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To: Business and Financial Institutions

SENATE BILL NO. 2117

1 AN ACT TO PROVIDE THAT A PROFESSIONAL LICENSE ISSUED IN THE
2 STATE OF MISSISSIPPI TO ANY MEMBER OF THE MISSISSIPPI NATIONAL
3 GUARD OR UNITED STATES ARMED FORCES RESERVES SHALL NOT EXPIRE
4 WHILE THE MEMBER IS SERVING ON FEDERAL ACTIVE DUTY AND SHALL BE
5 EXTENDED FOR 90 DAYS AFTER HIS RETURN; TO AMEND SECTIONS 73-1-27,
6 73-2-15, 73-3-123, 73-4-17, 73-5-37, 73-6-17, 73-7-19, 73-9-19,
7 73-10-21, 73-11-51, 73-13-31, 73-14-31, 73-15-27, 73-17-11,
8 73-19-21, 73-21-91, 73-23-57, 73-24-27, 73-25-14, 73-26-5,
9 73-27-12, 73-29-29, 73-30-29, 73-31-9, 73-33-7, 73-34-25,
10 73-35-17, 73-36-29, 73-38-29, 73-39-75, 73-42-11, 73-53-15,
11 73-54-27, 73-55-13, 73-57-27, 73-59-3, 73-60-21, 73-61-3,
12 73-63-35, 73-65-9 AND 73-67-15, MISSISSIPPI CODE OF 1972, IN
13 CONFORMITY THERETO; AND FOR RELATED PURPOSES.

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

15 **SECTION 1.** A professional license issued pursuant to any
16 provision of Title 73 to any member of the Mississippi National
17 Guard or the United States Armed Forces Reserves shall not expire
18 while the member is serving on federal active duty and shall be
19 extended for a period not to exceed ninety (90) days after his
20 return from federal active duty. If the license is renewed during
21 the ninety-day period after his return from federal active duty,
22 the member shall only be responsible for normal fees and
23 activities relating to renewal of the license and shall not be
24 charged any additional costs such as, but not limited to, late
25 fees or delinquency fees. The member shall present to the
26 authority issuing the professional license a copy of his official
27 military orders or a written verification from the member's
28 commanding officer before the end of the ninety-day period in
29 order to qualify for the extension.

30 **SECTION 2.** Section 73-1-27, Mississippi Code of 1972, is
31 amended as follows:

32 73-1-27. Except as provided in Section 1 of Senate Bill No.
33 2117, 2007 Regular Session, every registered architect who resides
34 in this state and desires to continue to practice his profession
35 in this state shall, during the time he shall continue to
36 practice, pay biennially to the secretary of said board during the
37 month of November, a fee of not to exceed Four Hundred Dollars
38 (\$400.00) and every registered architect residing out of this
39 state who desires to continue to practice his profession in this
40 state shall, during the time he shall continue to practice, pay
41 biennially to the secretary of said board during the month of
42 November, a fee of not to exceed Four Hundred Dollars (\$400.00),
43 and the secretary shall thereupon issue to such registered
44 architect a certificate of renewal of his registration for a term
45 of two (2) years. Upon failure to have his certificate renewed
46 during the month of November as provided by this section, the
47 holder thereof shall have his certificate revoked, but the failure
48 to renew said registration in ample time shall not deprive him of
49 the right to renewal upon payment of said fee, provided his
50 application for reinstatement is made within two (2) years after
51 the expiration of his certificate. On all applications for
52 reinstatement made after January 1 of the year immediately
53 succeeding the year in which the fee is due, there shall be a late
54 charge of Five Dollars (\$5.00) per month charged for the
55 processing of such application.

56 **SECTION 3.** Section 73-2-15, Mississippi Code of 1972, is
57 amended as follows:

58 73-2-15. Except as provided in Section 1 of Senate Bill No.
59 2117, 2007 Regular Session, the board shall require that every
60 landscape architect shall pay a biennial license renewal fee set
61 by the board not in excess of Two Hundred Dollars (\$200.00). The
62 renewal fee shall be due and payable on the first day of January
63 of each year in which the fee is required to be paid and shall
64 become delinquent after the thirty-first day of January of such

65 year, and if the renewal fee is not paid before it becomes
66 delinquent, a penalty fee of Five Dollars (\$5.00) shall be added
67 to the amount thereof per month. If the renewal fee and penalty
68 are not paid before the first day of June in the year in which
69 they become due, the landscape architect's certificate shall be
70 suspended. The certificate may be reinstated upon the payment of
71 the renewal fee, the penalty fees and a reinstatement fee of Fifty
72 Dollars (\$50.00), and provision of such proof of the landscape
73 architect's qualifications as may be required in the sound
74 discretion of the board.

75 The board shall send a receipt to each landscape architect
76 promptly upon payment of the renewal fee.

77 The board may recognize, prepare or administer continuing
78 education programs for landscape architects as a basis for license
79 renewal.

80 The board shall adopt an appropriate seal for use by licensed
81 landscape architects.

82 **SECTION 4.** Section 73-3-123, Mississippi Code of 1972, is
83 amended as follows:

84 73-3-123. (1) Each member of the bar shall, unless exempt
85 by virtue of Section 73-3-125 and Section 1 of Senate Bill No.
86 2117, 2007 Regular Session, pay enrollment fees each year in an
87 amount as established by the board of commissioners, but not to
88 exceed the sum of Four Hundred Dollars (\$400.00) for those members
89 admitted to practice law for three (3) years or more; and Two
90 Hundred Sixty Dollars (\$260.00) for those members admitted to
91 practice law for one (1) year, but less than three (3) years; and
92 Two Hundred Dollars (\$200.00) for those members admitted to
93 practice law less than one (1) year; and Fifty Dollars (\$50.00)
94 for those members on inactive status. All enrollment fees shall
95 be paid for the same period, that is, for the period of one (1)
96 year beginning on the day and month to be determined as provided

97 in Section 73-3-127. The enrollment fees shall be paid to the
98 secretary of the bar.

99 (2) The Board of Bar Commissioners shall increase enrollment
100 fees within the limitations imposed by subsection (1) of this
101 section by not more than the minimum increment necessary to cover
102 the annual expenses of The Mississippi Bar.

103 **SECTION 5.** Section 73-4-17, Mississippi Code of 1972, is
104 amended as follows:

105 73-4-17. There shall be three (3) classes of auctioneers'
106 licenses, which shall be livestock auctioneer, auctioneer and
107 auction gallery. All applicants for a license under this chapter
108 shall possess the following minimum qualifications:

109 (a) Applicants shall have attained the age of eighteen
110 (18) years by the issuance date of the license.

111 (b) Applicants shall have obtained at a minimum a high
112 school diploma or G.E.D. equivalent and shall be graduates of an
113 auctioneering school approved by the commission.

114 (c) Each applicant for a license under this chapter
115 shall demonstrate to the commission that he is of good moral
116 character and worthy of public trust through background
117 information to be provided on his application form and two (2)
118 letters of reference from persons not related to the applicant who
119 have known the applicant at least three (3) years. The commission
120 may require additional information or a personal interview with
121 the applicant to determine if such applicant should be granted a
122 license.

123 (d) Each applicant for a license under this chapter
124 shall take and successfully complete an examination as prescribed
125 by the commission. The examination shall include questions on
126 ethics, reading comprehension, writing, spelling, elementary
127 arithmetic, elementary principals of land economics, general
128 knowledge of bulk sales law, contracts of sale, agency, leases,
129 brokerage, knowledge of various goods commonly sold at auction,

130 ability to call bids, knowledge of sale preparation and proper
131 sale advertising and sale summary, and knowledge of the provisions
132 of this chapter and the commission's rules and regulations. There
133 shall be separate examinations for auctioneer and auction gallery
134 each based upon relevant subject matter appropriate to the license
135 classification as set forth herein. Examinations shall be
136 administered at least once a year and may be administered
137 quarterly at the commission's discretion provided there are at
138 least twenty-five (25) examinees. The commission shall ensure
139 that the various forms of the test remain secure.

140 (e) In order to defray the cost of administration of
141 the examinations, applicants for the examination shall pay fees as
142 follows:

- 143 (i) Auctioneer-\$100.00.
- 144 (ii) Auction gallery-\$100.00.
- 145 (iii) Livestock auctioneer-\$100.00.

146 (f) Each applicant desiring to sit for the examination
147 for any license required under this chapter shall be required to
148 furnish to the commission at least thirty (30) days prior to the
149 examination evidence of a surety bond in the following minimum
150 amounts:

- 151 (i) Auctioneer-\$10,000.00.
- 152 (ii) Auction gallery-\$10,000.00.
- 153 (iii) Livestock auctioneer-\$10,000.00.

154 (g) In addition to the bond required herein, applicants
155 for the auction gallery license shall furnish the commission with
156 all relevant information concerning the premises to be licensed,
157 to include location, whether the premises are owned or leased, and
158 an affidavit that the proposed use of the premises as an auction
159 gallery does not violate zoning or any other use restrictions. A
160 separate license shall be required for each business location of
161 the owner of multiple auction galleries.

162 (h) Except as provided in Section 1 of Senate Bill No.
163 2117, 2007 Regular Session, all licenses granted pursuant to this
164 chapter shall be for a term of two (2) years and shall expire on
165 the first day of March at the end of such two-year term. Biannual
166 license fees shall be set from time to time by the commission with
167 a maximum fee of Two Hundred Dollars (\$200.00). Individuals
168 failing to submit license renewal fees on or before March 1 of the
169 year for renewal shall be required to successfully pass the next
170 administration of the examination in order to renew a license.

171 Each application or filing made under this section shall
172 include the social security number(s) of the applicant in
173 accordance with Section 93-11-64, Mississippi Code of 1972.

174 **SECTION 6.** Section 73-5-37, Mississippi Code of 1972, is
175 amended as follows:

176 73-5-37. Except as provided in Section 1 of Senate Bill No.
177 2117, 2007 Regular Session, every registered barber and barber
178 instructor who continues in active practice or service shall
179 annually on or before the anniversary date of the issuance of his
180 certificate of registration renew the certificate by paying the
181 required fee and meeting all applicable requirements of the State
182 Board of Health. Every certificate of registration which has not
183 been renewed within thirty (30) days of its anniversary date shall
184 expire. A registered barber or barber instructors whose
185 certificate of registration has expired may have his certificate
186 restored immediately upon payment of the renewal fee plus the
187 required restoration fee.

188 **SECTION 7.** Section 73-6-17, Mississippi Code of 1972, is
189 amended as follows:

190 73-6-17. The State Board of Chiropractic Examiners shall
191 charge the following fees for application, examination and
192 issuance of certificates: application, One Hundred Dollars
193 (\$100.00); examination and issuance of certificate, Two Hundred
194 Dollars (\$200.00) for all applicants; provided, however, that

195 resident and nonresident applicants shall have first successfully
196 completed parts 1, 2, 3 and 4 and the physical modality section of
197 the examination prepared by the National Board of Chiropractic
198 Examiners.

199 Except as provided in Section 1 of Senate Bill No. 2117, 2007
200 Regular Session, every registered chiropractor in order to
201 continue the practice of chiropractic shall pay annually to the
202 secretary of the board a registration renewal fee of not more than
203 Three Hundred Dollars (\$300.00) and, in addition to such renewal
204 fee, shall be required to file with the secretary of the board a
205 certificate, certified by a state board and state association,
206 verifying his attendance at a course of study approved by the
207 board consisting of not less than twelve (12) hours of instruction
208 in the latest developments in the practice of chiropractic of
209 which at least three (3) hours shall be instruction in the subject
210 of risk management. Provided, that any chiropractor who has
211 reached the age of seventy-five (75) years and is not
212 participating in an active practice shall not be required to pay
213 said renewal fee or submit the twelve (12) hours of continuing
214 education. Any chiropractor who has received a certificate of
215 licensure in this state under the provisions of Section 73-6-21
216 shall be in good standing in the state of his original licensure
217 in order to renew his certificate in this state, and the board
218 shall refuse to renew the certificate of any such chiropractor
219 whose license has been suspended or revoked for cause in the state
220 of his original licensure. In case of failure to pay the renewal
221 fee, the board may revoke such certificate after giving sixty (60)
222 days' notice to the holder who, within such period, may renew such
223 certificate upon payment of the delinquent fee with a special
224 processing charge of not more than Three Hundred Dollars
225 (\$300.00). Lack of participation in active practice for a period
226 of less than two (2) years, except when a doctor is in active
227 military duty, shall not deprive the holder of the right to renew

228 such certificate, without examination, upon the payment of all
229 lapsed fees and proof of required continuing education hours.

230 **SECTION 8.** Section 73-7-19, Mississippi Code of 1972, is
231 amended as follows:

232 73-7-19. Except as provided in Section 1 of Senate Bill No.
233 2117, 2007 Regular Session, all licenses shall be renewed
234 biennially under the fee schedule in Section 73-7-29.

235 Applications for renewal of licenses for cosmetologists,
236 estheticians, manicurists, wig specialists and instructors must be
237 accompanied by the required renewal fee. A grace period of sixty
238 (60) days will be given in which to renew the license; and upon
239 the expiration of the grace period of sixty (60) days, any
240 applicant for the renewal of a license will be required to pay the
241 required renewal fee and a delinquent fee in addition to the
242 renewal fee. The fees may be paid by either personal or certified
243 check, cash or money order, under such safeguards, rules and
244 regulations as the board may prescribe. Checks returned to the
245 board because of insufficient funds shall result in nonrenewal of
246 the license, which will require the penalty fee for insufficient
247 fund checks plus all other amounts due for renewal of the license
248 before the license may be renewed. After one (1) year has passed
249 from the expiration date of the license, a delinquent fee must be
250 paid for each year up to three (3) years, after which the required
251 examination must be taken. All applications for examination
252 required by this chapter shall expire ninety (90) days from the
253 date thereof.

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

257 **SECTION 9.** Section 73-9-19, Mississippi Code of 1972, is
258 amended as follows:

259 73-9-19. The State Board of Dental Examiners shall maintain
260 a compiled list of the names and post office addresses of all

261 licensees registered with the board, arranged alphabetically by
262 name and also by the municipalities where their offices are
263 situated. Every licensee shall notify the board within thirty
264 (30) days of any change in address of his or her office or
265 residence. Failure to keep the board apprised of any change of
266 address may result in an administrative penalty to the licensee,
267 the amount of which shall not exceed the amount stipulated in
268 Section 73-9-43. Every licensee shall prominently display his or
269 her current registration, either the original or a notarized copy,
270 in his or her place(s) of business. As used in this section, the
271 word "licensee" shall include all dental and dental hygiene
272 license holders, as well as all holders of permits duly issued by
273 the board.

274 Except as provided in Section 1 of Senate Bill No. 2117, 2007
275 Regular Session, every licensee shall, in accordance with the laws
276 and rules and regulations of the board, together with appropriate
277 required information and renewal fee, apply for renewal for such
278 period as set by the board, and the board shall issue the
279 registration certificate to any licensee in good standing with the
280 board. The board shall have the specific authority to adopt such
281 rules and regulations setting the dates and deadlines for
282 license/permit renewal and establishing the penalty for failure to
283 renew same.

284 Any licensee performing acts within the scope of this chapter
285 without legally having in his or her custody a valid active
286 registration certificate or duly issued duplicate therefor in
287 accordance with provisions elsewhere set out may be found guilty
288 and punished or prosecuted therefor in accordance with law;
289 however, the filing of the application, the payment of the fee,
290 and the issuance of the certificate therefor, shall not entitle
291 the holder thereof to lawfully practice within the State of
292 Mississippi unless he or she has in fact been previously licensed
293 by the State Board of Dental Examiners as provided by this

294 chapter, and unless the license/permit is in full force and
295 effect; in addition, in any prosecution for the unlicensed
296 practice, the receipt showing payment of the renewal fee required
297 by this chapter shall not be treated as evidence that the holder
298 thereof is lawfully entitled to practice according to his or her
299 license/permit.

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

313 Only the licensees registered on the appropriate list as
314 actively practicing in the State of Mississippi shall be
315 authorized to practice their profession. For the purpose of this
316 section, any licensed dentist or dental hygienist who has actively
317 practiced his or her profession for at least three (3) months of
318 the immediately preceding license renewal period shall be
319 considered in active practice.

320 No licensee shall be registered on the inactive list until
321 the licensee has been furnished a statement of intent to take that
322 action by the board. The board shall notify the licensee by mail
323 that on the day fixed for hearing he or she may appear and show
324 cause, if any, why his or her license/permit to practice dentistry
325 or dental hygiene should remain active. The licensee may be
326 present at the hearing in person, by counsel, or both. For the

327 purpose of the hearing the board may require the attendance of
328 witnesses, administer oaths and hear testimony, either oral or
329 documentary, for and against the licensee, and if after the
330 hearing, the board is satisfied that the licensee should be
331 registered on the inactive list, it shall thereupon without
332 further notice take that action.

333 Any licensed dentist or dental hygienist registered on the
334 inactive list shall not be eligible for registration on the active
335 list until either of the following conditions have been satisfied:

336 (a) Written application shall be submitted to the State
337 Board of Dental Examiners stating the reasons for the inactivity
338 and setting forth such other information as the board may require
339 on an individual basis; or

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

345 **SECTION 10.** Section 73-10-21, Mississippi Code of 1972, is
346 amended as follows:

347 73-10-21. (1) Rules, regulations and standards.

348 (a) The board is hereby empowered, authorized and
349 directed to adopt, amend, promulgate and enforce such rules,
350 regulations and standards governing dietitians as may be necessary
351 to further the accomplishment of the purpose of the governing law,
352 and in so doing shall utilize as the basis thereof the
353 corresponding recommendations of the advisory council. The rules,
354 regulations and minimum standards for licensing of dietitians may
355 be amended by the board as deemed necessary. In so doing, the
356 board shall utilize as the basis thereof the corresponding
357 recommendations of the advisory council.

358 (b) The board shall publish and disseminate to all
359 licensees, in appropriate manner, the licensure standards

360 prescribed by this chapter, any amendments thereto, and such rules
361 and regulations as the board may adopt under the authority vested
362 by Section 73-38-13, within sixty (60) days of their adoption.

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

366 (3) Issuance and renewal of licenses.

367 (a) The board shall issue a license to any person who
368 meets the requirements of this chapter upon payment of the license
369 fee prescribed.

370 (b) Except as provided in Section 1 of Senate Bill No.
371 2117, 2007 Regular Session, licenses under this chapter shall be
372 valid for two (2) calendar years and shall be subject to renewal
373 and shall expire unless renewed in the manner prescribed by the
374 rules and regulations of the board, upon the payment of a biennial
375 renewal fee to be set at the discretion of the board, but not to
376 exceed One Hundred Dollars (\$100.00), and the presentation of
377 evidence satisfactory to the board that the licensee has met such
378 continuing education requirements as the board may require. An
379 applicant for license renewal shall demonstrate to the board
380 evidence of satisfactory completion of the continuing education
381 requirements established by the American Dietetic Association
382 and/or other continuing education requirements as may be required
383 by the board.

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

388 (d) A suspended license shall be subject to expiration
389 and may be renewed as provided in this section, but such renewal
390 shall not entitle the licensee, while the license remains
391 suspended and until it is reinstated, to engage in the licensed
392 activity, or in any other conduct or activity in violation of the

393 order of judgment by which the license was suspended. If a
394 license revoked on disciplinary grounds is reinstated, the
395 licensee, as a condition of reinstatement, shall pay the renewal
396 fee and any late fee that may be applicable.

397 (4) Denial or revocation of license.

398 (a) The board may deny or refuse to renew a license, or
399 suspend or revoke a license, or issue orders to cease or desist
400 from certain conduct, or issue warnings or reprimands where the
401 licensee or applicant for license has been convicted of unlawful
402 conduct or has demonstrated unprofessional conduct which has
403 endangered or is likely to endanger the health, welfare or safety
404 of the public. Such conduct includes:

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

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

410 (iii) Being convicted of a crime in any court
411 other than a misdemeanor;

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

414 (v) Violating any provision of this chapter.

415 (b) Such denial, refusal to renew, suspension,
416 revocation, order to cease and desist from designated conduct, or
417 warning or reprimand may be ordered by the board in a decision
418 made after a hearing in the manner provided by the rules and
419 regulations adopted by the board. One (1) year from the date of
420 the revocation of a license, application may be made to the board
421 for reinstatement. The board shall have discretion to accept or
422 reject an application for reinstatement and may, but shall not be
423 required to, hold a hearing to consider such reinstatement.

424 (c) In addition to the reasons specified in paragraph
425 (a) of this subsection (4), the board shall be authorized to

426 suspend the license of any licensee for being out of compliance
427 with an order for support, as defined in Section 93-11-153. The
428 procedure for suspension of a license for being out of compliance
429 with an order for support, and the procedure for the reissuance or
430 reinstatement of a license suspended for that purpose, and the
431 payment of any fees for the reissuance or reinstatement of a
432 license suspended for that purpose, shall be governed by Section
433 93-11-157 or 93-11-163, as the case may be. If there is any
434 conflict between any provision of Section 93-11-157 or 93-11-163
435 and any provision of this chapter, the provisions of Section
436 93-11-157 or 93-11-163, as the case may be, shall control.

437 (5) Establish fees.

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

441 (b) Such fees shall be set in such an amount as to
442 reimburse the state to the extent feasible for the cost of the
443 services rendered.

444 (6) Collect funds.

445 (a) The administration of the provisions of this
446 chapter shall be financed from income accruing from fees, licenses
447 and other charges assessed and collected by the board in
448 administering this chapter.

449 (b) The board shall receive and account for all funds
450 received and shall keep such funds in a separate fund.

451 (c) Funds collected under the provisions of this
452 chapter shall be used solely for the expenses of the advisory
453 council and the board to administer the provisions of this
454 chapter. Such funds shall be subject to audit by the State
455 Auditor.

456 (d) Members of the advisory council shall receive no
457 compensation for services performed on the council, but may be
458 reimbursed for necessary and actual expenses incurred in

459 connection with attendance at meetings of the council or for
460 authorized business of the council from funds made available for
461 such purpose, as provided in Section 25-3-41.

462 (7) Receive and process complaints.

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

466 (b) The board shall have the authority to issue
467 subpoenas, examine witnesses and administer oaths, and shall, at
468 its discretion, investigate allegations or practices violating the
469 provisions of this chapter, and in so doing shall have power to
470 seek injunctive relief to prohibit any person from providing
471 professional dietetic services as defined in Section 73-10-3(1)(j)
472 without being licensed as provided herein.

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

475 **SECTION 11.** Section 73-11-51, Mississippi Code of 1972, is
476 amended as follows:

477 73-11-51. (1) No person shall engage in the business or
478 practice of funeral service, including embalming, and/or funeral
479 directing or hold himself out as transacting or practicing or
480 being entitled to transact or practice funeral service, including
481 embalming, and/or funeral directing in this state unless duly
482 licensed under the provisions of this chapter.

483 (2) The board is authorized and empowered to examine
484 applicants for licenses for the practice of funeral service and
485 funeral directing and shall issue the proper license to those
486 persons who successfully pass the applicable examination and
487 otherwise comply with the provisions of this chapter.

488 (3) To be licensed for the practice of funeral directing
489 under this chapter, a person must:

490 (a) Be at least eighteen (18) years of age;

491 (b) Have a high school diploma or the equivalent
492 thereof;

493 (c) Have served as a resident trainee for not less than
494 twenty-four (24) months under the supervision of a person licensed
495 for the practice of funeral service or funeral directing in this
496 state;

497 (d) Have successfully passed a written and/or oral
498 examination as prepared or approved by the board; and

499 (e) Be of good moral character.

500 (4) To be licensed for the practice of funeral service under
501 this chapter, a person must:

502 (a) Be at least eighteen (18) years of age;

503 (b) Have a high school diploma or the equivalent
504 thereof;

505 (c) Have successfully completed twelve (12) months or
506 more of academic and professional instruction from an institution
507 accredited by the United States Department of Education for
508 funeral service education and have a certificate of completion
509 from an institution accredited by the American Board of Funeral
510 Service Education or any other successor recognized by the United
511 States Department of Education for funeral service education;

512 (d) Have served as a resident trainee for not less than
513 twelve (12) months, either before or after graduation from an
514 accredited institution mentioned above, under the supervision of a
515 person licensed for the practice of funeral service in this state
516 and in an establishment licensed in this state;

517 (e) Have successfully passed the National Conference of
518 Funeral Examiners examination as approved by the board; and

519 (f) Be of good moral character.

520 (5) All applications for examination and license for the
521 practice of funeral service or funeral directing shall be upon
522 forms furnished by the board and shall be accompanied by an
523 examination fee, a licensing fee and a nonrefundable application

524 fee in amounts fixed by the board in accordance with Section
525 73-11-56. The fee for an initial license, however, may be
526 prorated in proportion to the period of time from the date of
527 issuance to the date of biennial license renewal prescribed in
528 subsection (8) of this section. All applications for examination
529 shall be filed with the board office at least sixty (60) days
530 before the date of examination. A candidate shall be deemed to
531 have abandoned the application for examination if he does not
532 appear on the scheduled date of examination unless such failure to
533 appear has been approved by the board.

534 (6) The practice of funeral service or funeral directing
535 must be engaged in at a licensed funeral establishment, at least
536 one (1) of which is listed as the licensee's place of business;
537 and no person, partnership, corporation, association or other
538 organization shall open or maintain a funeral establishment at
539 which to engage in or conduct or hold himself or itself out as
540 engaging in the practice of funeral service or funeral directing
541 until such establishment has complied with the licensing
542 requirements of this chapter. A license for the practice of
543 funeral service or funeral directing shall be used only at
544 licensed funeral establishments; however, this provision shall not
545 prevent a person licensed for the practice of funeral service or
546 funeral directing from conducting a funeral service at a church, a
547 residence, public hall, lodge room or cemetery chapel, if such
548 person maintains a fixed licensed funeral establishment of his own
549 or is in the employ of or an agent of a licensed funeral
550 establishment.

551 (7) Any person holding a valid, unrevoked and unexpired
552 nonreciprocal license in another state or territory having
553 requirements greater than or equal to those of this state as
554 determined by the board may apply for a license to practice in
555 this state by filing with the board a certified statement from the
556 secretary of the licensing board of the state or territory in

557 which the applicant holds his license certifying to his
558 qualifications and good standing with that board by having
559 successfully passed a written and/or oral examination on the
560 Mississippi Funeral Service licensing law and rules and
561 regulations as prepared or approved by the board, and by paying a
562 nonrefundable application fee set by the board under Section
563 73-11-56. If the board finds that the applicant has fulfilled
564 substantially similar requirements, the board shall grant such
565 license upon receipt of a fee in an amount equal to the renewal
566 fee set by the board for a license for the practice of funeral
567 service or funeral directing, as the case may be, in this state.
568 The board may issue a temporary funeral service or funeral
569 directing work permit before a license is granted, before the next
570 regular meeting of the board, if the applicant for a reciprocal
571 license has complied with all requirements, rules and regulations
572 of the board. The temporary permit will expire at the next
573 regular meeting of the board.

574 (8) (a) Except as provided in Section 1 of Senate Bill No.
575 2117, 2007 Regular Session, any person holding a license for the
576 practice of funeral service or funeral directing may have the same
577 renewed for a period of two (2) years by making and filing with
578 the board an application on or before the due date. Payment of
579 the renewal fee shall be in an amount set by the board in
580 accordance with Section 73-11-56. The board shall mail the notice
581 of renewal and the due date for the payment of the renewal fee to
582 the last known address of each licensee at least thirty (30) days
583 before that date. It is the responsibility of the licensee to
584 notify the board in writing of any change of address. An
585 application will be considered late if the application and proper
586 fees are not in the board's office or postmarked by the due date.

587 (b) If the renewal fee is not paid on or postmarked by
588 the due date, the license of such person shall by operation of law
589 automatically expire and become void without further action of the

590 board. The board may reinstate such license if application for
591 licensure is made within a period of five (5) years, upon payment
592 of the renewal fee for the current year, all renewal fees in
593 arrears, and a reinstatement fee. After a period of five (5)
594 years, the licensee must make application, pay the current renewal
595 fee, all fees in arrears, and pass a written and/or oral
596 examination as prepared or approved by the board.

597 (9) No license shall be assignable or valid for any person
598 other than the original licensee.

599 (10) The board may, in its discretion, if there is a major
600 disaster or emergency where human death is likely to occur,
601 temporarily authorize the practice of funeral directing and
602 funeral service by persons licensed to practice in another state
603 but not licensed to practice in this state, provided that such
604 services are only rendered by members of disaster mortuary teams
605 authorized by federal or appropriate local authorities to provide
606 such services. Only persons licensed in this state, however, may
607 sign death certificates.

608 (11) A person who is licensed for the practice of funeral
609 service by another state is authorized to make a removal of a
610 deceased person, embalm a deceased person or conduct a funeral or
611 burial service in this state, and a funeral director who is
612 licensed by another state is authorized to conduct a funeral or
613 burial service in this state, in the same manner and to the same
614 extent as provided by the laws of that state to persons licensed
615 by the State of Mississippi for the practice of funeral service or
616 for the practice of funeral directing. The board is authorized to
617 enter into written agreements with those states detailing the
618 manner and extent to which persons licensed by the State of
619 Mississippi may practice funeral service or directing in that
620 state.

621 (12) Any funeral service technology or mortuary science
622 program accredited by the American Board of Funeral Service

623 Education in the State of Mississippi, as well as students
624 enrolled in such a program, shall be exempt from licensing under
625 this chapter when embalming or otherwise preparing a deceased
626 human body for disposition as part of a student practicum
627 experience, when the student is directly supervised by an
628 instructor or preceptor who holds a current funeral service
629 license. This exemption shall apply to practicum experiences
630 performed at an accredited institution of funeral service
631 technology or mortuary science program or at a duly licensed
632 funeral establishment or commercial mortuary service. Nothing in
633 this subsection shall be construed to allow any funeral service
634 technology or mortuary science program, or those students enrolled
635 in such a program, to engage in practicum experiences for
636 remuneration.

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

640 **SECTION 12.** Section 73-13-31, Mississippi Code of 1972, is
641 amended as follows:

642 73-13-31. Except as provided in Section 1 of Senate Bill No.
643 2117, 2007 Regular Session, certificates of licensure shall expire
644 on the last day of the month of December following their issuance
645 or renewal and shall become invalid on that date unless renewed.
646 It shall be the duty of the board to notify every person licensed
647 under this chapter of the date of the expiration of his
648 certificate and the amount of the fee that shall be required for
649 its renewal for one (1) year. Such notice shall be sent by
650 first-class mail to the last known address of the licensee at
651 least one (1) month in advance of the date of the expiration of
652 said certificate. Renewal may be effected at any time during the
653 month of December by the payment of a fee, as determined by the
654 board, not to exceed Fifty Dollars (\$50.00). A person who is
655 licensed as a professional engineer and as a professional surveyor

656 may effect both renewals by the payment of a fee not to exceed
657 Seventy-five Dollars (\$75.00). The failure on the part of any
658 licensee to renew his certificate annually in the month of
659 December as required above, shall not deprive such person of the
660 right of renewal, but the fee to be paid for the renewal of a
661 certificate after the month of December shall be increased ten
662 percent (10%) for each month, or fraction of a month that payment
663 of renewal is delayed; provided, however, that the maximum fee for
664 delayed renewal shall not exceed five (5) times the normal renewal
665 fee. A state agency or any of the state's political subdivisions,
666 such as a county or municipality, may pay the renewal fee of any
667 licensee who is a full-time employee; provided, however, that any
668 licensee who permits his/her renewal fee to be paid from any
669 public funds shall not perform engineering or surveying services
670 for a fee or other emoluments for the public or for any other
671 public entity. If a certificate has expired for six (6) months or
672 more, the licensee shall be required to submit a new application,
673 paying back fees and submitting proof of continuing professional
674 competency compliance. If the certificate has expired for five
675 (5) years or more, in addition to submitting a new application and
676 proof of continuing professional competency compliance,
677 reexamination in the principles and practice may be required. The
678 reexamination requirement may be waived by the board provided the
679 applicant has continued to practice in another jurisdiction from
680 the date of expiration of his certificate.

681 **SECTION 13.** Section 73-14-31, Mississippi Code of 1972, is
682 amended as follows:

683 73-14-31. Except as provided in Section 1 of Senate Bill No.
684 2117, 2007 Regular Session, a person who practices the fitting and
685 dispensing of hearing aids shall biennially pay to the board a fee
686 of Two Hundred Dollars (\$200.00) for a renewal of his license. A
687 grace period of thirty (30) days shall be allowed after the
688 expiration of a license, during which the same may be renewed on

689 payment of a fee of Two Hundred Dollars (\$200.00) to the board.
690 The license of any person who fails to have his license renewed by
691 the expiration of the grace period of thirty (30) days shall be
692 considered to have lapsed. After the expiration of the grace
693 period, the board may reinstate a license upon payment of a fee of
694 Two Hundred Fifty Dollars (\$250.00) to the board. No person who
695 applies for reinstatement, whose license was suspended for the
696 sole reason of failure to renew, shall be required to submit to
697 any examination as a condition of reinstatement, provided such
698 person applies for reinstatement within one (1) year from the date
699 of lapse of the license.

700 The board shall require the applicant for license renewal to
701 present evidence of the satisfactory completion of continuing
702 education requirements as determined by the board.

703 In the event that any licensee shall fail to meet the annual
704 educational requirement, his license shall not be renewed by the
705 board, but the board may renew the license upon the presentation
706 of satisfactory evidence of educational study of a standard
707 approved by the board and upon the payment of all fees due. No
708 governmental entity or agency shall be required to pay the fee or
709 fees set forth in this section.

710 **SECTION 14.** Section 73-15-27, Mississippi Code of 1972, is
711 amended as follows:

712 73-15-27. The license of every person licensed under the
713 provisions of this chapter shall be renewed biennially except as
714 hereinafter provided:

715 (a) Registered nurses:

716 (i) Except as provided in Section 1 of Senate Bill
717 No. 2117, 2007 Regular Session, the license to practice as a
718 registered nurse shall be valid for two (2) calendar years,
719 beginning January 1 of each uneven-numbered year and expiring
720 December 31 in each even-numbered year of the biennial period and
721 subject to renewal for each period of two (2) years thereafter.

722 (ii) A notice for renewal of licensure will be
723 mailed by the board on or before November 1 of the year the
724 license expires to every person to whom a license was issued or
725 renewed during the biennial period. An application shall be
726 completed and returned to the board by December 31 of that year
727 with the biennial renewal fee to be set at the discretion of the
728 board, but not to exceed Fifty Dollars (\$50.00).

729 (iii) Upon receipt of the application and fee, the
730 board shall verify the accuracy of the application and issue to
731 the applicant a certificate of renewal for the ensuing period of
732 two (2) years. Such renewal shall render the holder thereof the
733 right to practice as a registered nurse.

734 (iv) A registered nurse may request in writing to
735 the board that his or her license be placed on inactive status.
736 The board may grant such request and shall have authority, in its
737 discretion, to attach conditions to the licensure of such
738 registered nurse while on inactive status. A biennial renewal fee
739 for inactive registered nurses shall be set at the discretion of
740 the board, not to exceed Fifty Dollars (\$50.00).

741 (v) Any registered nurse applying for a license,
742 renewal of an active license, reinstatement of a lapsed license,
743 or change from inactive to active status may be required to
744 provide evidence of continuing basic nursing competencies when
745 such nurse has not practiced nursing for compensation or performed
746 the function of a registered nurse in a voluntary capacity with or
747 without compensation within the five-year period immediately prior
748 to such application for a license, renewal, reinstatement or
749 change of status.

750 (vi) Any registered nurse who permits his or her
751 license to lapse by failing to renew the license as provided above
752 may be reinstated by the board on satisfactory explanation for
753 such failure to renew his or her license, by compliance with all
754 other applicable provisions of this chapter, by completion of a

755 reinstatement form, and upon payment of a reinstatement fee not to
756 exceed One Hundred Dollars (\$100.00), which shall not include the
757 renewal fee for the current biennial period. Any registered nurse
758 who permits his or her license to lapse shall be notified by the
759 board within fifteen (15) days of such lapse.

760 (vii) Any person practicing as a registered nurse
761 during the time his or her license has lapsed shall be considered
762 in violation of this chapter and shall be subject to the penalties
763 provided for violation of this chapter, provided the registered
764 nurse has not submitted the required reinstatement form and fees
765 within fifteen (15) days after notification by the board of such
766 lapse.

767 (b) Licensed practical nurses:

768 (i) Except as provided in Section 1 of Senate Bill
769 No. 2117, 2007 Regular Session, the license to practice as a
770 licensed practical nurse shall be valid for two (2) calendar
771 years, beginning January 1 of each even-numbered year and expiring
772 December 31 in each uneven-numbered year of the biennial period
773 and subject to renewal for each period of two (2) years
774 thereafter.

775 (ii) A notice for renewal of licensure will be
776 mailed by the board on or before November 1 of the year the
777 license expires to every person to whom a license was issued or
778 renewed during the biennial period. An application shall be
779 completed and returned to the board by December 31 of that year
780 with the biennial renewal fee to be set at the discretion of the
781 board, but not to exceed Fifty Dollars (\$50.00).

782 (iii) Upon receipt of the application and fee, the
783 board shall verify the accuracy of the application and issue to
784 the applicant a certificate of renewal for the ensuing period of
785 two (2) years. Such renewal shall render the holder thereof the
786 right to practice as a licensed practical nurse.

787 (iv) A licensed practical nurse may request in
788 writing to the board that his or her license be placed on inactive
789 status. The board may grant such request and shall have
790 authority, in its discretion, to attach conditions to the
791 licensure of such licensed practical nurse while on inactive
792 status. A biennial renewal fee for inactive licensed practical
793 nurses shall be set at the discretion of the board, not to exceed
794 Fifty Dollars (\$50.00).

795 (v) Any licensed practical nurse applying for a
796 license, renewal of an active license, reinstatement of a lapsed
797 license, or change from inactive to active status may be required
798 to provide evidence of continuing basic nursing competencies when
799 such nurse has not practiced nursing for compensation or performed
800 the function of a licensed practical nurse in a voluntary capacity
801 with or without compensation within the five-year period
802 immediately prior to such application for a license, renewal,
803 reinstatement or change of status.

804 (vi) Any licensed practical nurse who permits his
805 or her license to lapse by failing to renew the license as
806 provided above may be reinstated by the board upon satisfactory
807 explanation for such failure to renew his or her license, by
808 compliance with all other applicable provisions of this chapter,
809 by completion of a reinstatement form, and upon payment of the
810 reinstatement fee not to exceed One Hundred Dollars (\$100.00),
811 which shall not include the renewal fee for the current biennial
812 period. Any licensed practical nurse who permits his or her
813 license to lapse shall be notified by the board within fifteen
814 (15) days of such lapse.

815 (vii) Any person practicing as a licensed
816 practical nurse during the time his or her license has lapsed
817 shall be considered an illegal practitioner and shall be subject
818 to the penalties provided for violation of this chapter, provided
819 the licensed practical nurse has not submitted the required

820 reinstatement form and fees within fifteen (15) days after
821 notification by the board of such lapse.

822 **SECTION 15.** Section 73-17-11, Mississippi Code of 1972, is
823 amended as follows:

824 73-17-11. (1) From and after July 1, 1983, in order to be
825 eligible to be licensed as a nursing home administrator an
826 individual must submit evidence satisfactory to the board that he
827 or she:

828 (a) Is at least twenty-one (21) years of age;

829 (b) Is of good moral character;

830 (c) Is in good health;

831 (d) Is a high school graduate or the equivalent;

832 (e) For initial licensure on or after July 1, 1988, has
833 an associate degree from an accredited institution, or at least
834 sixty-four (64) semester hours of college work from an accredited
835 institution, or at least one (1) year of supervisory or
836 administrative responsibilities in a licensed sub-acute or
837 long-term health care facility in Mississippi within the twelve
838 (12) months before making application; and

839 (f) Has successfully passed examinations administered
840 by the board to test his or her proficiency and basic knowledge in
841 the area of nursing home administration.

842 The board may establish the frequency of the offering of
843 those examinations and the contents thereof.

844 (2) Reciprocity shall be extended to individuals holding
845 licenses as nursing home administrators in other states, upon
846 proper application and a finding on the part of the board that (a)
847 the applicant possesses the basic qualifications listed in this
848 chapter, and (b) that the standards and requirements of the
849 licensing jurisdiction under which he or she holds a license are
850 no less stringent than those of the State of Mississippi, and (c)
851 that the licensing jurisdiction extends reciprocity to licensees
852 of the State of Mississippi under reasonable terms and conditions.

853 (3) The board may prescribe appropriate fees for the taking
854 of examinations and for the issuance of licenses. Those fees
855 shall be not more than Four Hundred Dollars (\$400.00) for taking
856 the examinations and Four Hundred Fifty Dollars (\$450.00) for the
857 issuance of a license. However, the fee for an initial license
858 may be prorated in proportion to the period of time from the date
859 of issuance and the date of biennial license renewal prescribed in
860 subsection (4). All licenses issued under this chapter shall be
861 for a maximum period of two (2) years.

862 (4) Except as provided in Section 1 of Senate Bill No. 2117,
863 2007 Regular Session, the board may renew licenses * * *
864 biennially * * * upon the payment of a fee to be established by
865 the board, which shall be not more than Four Hundred Fifty Dollars
866 (\$450.00), plus any administrative costs for late payment.

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

870 **SECTION 16.** Section 73-19-21, Mississippi Code of 1972, is
871 amended as follows:

872 73-19-21. Except as provided in Section 1 of Senate Bill No.
873 2117, 2007 Regular Session, the board shall charge the following
874 fees for examination, registrations and renewals of certificates:
875 The sum of not more than Two Hundred Dollars (\$200.00) for an
876 examination of an applicant who is a resident of Mississippi and
877 not more than Three Hundred Dollars (\$300.00) for a nonresident of
878 Mississippi to cover the additional expenses of checking
879 references, character and other statements contained in the
880 application. Every registered optometrist who desires to continue
881 the practice of optometry shall, biennially, on or before January
882 1, pay to the secretary of the board a renewal registration fee of
883 not more than Four Hundred Dollars (\$400.00) for which he shall
884 receive a renewal of his certificate. The board, in its
885 discretion, may set the renewal registration fee at different

886 amounts for registered optometrists, for registered optometrists
887 certified to use diagnostic pharmaceutical agents, and for
888 registered optometrists certified to use diagnostic and
889 therapeutic pharmaceutical agents, not to exceed the maximum
890 amount prescribed in this section.

891 In case of neglect to pay the renewal registration fee herein
892 specified, the board may revoke such certificate and the holder
893 thereof may be reinstated by complying with the conditions
894 specified in this chapter. But no certificate or permit shall be
895 revoked without giving sixty (60) days' notice to the delinquent,
896 who, within such period shall have the right of renewal of such
897 certificate on payment of the renewal fee with a penalty of not
898 more than Fifteen Dollars (\$15.00), provided, that retirement from
899 practice for a period not exceeding five (5) years shall not
900 deprive the holder of said certificate of the right to renew his
901 certificate on the payment of all lapsed fees. The board shall
902 adopt a seal and certificate of suitable design and shall conduct
903 its examination at Jackson, in this state. Its permanent records
904 shall be kept in the office of the secretary, which records shall
905 be open to public inspection.

906 **SECTION 17.** Section 73-21-91, Mississippi Code of 1972, is
907 amended as follows:

908 73-21-91. (1) Except as provided in Section 1 of Senate
909 Bill No. 2117, 2007 Regular Session, every pharmacist shall renew
910 his license annually. To renew his license, a pharmacist shall:

911 (a) Submit an application for renewal on the form
912 prescribed by the board;

913 (b) Submit satisfactory evidence of the completion in
914 the last licensure period of such continuing education units as
915 shall be required by the board, but in no case less than two (2)
916 continuing education units in the last licensure period;

917 (c) Pay such renewal fees as required by the board, not
918 to exceed One Hundred Dollars (\$100.00) for each annual licensing

919 period, provided that the board may add a surcharge of not more
920 than Five Dollars (\$5.00) to a license renewal fee to fund a
921 program to aid impaired pharmacists or pharmacy students. Any
922 pharmacist license renewal received postmarked after December 31
923 of the renewal period will be returned and a Fifty Dollar (\$50.00)
924 late renewal fee will be assessed prior to renewal.

925 (2) Any pharmacist who has defaulted in license renewal may
926 be reinstated within two (2) years upon payment of renewal fees in
927 arrears and presentation of evidence of the required continuing
928 education. Any pharmacist defaulting in license renewal for a
929 period in excess of two (2) years shall be required to
930 successfully complete the examination given by the board pursuant
931 to Section 73-21-85 before being eligible for reinstatement as a
932 pharmacist in Mississippi, or shall be required to appear before
933 the board to be examined for his competence and knowledge of the
934 practice of pharmacy, and may be required to submit evidence of
935 continuing education. If such person is found fit by the board to
936 practice pharmacy in this state, the board may reinstate his
937 license to practice pharmacy upon payment of all renewal fees in
938 arrears.

939 (3) Each application or filing made under this section shall
940 include the social security number(s) of the applicant in
941 accordance with Section 93-11-64, Mississippi Code of 1972.

942 **SECTION 18.** Section 73-23-57, Mississippi Code of 1972, is
943 amended as follows:

944 73-23-57. (1) Except as provided in Section 1 of Senate
945 Bill No. 2117, 2007 Regular Session, every licensed physical
946 therapist and physical therapist assistant shall apply to the
947 board for a renewal of licensure in a manner prescribed by the
948 rules and regulations of the board, and pay the prescribed fee,
949 not to exceed Seventy-five Dollars (\$75.00) per year, or One
950 Hundred Fifty Dollars (\$150.00) every two (2) years. Licenses
951 that are not so renewed shall automatically lapse.

952 (2) The manner in which lapsed licenses shall be revived or
953 extended shall be established by the board.

954 **SECTION 19.** Section 73-24-27, Mississippi Code of 1972, is
955 amended as follows:

956 73-24-27. (1) Except as provided in Section 1 of Senate
957 Bill No. 2117, 2007 Regular Session, any license issued under this
958 chapter shall be subject to renewal and shall expire unless
959 renewed in the manner prescribed by the rules and regulations of
960 the board, upon the payment of a renewal fee and demonstration of
961 completion of continuing professional education. The board may
962 provide for the late renewal of a license upon the payment of a
963 late fee in accordance with its rules and regulations, but no late
964 renewal of a license may be granted more than two (2) years after
965 its expiration.

966 (2) Upon request and payment of the license fee required,
967 the board shall grant inactive status to a licensee who: (a) does
968 not practice as an occupational therapist or an occupational
969 therapy assistant, (b) does not hold himself or herself out as an
970 occupational therapist or an occupational therapy assistant, and
971 (c) does not maintain any continuing education requirements.

972 (3) A suspended license is subject to expiration and may be
973 renewed as provided in this section, but such renewal shall not
974 entitle the suspended licensee to engage in the licensed activity
975 or in any other conduct or activity in violation of the order of
976 judgment by which the license was suspended. If a license revoked
977 on disciplinary grounds is reinstated, the licensee, as a
978 condition of reinstatement, shall pay the renewal fee and any late
979 fee that may be applicable. The procedure for the reinstatement
980 of a license that is suspended for being out of compliance with an
981 order for support, as defined in Section 93-11-153, shall be
982 governed by Section 93-11-157 or 93-11-163, as the case may be.

983 **SECTION 20.** Section 73-25-14, Mississippi Code of 1972, is
984 amended as follows:

985 73-25-14. (1) Except as provided in Section 1 of Senate
986 Bill No. 2117, 2007 Regular Session, the license of every person
987 licensed to practice medicine or osteopathy in the State of
988 Mississippi shall be renewed annually.

989 On or before May 1 of each year, the State Board of Medical
990 Licensure shall mail a notice of renewal of license to every
991 physician or osteopath to whom a license was issued or renewed
992 during the current licensing year. The notice shall provide
993 instructions for obtaining and submitting applications for
994 renewal. The State Board of Medical Licensure is authorized to
995 make applications for renewal available via electronic means. The
996 applicant shall obtain and complete the application and submit it
997 to the board in the manner prescribed by the board in the notice
998 before June 30 with the renewal fee of an amount established by
999 the board, but not to exceed Two Hundred Dollars (\$200.00), a
1000 portion of which fee shall be used to support a program to aid
1001 impaired physicians and osteopaths. The payment of the annual
1002 license renewal fee shall be optional with all physicians over the
1003 age of seventy (70) years. Upon receipt of the application and
1004 fee, the board shall verify the accuracy of the application and
1005 issue to applicant a certificate of renewal for the ensuing year,
1006 beginning July 1 and expiring June 30 of the succeeding calendar
1007 year. That renewal shall render the holder thereof a legal
1008 practitioner as stated on the renewal form.

1009 (2) Any physician or osteopath practicing in Mississippi who
1010 allows his or her license to lapse by failing to renew the license
1011 as provided in subsection (1) may be reinstated by the board on
1012 satisfactory explanation for the failure to renew, by completion
1013 of a reinstatement form, and upon payment of the renewal fee for
1014 the current year, and shall be assessed a fine of Twenty-five
1015 Dollars (\$25.00) plus an additional fine of Five Dollars (\$5.00)
1016 for each month thereafter that the license renewal remains
1017 delinquent.

1018 (3) Any physician or osteopath not practicing in Mississippi
1019 who allows his or her license to lapse by failing to renew the
1020 license as provided in subsection (1) may be reinstated by the
1021 board on satisfactory explanation for the failure to renew, by
1022 completion of a reinstatement form and upon payment of the
1023 arrearages for the previous five (5) years and the renewal fee for
1024 the current year.

1025 (4) Any physician or osteopath who allows his or her license
1026 to lapse shall be notified by the board within thirty (30) days of
1027 that lapse.

1028 (5) Any person practicing as a licensed physician or
1029 osteopath during the time his or her license has lapsed shall be
1030 considered an illegal practitioner and shall be subject to
1031 penalties provided for violation of the Medical Practice Act,
1032 provided that he or she had not submitted the required
1033 reinstatement form and fee within fifteen (15) days after
1034 notification by the board of the lapse.

1035 (6) Any physician or osteopath practicing in the State of
1036 Mississippi whose license has lapsed and is deemed an illegal
1037 practitioner under subsection (5) of this section may petition the
1038 board for reinstatement of his or her license on a retroactive
1039 basis, if the physician or osteopath was unable to meet the June
1040 30 deadline due to extraordinary or other legitimate reasons, and
1041 retroactive reinstatement of licensure shall be granted or may be
1042 denied by the board only for good cause. Failure to advise the
1043 board of change of address shall not be considered a basis of
1044 reinstatement.

1045 (7) None of the fees or fines provided for in this section
1046 shall be applicable to the renewal of a special volunteer medical
1047 license authorized under Section 73-25-18.

1048 (8) Fees collected under the provisions of this section
1049 shall be used by the board to defray expenses of administering the
1050 licensure provisions of the Medical Practice Act (Title 73,

1051 Chapter 25, Mississippi Code of 1972) and to support a program to
1052 aid impaired physicians and osteopaths in an amount determined by
1053 the board.

1054 **SECTION 21.** Section 73-26-5, Mississippi Code of 1972, is
1055 amended as follows:

1056 73-26-5. (1) The board shall promulgate and publish
1057 reasonable rules and regulations necessary to enable it to
1058 discharge its functions and to enforce the provisions of law
1059 regulating the practice of physician assistants. Those rules
1060 shall include, but are not limited to: qualifications for
1061 licensure for physician assistants; scope of practice of physician
1062 assistants; supervision of physician assistants; identification of
1063 physician assistants; grounds for disciplinary actions and
1064 discipline of physician assistants; and setting and charging
1065 reasonable fees for licensure and license renewals for physician
1066 assistants. However, nothing in this chapter or in rules adopted
1067 by the board shall authorize physician assistants to administer or
1068 monitor general inhaled anesthesia, epidural anesthesia, spinal
1069 anesthesia or monitored anesthesia as utilized in surgical
1070 procedures. The board shall promulgate rules for licensure and
1071 license renewals in accordance with Section 1 of Senate Bill No.
1072 2117, 2007 Regular Session.

1073 (2) If the board appoints a task force or committee to
1074 address physician assistant regulation, at least one (1) member of
1075 the task force shall be a nurse practitioner who is a member of
1076 the Mississippi Board of Nursing or a nurse practitioner appointee
1077 selected by the board from a list of three (3) recommendations
1078 submitted by the Mississippi Nurses Association, and at least one
1079 (1) member shall be a physician assistant selected by the board
1080 from a list of three (3) recommendations submitted by the
1081 Mississippi Academy of Physician Assistants.

1082 **SECTION 22.** Section 73-27-12, Mississippi Code of 1972, is
1083 amended as follows:

1084 73-27-12. (1) Except as provided in Section 1 of Senate
1085 Bill No. 2117, 2007 Regular Session, the license of every person
1086 licensed to practice podiatry in the State of Mississippi shall be
1087 renewed annually.

1088 On or before May 1 of each year, the board shall mail a
1089 notice of renewal of license to every podiatrist to whom a license
1090 was issued or renewed during the current licensing year. The
1091 notice shall provide instructions for obtaining and submitting
1092 applications for renewal. The State Board of Medical Licensure is
1093 authorized to make applications for renewal available via
1094 electronic means. The applicant shall obtain and complete the
1095 application and submit it to the board in the manner prescribed by
1096 the board in the notice before June 30 with the renewal fee of an
1097 amount established by the board, but not to exceed Two Hundred
1098 Dollars (\$200.00), a portion of which fee shall be used to support
1099 a program to aid impaired podiatrists. Upon receipt of the
1100 application and fee, the board shall verify the accuracy of the
1101 application and issue to applicant a certificate of renewal for
1102 the ensuing year, beginning July 1 and expiring June 30 of the
1103 succeeding calendar year. That renewal shall render the holder
1104 thereof a legal practitioner as stated on the renewal form.

1105 (2) Any podiatrist practicing in Mississippi who allows his
1106 or her license to lapse by failing to renew the license as
1107 provided in subsection (1) may be reinstated by the board on
1108 satisfactory explanation for the failure to renew, by completion
1109 of a reinstatement form, and upon payment of the renewal fee for
1110 the current year, and shall be assessed a fine of Twenty-five
1111 Dollars (\$25.00) plus an additional fine of Five Dollars (\$5.00)
1112 for each month thereafter that the license renewal remains
1113 delinquent.

1114 (3) Any podiatrist not practicing in Mississippi who allows
1115 his or her license to lapse by failing to renew the license as
1116 provided in subsection (1) may be reinstated by the board on

1117 satisfactory explanation for the failure to renew, by completion
1118 of a reinstatement form and upon payment of the arrearages for the
1119 previous five (5) years and the renewal fee for the current year.

1120 (4) Any podiatrist who allows his or her license to lapse
1121 shall be notified by the board within thirty (30) days of that
1122 lapse.

1123 (5) Any person practicing as a licensed podiatrist during
1124 the time his or her license has lapsed shall be considered an
1125 illegal practitioner and shall be subject to penalties set forth
1126 in Section 73-27-17, provided that he or she has not submitted the
1127 required reinstatement form and fee within fifteen (15) days after
1128 notification by the board of the lapse.

1129 (6) Any podiatrist practicing in the State of Mississippi
1130 whose license has lapsed and is deemed an illegal practitioner
1131 under subsection (5) of this section may petition the board for
1132 reinstatement of his or her license on a retroactive basis, if the
1133 podiatrist was unable to meet the June 30 deadline due to
1134 extraordinary or other legitimate reasons, and retroactive
1135 reinstatement of licensure shall be granted or may be denied by
1136 the board only for good cause. Failure to advise the board of
1137 change of address shall not be considered a basis for
1138 reinstatement.

1139 (7) Fees collected under the provisions of this section
1140 shall be used by the board to defray expenses of administering the
1141 licensure provisions of Title 73, Chapter 27, Mississippi Code of
1142 1972, and to support a program to aid impaired podiatrists in an
1143 amount determined by the board.

1144 **SECTION 23.** Section 73-29-29, Mississippi Code of 1972, is
1145 amended as follows:

1146 73-29-29. Except as provided in Section 1 of Senate Bill No.
1147 2117, 2007 Regular Session, each polygraph examiner's license
1148 shall be issued for the term of one (1) year and shall, unless
1149 suspended or revoked, be renewed annually as prescribed by the

1150 board; provided, however, that licenses issued from and after July
1151 1, 1994, shall be issued for terms of two (2) years and shall,
1152 unless suspended or revoked, be renewed as prescribed by the
1153 board. No license shall be renewed unless the board receives
1154 satisfactory proof of such continuing education as it by
1155 regulation requires.

1156 **SECTION 24.** Section 73-30-29, Mississippi Code of 1972, is
1157 amended as follows:

1158 73-30-29. (1) Except as provided in Section 1 of Senate
1159 Bill No. 2117, 2007 Regular Session, the annual renewal of license
1160 fee under this chapter shall be Fifty Dollars (\$50.00) per year.
1161 License renewal fees may be increased by the board as deemed
1162 necessary, but may not be increased by more than ten percent (10%)
1163 of the previous year's fee.

1164 (2) From and after January 1, 2004, a licensed professional
1165 counselor must complete twelve (12) hours of continuing education
1166 before a license may be renewed. Continuing education courses
1167 must be in the field in which the counselor practices. A minimum
1168 of three (3) hours of continuing education must be in the field of
1169 professional ethics. The board may determine which continuing
1170 education courses are admissible, and the decisions of the board
1171 are final. Courses submitted for other certification processes
1172 will be admissible. The board must adhere to the guidelines as
1173 provided by the National Board of Certified Counselors with regard
1174 to credit for teaching courses, workshops and serving on boards.

1175 **SECTION 25.** Section 73-31-9, Mississippi Code of 1972, is
1176 amended as follows:

1177 73-31-9. (1) All fees from applicants seeking licensing
1178 under this chapter and all license renewal fees received under
1179 this chapter shall be nonrefundable.

1180 (2) The board shall charge an application fee to be
1181 determined by the board but not to exceed Three Hundred Dollars
1182 (\$300.00) to applicants for licensing, and shall charge the

1183 applicant for the expenses incurred by the board for examination
1184 of the applicant.

1185 (3) Except as provided in Section 1 of Senate Bill No. 2117,
1186 2007 Regular Session, every licensed psychologist in this state
1187 shall annually pay to the board a fee determined by the board but
1188 not to exceed Three Hundred Dollars (\$300.00); and the executive
1189 secretary shall thereupon issue a renewal of the license for a
1190 term of one (1) year. The license of any psychologist who shall
1191 fail to renew during the month of July in each and every year
1192 shall lapse; the failure to renew the license, however, shall not
1193 deprive said psychologist of the right of renewal thereafter.
1194 Such lapsed license may be renewed within a period of two (2)
1195 years after such lapse upon payment of all fees in arrears. A
1196 psychologist wishing to renew a license which has been lapsed for
1197 more than two (2) years shall be required to reapply for
1198 licensure.

1199 (4) On July 1, 1993, and every odd numbered year thereafter,
1200 no psychologist license shall be renewed unless the psychologist
1201 shows evidence of a minimum of twenty (20) clock hours of
1202 continuing education activities approved by the board.

1203 (5) All fees and any other monies received by the board
1204 shall be deposited in a special fund that is created in the State
1205 Treasury and shall be used for the implementation and
1206 administration of this chapter when appropriated by the
1207 Legislature for such purpose. The monies in the special fund
1208 shall be subject to all provisions of the state budget laws that
1209 are applicable to special fund agencies, and disbursements from
1210 the special fund shall be made by the State Treasurer only upon
1211 warrants issued by the State Fiscal Officer upon requisitions
1212 signed by the chairman or executive secretary of the board. Any
1213 interest earned on this special fund shall be credited by the
1214 State Treasurer to the fund and shall not be paid into the State
1215 General Fund. Any unexpended monies remaining in the special fund

1216 at the end of a fiscal year shall not lapse into the State General
1217 Fund. The State Auditor shall audit the financial affairs of the
1218 board and the transactions involving the special fund at least
1219 once a year in the same manner as for other special fund agencies.

1220 This section shall stand repealed from and after July 1,
1221 2011.

1222 **SECTION 26.** Section 73-33-7, Mississippi Code of 1972, is
1223 amended as follows:

1224 73-33-7. The Mississippi State Board of Public Accountancy
1225 is authorized to charge each applicant a fee for a certified
1226 public accountant license. However, a firm permit to practice
1227 public accounting shall be issued without the assessment of a fee
1228 by the board. All fees shall be in such amounts as to be
1229 determined by the board and paid when the application is filed.

1230 Except as provided in Section 1 of Senate Bill No. 2117, 2007
1231 Regular Session, on or before January 1 of each year, each holder
1232 of a certified public accountant license issued by the Mississippi
1233 State Board of Public Accountancy shall register and pay a
1234 reasonable annual registration fee in such amount as to be
1235 determined by the board. If any certified public accountant fails
1236 to register and pay the annual registration fee on or before
1237 January 1, notice of such default shall be sent to the certified
1238 public accountant by certified mail to the delinquent registrant's
1239 last known address as shown by the records of the board. The
1240 license of any certified public accountant who fails to register
1241 and pay the annual registration fee within ten (10) days after
1242 notice is given shall be automatically cancelled, and the board
1243 shall enter the cancellation on its records.

1244 On or before January 1 of each year, each certified public
1245 accountant firm holding a permit to practice public accounting
1246 shall register with the board without the assessment of a
1247 registration fee. If any firm fails to register on or before
1248 January 1, notice of such default shall be sent to the firm by

1249 certified mail to the firm's last known address as shown by the
1250 records of the board. The permit to practice of any firm who
1251 fails to register within ten (10) days after notice is given shall
1252 be automatically cancelled, and the board shall enter the
1253 cancellation on its records.

1254 Any person who has lost a certified public accountant license
1255 or a firm which has lost a permit to practice in this state by
1256 failure to register or failure to pay the annual registration fee
1257 if so required under this section, or who voluntarily cancels or
1258 surrenders such license or permit, may be again licensed or have a
1259 firm permit reinstated by the board without reexamination,
1260 provided such person or firm shall again comply with the
1261 requirements of this chapter and the rules and regulations of the
1262 board; file application for registration; and, if required to pay
1263 a fee under this section, pay all fees in arrears, late fees and a
1264 reinstatement fee as set by the board.

1265 Out of the funds collected under this chapter shall be paid
1266 the expenses of the members of the board, including mileage, hotel
1267 expenses and per diem compensation as provided in Section 25-3-69,
1268 for the time expended in carrying out the duties of the office;
1269 provided, however, no expense incurred by the board shall ever be
1270 charged against the funds of the state in excess of amounts
1271 collected under this section.

1272 **SECTION 27.** Section 73-34-25, Mississippi Code of 1972, is
1273 amended as follows:

1274 73-34-25. Except as provided in Section 1 of Senate Bill No.
1275 2117, 2007 Regular Session, a license issued under the authority
1276 of this chapter shall expire two (2) years from the last day of
1277 the month of issuance.

1278 **SECTION 28.** Section 73-35-17, Mississippi Code of 1972, is
1279 amended as follows:

1280 73-35-17. (1) A fee not to exceed One Hundred Fifty Dollars
1281 (\$150.00) shall accompany an application for a real estate

1282 broker's license, and in the event that the applicant successfully
1283 passes the examination, no additional fee shall be required for
1284 the issuance of a license for a one-year period; provided, that if
1285 an applicant fails to pass the examination, he may be eligible to
1286 take the next or succeeding examination without the payment of an
1287 additional fee. In the event a contract testing service is
1288 utilized, the application fee along with the additional testing
1289 fee as incurred by the commission in contracting the cost of the
1290 examination shall accompany such application.

1291 (2) For each license as a real estate broker issued to a
1292 member of a partnership, association or officer of a corporation
1293 other than the member or officer named in the license issued to
1294 such partnership, association or corporation, a fee not to exceed
1295 Seventy-five Dollars (\$75.00) shall be charged.

1296 (3) A fee not to exceed One Hundred Twenty Dollars (\$120.00)
1297 shall accompany an application for a real estate salesperson's
1298 license, and in the event that the applicant successfully passes
1299 the examination, no additional fee shall be required for the
1300 issuance of a license for a one-year period; provided, that if an
1301 applicant fails to pass the examination, he may be eligible to
1302 take the next or succeeding examination without the payment of an
1303 additional fee. In the event a contract testing service is
1304 utilized, the applicable fee along with the prevailing cost
1305 incurred by the commission in contracting the cost of the
1306 examination shall accompany such application.

1307 (4) Except as provided in Section 1 of Senate Bill No. 2117,
1308 2007 Regular Session, it shall be the duty of all persons,
1309 partnerships, associations, companies or corporations licensed to
1310 practice as a real estate broker or salesperson to register with
1311 the commission annually or biennially, in the discretion of the
1312 commission, according to rules promulgated by it and to pay the
1313 proper registration fee. An application for renewal of license
1314 shall be made to the commission annually no later than December 31

1315 of each year, or biennially on a date set by the commission. A
1316 licensee failing to pay his renewal fee after the same becomes due
1317 and after two (2) months' written notice of his delinquency mailed
1318 to him by United States certified mail addressed to his address of
1319 record with the commission shall thereby have his license
1320 automatically cancelled. Any licensee renewing in this grace
1321 period shall pay a penalty in the amount of one hundred percent
1322 (100%) of the renewal fee. The renewal fee shall not exceed
1323 Seventy-five Dollars (\$75.00) per year for real estate brokers,
1324 partnerships, associations and corporations. The renewal fee for
1325 a real estate salesperson's license shall not exceed Sixty Dollars
1326 (\$60.00) per year.

1327 (5) For each additional office or place of business, an
1328 annual fee not to exceed Fifty Dollars (\$50.00) shall be charged.

1329 (6) For each change of office or place of business, a fee
1330 not to exceed Fifty Dollars (\$50.00) shall be charged.

1331 (7) For each duplicate or transfer of salesperson's license,
1332 a fee not to exceed Fifty Dollars (\$50.00) shall be charged.

1333 (8) For each duplicate license, where the original license
1334 is lost or destroyed, and affidavit made thereof, a fee not to
1335 exceed Fifty Dollars (\$50.00) shall be charged.

1336 (9) To change status as a licensee from active to inactive
1337 status, a fee not to exceed Twenty-five Dollars (\$25.00) shall be
1338 charged. To change status as a licensee from inactive to active
1339 status, a fee not to exceed Fifty Dollars (\$50.00) shall be
1340 charged.

1341 (10) For each bad check received by the commission, a fee
1342 not to exceed Twenty-five Dollars (\$25.00) shall be charged.

1343 (11) A fee not to exceed Five Dollars (\$5.00) per hour of
1344 instruction may be charged to allay costs of seminars for
1345 educational purposes provided by the commission.

1346 (12) A fee not to exceed Twenty-five Dollars (\$25.00) may be
1347 charged for furnishing any person a copy of a real estate license,

1348 a notarized certificate of licensure or other official record of
1349 the commission.

1350 (13) A fee not to exceed One Hundred Dollars (\$100.00) shall
1351 be charged to review and process the application and instructional
1352 materials for each curriculum seeking acceptance as a real estate
1353 continuing education course developed to satisfy the mandatory
1354 continuing education requirements for this chapter, with the
1355 period of approval expiring after one (1) year. A fee not to
1356 exceed Fifty Dollars (\$50.00) shall be charged for each renewal of
1357 a previously approved course, with the period of renewal expiring
1358 after one (1) year.

1359 (14) Fees, up to the limits specified herein, shall be
1360 established by the Mississippi Real Estate Commission.

1361 **SECTION 29.** Section 73-36-29, Mississippi Code of 1972, is
1362 amended as follows:

1363 73-36-29. Except as provided in Section 1 of Senate Bill No.
1364 2117, 2007 Regular Session, all licenses issued under the
1365 provisions of this chapter shall expire after December 31 of odd
1366 numbered years and shall become invalid after that date unless
1367 renewed. The secretary of the board shall mail a notice to every
1368 person registered under this chapter notifying the person of the
1369 date of the expiration of his license and the amount of fee
1370 required for its renewal for two (2) years. The notice shall be
1371 mailed to the latest known address, according to the board's
1372 records, at least one (1) month in advance of the date of the
1373 expiration of the license. The board shall from time to time fix
1374 the fee for renewal of licenses, provided the fee shall not exceed
1375 the amount of One Hundred Dollars (\$100.00) for two (2) years'
1376 renewal. Any registrant failing to renew his license and applying
1377 for a license shall be required to pay a fee as set by the board
1378 not to exceed twice the total amount of the license fees had his
1379 license been continued in effect, and also to comply with such

1380 other reasonable requirements as may be established by rules and
1381 regulations of the board.

1382 **SECTION 30.** Section 73-38-29, Mississippi Code of 1972, is
1383 amended as follows:

1384 73-38-29. (1) Except as provided in Section 1 of Senate
1385 Bill No. 2117, 2007 Regular Session, licenses issued under this
1386 chapter shall expire and become invalid at midnight of the
1387 expiration date.

1388 (2) Every person licensed under this chapter shall, on or
1389 before the license expiration date, pay a fee for the biennial
1390 renewal of license to the board. The board may suspend the
1391 license of any person who fails to have his license renewed by the
1392 expiration date. After the expiration date, the board may renew a
1393 license upon payment of a fee to the board. No person who
1394 requests renewal of license, whose license has expired, shall be
1395 required to submit to examination as a condition to renewal, if
1396 such renewal application is made within two (2) years from the
1397 date of such expiration.

1398 (3) A suspended license is subject to expiration and may be
1399 renewed as provided in this section, but such renewal shall not
1400 entitle the licensee, while the license remains suspended and
1401 until it is reinstated, to engage in the licensed activity, or in
1402 any other conduct or activity in violation of the order or
1403 judgment by which the license was suspended.

1404 (4) A license revoked on disciplinary grounds is subject to
1405 expiration as provided in subsection (1) of this section, but it
1406 may not be renewed. If such license is reinstated after its
1407 expiration, the licensee, as a condition of reinstatement, shall
1408 pay a reinstatement fee in an amount equal to the fee for a
1409 license issued after the expiration date which is in effect on the
1410 last preceding regular renewal date before the date on which it is
1411 reinstated. The procedure for the reinstatement of a license that
1412 is suspended for being out of compliance with an order for

1413 support, as defined in Section 93-11-153, shall be governed by
1414 Section 93-11-157 or 93-11-163, as the case may be.

1415 (5) Any person who fails to renew his license within the two
1416 (2) years after the date of its expiration may not renew it, and
1417 it may not be restored, reissued or reinstated thereafter, but
1418 such person may apply for and obtain a new license if he meets the
1419 requirements of this chapter.

1420 **SECTION 31.** Section 73-39-75, Mississippi Code of 1972, is
1421 amended as follows:

1422 73-39-75. (1) Except as provided in Section 1 of Senate
1423 Bill No. 2117, 2007 Regular Session, all licenses shall expire
1424 August 1 of each year but may be renewed by registration with the
1425 board and payment of the license renewal fee. At least thirty
1426 (30) days in advance, the board shall mail an expiration notice to
1427 each licensed veterinarian and include a form for renewal.

1428 (2) The board shall establish the continuing education
1429 requirements that must be met for license renewal.

1430 (3) Any person may renew an expired license within five (5)
1431 years of the date of its expiration by making written application
1432 for renewal, paying the current renewal fee and a reinstatement
1433 fee of Five Hundred Dollars (\$500.00), plus all delinquent renewal
1434 fees and complying with continuing education requirements.

1435 (4) The board may waive the payment of the registration
1436 renewal fee of a licensed veterinarian during the period when he
1437 is on active duty with any branch of the Armed Services of the
1438 United States.

1439 (5) Any licensed veterinarian who is sixty-five (65) years
1440 of age or older and who is employed as a veterinarian on a
1441 part-time basis only shall be exempt from payment of such renewal
1442 fee.

1443 (6) The payment of the annual license renewal fee shall be
1444 optional for all veterinarians seventy (70) years and older.

1445 **SECTION 32.** Section 73-42-11, Mississippi Code of 1972, is
1446 amended as follows:

1447 73-42-11. (1) Except as otherwise provided in subsection
1448 (3), the Secretary of State shall issue a certificate of
1449 registration to an individual who complies with Section
1450 73-42-9(1).

1451 (2) Except as otherwise provided in subsection (3), the
1452 Secretary of State shall issue a certificate of registration to an
1453 individual whose application has been accepted under Section
1454 73-42-9(2).

1455 (3) The Secretary of State may refuse to issue a certificate
1456 of registration if the Secretary of State determines that the
1457 applicant has engaged in conduct that has a significant adverse
1458 effect on the applicant's fitness to serve as an athlete agent.
1459 In making the determination, the Secretary of State may consider
1460 whether the applicant has:

1461 (a) Been convicted of a crime that, if committed in
1462 this state, would be a felony or other crime involving moral
1463 turpitude;

1464 (b) Made a materially false, misleading, deceptive or
1465 fraudulent representation as an athlete agent or in the
1466 application;

1467 (c) Engaged in conduct that would disqualify the
1468 applicant from serving in a fiduciary capacity;

1469 (d) Engaged in conduct prohibited by Section 73-42-27;

1470 (e) Had a registration or licensure as an athlete agent
1471 suspended, revoked, or denied or been refused renewal of
1472 registration or licensure in any state;

1473 (f) Engaged in conduct or failed to engage in conduct
1474 the consequence of which was that a sanction, suspension or
1475 declaration of ineligibility to participate in an interscholastic
1476 or intercollegiate athletic event was imposed on a student-athlete
1477 or educational institution; or

1478 (g) Engaged in conduct that significantly adversely
1479 reflects on the applicant's credibility, honesty or integrity.

1480 (4) In making a determination under subsection (3), the
1481 Secretary of State shall consider:

1482 (a) How recently the conduct occurred;

1483 (b) The nature of the conduct and the context in which
1484 it occurred; and

1485 (c) Any other relevant conduct of the applicant.

1486 (5) An athlete agent may apply to renew a registration by
1487 submitting an application for renewal in a form prescribed by the
1488 Secretary of State. An application filed under this section is a
1489 public record. The application for renewal must be signed by the
1490 applicant under penalty of perjury and must contain current
1491 information on all matters required in an original registration.

1492 (6) An individual who has submitted an application for
1493 renewal of registration or licensure in another state, in lieu of
1494 submitting an application for renewal in the form prescribed
1495 pursuant to subsection (5), may file a copy of the application for
1496 renewal and a valid certificate of registration from the other
1497 state. The Secretary of State shall accept the application for
1498 renewal from the other state as an application for renewal in this
1499 state if the application to the other state:

1500 (a) Was submitted in the other state within the last
1501 six (6) months and the applicant certifies the information
1502 contained in the application for renewal is current;

1503 (b) Contains information substantially similar to or
1504 more comprehensive than that required in an application for
1505 renewal submitted in this state; and

1506 (c) Was signed by the applicant under penalty of
1507 perjury.

1508 (7) Except as provided in Section 1 of Senate Bill No. 2117,
1509 2007 Regular Session, a certificate of registration or a renewal
1510 of a registration is valid for two (2) years.

1511 **SECTION 33.** Section 73-53-15, Mississippi Code of 1972, is
1512 amended as follows:

1513 73-53-15. All original licenses shall be valid for one (1)
1514 year, unless earlier suspended or revoked by the board, and each
1515 person to whom a license is issued shall pay a fee of not more
1516 than Fifty Dollars (\$50.00) therefor to the board. Except as
1517 provided in Section 1 of Senate Bill No. 2117, 2007 Regular
1518 Session, licenses shall be renewed biennially after initial
1519 licensure upon payment of a fee of not more than One Hundred Fifty
1520 Dollars (\$150.00) for licensed social workers, Two Hundred Dollars
1521 (\$200.00) for licensed master social workers and Two Hundred
1522 Dollars (\$200.00) for licensed certified social workers, and being
1523 in compliance with such additional requirements as the board shall
1524 promulgate.

1525 **SECTION 34.** Section 73-54-27, Mississippi Code of 1972, is
1526 amended as follows:

1527 73-54-27. (1) Except as provided in Section 1 of Senate
1528 Bill No. 2117, 2007 Regular Session, licenses issued under this
1529 chapter shall be valid for two (2) years and must be renewed
1530 biennially, in September, with the renewal fee being determined by
1531 the board but not to exceed Two Hundred Dollars (\$200.00).

1532 (2) The license of any marriage and family therapist who
1533 fails to renew biennially during the month of September shall
1534 lapse; the failure to renew the license shall not deprive the
1535 marriage and family therapist of the right of renewal thereafter.
1536 Such lapsed license may be renewed within a period of two (2)
1537 years after such lapse upon payment of all fees in arrears.

1538 (3) A marriage and family therapist wishing to renew a
1539 license that has been lapsed for more than two (2) years shall be
1540 required to reapply for licensure.

1541 (4) The board shall notify each license holder in writing of
1542 the pending license expiration no later than the thirtieth day
1543 before the date on which the license expires.

1544 (5) The board shall require each license holder to
1545 participate in approved continuing education activities in order
1546 to renew a license issued under this chapter.

1547 (6) Any person who notifies the board, in writing on forms
1548 prescribed by the board, may place his license on inactive status
1549 and shall be excused from the payment of renewal fees until the
1550 person notifies the board in writing of the intention to resume
1551 active practice. Any person requesting his license to be changed
1552 from inactive to active status shall be required to pay the
1553 current fee and shall also demonstrate compliance with continuing
1554 education requirements as defined by the board.

1555 **SECTION 35.** Section 73-55-13, Mississippi Code of 1972, is
1556 amended as follows:

1557 73-55-13. (1) Except as provided in Section 1 of Senate
1558 Bill No. 2117, 2007 Regular Session, a person licensed as an
1559 athletic trainer under this chapter shall pay to the board a fee
1560 not to exceed Three Hundred Dollars (\$300.00) for every three-year
1561 period for a renewal of his license.

1562 (2) Continuing education requirements for license renewal
1563 shall be fulfilled during three-year periods running concurrently
1564 with the requirement to maintain certification through the
1565 National Athletic Trainers' Association Board of Certification,
1566 Inc.

1567 (3) A licensee must complete sixty (60) hours of continuing
1568 education during the three-year period as approved by the National
1569 Athletic Trainers' Association Board of Certification, Inc. Proof
1570 of the completion of continuing education as required by this
1571 section shall be turned in to the board within thirty (30) days of
1572 the completion or proof that the continuing education requirements
1573 have been filed with the National Athletic Trainers' Association.

1574 **SECTION 36.** Section 73-57-27, Mississippi Code of 1972, is
1575 amended as follows:

1576 73-57-27. (1) A license shall be renewed biennially except
1577 as herein provided or as provided in Section 1 of Senate Bill No.
1578 2117, 2007 Regular Session. The board shall mail notices at least
1579 thirty (30) calendar days prior to expiration for renewal of
1580 license to every person to whom a license was issued or renewed
1581 during the preceding renewal period. The licensee shall complete
1582 the notice of renewal and return it to the board with the renewal
1583 fee before the date of expiration.

1584 (2) Upon receipt of the notice of renewal and the fee, the
1585 board shall verify its contents and shall issue the licensee a
1586 license for the current renewal period, which shall be valid for
1587 the period stated thereon. The board, with the advice of the
1588 council, shall establish continuing education requirements for
1589 biennial renewal of the license, which shall include proof of
1590 completion of at least fifteen (15) clock hours approved by the
1591 board for continuing education credit.

1592 (3) A licensee who allows his license to lapse by failing to
1593 renew it may be reinstated by the board upon payment of the
1594 renewal fee and reinstatement fee provided that such request for
1595 reinstatement is made within two (2) years of the end of the
1596 renewal period.

1597 (4) A respiratory care practitioner who does not engage in
1598 the practice of respiratory care during the succeeding renewal
1599 period is not required to pay the renewal fee as long as he
1600 remains inactive. If he desires to resume the practice of
1601 respiratory care, he shall notify the board of his intent and
1602 shall satisfy the current requirements of the board in addition to
1603 remitting the renewal fee for the current renewal period of the
1604 reinstatement fee. Requirements of the board shall include a
1605 specific period of time of continuous inactivity after which
1606 testing is required.

1607 (5) The board is authorized to establish fees for
1608 replacement and duplicate licenses.

1609 **SECTION 37.** Section 73-59-3, Mississippi Code of 1972, is
1610 amended as follows:

1611 73-59-3. (1) Except as otherwise provided in Section
1612 73-59-15 or Section 1 of Senate Bill No. 2117, 2007 Regular
1613 Session, persons who perform residential construction or
1614 residential improvement shall be licensed by the board annually,
1615 and, as a prerequisite to obtaining a license or renewal thereof,
1616 each shall submit to the board:

1617 (a) Proof of workers' compensation insurance, if
1618 applicable;

1619 (b) A federal employment identification number or
1620 social security number.

1621 (2) The board shall not require liability insurance to be
1622 licensed under this chapter but if a licensee has liability
1623 insurance it shall be reflected on the certificate of licensure.

1624 (3) The board shall issue or renew a license to a
1625 residential builder or remodeler upon payment to the board of the
1626 license fee. The initial license fee shall be Fifty Dollars
1627 (\$50.00). The license fee may thereafter be increased or
1628 decreased by the board and cannot exceed One Hundred Dollars
1629 (\$100.00); however, the receipts from fees collected by the board
1630 shall be no greater than the amount required to pay all costs and
1631 expenses incurred by the board in enforcing the provisions of this
1632 chapter. Twenty-five Dollars (\$25.00) of the fee required by this
1633 section which is assessed to residential builders licensed under
1634 the provisions of Section 73-59-1 et seq. shall be deposited to
1635 the Construction Education Fund created pursuant to Section
1636 31-3-14 and shall be distributed to the Mississippi Housing
1637 Institute. The remaining fees collected under this chapter shall
1638 be deposited into the special fund in the State Treasury known as
1639 the "State Board of Contractor's Fund" created pursuant to Section
1640 31-3-17 and shall be used for the administration and enforcement
1641 of this chapter and as provided in Section 31-3-14. Amounts in

1642 such fund shall not lapse into the State General Fund at the end
1643 of a fiscal year. Interest accrued to such fund shall remain in
1644 the fund. All expenditures from the special fund shall be by
1645 requisition to the Department of Finance and Administration,
1646 signed by the executive secretary of the board and countersigned
1647 by the chairman or vice chairman of the board.

1648 (4) Except as provided in Section 1 of Senate Bill No. 2117,
1649 2007 Regular Session, the license shall expire on the last day of
1650 the twelfth month following its issuance or renewal and shall
1651 become invalid unless renewed. The board shall notify by mail
1652 every licensee under this chapter of the date of the expiration of
1653 his license and the amount of the fee required for renewal of the
1654 license for one (1) year. Such notice shall be mailed within
1655 thirty (30) days prior to the expiration date of the license. The
1656 failure on the part of any licensee to renew his license annually
1657 in such twelfth month shall not deprive such licensee of the right
1658 of renewal, provided that renewal is effected within one hundred
1659 twenty (120) days after the expiration date of the license by
1660 payment of the license fee plus a penalty of ten percent (10%) of
1661 the license fee. A new license required to replace a revoked,
1662 lost, mutilated or destroyed license may be issued, subject to the
1663 rules of the board, for a charge of not more than Twenty-five
1664 Dollars (\$25.00).

1665 (5) Any person who is not a resident of the State of
1666 Mississippi who desires to perform residential construction or
1667 residential improvement shall be licensed to perform such
1668 construction or improvement as provided by this chapter.

1669 **SECTION 38.** Section 73-60-21, Mississippi Code of 1972, is
1670 amended as follows:

1671 73-60-21. Except as provided in Section 1 of Senate Bill No.
1672 2117, 2007 Regular Session, a license under this chapter shall
1673 expire two (2) years after its date of issuance. The commission
1674 may issue a renewal license without examination, on submission of

1675 a completed renewal application, payment of the required license
1676 renewal fee, and successful completion of continuing education
1677 requirements.

1678 **SECTION 39.** Section 73-61-3, Mississippi Code of 1972, is
1679 amended as follows:

1680 73-61-3. (1) For the purposes of this section, the term
1681 "body piercing" means the creation of an opening in any part of
1682 the human body, other than the outer perimeter or lobe of the ear,
1683 for the purpose of inserting jewelry or other decorative object,
1684 or for some other nonmedical purpose.

1685 (2) No person shall perform body piercing upon any person
1686 for compensation within the State of Mississippi without first
1687 registering with the State Department of Health. The facility or
1688 premises in which body piercing is to be performed shall be
1689 specified in the registration, and the registered person shall be
1690 authorized to perform body piercing only in the specified facility
1691 or premises. Except as provided in Section 1 of Senate Bill No.
1692 2117, 2007 Regular Session, registrations shall be valid for one
1693 (1) year, and each person registered under this section shall pay
1694 an annual registration fee to the department in an amount set by
1695 the department, but not to exceed One Hundred Fifty Dollars
1696 (\$150.00), which fee shall be uniform for all registered persons.

1697 (3) The State Board of Health shall promulgate rules and
1698 regulations relating to:

1699 (a) Health, cleanliness and general sanitation of the
1700 facilities or premises in which body piercing is performed or to
1701 be performed;

1702 (b) Sterilization of body piercing apparatus and safe
1703 disposal of body piercing apparatus;

1704 (c) Procedures to prevent the transmission of disease
1705 or infection during or relating to body piercing procedures,
1706 specifically including, but not limited to, transmission of
1707 Hepatitis B and the human immunodeficiency virus (HIV); and

1708 (d) Such other administrative provisions as may be
1709 necessary to protect public health or properly administer the
1710 requirements of this section.

1711 (4) Representatives of the department may visit any facility
1712 or premises in which body piercing is performed at any time during
1713 business hours to ensure compliance with the requirements of this
1714 section and the rules and regulations promulgated under this
1715 section. Representatives of the department shall visit each
1716 facility or premises in which body piercing is performed not less
1717 than once each year to inspect for such compliance. The
1718 department may suspend or revoke the registration of any person
1719 found to be violating any of the rules or regulations promulgated
1720 under this section.

1721 (5) It shall be unlawful for any person to perform body
1722 piercing upon any person under the age of eighteen (18) years.

1723 (6) Any person who performs body piercing for compensation
1724 without first registering with the department or after his
1725 registration has been suspended or revoked by the department, or
1726 any person who performs body piercing upon any person in violation
1727 of subsection (5) of this section, is guilty of a misdemeanor and,
1728 upon conviction, shall be punished by a fine of not less than One
1729 Hundred Dollars (\$100.00) nor more than Five Hundred Dollars
1730 (\$500.00).

1731 (7) The department is authorized to bring an action for an
1732 injunction under the provisions of Sections 73-51-1 through
1733 73-51-5 to prohibit any person who is required to be registered
1734 under this section from performing body piercing without first
1735 registering with the department or after his registration has been
1736 suspended or revoked by the department.

1737 (8) This section shall not apply to physicians licensed to
1738 practice medicine in Mississippi in the performance of their
1739 professional duties.

1740 **SECTION 40.** Section 73-63-35, Mississippi Code of 1972, is
1741 amended as follows:

1742 73-63-35. (1) Except as provided in Section 1 of Senate
1743 Bill No. 2117, 2007 Regular Session, certificates of registration
1744 shall be valid for a period of two (2) years, and shall expire on
1745 a date or dates established by the board. The board shall notify
1746 every registered professional geologist of the date of expiration
1747 of that person's certificate and the amount of the fee that shall
1748 be required for its renewal at least sixty (60) days before the
1749 expiration date. Upon expiration, a certificate shall be
1750 cancelled and is invalid, and may not be renewed unless provided
1751 in this chapter.

1752 (2) The board shall renew the certificate of registration or
1753 certificate of enrollment of any registrant who, within sixty (60)
1754 days following the expiration date:

1755 (a) Submits a renewal application, the renewal fee and
1756 any penalty for late renewal; and

1757 (b) Meets the requirements for renewal established by
1758 the board which may include requiring evidence of continued
1759 competence in the practice of geology through a review of
1760 qualifications and experience.

1761 (3) The board shall establish requirements and conditions
1762 for the reissuance of certificates of registration and
1763 certificates of enrollment which have lapsed, expired, or have
1764 been suspended or revoked.

1765 (4) The board shall issue a new certificate to replace any
1766 certificate of registration or certificate of enrollment which has
1767 been lost, destroyed, or mutilated. The holder of the certificate
1768 shall bear the cost of issuing a new certificate.

1769 **SECTION 41.** Section 73-65-9, Mississippi Code of 1972, is
1770 amended as follows:

1771 73-65-9. (1) Except as provided in Section 1 of Senate Bill
1772 No. 2117, 2007 Regular Session, each license holder shall renew

1773 the license to practice art therapy biennially by submitting a
1774 renewal application on a form provided by the board, paying a
1775 license renewal fee, and producing evidence of completion of
1776 relevant professional continuing education experience satisfactory
1777 to the board, not to exceed forty (40) hours per renewal cycle.

1778 (2) A ninety-day grace period shall be allowed for each
1779 license holder after the licensure period, during which time the
1780 license may be renewed upon payment of the renewal fee, the late
1781 fee, and compliance with all renewal requirements.

1782 (3) Any license granted by the board shall be automatically
1783 suspended if the holder fails to apply for the license renewal
1784 pursuant to this section within a period of three (3) months after
1785 the renewal deadline; however, any suspended license may be
1786 restored by the board upon payment of a reinstatement fee not to
1787 exceed One Hundred Dollars (\$100.00) in addition to any unpaid
1788 renewal or late fees. Failure to renew a license within three (3)
1789 months from the date of suspension as provided in this section
1790 shall cause the license to be automatically revoked.

1791 Reinstatement of a revoked license shall require the license
1792 holder to reapply and meet all current standards for licensure.

1793 (4) A person licensed under the provisions of Section
1794 73-65-7 who intends to retire as a licensed professional art
1795 therapist shall notify the board in writing before the expiration
1796 of his current licensure. If, within a period of five (5) years
1797 from the year of retirement, the license holder wishes to resume
1798 practice as a licensed professional art therapist, he shall notify
1799 the board in writing, and upon giving proof of completing the
1800 required continuing education and the payment of an amount
1801 equivalent to elapsed renewal fees, the license shall be restored
1802 in full effect.

1803 **SECTION 42.** Section 73-67-15, Mississippi Code of 1972, is
1804 amended as follows:

1805 73-67-15. (1) The board shall:

- 1806 (a) Adopt an official seal and keep a record of its
1807 proceedings, persons registered as massage therapists, and a
1808 record of the certificates of registration that have been revoked
1809 or suspended;
- 1810 (b) Keep on file all appropriate records pertaining to
1811 each certificate of registration;
- 1812 (c) Annually, on or before February 15, make a report
1813 to the Governor and Legislature of all of its official acts during
1814 the preceding year, its total receipts and disbursements, and a
1815 full and complete report of relevant statistical and significantly
1816 notable conditions of massage therapists in this state as
1817 uniformly stipulated by the board;
- 1818 (d) Evaluate the qualifications of applicants for
1819 registration under this chapter, and advise applicants as to the
1820 acceptance or denial of registration with any reasons for denial
1821 within forty-five (45) days;
- 1822 (e) Issue certificates of registration to applicants
1823 who meet the requirements of this chapter;
- 1824 (f) Inspect, or have inspected, when required, the
1825 business premises of any registered massage therapist during their
1826 operating hours, so long as that inspection does not infringe on
1827 the reasonable privacy of any therapist's clients;
- 1828 (g) Establish minimum training and educational
1829 standards for obtaining a certificate of registration under this
1830 chapter, provided that requirements do not decrease;
- 1831 (h) Establish a procedure for approval of educational
1832 standards required by this chapter;
- 1833 (i) Investigate persons suspected of engaging in
1834 practices that may violate provisions of this chapter;
- 1835 (j) Revoke, suspend or deny a certificate of
1836 registration in accordance with the provisions of this chapter;
- 1837 (k) Adopt an annual budget;

1838 (1) Establish policies with respect to continuing
1839 education;

1840 (m) Adopt rules:

1841 (i) Specifying standards and procedures for
1842 issuance of a provisional permit;

1843 (ii) Specifying registration procedures for
1844 practitioners desiring to be registered in this state who hold an
1845 active license or credentials from another state board;

1846 (iii) The board shall prescribe renewal
1847 procedures, requirements, dates and fees for massage therapy
1848 certificates of registration issued by the board and shall include
1849 provisions for inactive and lapsed registrations; such rules shall
1850 be in accordance with Section 1 of Senate Bill No. 2117, 2007
1851 Regular Session;

1852 (n) Make available all forms necessary for carrying out
1853 all provisions of this chapter and any and all necessary business
1854 of the board;

1855 (o) Establish written duties of the executive director;

1856 (p) Establish a set of reasonable and customary fines
1857 and penalties for violations of this chapter, and fees, including
1858 refund policies, which shall be standardized and not exceeded
1859 unless amended with at least thirty (30) days' notice to those who
1860 are registered;

1861 (q) Establish, amend or repeal any rules or regulations
1862 necessary to carry out the purposes of this chapter and the duties
1863 and responsibilities of the board. Affected practitioners shall
1864 be sent relevant changes no less than once per registration
1865 renewal;

1866 (r) The board shall maintain a current register listing
1867 the name of every massage therapist registered to practice in this
1868 state, his/her last known place of business and last known place
1869 of residence, and the date and number of his/her certificate of
1870 registration;

1871 (s) The board shall set up guidelines for the operation
1872 of schools of massage therapy, and it is charged with that
1873 regulation in this state. The board may prescribe reasonable
1874 rules and regulations governing schools of massage therapy for the
1875 guidance of persons registered under this chapter in the operation
1876 of schools of massage therapy and in the practice of massage
1877 therapy. When the board has reasons to believe that any of the
1878 provisions of this chapter or the rules and regulations of the
1879 board have been violated, either upon receipt of a written
1880 complaint alleging those violations or upon the board's own
1881 initiative, the board or any of its authorized agents shall
1882 investigate same and may enter upon the premises of a school of
1883 massage therapy at any time during regular business hours of that
1884 school to conduct the investigation. The investigation may
1885 include, but not be limited to, conducting oral interviews with
1886 the complaining party, school or school owner(s) and/or students
1887 of the school, and reviewing records of the school pertinent to
1888 the complaint and related to an area subject to the authority of
1889 the board.

1890 (2) Each board member shall be held accountable to the
1891 Governor for the proper performance of all duties and obligations
1892 of the member's office. Board members shall be immune from civil
1893 liability pertaining to any legal functions involving the carrying
1894 out of the activities and responsibilities of this chapter.

1895 **SECTION 43.** This act shall take effect and be in force from
1896 and after its passage.