

By: Representative Smith (39th)

To: Public Health and Human
Services

HOUSE BILL NO. 1325

1 AN ACT TO AMEND SECTIONS 73-25-3, 73-25-14, 73-25-32,
2 73-26-3, 73-27-5, 73-27-12 AND 41-58-7, MISSISSIPPI CODE OF 1972,
3 TO REQUIRE A CRIMINAL HISTORY RECORDS CHECK ON APPLICANTS FOR
4 LICENSURE AS A PHYSICIAN, OSTEOPATH, PODIATRIST, PHYSICIAN
5 ASSISTANT AND RADIOLOGIST ASSISTANT, AND ON APPLICANTS FOR
6 REINSTATEMENT OF THOSE LICENSES; AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** Section 73-25-3, Mississippi Code of 1972, is
9 amended as follows:

10 73-25-3. Every person who desires to obtain a license to
11 practice medicine must apply therefor, in writing, to the State
12 Board of Medical Licensure at least ten (10) days before the date
13 of the examination and must be examined by the board according to
14 the methods deemed by it to be the most practical and expeditious
15 to test the applicants' qualifications * * *. If the applicant
16 is found by the board, upon examination, to possess sufficient
17 learning in those branches and to be of good moral character, the
18 board shall issue him a license to practice medicine; provided
19 that no applicant shall be granted a license unless the applicant
20 holds a diploma from a reputable medical college or college of
21 osteopathic medicine that requires a four-year course of at least
22 thirty-two (32) weeks for each session, or its equivalent.

23 To qualify for a Mississippi medical license, an applicant
24 must have successfully been cleared for licensure through an
25 investigation that shall consist of a determination as to good
26 moral character and verification that the prospective licensee is
27 not guilty of or in violation of any statutory ground for denial
28 of licensure as set forth in Sections 73-25-29 and 73-25-83. To
29 assist the board in conducting its licensure investigation, all

30 applicants shall undergo a fingerprint-based criminal history
31 records check of the Mississippi central criminal database and the
32 Federal Bureau of Investigation criminal history database. Each
33 applicant shall submit a full set of the applicant's fingerprints
34 in a form and manner prescribed by the board, which shall be
35 forwarded to the Mississippi Department of Public Safety
36 (department) and the Federal Bureau of Investigation
37 Identification Division for this purpose.

38 Any and all state or national criminal history records
39 information obtained by the board that is not already a matter of
40 public record shall be deemed nonpublic and confidential
41 information restricted to the exclusive use of the board, its
42 members, officers, investigators, agents and attorneys in
43 evaluating the applicant's eligibility or disqualification for
44 licensure, and shall be exempt from the Mississippi Public Records
45 Act of 1983. Except when introduced into evidence in a hearing
46 before the board to determine licensure, no such information or
47 records related thereto shall, except with the written consent of
48 the applicant or by order of a court of competent jurisdiction, be
49 released or otherwise disclosed by the board to any other person
50 or agency.

51 The board shall provide to the department the fingerprints of
52 the applicant, any additional information that may be required by
53 the department, and a form signed by the applicant consenting to
54 the check of the criminal records and to the use of the
55 fingerprints and other identifying information required by the
56 state or national repositories.

57 The board shall charge and collect from the applicant, in
58 addition to all other applicable fees and costs, such amount as
59 may be incurred by the board in requesting and obtaining state and
60 national criminal history records information on the applicant.

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

63 **SECTION 2.** Section 73-25-14, Mississippi Code of 1972, is
64 amended as follows:

65 73-25-14. (1) The license of every person licensed to
66 practice medicine or osteopathy in the State of Mississippi shall
67 be renewed annually.

68 On or before May 1 of each year, the State Board of Medical
69 Licensure shall mail a notice of renewal of license to every
70 physician or osteopath to whom a license was issued or renewed
71 during the current licensing year. The notice shall provide
72 instructions for obtaining and submitting applications for
73 renewal. The State Board of Medical Licensure is authorized to
74 make applications for renewal available via electronic means. The
75 applicant shall obtain and complete the application and submit it
76 to the board in the manner prescribed by the board in the notice
77 before June 30 with the renewal fee of an amount established by
78 the board, but not to exceed Two Hundred Dollars (\$200.00), a
79 portion of which fee shall be used to support a program to aid
80 impaired physicians and osteopaths. The payment of the annual
81 license renewal fee shall be optional with all physicians over the
82 age of seventy (70) years. Upon receipt of the application and
83 fee, the board shall verify the accuracy of the application and
84 issue to applicant a certificate of renewal for the ensuing year,
85 beginning July 1 and expiring June 30 of the succeeding calendar
86 year. That renewal shall render the holder thereof a legal
87 practitioner as stated on the renewal form.

88 (2) Any physician or osteopath practicing in Mississippi who
89 allows his or her license to lapse by failing to renew the license
90 as provided in subsection (1) may be reinstated by the board on
91 satisfactory explanation for the failure to renew, by completion
92 of a reinstatement form, and upon payment of the renewal fee for
93 the current year, and shall be assessed a fine of Twenty-five
94 Dollars (\$25.00) plus an additional fine of Five Dollars (\$5.00)

95 for each month thereafter that the license renewal remains
96 delinquent.

97 (3) Any physician or osteopath not practicing in Mississippi
98 who allows his or her license to lapse by failing to renew the
99 license as provided in subsection (1) may be reinstated by the
100 board on satisfactory explanation for the failure to renew, by
101 completion of a reinstatement form and upon payment of the
102 arrearages for the previous five (5) years and the renewal fee for
103 the current year.

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

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

114 (6) Any physician or osteopath practicing in the State of
115 Mississippi whose license has lapsed and is deemed an illegal
116 practitioner under subsection (5) of this section may petition the
117 board for reinstatement of his or her license on a retroactive
118 basis, if the physician or osteopath was unable to meet the June
119 30 deadline due to extraordinary or other legitimate reasons, and
120 retroactive reinstatement of licensure shall be granted or may be
121 denied by the board only for good cause. Failure to advise the
122 board of change of address shall not be considered a basis of
123 reinstatement.

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

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

133 (9) In order for a physician or osteopath whose medical
134 license has been expired for five (5) years or more to qualify for
135 reinstatement of license, the physician or osteopath must have
136 successfully been cleared for reinstatement through an
137 investigation that shall consist of a determination as to good
138 moral character and verification that the prospective licensee is
139 not guilty of or in violation of any statutory ground for denial
140 of licensure as set forth in Sections 73-25-29 and 73-25-83. To
141 assist the board in conducting its licensure investigation, all
142 applicants shall undergo a fingerprint-based criminal history
143 records check of the Mississippi central criminal database and the
144 Federal Bureau of Investigation criminal history database. Each
145 applicant shall submit a full set of the applicant's fingerprints
146 in a form and manner prescribed by the board, which shall be
147 forwarded to the Mississippi Department of Public Safety
148 (department) and the Federal Bureau of Investigation
149 Identification Division for this purpose.

150 Any and all state or national criminal history records
151 information obtained by the board that is not already a matter of
152 public record shall be deemed nonpublic and confidential
153 information restricted to the exclusive use of the board, its
154 members, officers, investigators, agents and attorneys in
155 evaluating the applicant's eligibility or disqualification for
156 licensure, and shall be exempt from the Mississippi Public Records
157 Act of 1983. Except when introduced into evidence in a hearing
158 before the board to determine licensure, no such information or
159 records related thereto shall, except with the written consent of

160 the applicant or by order of a court of competent jurisdiction, be
161 released or otherwise disclosed by the board to any other person
162 or agency.

163 The board shall provide to the department the fingerprints of
164 the applicant, any additional information that may be required by
165 the department, and a form signed by the applicant consenting to
166 the check of the criminal records and to the use of the
167 fingerprints and other identifying information required by the
168 state or national repositories.

169 The board shall charge and collect from the applicant, in
170 addition to all other applicable fees and costs, such amount as
171 may be incurred by the board in requesting and obtaining state and
172 national criminal history records information on the applicant.

173 **SECTION 3.** Section 73-25-32, Mississippi Code of 1972, is
174 amended as follows:

175 73-25-32. (1) A person whose license to practice medicine
176 or osteopathy has been revoked or suspended may petition the
177 Mississippi State Board of Medical Licensure to reinstate this
178 license after a period of not less than one (1) year has elapsed
179 from the date of the revocation or suspension. The procedure for
180 the reinstatement of a license that is suspended for being out of
181 compliance with an order for support, as defined in Section
182 93-11-153, shall be governed by Section 93-11-157 or 93-11-163, as
183 the case may be.

184 (2) The petition shall be accompanied by two (2) or more
185 verified recommendations from physicians or osteopaths licensed by
186 the Board of Medical Licensure to which the petition is addressed
187 and by two (2) or more recommendations from citizens each having
188 personal knowledge of the activities of the petitioner since the
189 disciplinary penalty was imposed and such facts as may be required
190 by the Board of Medical Licensure.

191 The petition may be heard at the next regular meeting of the
192 Board of Medical Licensure but not earlier than thirty (30) days

193 after the petition was filed. No petition shall be considered
194 while the petitioner is under sentence for any criminal offense,
195 including any period during which he is under probation or parole.
196 The hearing may be continued from time to time as the Board of
197 Medical Licensure finds necessary.

198 (3) In determining whether the disciplinary penalty should
199 be set aside and the terms and conditions, if any, that should be
200 imposed if the disciplinary penalty is set aside, the Board of
201 Medical Licensure may investigate and consider all activities of
202 the petitioner since the disciplinary action was taken against
203 him, the offense for which he was disciplined, his activity during
204 the time his certificate was in good standing, his general
205 reputation for truth, professional ability and good character; and
206 it may require the petitioner to pass an oral examination.

207 (4) The investigation shall require the petitioner to
208 undergo a fingerprint-based criminal history records check of the
209 Mississippi central criminal database and the Federal Bureau of
210 Investigation criminal history database. Each petitioner shall
211 submit a full set of the petitioner's fingerprints in a form and
212 manner prescribed by the board, which shall be forwarded to the
213 Mississippi Department of Public Safety (department) and the
214 Federal Bureau of Investigation Identification Division for this
215 purpose.

216 Any and all state or national criminal history records
217 information obtained by the board that is not already a matter of
218 public record shall be deemed nonpublic and confidential
219 information restricted to the exclusive use of the board, its
220 members, officers, investigators, agents and attorneys in
221 evaluating the applicant's eligibility or disqualification for
222 licensure, and shall be exempt from the Mississippi Public Records
223 Act of 1983. Except when introduced into evidence in a hearing
224 before the board to determine licensure, no such information or
225 records related thereto shall, except with the written consent of

226 the applicant or by order of a court of competent jurisdiction, be
227 released or otherwise disclosed by the board to any other person
228 or agency.

229 The board shall provide to the department the fingerprints of
230 the petitioner, any additional information that may be required by
231 the department, and a form signed by the petitioner consenting to
232 the check of the criminal records and to the use of the
233 fingerprints and other identifying information required by the
234 state or national repositories.

235 The board shall charge and collect from the petitioner, in
236 addition to all other applicable fees and costs, such amount as
237 may be incurred by the board in requesting and obtaining state and
238 national criminal history records information on the applicant.

239 (5) The Secretary-Treasurer of the Board of Medical
240 Licensure shall enter into his records of the case all actions of
241 the board in setting aside a disciplinary penalty under this
242 section and he shall certify notices to the proper court clerk.
243 The clerk shall make such changes on his records as may be
244 necessary.

245 **SECTION 4.** Section 73-26-3, Mississippi Code of 1972, is
246 amended as follows:

247 73-26-3. (1) The State Board of Medical Licensure shall
248 license and regulate the practice of physician assistants in
249 accordance with the provisions of this chapter.

250 (2) All physician assistants who are employed as physician
251 assistants by a Department of Veterans Affairs health care
252 facility, a branch of the United States military or the Federal
253 Bureau of Prisons, and who are practicing as physician assistants
254 in a federal facility in Mississippi on July 1, 2000, and those
255 physician assistants who trained in a Mississippi physician
256 assistant program and have been continuously practicing as a
257 physician assistant in Mississippi since 1976, shall be eligible
258 for licensure if they submit an application for licensure to the

259 board by December 31, 2000. Physician assistants licensed under
260 this subsection will be eligible for license renewal so long as
261 they meet standard renewal requirements.

262 (3) Before December 31, 2004, applicants for physician
263 assistant licensure, except those licensed under subsection (2) of
264 this section, must be graduates of physician assistant educational
265 programs accredited by the Commission on Accreditation of Allied
266 Health Educational Programs or its predecessor or successor
267 agency, have passed the certification examination administered by
268 the National Commission on Certification of Physician Assistants
269 (NCCPA), have current NCCPA certification, and possess a minimum
270 of a baccalaureate degree. Physician assistants meeting these
271 licensure requirements will be eligible for license renewal so
272 long as they meet standard renewal requirements.

273 (4) On or after December 31, 2004, applicants for physician
274 assistant licensure must meet all of the requirements in
275 subsection (3) of this section and, in addition, must have
276 obtained a minimum of a master's degree in a health-related or
277 science field.

278 (5) Applicants for licensure who meet all licensure
279 requirements except for the master's degree may be granted a
280 temporary license by the board so long as they can show proof of
281 enrollment in a master's program that will, when completed, meet
282 the master's degree requirement. The temporary license will be
283 valid for no longer than one (1) year, and may not be renewed.
284 This subsection shall take effect and be in force from and after
285 March 9, 2006. This subsection shall stand repealed on July 1,
286 2010.

287 (6) For new graduate physician assistants and all physician
288 assistants receiving initial licenses in the state, except those
289 licensed under subsection (2) of this section, supervision shall
290 require the on-site presence of a supervising physician for one
291 hundred twenty (120) days.

292 (7) To qualify for a Mississippi physician assistant
293 license, an applicant must have successfully been cleared for
294 licensure through an investigation that shall consist of a
295 determination as to good moral character and verification that the
296 prospective licensee is not guilty of or in violation of any
297 statutory ground for denial of licensure. To assist the board in
298 conducting its licensure investigation, all applicants shall
299 undergo a fingerprint-based criminal history records check of the
300 Mississippi central criminal database and the Federal Bureau of
301 Investigation criminal history database. Each applicant shall
302 submit a full set of the applicant's fingerprints in a form and
303 manner prescribed by the board, which shall be forwarded to the
304 Mississippi Department of Public Safety (department) and the
305 Federal Bureau of Investigation Identification Division for this
306 purpose.

307 Any and all state or national criminal history records
308 information obtained by the board that is not already a matter of
309 public record shall be deemed nonpublic and confidential
310 information restricted to the exclusive use of the board, its
311 members, officers, investigators, agents and attorneys in
312 evaluating the applicant's eligibility or disqualification for
313 licensure, and shall be exempt from the Mississippi Public Records
314 Act of 1983. Except when introduced into evidence in a hearing
315 before the board to determine licensure, no such information or
316 records related thereto shall, except with the written consent of
317 the applicant or by order of a court of competent jurisdiction, be
318 released or otherwise disclosed by the board to any other person
319 or agency.

320 The board shall provide to the department the fingerprints of
321 the applicant, any additional information that may be required by
322 the department, and a form signed by the applicant consenting to
323 the check of the criminal records and to the use of the

324 fingerprints and other identifying information required by the
325 state or national repositories.

326 The board shall charge and collect from the applicant, in
327 addition to all other applicable fees and costs, such amount as
328 may be incurred by the board in requesting and obtaining state and
329 national criminal history records information on the applicant.

330 **SECTION 5.** Section 73-27-5, Mississippi Code of 1972, is
331 amended as follows:

332 73-27-5. All applicants for license shall have attained the
333 age of twenty-one (21) years, and shall be of good moral
334 character; they shall have had at least four (4) years high school
335 and be graduates of same; they shall have at least one (1) year
336 prepodiatry college education and be graduates of some college of
337 podiatry recognized as being in good standing by the State Board
338 of Medical Licensure. No college of podiatry or chiropody shall
339 be accredited by the board as a college of good standing that does
340 not require for graduation a course of study of at least four (4)
341 years (eight and one-half (8-1/2) months each) and be recognized
342 by the Council on Education of the American Podiatry
343 Association. * * * However, * * * all podiatrists actively engaged
344 in the practice of podiatry in the State of Mississippi, prior to
345 January 1, 1938, whether graduates or not, shall, upon furnishing
346 proof thereof by displaying their state privilege tax license to
347 the Secretary of the State Board of Medical Licensure, and upon
348 payment of fee of Ten Dollars and Twenty-five Cents (\$10.25), be
349 entitled to a license without an examination, and applications for
350 the license shall be filed not later than sixty (60) days after
351 the passage of this chapter. * * * Upon payment of a fee
352 prescribed by the State Board of Medical Licensure, not to exceed
353 Five Hundred Dollars (\$500.00), a license without examination may
354 be issued to podiatrists of other states maintaining equal
355 statutory requirements for the practice of podiatry and extending
356 the same reciprocal privileges to this state. It is further

357 provided that the State Board of Medical Licensure may affiliate
358 with the National Board of Chiropractic or Podiatry Licensure in
359 granting licenses to practice podiatry in Mississippi, provided
360 the written examination covers at least two-thirds (2/3) of the
361 subjects set forth in Section 73-27-9.

362 To qualify for a Mississippi podiatry license, an applicant
363 must have successfully been cleared for licensure through an
364 investigation that shall consist of a determination as to good
365 moral character and verification that the prospective licensee is
366 not guilty of or in violation of any statutory ground for denial
367 of licensure as set forth in Sections 73-27-13. To assist the
368 board in conducting its licensure investigation, all applicants
369 shall undergo a fingerprint-based criminal history records check
370 of the Mississippi central criminal database and the Federal
371 Bureau of Investigation criminal history database. Each applicant
372 shall submit a full set of the applicant's fingerprints in a form
373 and manner prescribed by the board, which shall be forwarded to
374 the Mississippi Department of Public Safety (department) and the
375 Federal Bureau of Investigation Identification Division for this
376 purpose.

377 Any and all state or national criminal history records
378 information obtained by the board that is not already a matter of
379 public record shall be deemed nonpublic and confidential
380 information restricted to the exclusive use of the board, its
381 members, officers, investigators, agents and attorneys in
382 evaluating the applicant's eligibility or disqualification for
383 licensure, and shall be exempt from the Mississippi Public Records
384 Act of 1983. Except when introduced into evidence in a hearing
385 before the board to determine licensure, no such information or
386 records related thereto shall, except with the written consent of
387 the applicant or by order of a court of competent jurisdiction, be
388 released or otherwise disclosed by the board to any other person
389 or agency.

390 The board shall provide to the department the fingerprints of
391 the applicant, any additional information that may be required by
392 the department, and a form signed by the applicant consenting to
393 the check of the criminal records and to the use of the
394 fingerprints and other identifying information required by the
395 state or national repositories.

396 The board shall charge and collect from the applicant, in
397 addition to all other applicable fees and costs, such amount as
398 may be incurred by the board in requesting and obtaining state and
399 national criminal history records information on the applicant.

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

403 **SECTION 6.** Section 73-27-12, Mississippi Code of 1972, is
404 amended as follows:

405 73-27-12. (1) The license of every person licensed to
406 practice podiatry in the State of Mississippi shall be renewed
407 annually.

408 On or before May 1 of each year, the board shall mail a
409 notice of renewal of license to every podiatrist to whom a license
410 was issued or renewed during the current licensing year. The
411 notice shall provide instructions for obtaining and submitting
412 applications for renewal. The State Board of Medical Licensure is
413 authorized to make applications for renewal available via
414 electronic means. The applicant shall obtain and complete the
415 application and submit it to the board in the manner prescribed by
416 the board in the notice before June 30 with the renewal fee of an
417 amount established by the board, but not to exceed Two Hundred
418 Dollars (\$200.00), a portion of which fee shall be used to support
419 a program to aid impaired podiatrists. Upon receipt of the
420 application and fee, the board shall verify the accuracy of the
421 application and issue to applicant a certificate of renewal for
422 the ensuing year, beginning July 1 and expiring June 30 of the

423 succeeding calendar year. That renewal shall render the holder
424 thereof a legal practitioner as stated on the renewal form.

425 (2) Any podiatrist practicing in Mississippi who allows his
426 or her license to lapse by failing to renew the license as
427 provided in subsection (1) may be reinstated by the board on
428 satisfactory explanation for the failure to renew, by completion
429 of a reinstatement form, and upon payment of the renewal fee for
430 the current year, and shall be assessed a fine of Twenty-five
431 Dollars (\$25.00) plus an additional fine of Five Dollars (\$5.00)
432 for each month thereafter that the license renewal remains
433 delinquent.

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

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

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

449 (6) Any podiatrist practicing in the State of Mississippi
450 whose license has lapsed and is deemed an illegal practitioner
451 under subsection (5) of this section may petition the board for
452 reinstatement of his or her license on a retroactive basis, if the
453 podiatrist was unable to meet the June 30 deadline due to
454 extraordinary or other legitimate reasons, and retroactive
455 reinstatement of licensure shall be granted or may be denied by

456 the board only for good cause. Failure to advise the board of
457 change of address shall not be considered a basis for
458 reinstatement.

459 (7) Fees collected under the provisions of this section
460 shall be used by the board to defray expenses of administering the
461 licensure provisions of Title 73, Chapter 27, Mississippi Code of
462 1972, and to support a program to aid impaired podiatrists in an
463 amount determined by the board.

464 (8) In order for a podiatrist whose podiatry license has
465 been expired for five (5) years or more to qualify for
466 reinstatement of license, the podiatrist must have successfully
467 been cleared for reinstatement through an investigation that shall
468 consist of a determination as to good moral character and
469 verification that the prospective licensee is not guilty of or in
470 violation of any statutory ground for denial of licensure as set
471 forth in Section 73-27-13. To assist the board in conducting its
472 licensure investigation, all applicants shall undergo a
473 fingerprint-based criminal history records check of the
474 Mississippi central criminal database and the Federal Bureau of
475 Investigation criminal history database. Each applicant shall
476 submit a full set of the applicant's fingerprints in a form and
477 manner prescribed by the board, which shall be forwarded to the
478 Mississippi Department of Public Safety (department) and the
479 Federal Bureau of Investigation Identification Division for this
480 purpose.

481 Any and all state or national criminal history records
482 information obtained by the board that is not already a matter of
483 public record shall be deemed nonpublic and confidential
484 information restricted to the exclusive use of the board, its
485 members, officers, investigators, agents and attorneys in
486 evaluating the applicant's eligibility or disqualification for
487 licensure, and shall be exempt from the Mississippi Public Records
488 Act of 1983. Except when introduced into evidence in a hearing

489 before the board to determine licensure, no such information or
490 records related thereto shall, except with the written consent of
491 the applicant or by order of a court of competent jurisdiction, be
492 released or otherwise disclosed by the board to any other person
493 or agency.

494 The board shall provide to the department the fingerprints of
495 the applicant, any additional information that may be required by
496 the department, and a form signed by the applicant consenting to
497 the check of the criminal records and to the use of the
498 fingerprints and other identifying information required by the
499 state or national repositories.

500 The board shall charge and collect from the applicant, in
501 addition to all other applicable fees and costs, such amount as
502 may be incurred by the board in requesting and obtaining state and
503 national criminal history records information on the applicant.

504 **SECTION 7.** Section 41-58-7, Mississippi Code of 1972, is
505 amended as follows:

506 41-58-7. (1) The State Board of Medical Licensure shall
507 license and regulate the practice of radiologist assistants in
508 accordance with the provisions of this section.

509 (2) A radiologist may use the services of a radiologist
510 assistant to practice radiology assistance under the supervision
511 of the radiologist, provided that the radiologist assistant is
512 duly qualified and licensed as provided in this section.

513 (3) The board shall promulgate and publish reasonable rules
514 and regulations necessary to enable it to discharge its functions
515 and enforce the provisions of law regulating the practice of
516 radiologist assistants. Those rules and regulations shall
517 include, but are not limited to: qualifications for licensure for
518 radiologist assistants; scope of practice of radiologist
519 assistants; supervision of radiologist assistants; identification
520 of radiologist assistants; grounds for disciplinary actions and
521 discipline of radiologist assistants; and setting and charging

522 reasonable fees for licensure and license renewals for radiologist
523 assistants.

524 (4) Those rules and regulations adopted by the board
525 pertaining to the scope of practice and the educational
526 qualifications necessary to practice as a radiologist assistant
527 shall be consistent with guidelines adopted by the American
528 College of Radiology, the American Society of Radiologic
529 Technologists, and the American Registry of Radiologic
530 Technologists.

531 (5) Applicants for licensure as a radiologist assistant must
532 be: (a) credentialed to provide radiology services under the
533 supervision of a radiologist; (b) a radiologic technologist
534 registered under Sections 41-58-1 through 41-58-5; and (c)
535 certified and registered with the American Registry of Radiologic
536 Technologists.

537 (6) A radiologist assistant may not interpret images, make
538 diagnoses or prescribe medications or therapies.

539 (7) To qualify for a Mississippi radiologist assistant
540 license, an applicant must have successfully been cleared for
541 licensure through an investigation that shall consist of a
542 determination as to good moral character and verification that the
543 prospective licensee is not guilty of or in violation of any
544 statutory ground for denial of licensure. To assist the board in
545 conducting its licensure investigation, all applicants shall
546 undergo a fingerprint-based criminal history records check of the
547 Mississippi central criminal database and the Federal Bureau of
548 Investigation criminal history database. Each applicant shall
549 submit a full set of the applicant's fingerprints in a form and
550 manner prescribed by the board, which shall be forwarded to the
551 Mississippi Department of Public Safety (department) and the
552 Federal Bureau of Investigation Identification Division for this
553 purpose.

554 Any and all state or national criminal history record
555 information obtained by the board that is not already a matter of
556 public record shall be deemed nonpublic and confidential
557 information restricted to the exclusive use of the board, its
558 members, officers, investigators, agents and attorneys in
559 evaluating the applicant's eligibility or disqualification for
560 licensure, and shall be exempt from the Mississippi Public Records
561 Act of 1983. Except when introduced into evidence in a hearing
562 before the board to determine licensure, no such information or
563 records related thereto shall, except with the written consent of
564 the applicant or by order of a court of competent jurisdiction, be
565 released or otherwise disclosed by the board to any other person
566 or agency.

567 The board shall provide to the department the fingerprints of
568 the applicant, any additional information which may be required by
569 the department, and a form signed by the applicant consenting to
570 the check of the criminal records and to the use of the
571 fingerprints and other identifying information required by the
572 state or national repositories.

573 The board shall charge and collect from the applicant, in
574 addition to all other applicable fees and costs, such amount as
575 may be incurred by the board in requesting and obtaining state and
576 national criminal history records information on the applicant.

577 **SECTION 8.** This act shall take effect and be in force from
578 and after July 1, 2007.