivision or other public or private entity to which payments  
3052 are due for the repayment of the loan.

3053       (3) Upon the nonissuance, suspension or revocation of a  
3054 license to practice podiatry, the board may, in its discretion and  
3055 with the advice of the advisory committee, reissue a license after  
3056 a lapse of six (6) months. No advertising shall be permitted  
3057 except regular professional cards.

3058       (4) In its investigation of whether the license of a  
3059 podiatrist should be suspended, revoked or otherwise restricted,  
3060 the board may inspect patient records in accordance with the  
3061 provisions of Section 73-25-28.

3062       (5) In addition to the grounds specified in subsection (1)  
3063 of this section, the board may suspend the license of any licensee  
3064 for being out of compliance with an order for support, as defined  
3065 in Section 93-11-153. The procedure for suspension of a license  
3066 for being out of compliance with an order for support, and the  
3067 procedure for the reissuance or reinstatement of a license  
3068 suspended for that purpose, and the payment of any fees for the  
3069 reissuance or reinstatement of a license suspended for that  
3070 purpose, shall be governed by Section 93-11-157 or 93-11-163, as  
3071 the case may be. If there is any conflict between any provision  
3072 of Section 93-11-157 or 93-11-163 and any provision of this  
3073 chapter, the provisions of Section 93-11-157 or 93-11-163, as the  
3074 case may be, shall control.

3075           **SECTION 20.** Section 73-30-21, Mississippi Code of 1972, is  
3076 amended as follows:

3077           73-30-21. (1) The board may, after notice and opportunity  
3078 for a hearing, suspend, revoke or refuse to issue or renew a  
3079 license or may reprimand the license holder, upon a determination  
3080 by the board that the license holder or applicant for licensure  
3081 has:

3082                   (a) Been adjudged by any court to be mentally  
3083 incompetent or have had a guardian of person appointed;

3084                   (b) Been convicted of a felony;

3085                   (c) Sworn falsely under oath or affirmation;

3086                   (d) Obtained a license or certificate by fraud, deceit  
3087 or other misrepresentation;

3088                   (e) Engaged in the conduct of professional counseling  
3089 in a grossly negligent or incompetent manner;

3090                   (f) Intentionally violated any provision of this  
3091 chapter;

3092                   (g) Violated any rules or regulations of the board; or

3093                   (h) Aided or assisted another in falsely obtaining a  
3094 license under this chapter.

3095           (2) Notwithstanding any provision of this chapter:

3096                   (a) The board, acting on its own motion or, in the case  
3097 of a default on a loan, on the recommendation of the agency,  
3098 political subdivision or other public or private entity to which  
3099 payments are due, shall suspend the license of any person who  
3100 defaults on or fails to comply with the requirements of an  
3101 educational loan, service conditional scholarship or loan  
3102 repayment program obligation that has been granted or guaranteed  
3103 by any federal, state or local agency or political subdivision  
3104 under which the person obtained any of the education necessary to  
3105 qualify for a license under this chapter. However, before an  
3106 agency may recommend the suspension of a license due to the  
3107 person's default on a loan, that agency, political subdivision or

3108 other public or private entity must provide the license holder  
3109 with notice of its intention to recommend the suspension of the  
3110 person's license and an opportunity for the license holder to  
3111 respond; and

3112 (b) The person's license will remain suspended until  
3113 the person has: (i) made arrangements satisfactory to the board  
3114 for meeting the obligations of the loan, scholarship or loan  
3115 repayment program; or (ii) in the case of a default on a loan,  
3116 made arrangements satisfactory to the agency, political  
3117 subdivision or other public or private entity to which payments  
3118 are due for the repayment of the loan.

3119 (3) No revoked license may be reinstated within twelve (12)  
3120 months after the revocation. Reinstatement thereafter shall be  
3121 upon such conditions as the board may prescribe, which may  
3122 include, without being limited to, successful passing of the  
3123 examination required by this chapter.

3124 (4) A license certificate issued by the board is the  
3125 property of the board and must be surrendered on demand.

3126 (5) The chancery court is \* \* \* vested with the jurisdiction  
3127 and power to enjoin the unlawful practice of counseling and/or the  
3128 false representation as a licensed counselor in a proceeding  
3129 brought by the board or any members thereof or by any citizen of  
3130 this state.

3131 (6) In addition to the reasons specified in subsection (1)  
3132 of this section, the board may suspend the license of any licensee  
3133 for being out of compliance with an order for support, as defined  
3134 in Section 93-11-153. The procedure for suspension of a license  
3135 for being out of compliance with an order for support, and the  
3136 procedure for the reissuance or reinstatement of a license  
3137 suspended for that purpose, and the payment of any fees for the  
3138 reissuance or reinstatement of a license suspended for that  
3139 purpose, shall be governed by Section 93-11-157 or 93-11-163, as  
3140 the case may be. If there is any conflict between any provision



3141 of Section 93-11-157 or 93-11-163 and any provision of this  
3142 chapter, the provisions of Section 93-11-157 or 93-11-163, as the  
3143 case may be, shall control.

3144         **SECTION 21.** Section 73-31-21, Mississippi Code of 1972, is  
3145 amended as follows:

3146         73-31-21. (1) The board, by an affirmative vote of at least  
3147 four (4) of its seven (7) members, shall withhold, deny, revoke or  
3148 suspend any license issued or applied for in accordance with the  
3149 provisions of this chapter, or otherwise discipline a licensed  
3150 psychologist, upon proof that the applicant or licensed  
3151 psychologist:

3152             (a) Has violated the current code of ethics of the  
3153 American Psychological Association or other codes of ethical  
3154 standards adopted by the board; or

3155             (b) Has been convicted of a felony or any offense  
3156 involving moral turpitude, the record of conviction being  
3157 conclusive evidence thereof; or

3158             (c) Is using any narcotic or any alcoholic beverage to  
3159 an extent or in a manner dangerous to any other person or the  
3160 public, or to an extent that the use impairs his ability to  
3161 perform the work of a professional psychologist with safety to the  
3162 public; or

3163             (d) Has impersonated another person holding a  
3164 psychologist license or allowed another person to use his license;  
3165 or

3166             (e) Has used fraud or deception in applying for a  
3167 license or in taking an examination provided for in this chapter;  
3168 or

3169             (f) Has accepted commissions or rebates or other forms  
3170 of remuneration for referring clients to other professional  
3171 persons; or

3172             (g) Has allowed his name or license issued under this  
3173 chapter to be used in connection with any person or persons who

3174 perform psychological services outside of the area of their  
3175 training, experience or competence; or

3176 (h) Is legally adjudicated mentally incompetent, the  
3177 record of the adjudication being conclusive evidence thereof; or

3178 (i) Has willfully or negligently violated any of the  
3179 provisions of this chapter. The board may recover from any person  
3180 disciplined under this chapter, the costs of investigation,  
3181 prosecution, and adjudication of the disciplinary action.

3182 (2) Notwithstanding any provision of this chapter:

3183 (a) The board, acting on its own motion or, in the case  
3184 of a default on a loan, on the recommendation of the agency,  
3185 political subdivision or other public or private entity to which  
3186 payments are due, shall suspend the license of any person who  
3187 defaults on or fails to comply with the requirements of an  
3188 educational loan, service conditional scholarship or loan  
3189 repayment program obligation that has been granted or guaranteed  
3190 by an federal, state or local agency or political subdivision  
3191 under which the person obtained any of the education necessary to  
3192 qualify for a license under this chapter. However, before an  
3193 agency, political subdivision or other public or private entity  
3194 may recommend the suspension of a license due to the person's  
3195 default on a loan, that agency, political subdivision or other  
3196 public or private entity must provide the license holder with  
3197 notice of its intention to recommend the suspension of the  
3198 person's license and an opportunity for the license holder to  
3199 respond; and

3200 (b) The person's license will remain suspended until  
3201 the person has: (i) made arrangements satisfactory to the board  
3202 for meeting the obligations of the loan, scholarship or loan  
3203 repayment program; or (ii) in the case of a default on a loan,  
3204 made arrangements satisfactory to the agency, political  
3205 subdivision or other public or private entity to which payments  
3206 are due for the repayment of the loan.

3207           (3) Notice shall be effected by registered mail or personal  
3208 service setting forth the particular reasons for the proposed  
3209 action and fixing a date not less than thirty (30) days nor more  
3210 than sixty (60) days from the date of the mailing or the service,  
3211 at which time the applicant or licentiate shall be given an  
3212 opportunity for a prompt and fair hearing. For the purpose of the  
3213 hearing the board, acting by and through its executive secretary,  
3214 may subpoena persons and papers on its own behalf and on behalf of  
3215 the applicant or licentiate, may administer oaths and may take  
3216 testimony. That testimony, when properly transcribed, together  
3217 with the papers and exhibits, shall be admissible in evidence for  
3218 or against the applicant or licentiate. At the hearing applicant  
3219 or licentiate may appear by counsel and personally in his own  
3220 behalf. Any person sworn and examined by a witness in the hearing  
3221 shall not be held to answer criminally, nor shall any papers or  
3222 documents produced by the witness be competent evidence in any  
3223 criminal proceedings against the witness other than for perjury in  
3224 delivering his evidence. On the basis of any such hearing, or  
3225 upon default of applicant or licentiate, the board shall make a  
3226 determination specifying its findings of fact and conclusions of  
3227 law. A copy of that determination shall be sent by registered  
3228 mail or served personally upon the applicant or licentiate. The  
3229 decision of the board denying, revoking or suspending the license  
3230 shall become final thirty (30) days after so mailed or served  
3231 unless within that period the licentiate appeals the decision to  
3232 the chancery court, under the provisions hereof, and the  
3233 proceedings in chancery shall be conducted as other matters coming  
3234 before the court. All proceedings and evidence, together with  
3235 exhibits, presented at the hearing before the board if there is an  
3236 appeal shall be admissible in evidence in the court.

3237           (4) The board may subpoena persons and papers on its own  
3238 behalf and on behalf of the respondent, may administer oaths and  
3239 may compel the testimony of witnesses. It may issue commissions

3240 to take testimony, and testimony so taken and sworn to shall be  
3241 admissible in evidence for and against the respondent. The board  
3242 shall be entitled to the assistance of the chancery court or the  
3243 chancellor in vacation, which, on petition by the board, shall  
3244 issue ancillary subpoenas and petitions and may punish as for  
3245 contempt of court if there is noncompliance therewith.

3246       (5) Every order and judgment of the board shall take effect  
3247 immediately on its promulgation unless the board in the order or  
3248 judgment fixes a probationary period for applicant or licentiate.  
3249 The order and judgment shall continue in effect unless upon appeal  
3250 the court by proper order or decree terminates it earlier. The  
3251 board may make public its order and judgments in such manner and  
3252 form as it deems proper. It shall, in event of the suspension or  
3253 revocation of a license, direct the clerk of the circuit court of  
3254 the county in which that license was recorded to cancel the  
3255 record.

3256       (6) Nothing in this section shall be construed as limiting  
3257 or revoking the authority of any court or of any licensing or  
3258 registering officer or board, other than the Mississippi Board of  
3259 Psychology, to suspend, revoke and reinstate licenses and to  
3260 cancel registrations under the provisions of Section 41-29-311.

3261       (7) Suspension by the board of the license of a psychologist  
3262 shall be for a period not exceeding one (1) year. At the end of  
3263 this period the board shall reevaluate the suspension, and shall  
3264 either reinstate or revoke the license. A person whose license  
3265 has been revoked under the provisions of this section may reapply  
3266 for license after more than two (2) years have elapsed from the  
3267 date the denial or revocation is legally effective.

3268       (8) In addition to the reasons specified in subsection (1)  
3269 of this section, the board may be authorized to suspend the  
3270 license of any licensee for being out of compliance with an order  
3271 for support, as defined in Section 93-11-153. The procedure for  
3272 suspension of a license for being out of compliance with an order

3273 for support, and the procedure for the reissuance or reinstatement  
3274 of a license suspended for that purpose, and the payment of any  
3275 fees for the reissuance or reinstatement of a license suspended  
3276 for that purpose, shall be governed by Section 93-11-157. Actions  
3277 taken by the board in suspending a license when required by  
3278 Section 93-11-157 or 93-11-163 are not actions from which an  
3279 appeal may be taken under this section. Any appeal of a license  
3280 suspension that is required by Section 93-11-157 or 93-11-163  
3281 shall be taken in accordance with the appeal procedure specified  
3282 in Section 93-11-157 or 93-11-163, as the case may be, rather than  
3283 the procedure specified in this section. If there is any conflict  
3284 between any provision of Section 93-11-157 or 93-11-163 and any  
3285 provision of this chapter, the provisions of Section 93-11-157 or  
3286 93-11-163, as the case may be, shall control.

3287 (9) This section shall stand repealed from and after July 1,  
3288 2011.

3289 **SECTION 22.** Section 73-33-11, Mississippi Code of 1972, is  
3290 amended as follows:

3291 73-33-11. (1) The Mississippi State Board of Public  
3292 Accountancy may revoke, suspend or take other appropriate action  
3293 with respect to any license or permit issued under this chapter  
3294 for any unprofessional conduct by the licensee or permit holder,  
3295 or for other sufficient cause, provided written notice has been  
3296 sent by registered mail (with the addressee's receipt required) to  
3297 the holder thereof, twenty (20) days before any hearing thereon,  
3298 stating the cause for the contemplated action and appointing a day  
3299 and a place for a full hearing thereon by the board. No  
3300 certificate or license may be cancelled or revoked until a hearing  
3301 has been given to the holder thereof according to law. \* \* \*  
3302 After the hearing, the board may, in its discretion, suspend such  
3303 a certified public accountant from practice as a certified public  
3304 accountant in this state.

3305           (2) The members of the board may sit as a trial board; \* \* \*  
3306 administer oaths (or affirmations); \* \* \* summon any witness  
3307 and \* \* \* compel his attendance and/or his testimony, under oath  
3308 (or affirmation) before the board; \* \* \* compel the production  
3309 before it, of any book, paper or document by the owner or  
3310 custodian thereof; and/or \* \* \* compel any officer to produce,  
3311 at the hearing a copy of any public record (not privileged from  
3312 public inspection by law) in his official custody, certified to,  
3313 by him. The board shall elect one (1) of its members to serve as  
3314 clerk, to issue summons and other processes, and to certify copies  
3315 of its records or, the board may delegate those duties to the  
3316 executive director.

3317           (3) The accused may appear in person and/or by counsel or,  
3318 in the instance of a firm permit holder through its manager and/or  
3319 counsel to defend the charges. If the accused does not appear or  
3320 answer, judgment may be entered by default, provided the board  
3321 finds that proper service was made on the accused.

3322           (4) The minutes of the board shall be recorded in an  
3323 appropriate minute book permanently maintained by the board at its  
3324 office.

3325           (5) In a proceeding conducted under this section by the  
3326 board for disciplinary action against a licensee or permit holder,  
3327 those reasonable costs that are expended by the board in the  
3328 investigation and conduct of a proceeding for discipline,  
3329 including, but not limited to, the cost of service of process,  
3330 court reporters, expert witnesses, investigators and legal fees  
3331 may be imposed by the board on the accused, the charging party or  
3332 both.

3333           Those costs shall be paid to the board upon the expiration of  
3334 the period allowed for appeal of the penalties under this section,  
3335 or may be paid sooner if the guilty party elects.

3336           (6) Money collected by the board under this section shall be  
3337 deposited to the credit of the board's special fund in the State

3338 Treasury. When payment of a monetary penalty assessed by the  
3339 board under this section is not paid when due, the board shall  
3340 have the power to institute and maintain proceedings in its name  
3341 for enforcement of payment in the Chancery Court of the First  
3342 Judicial District of Hinds County, Mississippi, or in the chancery  
3343 court of the county where the respondent resides.

3344       (7) In case of a decision adverse to the accused, appeal  
3345 shall be made within thirty (30) days from the day on which the  
3346 decision is made to the Circuit Court of the First Judicial  
3347 District of Hinds County, Mississippi, or in the circuit court of  
3348 the county in which the accused resides. In the case of a  
3349 nonresident licensee, the appeal shall be made to the First  
3350 Judicial District of Hinds County, Mississippi. The order of the  
3351 board shall not take effect until the expiration of the thirty  
3352 (30) days.

3353       (8) In case of an appeal, bond for costs in the circuit  
3354 court shall be given as in other cases; and the order of the board  
3355 shall not take effect until the appeal has been finally disposed  
3356 of by the court or courts.

3357       (9) The board may, at any time, reinstate a license or  
3358 permit if it finds that the reinstatement is justified.

3359       (10) Notwithstanding any provision of this chapter:

3360               (a) The board, acting on its own motion or, in the case  
3361 of a default on a loan, on the recommendation of the agency,  
3362 political subdivision or other public or private entity to which  
3363 payments are due, shall suspend the license of any person who  
3364 defaults on or fails to comply with the requirements of an  
3365 educational loan, service conditional scholarship or loan  
3366 repayment program obligation that has been granted or guaranteed  
3367 by any federal, state or local agency or political subdivision  
3368 under which the person obtained any of the education necessary to  
3369 qualify for a license under this chapter. However, before an  
3370 agency, political subdivision or other public or private entity

3371 may recommend the suspension of a license due to the person's  
3372 default on a loan, that agency, political subdivision or other  
3373 public or private entity must provide the license holder with  
3374 notice of its intention to recommend the suspension of the  
3375 person's license and an opportunity for the license holder to  
3376 respond; and

3377 (b) The person's license will remain suspended until  
3378 the person has: (i) made arrangements satisfactory to the board  
3379 for meeting the obligations of the loan, scholarship or loan  
3380 repayment program; or (ii) in the case of a default on a loan,  
3381 made arrangements satisfactory to the agency, political  
3382 subdivision or other public or private entity to which payments  
3383 are due for the repayment of the loan.

3384 (11) In addition to the reasons specified in subsection (1)  
3385 of this section, the board may suspend the license of any licensee  
3386 for being out of compliance with an order for support, as defined  
3387 in Section 93-11-153. The procedure for suspension of a license  
3388 for being out of compliance with an order for support, and the  
3389 procedure for the reissuance or reinstatement of a license  
3390 suspended for that purpose, and the payment of any fees for the  
3391 reissuance or reinstatement of a license suspended for that  
3392 purpose, shall be governed by Section 93-11-157 or 93-11-163, as  
3393 the case may be. Actions taken by the board in suspending a  
3394 license when required by Section 93-11-157 or 93-11-163 are not  
3395 actions from which an appeal may be taken under this section. Any  
3396 appeal of a license suspension that is required by Section  
3397 93-11-157 or 93-11-163 shall be taken in accordance with the  
3398 appeal procedure specified in Section 93-11-157 or 93-11-163, as  
3399 the case may be, rather than the procedure specified in this  
3400 section. If there is any conflict between any provision of  
3401 Section 93-11-157 or 93-11-163 and any provision of this chapter,  
3402 the provisions of Section 93-11-157 or 93-11-163, as the case may  
3403 be, shall control.



3404           **SECTION 23.** Section 73-36-33, Mississippi Code of 1972, is  
3405 amended as follows:

3406           73-36-33. (1) The board shall have the power, after notice  
3407 and hearing, to suspend or revoke the license of any registrant  
3408 who\_

3409                   (a) Is found guilty by the board of fraud or gross  
3410 negligence in the practice of professional forestry;

3411                   (b) Fails to comply with board rules and regulations;

3412                   (c) Is found guilty by the board of unprofessional or  
3413 unethical conduct; or

3414                   (d) Has had his license suspended or revoked for cause  
3415 in another jurisdiction.

3416           (2) Notwithstanding any provision of this chapter:

3417                   (a) The board, acting on its own motion or, in the case  
3418 of a default on a loan, on the recommendation of the agency,  
3419 political subdivision or other public or private entity to which  
3420 payments are due, shall suspend the license of any person who  
3421 defaults on or fails to comply with the requirements of an  
3422 educational loan, service conditional scholarship or loan  
3423 repayment program obligation that has been granted or guaranteed  
3424 by any federal, state or local agency or political subdivision  
3425 under which the person obtained any of the education necessary to  
3426 qualify for a license under this chapter. However, before an  
3427 agency, political subdivision or other public or private entity  
3428 may recommend the suspension of a license due to the person's  
3429 default on a loan, that agency, political subdivision or other  
3430 public or private entity must provide the license holder with  
3431 notice of its intention to recommend the suspension of the  
3432 person's license and an opportunity for the license holder to  
3433 respond; and

3434                   (b) The person's license will remain suspended until  
3435 the person has: (i) made arrangements satisfactory to the board  
3436 for meeting the obligations of the loan, scholarship or loan

3437 repayment program; or (ii) in the case of a default on a loan,  
3438 made arrangements satisfactory to the agency, political  
3439 subdivision or other public or private entity to which payments  
3440 are due for the repayment of the loan.

3441 (3) Any person may prefer charges of fraud or gross  
3442 negligence in connection with any forestry practice against any  
3443 registrant. The charges shall be in writing, shall be sworn to by  
3444 the person making them, and shall be filed with the secretary of  
3445 the board. All charges shall be heard by the board under its  
3446 rules and regulations without undue delay.

3447 (4) Any applicant whose license is suspended or revoked by  
3448 the board may apply for a review of the proceedings with reference  
3449 to the suspension or revocation by appealing to the Chancery Court  
3450 of the First Judicial District of Hinds County, Mississippi,  
3451 provided a notice of appeal is filed by the applicant with the  
3452 clerk of the court within sixty (60) days from entry of an order  
3453 by the board suspending or revoking his license, provided the  
3454 applicant files with the notice of appeal a bond to be approved by  
3455 the court assuring the prompt payment of any and all costs of the  
3456 appeal, the amount to be fixed by the court. Upon the filing of  
3457 the notice of appeal and posting of the bond, the clerk of  
3458 the \* \* \* court shall notify the secretary of the board thereof  
3459 and the record of the proceedings involved shall be prepared by  
3460 the secretary and forwarded to the court within a period of sixty  
3461 (60) days from the notice by the clerk. The court shall thereupon  
3462 review the proceedings on the record presented and may hear such  
3463 additional testimony as to the court may appear material and  
3464 dispose of the appeal in termtime or in vacation, and the court  
3465 may sustain or dismiss the appeal, or modify or vacate the order  
3466 complained of, but in case the order is modified or vacated, the  
3467 court may also, in its discretion, remand the matter to the board  
3468 for such further proceedings not inconsistent with the court's  
3469 order as, in the opinion of the court, justice may require. The

3470 decision of the chancery court may be appealed as other cases to  
3471 the Supreme Court.

3472       (5) The board may secure, by contract, the services of an  
3473 investigator when deemed necessary by the board to properly  
3474 consider any charge then before it. The board may, at its  
3475 discretion, establish a program of routine inspections.

3476       (6) In addition to the reasons specified in subsection (1)  
3477 of this section, the board may suspend the license of any licensee  
3478 for being out of compliance with an order for support, as defined  
3479 in Section 93-11-153. The procedure for suspension of a license  
3480 for being out of compliance with an order for support, and the  
3481 procedure for the reissuance or reinstatement of a license  
3482 suspended for that purpose, and the payment of any fees for the  
3483 reissuance or reinstatement of a license suspended for that  
3484 purpose, shall be governed by Section 93-11-157 or 93-11-163, as  
3485 the case may be. Actions taken by the board in suspending a  
3486 license when required by Section 93-11-157 or 93-11-163 are not  
3487 actions from which an appeal may be taken under this section. Any  
3488 appeal of a license suspension that is required by Section  
3489 93-11-157 or 93-11-163 shall be taken in accordance with the  
3490 appeal procedure specified in Section 93-11-157 or 93-11-163, as  
3491 the case may be, rather than the procedure specified in this  
3492 section. If there is any conflict between any provision of  
3493 Section 93-11-157 or 93-11-163 and any provision of this chapter,  
3494 the provisions of Section 93-11-157 or 93-11-163, as the case may  
3495 be, shall control.

3496       **SECTION 24.** Section 73-38-27, Mississippi Code of 1972, is  
3497 amended as follows:

3498       73-38-27. (1) The board may refuse to issue or renew a  
3499 license, or may suspend or revoke a license where the licensee or  
3500 applicant for license has been guilty of unprofessional conduct  
3501 that has endangered or is likely to endanger the health, welfare

3502 or safety of the public. That unprofessional conduct may result  
3503 from:

3504 (a) Negligence in the practice or performance of  
3505 professional services or activities;

3506 (b) Engaging in dishonorable, unethical or  
3507 unprofessional conduct of a character likely to deceive, defraud  
3508 or harm the public in the course of professional services or  
3509 activities;

3510 (c) Perpetrating or cooperating in fraud or material  
3511 deception in obtaining or renewing a license or attempting the  
3512 same;

3513 (d) Being convicted of any crime which has a  
3514 substantial relationship to the licensee's activities and services  
3515 or an essential element of which is misstatement, fraud or  
3516 dishonesty;

3517 (e) Being convicted of any crime which is a felony  
3518 under the laws of this state or the United States;

3519 (f) Engaging in or permitting the performance of  
3520 unacceptable services personally or by others working under the  
3521 licensee's supervision due to the licensee's deliberate or  
3522 negligent act or acts or failure to act, regardless of whether  
3523 actual damage or damages to the public is established;

3524 (g) Continued practice although the licensee has become  
3525 unfit to practice as a speech-language pathologist or audiologist  
3526 due to: (i) failure to keep abreast of current professional  
3527 theory or practice; or (ii) physical or mental disability; the  
3528 entry of an order or judgment by a court of competent jurisdiction  
3529 that a licensee is in need of mental treatment or is incompetent  
3530 shall constitute mental disability; or (iii) addiction or severe  
3531 dependency upon alcohol or other drugs which may endanger the  
3532 public by impairing the licensee's ability to practice;

3533 (h) Having disciplinary action taken against the  
3534 licensee's license in another state;

3535           (i) Making differential, detrimental treatment against  
3536 any person because of race, color, creed, sex, religion or  
3537 national origin;

3538           (j) Engaging in lewd conduct in connection with  
3539 professional services or activities;

3540           (k) Engaging in false or misleading advertising;

3541           (l) Contracting, assisting or permitting unlicensed  
3542 persons to perform services for which a license is required under  
3543 this chapter;

3544           (m) Violation of any probation requirements placed on a  
3545 license by the board;

3546           (n) Revealing confidential information except as may be  
3547 required by law;

3548           (o) Failing to inform clients of the fact that the  
3549 client no longer needs the services or professional assistance of  
3550 the licensee;

3551           (p) Charging excessive or unreasonable fees or engaging  
3552 in unreasonable collection practices;

3553           (q) For treating or attempting to treat ailments or  
3554 other health conditions of human beings other than by speech or  
3555 audiology therapy as authorized by this chapter;

3556           (r) For applying or offering to apply speech or  
3557 audiology therapy, exclusive of initial evaluation or screening  
3558 and exclusive of education or consultation for the prevention of  
3559 physical and mental disability within the scope of speech or  
3560 audiology therapy, or for acting as a speech-language pathologist  
3561 or audiologist, or speech-language pathologist or audiologist aide  
3562 other than under the direct, on-site supervision of a licensed  
3563 speech-language pathologist or audiologist;

3564           (s) Violations of the current codes of conduct for  
3565 speech-language pathologists or audiologists, and speech-language  
3566 pathologist or audiologist assistants adopted by the American  
3567 Speech-Language-Hearing Association;

3568 (t) Violations of any rules or regulations promulgated  
3569 pursuant to this chapter.

3570 (2) Notwithstanding any provision of this chapter:

3571 (a) The board, acting on its own motion or, in the case  
3572 of a default on a loan, on the recommendation of the agency,  
3573 political subdivision or other public or private entity to which  
3574 payments are due, shall suspend the license of any person who  
3575 defaults on or fails to comply with the requirements of an  
3576 educational loan, service conditional scholarship or loan  
3577 repayment program obligation that has been granted or guaranteed  
3578 by any federal, state or local agency or political subdivision  
3579 under which the person obtained any of the education necessary to  
3580 qualify for a license under this chapter. However, before an  
3581 agency, political subdivision or other public or private entity  
3582 may recommend the suspension of a license due to the person's  
3583 default on a loan, that agency, political subdivision or other  
3584 public or private entity must provide the license holder with  
3585 notice of its intention to recommend the suspension of the  
3586 person's license and an opportunity for the license holder to  
3587 respond; and

3588 (b) The person's license will remain suspended until  
3589 the person has: (i) made arrangements satisfactory to the board  
3590 for meeting the obligations of the loan, scholarship or loan  
3591 repayment program; or (ii) in the case of a default on a loan,  
3592 made arrangements satisfactory to the agency, political  
3593 subdivision or other public or private entity to which payments  
3594 are due for the repayment of the loan.

3595 (3) The board may order a licensee to submit to a reasonable  
3596 physical or mental examination if the licensee's physical or  
3597 mental capacity to practice safely is at issue in a disciplinary  
3598 proceeding.

3599 (4) In addition to the reasons specified in subsection (1)  
3600 of this section, the board shall be authorized to suspend the

3601 license of any licensee for being out of compliance with an order  
3602 for support, as defined in Section 93-11-153. The procedure for  
3603 suspension of a license for being out of compliance with an order  
3604 for support, and the procedure for the reissuance or reinstatement  
3605 of a license suspended for that purpose, and the payment of any  
3606 fees for the reissuance or reinstatement of a license suspended  
3607 for that purpose, shall be governed by Section 93-11-157 or  
3608 93-11-163, as the case may be. If there is any conflict between  
3609 any provision of Section 93-11-157 or 93-11-163 and any provision  
3610 of this chapter, the provisions of Section 93-11-157 or 93-11-163,  
3611 as the case may be, shall control.

3612       **SECTION 25.** Section 73-39-19, Mississippi Code of 1972, is  
3613 amended as follows:

3614       73-39-19. (1) After a hearing held as set out in this  
3615 chapter, the board, on concurrence of three (3) members, shall  
3616 have the right and power to revoke or suspend the license of a  
3617 veterinarian, or the certificate of an animal technician and may  
3618 place the veterinarian or technician on prohibition conditioned on  
3619 future good conduct and compliance with this chapter, and may  
3620 impose an administrative fine not to exceed One Thousand Dollars  
3621 (\$1,000.00) for each such separate offense, for any of the  
3622 following reasons:

3623           (a) Insanity or mental incompetence or an adjudication  
3624 of insanity or mental incompetence by a court of competent  
3625 jurisdiction.

3626           (b) Chronic inebriety or habitual use of drugs, or any  
3627 adjudication by a court of competent jurisdiction that the  
3628 veterinarian is an alcoholic or habitual user of drugs. Decrees  
3629 of divorce shall not be construed as an adjudication that a  
3630 veterinarian is an alcoholic or habitual user of drugs.

3631           (c) A final conviction of a felony or of an offense  
3632 involving moral turpitude by a court of competent jurisdiction.

3633 (d) Fraud or dishonesty in the application or reporting  
3634 of any test for disease in animals, including intentional  
3635 misrepresentation on any forms filed with any governmental agency.

3636 (e) Failure to report or making a false report of any  
3637 contagious or infectious disease required by state or federal law  
3638 to be reported.

3639 (f) Dishonesty, intentional misrepresentation or gross  
3640 negligence in the inspection of foodstuffs or the issuance of  
3641 health or inspection certificates.

3642 (g) The refusal of licensing authority of another state  
3643 to issue or renew a license, permit or certificate to practice  
3644 veterinary medicine in that state or the revocation, suspension or  
3645 other restriction imposed on a license, permit or certificate  
3646 issued by that licensing authority which prevents or restricts  
3647 practice in that state; further, any probationary status imposed  
3648 by another state that had the offense occurred in this state would  
3649 have been a violation of this chapter.

3650 (h) The employment of fraud, misrepresentation or  
3651 deception in obtaining a license.

3652 (i) The use of advertising or solicitation that is  
3653 false or misleading or is deemed unprofessional under rules or  
3654 regulations adopted by the board.

3655 (j) Incompetence, gross negligence, cruelty or gross  
3656 malpractice in the practice of veterinary medicine.

3657 (k) Employing any person practicing veterinary medicine  
3658 unlawfully with the knowledge of the illegal practice by the  
3659 employee.

3660 (l) Failure to keep veterinary premises and equipment  
3661 in a clean and sanitary condition.

3662 (m) Cruelty to animals in the practice of veterinary  
3663 medicine.

3664 (n) Unprofessional or unethical conduct as defined in  
3665 regulations adopted by the board.



3666           (o) Administering, dispensing or prescribing any  
3667 narcotic drug having addiction-forming, addiction-sustaining or  
3668 habituating liability otherwise than in the course of legitimate  
3669 professional practice.

3670           (p) Conviction of violation of any federal or state law  
3671 regulating the possession, distribution or use of any narcotic  
3672 drug or any drug considered a controlled substance under state or  
3673 federal law.

3674           (q) Obtaining or procuring, or attempting to obtain or  
3675 procure by misrepresentation, fraud, deception or subterfuge, any  
3676 narcotic or drug classified as a controlled substance.

3677           (r) Making or causing to be made any false claims  
3678 concerning the licensee's professional excellence.

3679           (s) Being guilty of any dishonorable or unethical  
3680 conduct likely to deceive, defraud or harm the public.

3681           (t) Refusing to permit the board or any legal  
3682 representative of the board to inspect the business premises of  
3683 the licensee during regular business hours.

3684           (u) Failure to complete requirement of continuing  
3685 education.

3686           (2) A certified copy of any judgment of conviction or  
3687 finding of guilt by a court of competent jurisdiction or by a  
3688 governmental board or agency authorized to issue licenses or  
3689 permits, including the United States Department of Agriculture,  
3690 Animal and Plant Health Inspection Service, the Mississippi Board  
3691 of Animal Health and the Mississippi State Board of Health, of a  
3692 veterinarian or animal technician of any of the matters listed in  
3693 paragraph (a), (b), (c), (d), (e), (f) or (g) of subsection (1)  
3694 shall be admissible in evidence in any hearing held by the board  
3695 to discipline the veterinarian and shall constitute prima facie  
3696 evidence of the commission of any such act.

3697           (3) Notwithstanding any provision of this chapter:

3698           (a) The board, acting on its own motion or, in the case  
3699 of a default on a loan, on the recommendation of the agency,  
3700 political subdivision or other public or private entity to which  
3701 payments are due, shall suspend the veterinarian's license of any  
3702 person who defaults on or fails to comply with the requirements of  
3703 an educational loan, service conditional scholarship or loan  
3704 repayment program obligation that has been granted or guaranteed  
3705 by any federal, state or local agency or political subdivision  
3706 under which the person obtained any of the education necessary to  
3707 qualify for a veterinarian's license under this chapter. However,  
3708 before an agency, political subdivision or other public or private  
3709 entity may recommend the suspension of a veterinarian's license  
3710 due to the person's default on a loan, that agency, political  
3711 subdivision or other public or private entity must provide the  
3712 license holder with notice of its intention to recommend the  
3713 suspension of the person's veterinarian's license and an  
3714 opportunity for the license holder to respond; and

3715           (b) The person's veterinarian's license will remain  
3716 suspended until the person has: (i) made arrangements  
3717 satisfactory to the board for meeting the obligations of the loan,  
3718 scholarship or loan repayment program; or (ii) in the case of a  
3719 default on a loan, made arrangements satisfactory to the agency,  
3720 political subdivision or other public or private entity to which  
3721 payments are due for the repayment of the loan.

3722           (4) In addition to the reasons specified in subsection (1)  
3723 of this section, the board may suspend the license or certificate  
3724 of any licensee or certificate holder for being out of compliance  
3725 with an order for support, as defined in Section 93-11-153. The  
3726 procedure for suspension of a license or certificate for being out  
3727 of compliance with an order for support, and the procedure for the  
3728 reissuance or reinstatement of a license or certificate suspended  
3729 for that purpose, and the payment of any fees for the reissuance  
3730 or reinstatement of a license or certificate suspended for that

3731 purpose, shall be governed by Section 93-11-157 or 93-11-163, as  
3732 the case may be. If there is any conflict between any provision  
3733 of Section 93-11-157 or 93-11-163 and any provision of this  
3734 chapter, the provisions of Section 93-11-157 or 93-11-163, as the  
3735 case may be, shall control.

3736 **SECTION 26.** Section 73-53-17, Mississippi Code of 1972, is  
3737 amended as follows:

3738 73-53-17. (1) Licensees subject to this chapter shall  
3739 conduct their activities, services and practice in accordance with  
3740 this chapter and any rules promulgated pursuant hereto. Licensees  
3741 may be subject to the exercise of the disciplinary sanctions  
3742 enumerated in Section 73-53-23 if the board finds that a licensee  
3743 is guilty of any of the following:

3744 (a) Negligence in the practice or performance of  
3745 professional services or activities;

3746 (b) Engaging in dishonorable, unethical or  
3747 unprofessional conduct of a character likely to deceive, defraud  
3748 or harm the public in the course of professional services or  
3749 activities;

3750 (c) Perpetrating or cooperating in fraud or material  
3751 deception in obtaining or renewing a license or attempting the  
3752 same;

3753 (d) Being convicted of any crime that has a substantial  
3754 relationship to the licensee's activities and services or an  
3755 essential element of which is misstatement, fraud or dishonesty;

3756 (e) Being convicted of any crime that is a felony under  
3757 the laws of this state or of the United States;

3758 (f) Engaging in or permitting the performance of  
3759 unacceptable services personally or by assistants working under  
3760 the licensee's supervision due to the licensee's deliberate or  
3761 grossly negligent act or acts or failure to act, regardless of  
3762 whether actual damage or damages to the public is established;

3763 (g) Continued practice although the licensee has become  
3764 unfit to practice social work due to: (i) failure to keep abreast  
3765 of current professional theory or practice; or (ii) physical or  
3766 mental disability; the entry of an order or judgment by a court of  
3767 competent jurisdiction that a licensee is in need of mental  
3768 treatment or is incompetent shall constitute mental disability; or  
3769 (iii) addiction or severe dependency upon alcohol or other drugs  
3770 that may endanger the public by impairing the licensee's ability  
3771 to practice;

3772 (h) Having disciplinary action taken against the  
3773 licensee's license in another state;

3774 (i) Making differential, detrimental treatment against  
3775 any person because of race, color, creed, sex, religion or  
3776 national origin;

3777 (j) Engaging in lewd conduct in connection with  
3778 professional services or activities;

3779 (k) Engaging in false or misleading advertising;

3780 (l) Contracting, assisting or permitting unlicensed  
3781 persons to perform services for which a license is required under  
3782 this chapter;

3783 (m) Violation of any probation requirements placed on a  
3784 licensee by the board;

3785 (n) Revealing confidential information except as may be  
3786 required by law;

3787 (o) Failing to inform clients of the fact that the  
3788 client no longer needs the services or professional assistance of  
3789 the licensee;

3790 (p) Charging excessive or unreasonable fees or engaging  
3791 in unreasonable collection practices.

3792 (2) Notwithstanding any provision of this chapter:

3793 (a) The board, acting on its own motion or, in the case  
3794 of a default on a loan, on the recommendation of the agency,  
3795 political subdivision or other public or private entity to which

3796 payments are due, shall suspend the license of any person who  
3797 defaults on or fails to comply with the requirements of an  
3798 educational loan, service conditional scholarship or loan  
3799 repayment program obligation that has been granted or guaranteed  
3800 by any federal, state or local agency or political subdivision  
3801 under which the person obtained any of the education necessary to  
3802 qualify for a license under this chapter. However, before an  
3803 agency, political subdivision or other public or private entity  
3804 may recommend the suspension of a license due to the person's  
3805 default on a loan, that agency, political subdivision or other  
3806 public or private entity must provide the license holder with  
3807 notice of its intention to recommend the suspension of the  
3808 person's license and an opportunity for the license holder to  
3809 respond; and

3810           (b) The person's license will remain suspended until  
3811 the person has: (i) made arrangements satisfactory to the board  
3812 for meeting the obligations of the loan, scholarship or loan  
3813 repayment program; or (ii) in the case of a default on a loan,  
3814 made arrangements satisfactory to the agency, political  
3815 subdivision or other public or private entity to which payments  
3816 are due for the repayment of the loan.

3817           (3) The board may order a licensee to submit to a reasonable  
3818 physical or mental examination if the licensee's physical or  
3819 mental capacity to practice safely is at issue in a disciplinary  
3820 proceeding.

3821           (4) Failure to comply with a board order to submit to a  
3822 physical or mental examination shall render a licensee subject to  
3823 the summary suspension procedures described in Section 73-53-23.

3824           (5) In addition to the reasons specified in subsection (1)  
3825 of this section, the board may suspend the license of any licensee  
3826 for being out of compliance with an order for support, as defined  
3827 in Section 93-11-153. The procedure for suspension of a license  
3828 for being out of compliance with an order for support, and the

3829 procedure for the reissuance or reinstatement of a license  
3830 suspended for that purpose, and the payment of any fees for the  
3831 reissuance or reinstatement of a license suspended for that  
3832 purpose, shall be governed by Section 93-11-157 or 93-11-163, as  
3833 the case may be. If there is any conflict between any provision  
3834 of Section 93-11-157 or 93-11-163 and any provision of this  
3835 chapter, the provisions of Section 93-11-157 or 93-11-163, as the  
3836 case may be, shall control.

3837       **SECTION 27.** Section 73-54-29, Mississippi Code of 1972, is  
3838 amended as follows:

3839       73-54-29. (1) Licensees subject to this chapter shall  
3840 conduct their activities, services and practice in accordance with  
3841 this chapter and any rules promulgated pursuant under this  
3842 chapter. Licensees may be subject to the exercise of the  
3843 disciplinary sanctions enumerated in Section 73-53-23 if the board  
3844 finds that a licensee is guilty of any of the actions listed in  
3845 Section 73-53-17(1) or is guilty of any of the following:

3846           (a) Violation of any provision of this chapter or any  
3847 rules or regulations of the board adopted under the provisions of  
3848 this chapter.

3849           (b) Other just and sufficient cause that renders a  
3850 person unfit to practice marriage and family therapy as determined  
3851 by the board but not limited to:

3852                   (i) Habitual use of alcohol or drugs to an extent  
3853 that affects professional competence;

3854                   (ii) Adjudication as being mentally incompetent by  
3855 a court of competent jurisdiction;

3856                   (iii) Practicing in a manner detrimental to the  
3857 public health and welfare;

3858                   (iv) Revocation of a license or certification by a  
3859 licensing agency or by a certifying professional organization; or

3860                   (v) Any other violation of this chapter or the  
3861 code of ethical standards of the American Association of Marriage

3862 and Family Therapy or other ethical standards adopted by the board  
3863 under the provisions of this chapter.

3864 (2) Notwithstanding any provision of this chapter:

3865 (a) The board, acting on its own motion or, in the case  
3866 of a default on a loan, on the recommendation of the agency,  
3867 political subdivision or other public or private entity to which  
3868 payments are due, shall suspend the license of any person who  
3869 defaults on or fails to comply with the requirements of an  
3870 educational loan, service conditional scholarship or loan  
3871 repayment program obligation that has been granted or guaranteed  
3872 by any federal, state or local agency or political subdivision  
3873 under which the person obtained any of the education necessary to  
3874 qualify for a license under this chapter. However, before an  
3875 agency, political subdivision or other public or private entity  
3876 may recommend the suspension of a license due to the person's  
3877 default on a loan, that agency, political subdivision or other  
3878 public or private entity must provide the license holder with  
3879 notice of its intention to recommend the suspension of the  
3880 person's license and an opportunity for the license holder to  
3881 respond; and

3882 (b) The person's license will remain suspended until  
3883 the person has: (i) made arrangements satisfactory to the board  
3884 for meeting the obligations of the loan, scholarship or loan  
3885 repayment program; or (ii) in the case of a default on a loan,  
3886 made arrangements satisfactory to the agency, political  
3887 subdivision or other public or private entity to which payments  
3888 are due for the repayment of the loan.

3889 **SECTION 28.** Section 73-57-31, Mississippi Code of 1972, is  
3890 amended as follows:

3891 73-57-31. (1) The board may revoke, suspend or refuse to  
3892 renew any license or permit, or place on probation, or otherwise  
3893 reprimand a licensee or permit holder, or deny a license to an  
3894 applicant if it finds that person:

3895 (a) Is guilty of fraud or deceit in procuring or  
3896 attempting to procure a license or renewal of a license to  
3897 practice respiratory care.

3898 (b) Is unfit or incompetent by reason of negligence,  
3899 habits or other causes of incompetency.

3900 (c) Is habitually intemperate in the use of alcoholic  
3901 beverages.

3902 (d) Is addicted to, or has improperly obtained,  
3903 possessed, used or distributed habit-forming drugs or narcotics.

3904 (e) Is guilty of dishonest or unethical conduct.

3905 (f) Has practiced respiratory care after his license or  
3906 permit has expired or has been suspended.

3907 (g) Has practiced respiratory care under cover of any  
3908 permit or license illegally or fraudulently obtained or issued.

3909 (h) Has violated or aided or abetted others in  
3910 violation of any provision of this chapter.

3911 (2) Notwithstanding any provision of this chapter:

3912 (a) The board, acting on its own motion or, in the case  
3913 of a default on a loan, on the recommendation of the agency,  
3914 political subdivision or other public or private entity to which  
3915 payments are due, shall suspend the license of any person who  
3916 defaults on or fails to comply with the requirements of an  
3917 educational loan, service conditional scholarship or loan  
3918 repayment program obligation that has been granted or guaranteed  
3919 by any federal, state or local agency or political subdivision  
3920 under which the person obtained any of the education necessary to  
3921 qualify for a license under this chapter. However, before an  
3922 agency, political subdivision or other public or private entity  
3923 may recommend the suspension of a license due to the person's  
3924 default on a loan, that agency, political subdivision or other  
3925 public or private entity must provide the license holder with  
3926 notice of its intention to recommend the suspension of the



3927 person's license and an opportunity for the license holder to  
3928 respond; and

3929 (b) The person's license will remain suspended until  
3930 the person has: (i) made arrangements satisfactory to the board  
3931 for meeting the obligations of the loan, scholarship or loan  
3932 repayment program; or (ii) in the case of a default on a loan,  
3933 made arrangements satisfactory to the agency, political  
3934 subdivision or other public or private entity to which payments  
3935 are due for the repayment of the loan.

3936 (3) In addition to the reasons specified in subsection (1)  
3937 of this section, the board may suspend the license or permit of  
3938 any licensee or permit holder for being out of compliance with an  
3939 order for support, as defined in Section 93-11-153. The procedure  
3940 for suspension of a license or permit for being out of compliance  
3941 with an order for support, and the procedure for the reissuance or  
3942 reinstatement of a license or permit suspended for that purpose,  
3943 and the payment of any fees for the reissuance or reinstatement of  
3944 a license or permit suspended for that purpose, shall be governed  
3945 by Section 93-11-157 or 93-11-163, as the case may be. If there  
3946 is any conflict between any provision of Section 93-11-157 or  
3947 93-11-163 and any provision of this chapter, the provisions of  
3948 Section 93-11-157 or 93-11-163, as the case may be, shall control.

3949 **SECTION 29.** Section 73-63-43, Mississippi Code of 1972, is  
3950 amended as follows:

3951 73-63-43. (1) The board, upon satisfactory proof and in  
3952 accordance with this chapter and rules and regulations of the  
3953 board, may take the disciplinary actions provided under this  
3954 chapter against any person for the following reasons:

3955 (a) Violation of this chapter, any rule or regulation  
3956 or written order of the board, any condition of registration or  
3957 standards of professional conduct;

3958 (b) Fraud, deceit or misrepresentation in obtaining a  
3959 certificate of registration as a registered professional geologist  
3960 or certificate of enrollment as a geologist-in-training;

3961 (c) Gross negligence, malpractice, incompetency,  
3962 misconduct, or repeated incidents of simple negligence in or  
3963 related to the practice of geology;

3964 (d) Practicing or offering to practice geology, or  
3965 holding oneself out as being registered or qualified to practice  
3966 geology, by an individual who is not registered under this  
3967 chapter, or by any other person not employing a registered  
3968 professional geologist as required by this chapter;

3969 (e) Using the seal of another, or using or allowing use  
3970 of one's seal on geologic work not performed by or under the  
3971 supervision of the registered professional geologist, or otherwise  
3972 aiding or abetting any person in the violation of this chapter; or

3973 (f) Disciplinary action by any state agency, board of  
3974 registration or similar licensing agency for geologists or any  
3975 profession or occupation related to the practice of geology. The  
3976 sanction imposed by the board shall not exceed in severity or  
3977 duration the sanction upon which that action is based.

3978 (2) Notwithstanding any provision of this chapter:

3979 (a) The board, acting on its own motion or, in the case  
3980 of a default on a loan, on the recommendation of the agency,  
3981 political subdivision or other public or private entity to which  
3982 payments are due, shall suspend the license of any person who  
3983 defaults on or fails to comply with the requirements of an  
3984 educational loan, service conditional scholarship or loan  
3985 repayment program obligation that has been granted or guaranteed  
3986 by any federal, state or local agency or political subdivision  
3987 under which the person obtained any of the education necessary to  
3988 qualify for a license under this chapter. However, before an  
3989 agency, political subdivision or other public or private entity  
3990 may recommend the suspension of a license due to the person's

3991 default on a loan, that agency, political subdivision or other  
3992 public or private entity must provide the license holder with  
3993 notice of its intention to recommend the suspension of the  
3994 person's license and an opportunity for the license holder to  
3995 respond; and

3996         (b) The person's license will remain suspended until  
3997 the person has: (i) made arrangements satisfactory to the board  
3998 for meeting the obligations of the loan, scholarship or loan  
3999 repayment program; or (ii) in the case of a default on a loan,  
4000 made arrangements satisfactory to the agency, political  
4001 subdivision or other public or private entity to which payments  
4002 are due for the repayment of the loan.

4003         (3) Any person may bring a complaint alleging a violation of  
4004 this chapter, any rule or regulation or written order of the  
4005 board, any condition of registration or standards of professional  
4006 conduct. Complaints shall be made in writing, sworn to by the  
4007 person filing the complaint, and filed with the board. The board  
4008 shall investigate all complaints and upon finding a basis for that  
4009 complaint, shall notify the accused in writing specifying the  
4010 provisions of this chapter, rule, regulation or order of the board  
4011 or the condition or standard alleged to be violated and the facts  
4012 alleged to constitute the violation. The notice shall require the  
4013 accused to appear before the board at a time and place to answer  
4014 the charges. The time of appearance shall be at least thirty (30)  
4015 days from the date of service of the notice. Notice shall be made  
4016 by service on the person or by registered or certified mail,  
4017 return receipt requested, to last known business or residence  
4018 address of the accused, as shown on the records of the board.  
4019 Within fifteen (15) days following receipt of that notice, the  
4020 accused shall file a written response, admitting, denying, or  
4021 taking exception to the charges. In the absence of a response or  
4022 if the charges are admitted or if no exception is taken, the board  
4023 may take disciplinary action without holding a hearing. A

4024 disciplinary action may be settled by the board and the accused,  
4025 either before or after a hearing has begun.

4026 A person who reports or provides information to the board in  
4027 good faith is not subject to an action for civil damages.

4028 (4) Any hearing under this section may be conducted by the  
4029 board itself at a regular or special meeting of the board or by a  
4030 hearing officer designated by the board. The hearing officer may  
4031 conduct the hearings in the name of the board at any time and  
4032 place as conditions and circumstances may warrant. The hearing  
4033 officer or any member of the board may administer oaths or  
4034 affirmations to witnesses appearing before the hearing officer or  
4035 the board.

4036 If any witness fails or refuses to attend upon subpoena  
4037 issued by the board, refuses to testify or refuses to produce  
4038 books, papers, reports, documents and similar material, the  
4039 production of which is called for by a subpoena, the attendance of  
4040 any witness and the giving of that person's testimony and the  
4041 production of books, papers, reports, documents and similar  
4042 material shall be enforced by any court of competent jurisdiction  
4043 of this state in the manner provided for the enforcement of the  
4044 attendance and testimony of witnesses in civil cases in the courts  
4045 of this state.

4046 All hearings before the board shall be recorded either by a  
4047 court reporter or by tape or mechanical recorders and subject to  
4048 transcription upon order of the board or any interested person.  
4049 If the request for transcription originates with an interested  
4050 person, that person shall pay the cost of transcription.

4051 The accused shall have the right to be present at the hearing  
4052 in person, by counsel or other representative, or both. The board  
4053 may continue or recess the hearing as may be necessary.

4054 (5) If a hearing officer conducts the hearing on behalf of  
4055 the board, the hearing officer shall upon completion have the  
4056 record of that hearing prepared. The record shall be submitted to

4057 the board along with that hearing officer's findings of fact and  
4058 recommended decision. Upon receipt and review of the record of  
4059 the hearing and the hearing officer's findings of fact and  
4060 recommended decision, the board shall render its final decision as  
4061 provided in subsection (6) of this section.

4062 Any person ordered to appear for an alleged violation may  
4063 request a hearing before a majority of the board. A verbatim  
4064 record of any previous hearings on that matter shall be filed with  
4065 the board, together with findings of fact and conclusions of law  
4066 made by the board based on the record.

4067 (6) At the conclusion of the hearing, the board may either  
4068 decide the issue at that time or take the case under advisement  
4069 for further deliberation. The board shall render its decision not  
4070 more than ninety (90) days after the close of the hearing, and  
4071 shall forward to the last known business or residence address of  
4072 the accused, by certified or registered mail, return receipt  
4073 requested, a written statement of the decision of the board.

4074 If a majority of the board finds the accused guilty of the  
4075 charges filed, the board may take any combination of the following  
4076 actions:

4077 (a) Deny the renewal of a certificate of registration  
4078 or certificate of enrollment;

4079 (b) Suspend the certificate of registration or  
4080 certificate of enrollment of any registrant for a specified period  
4081 of time, not to exceed three (3) years, or revoke the certificate  
4082 of registration or certificate of enrollment of any registrant;

4083 (c) Censure, reprimand or issue a public or private  
4084 admonishment to an applicant, a registrant or any other person  
4085 engaged in the practice of geology under this chapter;

4086 (d) Impose limitations, conditions or restrictions upon  
4087 the practice of an applicant, a registrant or upon any other  
4088 person engaged in the practice of geology;

4089           (e) Require the guilty party to complete a course,  
4090 approved by the board, in ethics;

4091           (f) Impose probation upon a registrant, requiring  
4092 regular reporting to the board;

4093           (g) Require restitution, in whole or in part, of the  
4094 compensation or fees earned by a registrant or by any other person  
4095 engaging in the practice of geology; or

4096           (h) Assess and levy upon the guilty party a monetary  
4097 penalty not to exceed Five Thousand Dollars (\$5,000.00) for each  
4098 violation.

4099        (7) Any monetary penalty assessed and levied under this  
4100 section shall be paid to the board upon the expiration of the  
4101 period allowed for appeal of that penalty, or may be paid sooner  
4102 if the guilty party elects. Money collected by the board under  
4103 this section shall be deposited to the credit of the registered  
4104 professional geologists fund.

4105        When payment of a monetary penalty assessed and levied by the  
4106 board in accordance with this section is not paid when due, the  
4107 board may begin and maintain proceedings in its name for  
4108 enforcement of payment in the chancery court of the county and  
4109 judicial district of residence of the guilty party and if the  
4110 guilty party is a nonresident of the State of Mississippi, the  
4111 proceedings shall be in the Chancery Court of the First Judicial  
4112 District of Hinds County, Mississippi.

4113        (8) The board may assess and impose the costs of any  
4114 disciplinary proceedings conducted under this section against  
4115 either the accused, the charging party, or both, as it may elect.

4116        (9) The authority of the board to assess and levy the  
4117 monetary penalties under this section shall not be affected or  
4118 diminished by any other proceeding, civil or criminal, concerning  
4119 the same violation or violations, unless provided in this section.

4120        (10) If the board determines there is an imminent danger to  
4121 the public welfare, the board may issue an order for the immediate

4122 suspension of a certificate of registration or a certificate of  
4123 enrollment. The registrant may request a hearing on the matter  
4124 within fifteen (15) days after receipt of the order of suspension.  
4125 The board shall file charges as provided in this section within  
4126 thirty (30) days after the issuance of an order, or the suspension  
4127 shall be of no further force and effect. If charges are filed,  
4128 the order of suspension shall remain in effect until disposition  
4129 of all charges.

4130       (11) The board, for sufficient cause, may reissue a revoked  
4131 certificate of registration or certificate of enrollment, upon  
4132 written application to the board by the applicant. The  
4133 application shall be made not less than three (3) years after the  
4134 revocation. The board may impose reasonable conditions or  
4135 limitations in connection with any reissuance.

4136       (12) In addition to the reasons named in subsection (1) of  
4137 this section, the board may suspend the certificate of  
4138 registration or certificate of enrollment of any person for being  
4139 out of compliance with an order for support, as defined in Section  
4140 93-11-153. The procedure for suspension of a certificate for  
4141 being out of compliance with an order for support, and the  
4142 procedure for the reissuance or reinstatement of a certificate  
4143 suspended for that purpose, and the payment of any fees for the  
4144 reissuance or reinstatement of a certificate suspended for that  
4145 purpose, shall be governed by Section 93-11-157 or 93-11-163, as  
4146 the case may be. Actions taken by the board in suspending a  
4147 certificate when required by Section 93-11-157 or 93-11-163 are  
4148 not actions from which an appeal may be taken under Section  
4149 73-63-49. Any appeal of a suspension of a certificate that is  
4150 required by Section 93-11-157 or 93-11-163 shall be taken in  
4151 accordance with the appeal procedure specified in Section  
4152 93-11-157 or 93-11-163, as the case may be, rather than the  
4153 procedure specified in Section 73-63-49. If there is any conflict

4154 between Section 93-11-157 or 93-11-163 and this chapter, Section  
4155 93-11-157 or 93-11-163, as the case may be, shall control.

4156 **SECTION 30.** Section 73-65-13, Mississippi Code of 1972, is  
4157 amended as follows:

4158 73-65-13. (1) The board may deny any application, or  
4159 suspend or revoke any license held or applied for under the  
4160 provisions of Section 73-65-7 if the person:

4161 (a) Is found guilty of fraud, deceit, or  
4162 misrepresentation in procuring or attempting to procure a license  
4163 to practice art therapy;

4164 (b) Is adjudicated mentally incompetent;

4165 (c) Is found guilty of a felony or misdemeanor  
4166 involving moral turpitude;

4167 (d) Is found guilty of unprofessional or unethical  
4168 conduct in this or any other jurisdiction;

4169 (e) Has been using any controlled substance or  
4170 alcoholic beverage to an extent or in a manner dangerous to the  
4171 person, any other person, or the public, or to an extent that the  
4172 use impairs the ability to perform as a licensed professional art  
4173 therapist;

4174 (f) Has violated any provision of this chapter; or

4175 (g) Willfully or negligently divulges a professional  
4176 confidence.

4177 (2) A certified copy of the record of conviction shall be  
4178 conclusive evidence of the conviction.

4179 (3) Disciplinary proceedings may be initiated upon the  
4180 receipt by the board of a sworn complaint by any person, including  
4181 members of the board.

4182 (4) Notwithstanding any provision of this chapter:

4183 (a) The board, acting on its own motion or, in the case  
4184 of a default on a loan, on the recommendation of the agency,  
4185 political subdivision or other public or private entity to which  
4186 payments are due, shall suspend the license of any person who



4187 defaults on or fails to comply with the requirements of an  
4188 educational loan, service conditional scholarship or loan  
4189 repayment program obligation that has been granted or guaranteed  
4190 by any federal, state or local agency or political subdivision  
4191 under which the person obtained any of the education necessary to  
4192 qualify for a license under this chapter. However, before an  
4193 agency, political subdivision or other public or private entity  
4194 may recommend the suspension of a license due to the person's  
4195 default on a loan, that agency, political subdivision or other  
4196 public or private entity must provide the license holder with  
4197 notice of its intention to recommend the suspension of the  
4198 person's license and an opportunity for the license holder to  
4199 respond; and

4200 (b) The person's license will remain suspended until  
4201 the person has: (i) made arrangements satisfactory to the board  
4202 for meeting the obligations of the loan, scholarship or loan  
4203 repayment program; or (ii) in the case of a default on a loan,  
4204 made arrangements satisfactory to the agency, political  
4205 subdivision or other public or private entity to which payments  
4206 are due for the repayment of the loan.

4207 **SECTION 31.** Section 73-67-27, Mississippi Code of 1972, is  
4208 amended as follows:

4209 73-67-27. (1) The board may refuse to issue or renew or may  
4210 deny, suspend or revoke any certificate of registration held or  
4211 applied for under this chapter upon finding that the holder of a  
4212 certificate of registration or applicant:

4213 (a) Is guilty of fraud, deceit or misrepresentation in  
4214 procuring or attempting to procure any certificate of registration  
4215 provided for in this chapter;

4216 (b) Attempted to use as his own the certificate of  
4217 registration of another;

4218 (c) Allowed the use of his certificate of registration  
4219 by another;

4220 (d) Has been adjudicated as mentally incompetent by  
4221 regularly constituted authorities;

4222 (e) Has been convicted of a crime, or has charges or  
4223 disciplinary action pending that directly relates to the practice  
4224 of massage therapy or to the ability to practice massage therapy.  
4225 Any plea of nolo contendere shall be considered a conviction for  
4226 the purposes of this section;

4227 (f) Is guilty of unprofessional or unethical conduct as  
4228 defined by the code of ethics;

4229 (g) Is guilty of false, misleading or deceptive  
4230 advertising, or is guilty of aiding or assisting in the  
4231 advertising of any unregistered or unpermitted person in the  
4232 practice of massage therapy;

4233 (h) Is grossly negligent or incompetent in the practice  
4234 of massage therapy; or

4235 (i) Has had rights, credentials or one or more  
4236 license(s) to practice massage therapy revoked, suspended or  
4237 denied in any jurisdiction, territory or possession of the United  
4238 States or another country for acts of the licensee similar to acts  
4239 described in this section. A certified copy of the record of the  
4240 jurisdiction making such a revocation, suspension or denial shall  
4241 be conclusive evidence thereof.

4242 (2) Notwithstanding any provision of this chapter:

4243 (a) The board, acting on its own motion or, in the case  
4244 of a default on a loan, on the recommendation of the agency,  
4245 political subdivision or other public or private entity to which  
4246 payments are due, shall suspend the certificate of registration of  
4247 any person who defaults on or fails to comply with the  
4248 requirements of an educational loan, service conditional  
4249 scholarship or loan repayment program obligation that has been  
4250 granted or guaranteed by any federal, state or local agency or  
4251 political subdivision under which the person obtained any of the  
4252 education necessary to qualify for a certificate of registration

4253 under this chapter. However, before an agency, political  
4254 subdivision or other public or private entity may recommend the  
4255 suspension of a certificate of registration due to the person's  
4256 default on a loan, that agency, political subdivision or other  
4257 public or private entity must provide the certificate holder with  
4258 notice of its intention to recommend the suspension of the  
4259 person's certificate of registration and an opportunity for the  
4260 certificate holder to respond; and

4261 (b) The person's certificate of registration will  
4262 remain suspended until the person has: (i) made arrangements  
4263 satisfactory to the board for meeting the obligations of the loan,  
4264 scholarship or loan repayment program; or (ii) in the case of a  
4265 default on a loan, made arrangements satisfactory to the agency,  
4266 political subdivision or other public or private entity to which  
4267 payments are due for the repayment of the loan.

4268 (3) Investigative proceedings may be implemented by a  
4269 complaint by any person, including members of the board.

4270 (4) (a) Any person(s) found guilty of prostitution using as  
4271 any advertisement, claim or insignia of being an actual registered  
4272 massage therapist or to be practicing massage therapy by using the  
4273 word "massage" or any other description indicating the same,  
4274 whether or not the person(s) have one or more such certificate of  
4275 registration for person(s) or establishment(s), shall be guilty of  
4276 a misdemeanor, and upon conviction, shall be punished by a fine of  
4277 not less than One Thousand Dollars (\$1,000.00), nor more than Five  
4278 Thousand Dollars (\$5,000.00), or imprisonment of up to six (6)  
4279 months, or both, per offense, per person.

4280 (b) Any person who knowingly participates in receiving  
4281 illegal service(s) of any person found guilty as described in  
4282 paragraph (a) of this subsection, upon conviction, shall be  
4283 punished by a fine not exceeding Five Hundred Dollars (\$500.00),  
4284 or imprisonment for up to one (1) month, or both. Persons  
4285 officially designated to investigate complaints are exempt.

4286                   (c) Any person who violates any provision of this  
4287 chapter, other than violation(s) of paragraph (a) of this  
4288 subsection, is guilty of a misdemeanor, and upon conviction, shall  
4289 be punished by a fine not exceeding Five Hundred Dollars  
4290 (\$500.00), or imprisonment for up to one (1) month in jail, or  
4291 both, per offense.

4292                   **SECTION 32.** This act shall take effect and be in force from  
4293 and after July 1, 2004.