

By: Representatives Barnett, Bondurant

To: Public Health and Human Services

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 715

1 AN ACT TO AMEND SECTIONS 73-25-14 AND 73-27-12, MISSISSIPPI
2 CODE OF 1972, TO AUTHORIZE THE RENEWAL OF LICENSES TO PRACTICE
3 MEDICINE OR OSTEOPATHY AND PODIATRY BY ELECTRONIC MEANS; TO AMEND
4 SECTIONS 73-25-3 AND 73-27-5, MISSISSIPPI CODE OF 1972, TO REQUIRE
5 BACKGROUND CHECKS AND FINGERPRINTING FOR THE INITIAL LICENSURE OF
6 PHYSICIANS AND PODIATRISTS; AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** Section 73-25-14, Mississippi Code of 1972, is
9 amended as follows:

10 73-25-14. (1) The license of every person licensed to
11 practice medicine or osteopathy in the State of Mississippi shall
12 be renewed annually.

13 On or before May 1 of each year, the State Board of Medical
14 Licensure shall mail a notice of renewal of license to every
15 physician or osteopath to whom a license was issued or renewed
16 during the current licensing year. The notice shall provide
17 instructions for obtaining and submitting applications for
18 renewal. The State Board of Medical Licensure is authorized to
19 make applications for renewal available via electronic means. The
20 applicant shall obtain and complete the application and submit it
21 to the board in the manner prescribed by the board in the notice
22 before June 30 with the renewal fee of an amount established by
23 the board, but not to exceed Two Hundred Dollars (\$200.00), a
24 portion of which fee shall be used to support a program to aid
25 impaired physicians and osteopaths. The payment of the annual
26 license renewal fee shall be optional with all physicians over the
27 age of seventy (70) years. Upon receipt of the application and
28 fee, the board shall verify the accuracy of the application and
29 issue to applicant a certificate of renewal for the ensuing year,

30 beginning July 1 and expiring June 30 of the succeeding calendar
31 year. That renewal shall render the holder thereof a legal
32 practitioner as stated on the renewal form.

33 (2) Any physician or osteopath practicing in Mississippi who
34 allows his or her license to lapse by failing to renew the license
35 as provided in subsection (1) may be reinstated by the board on
36 satisfactory explanation for the failure to renew, by completion
37 of a reinstatement form, and upon payment of the renewal fee for
38 the current year, and shall be assessed a fine of Twenty-five
39 Dollars (\$25.00) plus an additional fine of Five Dollars (\$5.00)
40 for each month thereafter that the license renewal remains
41 delinquent.

42 (3) Any physician or osteopath not practicing in Mississippi
43 who allows his or her license to lapse by failing to renew the
44 license as provided in subsection (1) may be reinstated by the
45 board on satisfactory explanation for the failure to renew, by
46 completion of a reinstatement form and upon payment of the
47 arrearages for the previous five (5) years and the renewal fee for
48 the current year.

49 (4) Any physician or osteopath who allows his or her license
50 to lapse shall be notified by the board within thirty (30) days of
51 that lapse.

52 (5) Any person practicing as a licensed physician or
53 osteopath during the time his or her license has lapsed shall be
54 considered an illegal practitioner and shall be subject to
55 penalties provided for violation of the Medical Practice Act,
56 provided that he or she had not submitted the required
57 reinstatement form and fee within fifteen (15) days after
58 notification by the board of the lapse.

59 (6) Any physician or osteopath practicing in the State of
60 Mississippi whose license has lapsed and is deemed an illegal
61 practitioner under subsection (5) of this section may petition the
62 board for reinstatement of his or her license on a retroactive

63 basis, if the physician or osteopath was unable to meet the June
64 30 deadline due to extraordinary or other legitimate reasons, and
65 retroactive reinstatement of licensure shall be granted or may be
66 denied by the board only for good cause. Failure to advise the
67 board of change of address shall not be considered a basis of
68 reinstatement.

69 (7) None of the fees or fines provided for in this section
70 shall be applicable to the renewal of a special volunteer medical
71 license authorized under Section 73-25-18.

72 (8) Fees collected under the provisions of this section
73 shall be used by the board to defray expenses of administering the
74 licensure provisions of the Medical Practice Act (Title 73,
75 Chapter 25, Mississippi Code of 1972) and to support a program to
76 aid impaired physicians and osteopaths in an amount determined by
77 the board.

78 **SECTION 2.** Section 73-27-12, Mississippi Code of 1972, is
79 amended as follows:

80 73-27-12. (1) The license of every person licensed to
81 practice podiatry in the State of Mississippi shall be renewed
82 annually.

83 On or before May 1 of each year, the board shall mail a
84 notice of renewal of license to every podiatrist to whom a license
85 was issued or renewed during the current licensing year. The
86 notice shall provide instructions for obtaining and submitting
87 applications for renewal. The State Board of Medical Licensure is
88 authorized to make applications for renewal available via
89 electronic means. The applicant shall obtain and complete the
90 application and submit it to the board in the manner prescribed by
91 the board in the notice before June 30 with the renewal fee of an
92 amount established by the board, but not to exceed Two Hundred
93 Dollars (\$200.00), a portion of which fee shall be used to support
94 a program to aid impaired podiatrists. Upon receipt of the
95 application and fee, the board shall verify the accuracy of the

96 application and issue to applicant a certificate of renewal for
97 the ensuing year, beginning July 1 and expiring June 30 of the
98 succeeding calendar year. That renewal shall render the holder
99 thereof a legal practitioner as stated on the renewal form.

100 (2) Any podiatrist practicing in Mississippi who allows his
101 or her license to lapse by failing to renew the license as
102 provided in subsection (1) may be reinstated by the board on
103 satisfactory explanation for the failure to renew, by completion
104 of a reinstatement form, and upon payment of the renewal fee for
105 the current year, and shall be assessed a fine of Twenty-five
106 Dollars (\$25.00) plus an additional fine of Five Dollars (\$5.00)
107 for each month thereafter that the license renewal remains
108 delinquent.

109 (3) Any podiatrist not practicing in Mississippi who allows
110 his or her license to lapse by failing to renew the license as
111 provided in subsection (1) may be reinstated by the board on
112 satisfactory explanation for the failure to renew, by completion
113 of a reinstatement form and upon payment of the arrearages for the
114 previous five (5) years and the renewal fee for the current year.

115 (4) Any podiatrist who allows his or her license to lapse
116 shall be notified by the board within thirty (30) days of that
117 lapse.

118 (5) Any person practicing as a licensed podiatrist during
119 the time his or her license has lapsed shall be considered an
120 illegal practitioner and shall be subject to penalties set forth
121 in Section 73-27-17, provided that he or she has not submitted the
122 required reinstatement form and fee within fifteen (15) days after
123 notification by the board of the lapse.

124 (6) Any podiatrist practicing in the State of Mississippi
125 whose license has lapsed and is deemed an illegal practitioner
126 under subsection (5) of this section may petition the board for
127 reinstatement of his or her license on a retroactive basis, if the
128 podiatrist was unable to meet the June 30 deadline due to

129 extraordinary or other legitimate reasons, and retroactive
130 reinstatement of licensure shall be granted or may be denied by
131 the board only for good cause. Failure to advise the board of
132 change of address shall not be considered a basis for
133 reinstatement.

134 (7) Fees collected under the provisions of this section
135 shall be used by the board to defray expenses of administering the
136 licensure provisions of Title 73, Chapter 27, Mississippi Code of
137 1972, and to support a program to aid impaired podiatrists in an
138 amount determined by the board.

139 **SECTION 3.** Section 73-25-3, Mississippi Code of 1972, is
140 amended as follows:

141 73-25-3. Every person who desires to obtain a license to
142 practice medicine must apply therefor, in writing, to the State
143 Board of Medical Licensure at least ten (10) days before the date
144 of the examination and must be examined by the board according to
145 the methods deemed by it to be the most practical and expeditious
146 to test the applicant's qualifications, and if the applicant is
147 found by the board, upon examination, to possess sufficient
148 learning in those branches and to be of good moral character, the
149 board shall issue him or her a license to practice medicine;
150 however, no applicant shall be granted a license unless the
151 applicant * * * holds a diploma from a reputable medical college
152 or college of osteopathic medicine that requires a four-year
153 course of at least thirty-two (32) weeks for each session, or its
154 equivalent.

155 To qualify for a Mississippi license to practice medicine, an
156 applicant for the initial license must have successfully been
157 cleared for licensure through an investigation, which shall
158 consist of a determination as to good moral character and
159 verification that the prospective licensee is not guilty of or in
160 violation of any statutory ground for denial of licensure as set
161 forth in Sections 73-25-29 and 73-25-83. To assist the board in

162 conducting its licensure investigation, all applicants shall be
163 fingerprinted. All fingerprints taken shall be forwarded to the
164 Federal Bureau of Investigation or other law enforcement agency
165 for analysis.

166 This section shall not apply to applicants for a special
167 volunteer medical license authorized under Section 73-25-18.

168 **SECTION 4.** Section 73-27-5, Mississippi Code of 1972, is
169 amended as follows:

170 73-27-5. All applicants for license shall have attained the
171 age of twenty-one (21) years, and shall be of good moral
172 character; they shall have had at least four (4) years high school
173 and be graduates of same; they shall have at least one (1) year
174 prepodiatry college education and be graduates of some college of
175 podiatry recognized as being in good standing by the State Board
176 of Medical Licensure. No college of podiatry or chiropody shall
177 be accredited by the board as a college of good standing that does
178 not require for graduation a course of study of at least four (4)
179 years (eight and one-half (8-1/2) months each) and is recognized
180 by the Council on Education of the American Podiatry
181 Association. * * * However, * * * all podiatrists actively
182 engaged in the practice of podiatry in the State of Mississippi,
183 before January 1, 1938, whether graduates or not, shall, upon
184 furnishing proof thereof by displaying their state privilege tax
185 license to the Secretary of the State Board of Medical Licensure,
186 and upon payment of fee of Ten Dollars and Twenty-five Cents
187 (\$10.25) be entitled to a license without an examination, and
188 applications for the license shall be filed not later than sixty
189 (60) days after the passage of this chapter. Upon payment of a
190 fee prescribed by the State Board of Medical Licensure, not to
191 exceed Five Hundred Dollars (\$500.00), a license without
192 examination may be issued to podiatrists of other states
193 maintaining equal statutory requirements for the practice of
194 podiatry and extending the same reciprocal privileges to this

195 state. * * * The State Board of Medical Licensure may affiliate
196 with the National Board of Chiropractic or Podiatry Licensure in
197 granting licenses to practice podiatry in Mississippi, provided
198 that the written examination covers at least two-thirds (2/3) of
199 the subjects set forth in Section 73-27-9.

200 Each application or filing made under this section shall
201 include the Social Security number(s) of the applicant in
202 accordance with Section 93-11-64.

203 To qualify for a Mississippi license to practice podiatry, an
204 applicant for the initial license must have successfully been
205 cleared for licensure through an investigation, which shall
206 consist of a determination as to good moral character and
207 verification that the prospective licensee is not guilty of or in
208 violation of any statutory ground for denial of licensure as set
209 forth in Section 73-27-13. To assist the board in conducting its
210 licensure investigation, all applicants shall be fingerprinted.
211 All fingerprints taken shall be forwarded to the Federal Bureau of
212 Investigation or other law enforcement agency for analysis.

213 **SECTION 5.** This act shall take effect and be in force from
214 and after its passage.