

By: Representative Clarke

To: Public Health and Human
Services

HOUSE BILL NO. 1354

1 AN ACT TO AMEND SECTION 73-9-7, MISSISSIPPI CODE OF 1972, TO
2 REVISE THE COMPOSITION OF THE STATE BOARD OF DENTAL EXAMINERS TO
3 INCLUDE THE APPOINTMENT OF THREE AFRICAN AMERICAN MEMBERS; TO
4 ESTABLISH PROCEDURE FOR FILLING VACANCIES AS A RESULT OF UNEXPIRED
5 TERMS; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** Section 73-9-7, Mississippi Code of 1972, is
8 amended as follows:

9 73-9-7. (1) The duties of the Mississippi State Board of
10 Dental Examiners, or "the board," shall be to carry out the
11 purposes and provisions of the laws pertaining to the practice of
12 dentistry and dental hygiene. The Mississippi State Board of
13 Dental Examiners is continued and reconstructed as follows: The
14 board shall consist of seven (7) licensed and actively practicing
15 dentists and one (1) licensed and actively practicing dental
16 hygienist, three (3) of which shall be of African American
17 descent, each a graduate of an accredited college of dentistry or
18 dental hygiene, as appropriate, and practicing within the State of
19 Mississippi for a period of five (5) or more years next preceding
20 his or her appointment. No dentist or dental hygienist shall be
21 eligible for appointment who can be construed to be in violation
22 of current state ethics laws and regulations.

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

29 (3) The Governor shall appoint one (1) dentist member of the
30 board from the state at large from a list of six (6) African
31 American dentists, each of whom being the dentist receiving the
32 highest number of votes in his or her individual district from a
33 poll conducted and compiled by the board. The poll shall consist
34 of a blank ballot with three (3) spaces for nomination provided to
35 all licensed African American dentists in the state. The
36 appointment by the Governor of the dentist at large shall
37 constitute one (1) of the board's three (3) African American
38 members. Upon expiration of the term of office of any of the six
39 (6) members of the board who are appointed from districts, the
40 Governor shall appoint his successor from a list of names to be
41 submitted as set out in this subsection. All appointments to the
42 board shall be made with the advice and consent of the Senate.

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

45 Dental District One: Alcorn, Benton, Calhoun, Chickasaw,
46 Choctaw, Clay, Itawamba, Lafayette, Lee, Lowndes, Marshall,
47 Monroe, Oktibbeha, Pontotoc, Prentiss, Tippah, Tishomingo, Union,
48 Webster;

49 Dental District Two: Bolivar, Carroll, Coahoma, DeSoto,
50 Grenada, Holmes, Humphreys, Issaquena, Leflore, Montgomery,
51 Panola, Quitman, Sharkey, Sunflower, Tallahatchie, Tate, Tunica,
52 Washington, Yalobusha, Yazoo;

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

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

57 Dental District Five: George, Greene, Hancock, Harrison,
58 Jackson, Pearl River, Stone;

59 Dental District Six: Adams, Amite, Claiborne, Copiah,
60 Franklin, Jefferson Davis, Jefferson, Lawrence, Lincoln, Marion,
61 Pike, Simpson, Walthall, Wilkinson;

62 and request the submission from each such dental district of three
63 (3) nominations for appointment as members of the board from the
64 six (6) districts. Thirty (30) days after submitting that
65 request, the board shall list all nominations by district
66 according to the number of votes each received. The top three (3)
67 names from each district shall then be considered as a list of
68 names to be submitted to the Governor as referred to above each
69 time a vacancy occurs in one (1) of the six (6) positions
70 appointed from districts or whenever the Governor requests that
71 submission. During the course of each calendar year, the board
72 shall take like polls of all licensed dentists practicing in each
73 dental district, and shall prepare new lists therefrom to be
74 submitted to the Governor, which shall be used in the appointment
75 of the six (6) members appointed from districts.

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

83 (4) The one (1) dental hygienist member shall be appointed
84 by the Governor from the state at large from a list of six (6)
85 dental hygienists, each of whom being the dental hygienist
86 receiving the highest number of votes in his or her individual
87 district from a poll conducted and compiled by the board. The
88 poll shall consist of a blank ballot with three (3) spaces for
89 nomination provided to all licensed dental hygienists in the
90 state. During the course of each calendar year, the board shall
91 take like polls of all licensed dental hygienists practicing in
92 the state, and shall prepare a new list of six (6) dental
93 hygienists, the list to consist of the dental hygienists receiving
94 the highest number of votes in each district, to be submitted to

95 the Governor, which shall be used in the appointment of the dental
96 hygienist member from the state at large. In case of a tie, the
97 persons receiving tie votes shall have their names placed on the
98 list even though it results in more than six (6) names on the
99 list.

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

103 (5) No dentist or dental hygienist member shall be permitted
104 to serve consecutive terms, but may be nominated for reappointment
105 after the expiration of six (6) years from the conclusion of his
106 or her term. Any vacancy in the board membership shall be filled
107 by the Governor within sixty (60) days by appointment of a past
108 member of the board whose term had not immediately expired before
109 being succeeded by the member creating the vacancy. Any
110 appointment made to fill a vacancy or to replace an incumbent
111 holding over shall terminate in accordance with the designation of
112 the particular term and until his or her successor is duly
113 appointed and qualified.

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

117 (7) The Secretary of State shall, at his discretion, at any
118 time there is sufficient cause, investigate the method and
119 procedure of taking those polls and establishing those lists, and
120 the board shall make available to him all records involved
121 therein; and if the Secretary of State should find cause therefor
122 he may, upon specifying the cause, declare the list invalid,
123 whereupon the board shall follow the procedure set out above to
124 establish a new list. If a vacancy exists and no list is
125 available, the Board of Dental Examiners is to follow the
126 above-described procedure in establishing a new list for the
127 appropriate board appointment.

128 **SECTION 2.** This act shall take effect and be in force from
129 and after July 1, 2007.