

By: Representatives Ford (54th), Mickens

To: Public Health and Human Services

HOUSE BILL NO. 1419

1 AN ACT TO AMEND SECTIONS 73-25-1, 73-25-3, 73-25-5, 73-25-14,  
2 73-25-17, 73-25-21, 73-25-23, 73-25-27, 73-25-28, 73-25-29,  
3 73-25-30, 73-25-31, 73-25-32, 73-25-33, 73-25-34, 73-25-53,  
4 73-25-55, 73-25-57, 73-25-59, 73-25-61, 73-25-63, 73-25-65,  
5 73-25-83, 73-25-87, 73-25-89 AND 73-25-18, MISSISSIPPI CODE OF  
6 1972, TO REVISE CERTAIN DEFINITIONS UNDER THE MEDICAL PRACTICE  
7 ACT; TO CLARIFY CERTAIN PROCEDURES TO OBTAIN A LICENSE TO PRACTICE  
8 MEDICINE; TO PROVIDE FOR ELECTRONIC NOTICE OF LICENSE RENEWAL; TO  
9 PROVIDE PROCEDURES FOR PHYSICIANS TO REQUEST RETIRED STATUS; TO  
10 CLARIFY PROCEDURES FOR THE ISSUANCE OF A TEMPORARY LICENSE TO  
11 PRACTICE MEDICINE; TO CLARIFY PROCEDURES FOR ISSUANCE OF A LICENSE  
12 BY RECIPROCITY; TO REVISE CERTAIN PROCEDURES FOR DISCIPLINARY  
13 ACTION AGAINST LICENSES, THE ISSUANCE OF SUBPOENAS BY THE BOARD OF  
14 MEDICAL LICENSURE, THE GROUNDS FOR DISCIPLINARY ACTION, THE  
15 OPTIONS AVAILABLE TO THE BOARD FOLLOWING DISCIPLINARY HEARINGS  
16 AGAINST LICENSEES, AND PETITIONS FOR REINSTATEMENT OF LICENSES; TO  
17 CLARIFY THE ACTION OF THE UNLAWFUL PRACTICE OF MEDICINE AND THE  
18 AUTHORITY OF THE BOARD TO SEEK INJUNCTIVE RELIEF; TO DELETE A  
19 CERTAIN EXCEPTION TO LICENSURE; TO INCLUDE BEHAVIORAL CONDUCT THAT  
20 COULD BE ADDRESSED BY TREATMENT TO THE LIST OF REASONS A LICENSEE  
21 SHALL BE SUBJECT TO RESTRICTION OF THEIR LICENSE; TO CLARIFY  
22 CERTAIN PROCEDURES UNDER THE DISABLED PHYSICIAN LAW; TO CONFORM TO  
23 THE PROVISIONS OF THE ACT; TO REVISE DISCIPLINARY ACTION THAT THE  
24 BOARD IS AUTHORIZED TO TAKE, INCLUDING PLACING A LICENSEE ON  
25 PROBATION OR IMPOSING A PUNITIVE FINE; TO PROVIDE THAT A HEARING  
26 MUST BE HELD WITHIN 30 DAYS IF THE BOARD DETERMINES THAT A  
27 PHYSICIAN'S CONTINUATION OF PRACTICE IS AN IMMEDIATE DANGER; TO  
28 CONFORM TO THE PROVISIONS OF THE ACT; TO CREATE NEW SECTION  
29 73-43-19, MISSISSIPPI CODE OF 1972, TO REQUIRE THE MISSISSIPPI  
30 PHYSICIAN HEALTH PROGRAM TO PROVIDE PERFORMANCE STATISTICS TO THE  
31 STATE BOARD OF MEDICAL LICENSURE; TO AMEND SECTION 73-43-3,  
32 MISSISSIPPI CODE OF 1972, TO PROVIDE FOR ADDITIONAL MEMBERS OF THE  
33 BOARD WHO SHALL BE MEMBERS OF THE PUBLIC NOT RELATED TO THE HEALTH  
34 CARE INDUSTRY; TO REPEAL SECTIONS 73-25-7, 73-25-9, 73-25-15,



35 73-25-19, 73-25-25, 73-25-39 AND 73-25-81, MISSISSIPPI CODE OF  
36 1972, WHICH REQUIRE THE STATE BOARD OF MEDICAL LICENSURE TO MEET  
37 AT THE CAPITOL AT LEAST ONCE EACH YEAR FOR THE PURPOSE OF  
38 EXAMINING APPLICANTS; WHICH PROVIDES FOR THE FEE CHARGED BY THE  
39 STATE BOARD OF MEDICAL LICENSURE TO APPLY FOR A LICENSE TO  
40 PRACTICE; WHICH PROVIDES FOR THE PROCEDURES FOR LOST MEDICAL  
41 LICENSES; WHICH PROVIDES FOR CERTAIN PROVISIONS RELATED TO  
42 NONRESIDENT PHYSICIANS; WHICH PROVIDES FOR CERTAIN PROCEDURES FOR  
43 THOSE DESIRING TO PRACTICE OSTEOPATHIC MEDICINE IN THE STATE;  
44 WHICH ALLOWS THE STATE BOARD OF MEDICAL LICENSURE TO CONTRACT FOR  
45 THE ACQUISITION OF BOOKS AND OTHER RECORDS; WHICH PROVIDES A  
46 TECHNICAL REFERENCE TO THE MISSISSIPPI STATE BOARD OF MEDICAL  
47 LICENSURE; AND FOR RELATED PURPOSES.

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

49 **SECTION 1.** Section 73-25-1, Mississippi Code of 1972, is  
50 amended as follows:

51 73-25-1. For the purposes of this chapter, the "practice of  
52 medicine" means the practice of allopathic and osteopathic  
53 medicine. For the purposes of this chapter, "physician" means a  
54 medical doctor or a doctor of osteopathic medicine. Every person  
55 who desires to practice medicine must first obtain a license to do  
56 so from the State Board of Medical Licensure, but this section  
57 shall not apply to physicians now holding permanent license, the  
58 same having been recorded as required by law.

59 **SECTION 2.** Section 73-25-3, Mississippi Code of 1972, is  
60 amended as follows:

61 73-25-3. Every person who desires to obtain a license to  
62 practice medicine must apply therefor, in writing, to the  
63 Mississippi State Board of Medical Licensure \* \* \*. If the  
64 applicant is found by the board, upon examination, to possess  
65 sufficient \* \* \* qualifications, the board shall issue \* \* \* the  
66 applicant a license to practice medicine; however, no applicant



67 shall be granted a license unless the applicant holds a diploma  
68 from a \* \* \* medical college or college of osteopathic  
69 medicine \* \* \* listed in the World Directory of Medical Schools or  
70 its successor, or by an equivalent board-approved directory or  
71 entity.

72 To qualify for a Mississippi medical license, an applicant  
73 must have successfully been cleared for licensure through an  
74 investigation that shall consist of a determination as to good  
75 moral character and verification that the prospective licensee is  
76 not guilty of or in violation of any statutory ground for denial  
77 of licensure as set forth in Sections 73-25-29 and 73-25-83. To  
78 assist the board in conducting its licensure investigation, all  
79 applicants shall undergo a fingerprint-based criminal history  
80 records check of the Mississippi central criminal database and the  
81 Federal Bureau of Investigation criminal history database. Each  
82 applicant shall submit a full set of the applicant's fingerprints  
83 in a form and manner prescribed by the board, which shall be  
84 forwarded to the Mississippi Department of Public Safety  
85 (department) and the Federal Bureau of Investigation  
86 Identification Division for this purpose.

87 Any and all state or national criminal history records  
88 information obtained by the board that is not already a matter of  
89 public record shall be deemed nonpublic and confidential  
90 information restricted to the exclusive use of the board, its  
91 members, officers, investigators, agents and attorneys in



92 evaluating the applicant's eligibility or disqualification for  
93 licensure, and shall be exempt from the Mississippi Public Records  
94 Act of 1983. Except when introduced into evidence in a hearing  
95 before the board to determine licensure, no such information or  
96 records related thereto shall, except with the written consent of  
97 the applicant or by order of a court of competent jurisdiction, be  
98 released or otherwise disclosed by the board to any other person  
99 or agency.

100 The board shall \* \* \* require a form signed by the applicant  
101 consenting to the check of the criminal records and to the use of  
102 the fingerprints or other identifying methods, and any other  
103 identifying information required by the state or national  
104 repositories.

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

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

111 **SECTION 3.** Section 73-25-5, Mississippi Code of 1972, is  
112 amended as follows:

113 73-25-5. The application for license must include such  
114 information as the Mississippi State Board of Medical Licensure  
115 shall require.



116 Each application or filing made under this section shall  
117 include the active and valid social security number(s) of the  
118 applicant in accordance with Section 93-11-64, Mississippi Code of  
119 1972.

120 **SECTION 4.** Section 73-25-14, Mississippi Code of 1972, is  
121 amended as follows:

122 73-25-14. (1) Except as provided in Section 33-1-39, the  
123 license of every person licensed to practice medicine or  
124 osteopathy in the State of Mississippi shall be renewed annually.

125 On or before May 1 of each year, the Mississippi State Board  
126 of Medical Licensure shall mail or electronically transmit a  
127 notice of renewal of license to every physician or osteopath to  
128 whom a license was issued or renewed during the current licensing  
129 year. The notice shall provide instructions for obtaining and  
130 submitting applications for renewal. The Mississippi State Board  
131 of Medical Licensure is authorized to make applications for  
132 renewal available via electronic means. The applicant shall  
133 obtain and complete the application and submit it to the board in  
134 the manner prescribed by the board in the notice before June 30  
135 with the renewal fee of an amount established by the board, but  
136 not to exceed Three Hundred Dollars (\$300.00), along with any  
137 penalty fees or other requirements established by the board, a  
138 portion of \* \* \* the fee shall be used to support a program to aid  
139 impaired \* \* \* licensees. \* \* \* Upon receipt of the application  
140 and fee, the board shall verify the accuracy of the application



141 and issue to applicant a certificate of renewal for the ensuing  
142 year, beginning July 1 and expiring June 30 of the succeeding  
143 calendar year. That renewal shall render the holder thereof a  
144 legal practitioner as stated on the renewal form.

145 (2) \* \* \* Any physician practicing in the State of  
146 Mississippi whose license has lapsed may petition the board for  
147 reinstatement of his or her license on a retroactive basis, if the  
148 physician was unable to meet the June 30 deadline due to  
149 extraordinary or other legitimate reasons, and retroactive  
150 reinstatement of licensure shall be granted or may be denied by  
151 the board only for good cause. Failure to advise the board of  
152 change of address shall not be considered a good cause for  
153 reinstatement.

154 (3) \* \* \* A physician who wishes to retain his or her  
155 license but not actively practice medicine may request "retired  
156 status" for the license by submitting the proper paperwork as  
157 prescribed by the board with the renewal fee. A physician holding  
158 a retired status medical license is exempt from license renewal  
159 and from continuing medical education requirements. A licensed  
160 retired status physician shall not practice medicine unless the  
161 licensee applies for and is granted reinstatement and pays the  
162 reinstatement fee as determined by the board.

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



166 \* \* \*

167 **SECTION 5.** Section 73-25-17, Mississippi Code of 1972, is  
168 amended as follows:

169 73-25-17. (1) \* \* \* The executive officer of the \* \* \*  
170 board \* \* \* may issue \* \* \* a temporary license to practice  
171 medicine \* \* \* in compliance with the rules and regulations of the  
172 board, provided that such license shall not exceed fourteen (14)  
173 days. \* \* \* Any extension may only be granted by the executive  
174 committee. The temporary license of a person enrolled in  
175 any \* \* \* Accreditation Council for Graduate Medical Education  
176 (ACGME), residency or fellowship program within the state, \* \* \*  
177 may be renewed annually for the duration of the internship,  
178 residency or fellowship program for a period not to exceed \* \* \*  
179 eight (8) years, except when in combination with a Ph.D. program.

180 (2) The State Board of Medical Licensure may issue a  
181 temporary license to practice medicine at a youth camp licensed by  
182 the State Board of Health to nonresident physicians and retired  
183 resident physicians under the provisions of Section 75-74-8.

184 \* \* \*

185 **SECTION 6.** Section 73-25-18, Mississippi Code of 1972, is  
186 amended as follows:

187 73-25-18. (1) (a) There is established a special volunteer  
188 medical license for physicians who are retired from active  
189 practice, or are currently serving on active duty in the Armed  
190 Forces of the United States or in the National Guard or a reserve



191 component of the Armed Forces of the United States, or are working  
192 as physicians for the Department of Veterans Affairs, and wish to  
193 donate their expertise for the medical care and treatment of  
194 indigent and needy persons or persons in medically underserved  
195 areas of the state. The special volunteer medical license shall  
196 be issued by the State Board of Medical Licensure to eligible  
197 physicians without the payment of any application fee, examination  
198 fee, license fee or renewal fee, shall be issued for a fiscal year  
199 or part thereof, and shall be renewable annually upon approval of  
200 the board.

201 (b) A physician must meet the following requirements to  
202 be eligible for a special volunteer medical license:

203 (i) Completion of a special volunteer medical  
204 license application, including documentation of the physician's  
205 medical school or osteopathic school graduation and practice  
206 history;

207 (ii) Documentation that the physician \* \* \*  
208 otherwise qualifies for an unrestricted license to practice  
209 medicine in Mississippi or in another state of the United States  
210 and that he or she has never been the subject of any medical  
211 disciplinary action in any jurisdiction;

212 (iii) Acknowledgement and documentation that the  
213 physician's practice under the special volunteer medical license  
214 will be exclusively and totally devoted to providing medical care





215 to needy and indigent persons in Mississippi or persons in  
216 medically underserved areas in Mississippi; and

217 (iv) Acknowledgement and documentation that the  
218 physician will not receive any payment or compensation, either  
219 direct or indirect, or have the expectation of any payment or  
220 compensation, for any medical services rendered under the special  
221 volunteer medical license.

222 (2) (a) There is established a special volunteer license  
223 for physician assistants who are retired from active practice, or  
224 are currently serving on active duty in the Armed Forces of the  
225 United States or in the National Guard or a reserve component of  
226 the Armed Forces of the United States, or are working as physician  
227 assistants for the Department of Veterans Affairs, and wish to  
228 donate their expertise for the care and treatment of indigent and  
229 needy persons or persons in medically underserved areas of the  
230 state. The special volunteer physician assistant license shall be  
231 issued by the State Board of Medical Licensure to eligible  
232 physician assistants without the payment of any application fee,  
233 examination fee, license fee or renewal fee, shall be issued for a  
234 fiscal year or part thereof, and shall be renewable annually upon  
235 approval of the board.

236 (b) A physician assistant must meet the following  
237 requirements to be eligible for a special volunteer physician  
238 assistant license:



239 (i) Completion of an application for a special  
240 volunteer physician assistant license, including documentation of  
241 the physician assistant's educational qualifications and practice  
242 history;

243 (ii) Documentation that the physician  
244 assistant \* \* \* otherwise qualifies for an unrestricted physician  
245 assistant license in Mississippi or in another state of the United  
246 States and that he or she has never been the subject of any  
247 disciplinary action in any jurisdiction;

248 (iii) Acknowledgement and documentation that the  
249 physician assistant's practice under the special volunteer  
250 physician assistant license will be exclusively and totally  
251 devoted to providing care to needy and indigent persons in  
252 Mississippi or persons in medically underserved areas in  
253 Mississippi; and

254 (iv) Acknowledgement and documentation that the  
255 physician assistant will not receive any payment or compensation,  
256 either direct or indirect, or have the expectation of any payment  
257 or compensation, for any services rendered under the special  
258 volunteer physician assistant license.

259 **SECTION 7.** Section 73-25-21, Mississippi Code of 1972, is  
260 amended as follows:

261 73-25-21. \* \* \* The issuance of a license by reciprocity to  
262 a military-trained applicant, military spouse or person who



263 establishes residence in this state shall be subject to the  
264 provisions of Section 73-50-1 or 73-50-2, as applicable.

265 **SECTION 8.** Section 73-25-23, Mississippi Code of 1972, is  
266 amended as follows:

267 73-25-23. The Mississippi State Board of Medical Licensure  
268 is \* \* \* authorized and empowered to grant limited institutional  
269 license for the practice of medicine in state institutions to  
270 graduates of foreign medical colleges approved by the National  
271 Educational Council for Foreign Medical Graduates or its  
272 successor, subject to the conditions as set out herein.

273 Any graduate of a foreign medical college approved by the  
274 organizations specified in the foregoing paragraph who is employed  
275 or is being considered for employment to practice medicine in one  
276 or more Mississippi state-supported institution(s) located in the  
277 same county shall make application for license to the Mississippi  
278 State Board of Medical Licensure. The application shall be made  
279 on a form prescribed by the Board of Medical Licensure as required  
280 by laws of the State of Mississippi. The application shall also  
281 state the institution or institutions in which the applicant has  
282 assurance of employment. The Mississippi State Board of Medical  
283 Licensure is hereby authorized to establish minimum standards of  
284 qualifications including moral, experience and proficiency for  
285 such applicants. \* \* \* Upon review of the application, and upon  
286 the satisfaction of all requirements set forth by the board, the  
287 board may issue a limited license to practice medicine.



288 \* \* \*

289 Such license shall be for one (1) year and shall be in such  
290 form as the Mississippi State Board of Medical Licensure shall  
291 prescribe, and shall be issued for practice in a particular  
292 institution and shall not be endorsable to another state. The  
293 license must be renewed annually, after such review as the  
294 Mississippi State Board of Medical Licensure considers necessary.  
295 A graduate of a foreign medical school so licensed may hold such  
296 limited institutional license no longer than \* \* \* eight (8)  
297 years. \* \* \* In addition, the Mississippi State Board of Medical  
298 Licensure, in its discretion, may waive the \* \* \* eight-year  
299 limitation on limited institutional licenses for any graduate of a  
300 foreign medical school who holds such license.

301 It is the intent of this section to enable Mississippi  
302 institutions to utilize the services of qualified graduates of  
303 foreign medical colleges during the period necessary for them to  
304 secure citizenship papers, and to meet other requirements for a  
305 regular license, including Educational Council for Foreign Medical  
306 Graduates certification. The Mississippi State Board of Medical  
307 Licensure is hereby authorized, in its discretion, to refuse to  
308 renew, or to revoke such limited license if the holder of such  
309 license \* \* \* fails to apply for a regular license.

310 The Mississippi State Board of Medical Licensure may  
311 establish reasonable and uniform license fees and shall make such



312 rules and regulations as it considers necessary to carry out the  
313 purposes of this section.

314 \* \* \*

315 **SECTION 9.** Section 73-25-27, Mississippi Code of 1972, is  
316 amended as follows:

317 73-25-27. \* \* \* With respect to any licensee of the  
318 Mississippi State Board of Medical Licensure, after notice and  
319 opportunity for a hearing to such licensee, the board may take one  
320 or more of the actions authorized in Section 73-25-87 for any of  
321 the grounds enumerated in Sections 73-25-29, 73-27-27 and  
322 73-71-33. The procedure for suspension of a license for being out  
323 of compliance with an order for support, and the procedure for the  
324 reissuance or reinstatement of a license suspended for that  
325 purpose, and the payment of any fees for the reissuance or  
326 reinstatement of a license suspended for that purpose, shall be  
327 governed by Section 93-11-157 or 93-11-163, as the case may be.  
328 If there is any conflict between any provision of Section  
329 93-11-157 or 93-11-163 and any provision of this chapter, the  
330 provisions of Section 93-11-157 or 93-11-163, as the case may be,  
331 shall control.

332 The notice shall be effected by \* \* \* certified mail,  
333 electronic acknowledgment or personal service, or by any means set  
334 forth in the federal or state rules of civil procedure, setting  
335 forth the particular reasons for the proposed action and fixing a  
336 date not less than thirty (30) days \* \* \* from the date of the



337 mailing or the service, at which time the \* \* \* licensee shall be  
338 given an opportunity for a prompt and fair hearing. For the  
339 purpose of the hearing the board, acting by and through its  
340 executive office, may subpoena persons and papers on its own  
341 behalf and on behalf of the \* \* \* licensee, including records  
342 obtained under Section 73-25-28 and Section 73-25-83(c), may  
343 administer oaths and the testimony when properly transcribed,  
344 together with the papers and exhibits, shall be admissible in  
345 evidence for or against the \* \* \* licensee. At the hearing  
346 the \* \* \* licensee may appear by counsel and personally in his own  
347 behalf. Any person sworn and examined as a witness in the hearing  
348 shall not be held to answer criminally, nor shall any papers or  
349 documents produced by the witness be competent evidence in any  
350 criminal proceedings against the witness other than for perjury in  
351 delivering his evidence. The board or its designee, in the  
352 conduct of any hearing, shall not be bound by strict laws or rules  
353 of evidence. The board may adopt rules and discovery and  
354 procedure governing all proceedings before it. On the basis of  
355 any such hearing, or upon default of the \* \* \* licensee, the board  
356 shall make a determination specifying its findings of fact and  
357 conclusions of law. The board shall make its determination based  
358 upon a preponderance of the evidence.

359 A copy of the determination shall be sent by \* \* \* certified  
360 mail, electronic acknowledgement or served personally upon



361 the \* \* \* licensee, or by any means set forth in the federal or  
362 state rules of civil procedure. \* \* \*

363 For the purpose of conducting investigations, the \* \* \*  
364 executive director, may issue subpoenas to any individual \* \* \* or  
365 other entity having in its possession papers, documents, medical  
366 charts, prescriptions or any other nonfinancial records. \* \* \*  
367 Investigatory subpoenas, as provided in this section, may be  
368 served either by personal process or by \* \* \* certified mail, and  
369 upon service shall command production of the papers and documents  
370 to the board at the time and place so specified. The board shall  
371 be entitled to the assistance of the chancery court or the  
372 chancellor in vacation, which, on petition by the board, shall  
373 issue ancillary subpoenas and petitions and may punish as for  
374 contempt of court in the event of noncompliance with the subpoenas  
375 or petitions.

376 In addition to investigatory subpoenas, the board may seek  
377 the issuance of Administrative Inspection Warrants, via the  
378 issuance and service processes described in Section 41-29-157, for  
379 patient records or other information relevant to the  
380 investigation. Those warrants may be issued under this section in  
381 any investigatory matter involving potential violation(s) of the  
382 Medical Practice Act and/or the Administrative Code of the board,  
383 regardless as to whether controlled substance violations are the  
384 subject of the investigation. Any person or entity who refuses to  
385 comply with any warrant duly issued under this section shall be in



386 violation of Section 9-1-17 and shall be subject to all fines and  
387 penalties stated in that section.

388 For the purpose of conducting hearings, the board through its  
389 executive director may subpoena persons and papers on its own  
390 behalf and on behalf of the respondent, including records obtained  
391 under Section 73-25-28 and Section 73-25-83(c), may administer  
392 oaths, and may compel the testimony of witnesses. \* \* \* It may  
393 issue subpoenas to take testimony at hearings, and testimony so  
394 taken and sworn to shall be admissible in evidence for and against  
395 the respondent. No depositions shall be taken in preparation for  
396 matters to be heard by the board. The board shall be entitled to  
397 the assistance of the chancery court or the chancellor in  
398 vacation, which, on petition by the board, shall issue ancillary  
399 subpoenas and petitions and may punish as for contempt of court in  
400 the event of noncompliance with the subpoenas or petitions.

401 Unless the court otherwise decrees, a license that has been  
402 suspended by the board \* \* \* shall become again valid if and when  
403 the board so orders, which it may do on its own motion or on the  
404 petition of the respondent. A license that has been revoked shall  
405 not be restored to validity except: (1) by order of the board  
406 based on petition for reinstatement filed under Section 73-25-32  
407 or (2) by order of the chancery court or Supreme Court following  
408 appeal. \* \* \* Nothing in this chapter shall be construed as  
409 limiting or revoking the authority of any court or of any  
410 licensing or registering officer or board, other than the State





411 Board of Medical Licensure, to suspend, revoke and reinstate  
412 licenses and to cancel registrations under the provisions of  
413 Section 41-29-311.

414 **SECTION 10.** Section 73-25-28, Mississippi Code of 1972, is  
415 amended as follows:

416 73-25-28. (1) In any case in which disciplinary action  
417 against a \* \* \* licensee is being considered by the Mississippi  
418 State Board of Medical Licensure, the executive \* \* \* director of  
419 the board, or its investigators \* \* \*, upon reasonable cause as  
420 defined below, may enter, at a time convenient to all parties, any  
421 hospital, clinic, surgical center, office of a \* \* \* licensee or  
422 emergency care facility to inspect and copy patient records,  
423 charts, emergency room records or any other document which would  
424 assist the board in its investigation of a \* \* \* licensee.

425 Reasonable cause shall be demonstrated by allegations of  
426 violations of state law or the Administrative Code, including one  
427 or more of the following: (a) a single incident of gross  
428 negligence; (b) a pattern of inappropriate prescribing of  
429 controlled substances; (c) an act of incompetence or negligence  
430 causing death or serious bodily injury; (d) a pattern of  
431 substandard medical care; (e) a pattern of unnecessary surgery or  
432 unindicated medical procedures; (f) disciplinary action taken  
433 against a physician or podiatrist by a licensed hospital or by the  
434 medical staff of the hospital; (g) voluntary termination by a  
435 physician or podiatrist of staff privileges or having restrictions



436 placed thereon; or (h) habitual personal use of narcotic drugs or  
437 other drugs having addiction-forming or addiction-sustaining  
438 liability, or the habitual personal use of intoxicating liquors or  
439 alcoholic beverages, to an extent which affects professional  
440 competency. Whether reasonable cause exists shall be determined  
441 by the executive \* \* \* director and/or executive committee of the  
442 board, and documentation of that determination shall be provided  
443 to the hospital, clinic, office or emergency care facility before  
444 entry for inspection and copying hereunder.

445 (2) A certified copy of any record inspected or copied  
446 pursuant to subsection (1) shall be subject to subpoena by the  
447 board to be used as evidence before it in a licensure disciplinary  
448 proceeding initiated pursuant to the provisions of Sections  
449 73-25-1 through 73-25-39, 73-25-51 through 73-25-67, 73-25-81  
450 through 73-25-95 and 73-27-1 through 73-27-19, Mississippi Code of  
451 1972. All references to a patient's name and address or other  
452 information which would identify the patient shall be deleted from  
453 the records unless a waiver of the medical privilege is obtained  
454 from the patient.

455 (3) All records of the investigation and all patient charts,  
456 records, emergency room records or any other document that may  
457 have been copied shall be kept confidential and shall not be  
458 subject to discovery or subpoena. If no disciplinary proceedings  
459 are initiated within a period of five (5) years after the



460 determination of insufficient cause, then the board shall destroy  
461 all records obtained pursuant to this section.

462 (4) Notwithstanding any right to privacy, confidentiality,  
463 privilege or exemption from public access conferred by this  
464 section, Section 73-52-1, or otherwise by statute or at law, the  
465 board shall provide to any hospital, as defined in Section 41-9-3,  
466 any and all information it may have concerning any physician who  
467 has applied for a license, other than information contained in  
468 records exempt from the provisions of the Mississippi Public  
469 Records Act of 1983 pursuant to Sections 45-29-1 and 45-29-3,  
470 Mississippi Code of 1972, upon receipt by the board of a written  
471 request from the hospital for such information and documentation  
472 that the physician has applied for appointment or reappointment to  
473 the medical staff of the hospital or staff privileges at the  
474 hospital. The board, any member of the board, and its agents or  
475 employees, acting without malice in providing the documents or  
476 information hereunder, shall be immune from civil or criminal  
477 liability.

478 **SECTION 11.** Section 73-25-29, Mississippi Code of 1972, is  
479 amended as follows:

480 73-25-29. The grounds for the nonissuance, suspension,  
481 revocation or restriction of a license or the denial of  
482 reinstatement or renewal of a license are:



483           (1) Habitual personal use of narcotic drugs, or any  
484 other drug having addiction-forming or addiction-sustaining  
485 liability.

486           (2) Habitual use of intoxicating liquors, or any  
487 beverage, to an extent which affects professional competency.

488           (3) Administering, dispensing or prescribing any  
489 narcotic drug, or any other drug having addiction-forming or  
490 addiction-sustaining liability otherwise than in the course of  
491 legitimate professional practice.

492           (4) Conviction of violation of any federal or state law  
493 regulating the possession, distribution or use of any narcotic  
494 drug or any drug considered a controlled substance under state or  
495 federal law, a certified copy of the conviction order or judgment  
496 rendered by the trial court being prima facie evidence thereof,  
497 notwithstanding the pendency of any appeal.

498           (5) Procuring, or attempting to procure, or aiding in,  
499 an abortion that is not medically indicated.

500           (6) Conviction of a felony or misdemeanor involving  
501 moral turpitude, a certified copy of the conviction order or  
502 judgment rendered by the trial court being prima facie evidence  
503 thereof, notwithstanding the pendency of any appeal.

504           (7) Obtaining or attempting to obtain a license by  
505 fraud or deception.

506           (8) Unprofessional conduct, which includes, but is not  
507 limited to:



508 (a) Practicing medicine under a false or assumed  
509 name or impersonating another practitioner, living or dead.

510 (b) Knowingly performing any act which in any way  
511 assists an unlicensed person to practice medicine.

512 (c) Making or willfully causing to be made any  
513 flamboyant claims concerning the licensee's professional  
514 excellence.

515 (d) Being guilty of any dishonorable or unethical  
516 conduct likely to impair patient care, or deceive, defraud or harm  
517 the public.

518 (e) Obtaining a fee as personal compensation or  
519 gain from a person on fraudulent representation of a disease or  
520 injury condition generally considered incurable by competent  
521 medical authority in the light of current scientific knowledge and  
522 practice can be cured or offering, undertaking, attempting or  
523 agreeing to cure or treat the same by a secret method, which he  
524 refuses to divulge to the board upon request.

525 (f) Use of any false, fraudulent or forged  
526 statement or document, or the use of any fraudulent, deceitful,  
527 dishonest or immoral practice in connection with any of the  
528 licensing requirements, including the signing in his professional  
529 capacity any certificate that is known to be false at the time he  
530 makes or signs such certificate.



531 (g) Failing to identify a physician's school of  
532 practice in all professional uses of his name by use of his earned  
533 degree or a description of his school of practice.

534 (h) When a licensee makes, or knowingly permits  
535 any person to make, an agreement with a patient or person, or any  
536 person or entity representing patients or persons, or provides any  
537 form of consideration that would prohibit, restrict, discourage,  
538 or otherwise limit a person's ability to file a complaint with the  
539 board; to truthfully and fully answer any questions posed by an  
540 agent or representative of the board; or to participate as a  
541 witness in a board proceeding.

542 (9) The refusal of a licensing authority of another  
543 state or jurisdiction to issue or renew a license, permit or  
544 certificate to practice medicine in that jurisdiction or the  
545 revocation, suspension or other restriction imposed on a license,  
546 permit or certificate issued by such licensing authority which  
547 prevents or restricts practice in that jurisdiction, a certified  
548 copy of the disciplinary order or action taken by the other state  
549 or jurisdiction being prima facie evidence thereof,  
550 notwithstanding the pendency of any appeal.

551 (10) Surrender of a license or authorization to  
552 practice medicine in another state or jurisdiction or surrender of  
553 membership on any medical staff or in any medical or professional  
554 association or society while under disciplinary investigation by  
555 any of those authorities or bodies for acts or conduct similar to



556 acts or conduct which would constitute grounds for action as  
557 defined in this section.

558 (11) Final sanctions imposed by the United States  
559 Department of Health and Human Services, Office of Inspector  
560 General or any successor federal agency or office, based upon a  
561 finding of incompetency, gross misconduct or failure to meet  
562 professionally recognized standards of health care; a certified  
563 copy of the notice of final sanction being prima facie evidence  
564 thereof. As used in this paragraph, the term "final sanction"  
565 means the written notice to a physician from the United States  
566 Department of Health and Human Services, Officer of Inspector  
567 General or any successor federal agency or office, which  
568 implements the exclusion.

569 (12) Failure to furnish the board, its investigators or  
570 representatives information legally requested by the board.

571 (13) Violation of any provision(s) of the Medical  
572 Practice Act or the rules and regulations of the board or of any  
573 order, stipulation or agreement with the board.

574 (14) Violation(s) of the provisions of Sections  
575 41-121-1 through 41-121-9 relating to deceptive advertisement by  
576 health care practitioners.

577 (15) Performing or inducing an abortion on a woman in  
578 violation of any provision of Sections 41-41-131 through  
579 41-41-145.



580           (16) Performing an abortion on a pregnant woman after  
581 determining that the unborn human individual that the pregnant  
582 woman is carrying has a detectable fetal heartbeat as provided in  
583 Section 41-41-34.1.

584           (17) Violation(s) of any provision of Title 41, Chapter  
585 141, Mississippi Code of 1972.

586           In addition to the grounds specified above, the board shall  
587 be authorized to suspend the license of any licensee for being out  
588 of compliance with an order for support, as defined in Section  
589 93-11-153. The procedure for suspension of a license for being  
590 out of compliance with an order for support, and the procedure for  
591 the reissuance or reinstatement of a license suspended for that  
592 purpose, and the payment of any fees for the reissuance or  
593 reinstatement of a license suspended for that purpose, shall be  
594 governed by Section 93-11-157 or 93-11-163, as the case may be.  
595 If there is any conflict between any provision of Section  
596 93-11-157 or 93-11-163 and any provision of this chapter, the  
597 provisions of Section 93-11-157 or 93-11-163, as the case may be,  
598 shall control.

599           A physician who provides a written certification as  
600 authorized under the Mississippi Medical Cannabis Act and in  
601 compliance with rules and regulations adopted thereunder shall not  
602 be subject to any disciplinary action under this section solely  
603 due to providing the written certification.





604           **SECTION 12.** Section 73-25-30, Mississippi Code of 1972, is  
605 amended as follows:

606           73-25-30. (1) The Mississippi State Board of Medical  
607 Licensure, in exercising its authority under the provisions of  
608 Section 73-25-29, shall have the power to discipline the holder of  
609 a license who has been found by the board in violation of that  
610 statute after notice and a hearing as provided by law \* \* \*.

611           (2) Upon the execution of a disciplinary order by the board,  
612 either following a hearing or in lieu of a hearing, the  
613 board \* \* \* may assess the licensee for those reasonable costs  
614 that are expended by the board in the investigation and conduct of  
615 a proceeding for licensure disciplinary action including, but not  
616 limited to, the cost of process service, court reporters, witness  
617 fees, expert witnesses, investigators, and other related expenses.  
618 Money collected by the board under this section shall be deposited  
619 to the credit of the special fund of the board to reimburse the  
620 existing current year appropriated budget.

621           (3) An assessment of costs under this section shall be paid  
622 to the board by the licensee, upon the expiration of the period  
623 allowed for appeals under Section 73-25-27, or may be paid sooner  
624 if the licensee elects. Cost assessed under this section shall  
625 not exceed \* \* \* Twenty-five Thousand Dollars (\$25,000.00).

626           (4) When an assessment of costs by the board against a  
627 licensee in accordance with this section is not paid by the  
628 licensee when due under this section, the licensee shall be



629 prohibited from practicing medicine until the full amount is paid.  
630 In addition, the board may institute and maintain proceedings in  
631 its name for enforcement of payment in the Chancery Court of the  
632 First Judicial District of Hinds County. When those proceedings  
633 are instituted, the board shall certify the record of its  
634 proceedings, together with all documents and evidence, to the  
635 chancery court. The matter shall be heard in due course by the  
636 court, which shall review the record and make its determination  
637 thereon. The hearing on the matter, in the discretion of the  
638 chancellor, may be tried in vacation.

639 **SECTION 13.** Section 73-25-31, Mississippi Code of 1972, is  
640 amended as follows:

641 73-25-31. Every order and judgment of the board shall take  
642 effect immediately on its promulgation unless the board in such  
643 order or judgment fixes a probationary period for \* \* \* licensee.  
644 Such order and judgment shall continue in effect unless upon  
645 appeal the court by proper order or decree terminates it earlier.  
646 The board may make public its orders and judgments in such manner  
647 and form as it deems proper. \* \* \* Any decision of the board must  
648 be appealed to the chancery court under the provisions of this  
649 section within thirty (30) days after being so mailed or served.  
650 The appeal period may not be extended. The appeal to the chancery  
651 court shall be based solely on the record made before the board.  
652 A transcript of the proceedings and evidence, together with  
653 exhibits presented at the hearing before the board in the event of



654 appeal, shall be a part of the record before the chancery court.  
655 The chancery court shall dispose of the appeal and enter its  
656 decision promptly. The hearing on the appeal may, in the  
657 discretion of the chancellor, be tried in vacation. Appeals may  
658 be taken to the Supreme Court of the State of Mississippi as  
659 provided by law from any final action of the chancery court. No  
660 such person shall be allowed to practice medicine in violation of  
661 any action of the chancery court affirming, in whole or in part,  
662 the determination of the board while any such appeal to the  
663 Supreme Court is pending.

664       **SECTION 14.** Section 73-25-32, Mississippi Code of 1972, is  
665 amended as follows:

666       73-25-32. (1) A person whose license to practice \* \* \* has  
667 been \* \* \* suspended or previously surrendered may petition the  
668 Mississippi State Board of Medical Licensure to reinstate this  
669 license after a period of not less than one (1) year has elapsed  
670 from the date of the \* \* \* suspension or surrender. A person  
671 whose license to practice has been revoked may petition the board  
672 to reinstate his or her license after a period of not less than  
673 three (3) years, but not greater than five (5) years, has elapsed  
674 from the date of the revocation. The procedure for the  
675 reinstatement of a license that is suspended for being out of  
676 compliance with an order for support, as defined in Section  
677 93-11-153, shall be governed by Section 93-11-157 or 93-11-163, as  
678 the case may be.



679           (2) \* \* \* The petition may be heard at the next regular  
680 meeting of the Board of Medical Licensure but not earlier than  
681 thirty (30) days after the petition was filed. No petition shall  
682 be considered while the petitioner is under sentence for any  
683 criminal offense, including any period during which he is under  
684 probation or parole. The hearing may be continued from time to  
685 time as the Board of Medical Licensure finds necessary.

686           (3) In determining whether the disciplinary penalty should  
687 be set aside and the terms and conditions, if any, that should be  
688 imposed if the disciplinary penalty is set aside, the Mississippi  
689 State Board of Medical Licensure may investigate and consider all  
690 activities of the petitioner since the disciplinary action was  
691 taken \* \* \*, the offense for which he was disciplined, his  
692 activity during the time \* \* \* the petitioner was in good  
693 standing, his general reputation for truth, professional ability  
694 and good character; and \* \* \* require the petitioner to \* \* \*  
695 submit to a professional competency evaluation.

696           (4) The investigation shall require the petitioner to  
697 undergo a fingerprint-based criminal history records check of the  
698 Mississippi central criminal database and the Federal Bureau of  
699 Investigation criminal history database. Each petitioner shall  
700 submit a full set of the petitioner's fingerprints in a form and  
701 manner prescribed by the board, which shall be forwarded to the  
702 Mississippi Department of Public Safety (department) and the



703 Federal Bureau of Investigation Identification Division for this  
704 purpose.

705 Any and all state or national criminal history records  
706 information obtained by the board that is not already a matter of  
707 public record shall be deemed nonpublic and confidential  
708 information restricted to the exclusive use of the board, its  
709 members, officers, investigators, agents and attorneys in  
710 evaluating the applicant's eligibility or disqualification for  
711 licensure, and shall be exempt from the Mississippi Public Records  
712 Act of 1983. Except when introduced into evidence in a hearing  
713 before the board to determine licensure, no such information or  
714 records related thereto shall, except with the written consent of  
715 the applicant or by order of a court of competent jurisdiction, be  
716 released or otherwise disclosed by the board to any other person  
717 or agency.

718 The board shall provide to the department the fingerprints of  
719 the petitioner, any additional information that may be required by  
720 the department, and a form signed by the petitioner consenting to  
721 the check of the criminal records and to the use of the  
722 fingerprints and other identifying information required by the  
723 state or national repositories.

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



728 \* \* \*

729 **SECTION 15.** Section 73-25-33, Mississippi Code of 1972, is  
730 amended as follows:

731 73-25-33. (1) The practice of medicine shall mean \* \* \* one  
732 or more of the following, provided that nothing in this section  
733 shall be construed to limit duly licensed health care  
734 professionals from providing medical services within the scope of  
735 their authorizing license:

736 (a) Holding oneself out to the public within this state  
737 as being able to diagnose, treat, prescribe for, palliate, or  
738 prevent any human disease, ailment, injury, deformity, or physical  
739 or mental condition, whether by the use of drugs, surgery,  
740 manipulation, technology, or any physical, mechanical, or other  
741 means whatsoever;

742 (b) Suggesting, recommending, prescribing, or  
743 administering any form of treatment, operation, or healing for the  
744 intended palliation, relief, or cure of any physical or mental  
745 disease, ailment, injury, condition, or defect of any person, with  
746 or without the intention of receiving, either directly or  
747 indirectly, any fee, gift, or compensation;

748 (c) Maintaining an office or other place to meet  
749 persons or patients for the purpose of examining or treating  
750 persons afflicted with disease, injury, defect of the body or  
751 mind, or other condition for which treatment is sought;



752           (d) Using the title "M.D.," "D.O.," "physician,"  
753 "surgeon," or any other word or abbreviation to indicate or induce  
754 others to believe that one is engaged in the diagnosis or  
755 treatment of persons afflicted with disease, injury, defect of the  
756 body or mind, or other conditions for which treatment is sought;  
757 or

758           (e) Performing any kind of surgical operation upon  
759 another person.

760           (2) The practice of medicine shall not mean to provide  
761 gender transition procedures for any person under eighteen (18)  
762 years of age; or

763           (3) For purposes of this section, "gender transition  
764 procedures" means the same as defined in Section 41-141-3.

765           (4) The board may, for the purposes of this chapter, issue  
766 cease and desist orders to any person(s) it has probable cause to  
767 believe is practicing medicine without first obtaining a license.  
768 Thereafter, and in addition to any other civil remedy or criminal  
769 penalty provided for by law, or in lieu thereof, the board shall  
770 be authorized to seek injunctive relief and/or imposition of civil  
771 penalties against the unlawful practice of medicine, provided that  
772 the venue for any such action shall be the Chancery Court for the  
773 First Judicial District of Hinds County. Civil penalties from  
774 such actions shall be no less than One Thousand Dollars  
775 (\$1,000.00) and no more than Twenty-five Thousand Dollars  
776 (\$25,000.00) for each offense. The court may also award the



777 prevailing party court costs and reasonable attorney fees and, if  
778 the board prevails, may also award reasonable costs of  
779 investigation and prosecution.

780 Any monetary penalty or assessment levied against an illegal  
781 practitioner under this section shall be paid to the state upon  
782 the expiration of the period allowed for appealing those  
783 penalties, or may be paid sooner if the illegal practitioner so  
784 chooses. Monetary penalties collected by the court under this  
785 section shall be deposited to the credit of the General Fund. Any  
786 monies collected for investigation and prosecution by the board  
787 shall be deposited into the special fund of the board.

788 **SECTION 16.** Section 73-25-34, Mississippi Code of 1972, is  
789 amended as follows:

790 73-25-34. (1) For the purposes of this section,  
791 telemedicine, or the practice of medicine across state lines,  
792 shall be defined to include any one or both of the following:

793 (a) Rendering of a medical opinion concerning diagnosis  
794 or treatment of a patient within this state by a physician located  
795 outside this state as a result of transmission of individual  
796 patient data by electronic or other means from within this state  
797 to such physician or his agent; or

798 (b) The rendering of treatment to a patient within this  
799 state by a physician located outside this state as a result of  
800 transmission of individual patient data by electronic or other  
801 means from within this state to such physician or his agent.





802 (2) Except as hereinafter provided, no person shall engage  
803 in the practice of medicine across state lines (telemedicine) in  
804 this state, hold himself out as qualified to do the same, or use  
805 any title, word or abbreviation to indicate to or induce others to  
806 believe that he is duly licensed to practice medicine across state  
807 lines in this state unless he has first obtained a license to do  
808 so from the State Board of Medical Licensure and has met all  
809 educational and licensure requirements as determined by the State  
810 Board of Medical Licensure.

811 \* \* \*

812 **SECTION 17.** Section 73-25-53, Mississippi Code of 1972, is  
813 amended as follows:

814 73-25-53. \* \* \* Any person holding a professional license  
815 from the Mississippi State Board of Medical Licensure shall be  
816 subject to restriction, suspension or revocation, as hereinafter  
817 provided, in case of inability of the licensee to practice  
818 medicine with reasonable skill or safety to patients by reason of  
819 one or more of the following:

820 (a) Mental illness;

821 (b) Physical illness, including, but not limited to,  
822 deterioration through the aging process, or loss of motor skill;

823 (c) Excessive use or abuse of drugs, including  
824 alcohol \* \* \*; and

825 (d) Behavioral conduct that could be addressed by  
826 treatment.



827           **SECTION 18.** Section 73-25-55, Mississippi Code of 1972, is  
828 amended as follows:

829           73-25-55. (1) If the State Board of Medical Licensure has  
830 reasonable cause to believe that a \* \* \* licensee is unable to  
831 practice medicine with reasonable skill and safety to patients  
832 because of a condition described in Section 73-25-53, \* \* \* the  
833 board \* \* \* shall cause an examination of such \* \* \* licensee to  
834 be made as described in subsection (2) of this section and shall,  
835 following such examination, take appropriate action within the  
836 provisions of Sections 73-25-51 through 73-25-67.

837           (2) Examination of a \* \* \* licensee under this section shall  
838 be conducted by an examining committee. \* \* \* The members of the  
839 examining committee shall be designated by the Medical Director of  
840 the Mississippi Physician Health Program (MPHP), and shall include  
841 three (3) practicing physicians and at least one (1) psychiatrist  
842 if a question of mental illness is involved.

843           **SECTION 19.** Section 73-25-57, Mississippi Code of 1972, is  
844 amended as follows:

845           73-25-57. (1) The examining committee assigned to examine a  
846 physician pursuant to referral by the board under Section 73-25-55  
847 shall conduct an examination of such \* \* \* licensee for the  
848 purpose of determining the \* \* \* licensee's fitness to practice  
849 medicine with reasonable skill and safety to patients, either on a  
850 restricted or unrestricted basis, and shall report its findings  
851 and recommendations to the board. The committee shall order



852 the \* \* \* licensee to appear before the committee for examination  
853 and give him ten (10) days' notice of time and place of the  
854 examination, together with a statement of the cause for such  
855 examination. Such notice shall be served upon the \* \* \* licensee  
856 either personally or by registered or certified mail with return  
857 receipt requested.

858 (2) If the examining committee, in its discretion, should  
859 deem an independent mental or physical examination of the \* \* \*  
860 licensee necessary to its determination of the fitness of  
861 the \* \* \* licensee to practice, the committee shall order  
862 the \* \* \* licensee to submit to such examination. Any person  
863 licensed to practice medicine in this state shall be deemed to  
864 have waived all objections to the admissibility of the examining  
865 committee's report in any proceedings before the board under  
866 Sections 73-25-51 through 73-25-67 on the grounds of privileged  
867 communication. Any \* \* \* licensee ordered to an examination  
868 before the committee under subsection (2) shall be entitled to an  
869 independent mental or physical examination if \* \* \* the licensee  
870 makes request therefor.

871 (3) Any \* \* \* licensee who submits to a diagnostic mental or  
872 physical examination as ordered by the examining committee shall  
873 have a right to designate another physician to be present at the  
874 examination and make an independent report to the board.

875 (4) Failure of a \* \* \* licensee to comply with a committee  
876 order under subsection (2) to appear before it for examination or



877 to submit to mental or physical examination under this section or  
878 upon the withdrawal of advocacy by the Mississippi Physician  
879 Health Program (MPHP) or successor entity, shall be reported by  
880 the committee or MPHP to the board, and unless due to  
881 circumstances beyond the control of the \* \* \* licensee, shall be  
882 grounds for suspension by the board of the \* \* \* licensee's  
883 license to practice medicine in this state until such time as  
884 such \* \* \* licensee has complied with the order of the committee,  
885 or regained advocacy from MPHP.

886 (5) The examining committee may inspect patient records in  
887 accordance with the provisions of Section 73-25-28.

888 (6) All patient records, investigative reports and other  
889 documents in possession of the board and examining committee shall  
890 be deemed confidential and not subject to subpoena or disclosure  
891 unless so ordered by the court from which the subpoena issued, but  
892 the court, in its discretion, may limit use or disclosure of such  
893 records. Notwithstanding, and to encourage the prompt reporting  
894 of disabled practitioners, neither the board nor examining  
895 committee shall reveal the identity of any source of information  
896 where the source has requested anonymity.

897 **SECTION 20.** Section 73-25-59, Mississippi Code of 1972, is  
898 amended as follows:

899 73-25-59. A \* \* \* licensee may request in writing to the  
900 board a restriction of his or her license to practice \* \* \*. The  
901 board may grant such request for restriction and shall have



902 authority, if it deems appropriate, to attach conditions to the  
903 licensure \* \* \* within specified limitations, and waive the  
904 commencement of any proceeding under Section 73-25-63. Removal of  
905 a voluntary restriction on licensure to practice medicine shall be  
906 subject to the procedure for reinstatement of license in Section  
907 73-25-65.

908 **SECTION 21.** Section 73-25-61, Mississippi Code of 1972, is  
909 amended as follows:

910 73-25-61. (1) The examining committee shall report to the  
911 board its findings on the examination of the \* \* \* licensee under  
912 Section 73-25-57, the determination of the committee as to the  
913 fitness of the \* \* \* licensee to engage in the practice of  
914 medicine with reasonable skill and safety to patients, either on a  
915 restricted or unrestricted basis, and any management that the  
916 committee may recommend. Such recommendation by the committee  
917 shall be advisory only and shall not be binding on the board.

918 (2) The board may accept or reject the recommendation of the  
919 examining committee to permit a \* \* \* licensee to continue to  
920 practice with or without any restriction on his or her license to  
921 practice medicine, or may refer the matter back to the examining  
922 committee for further examination and report thereon.

923 (3) In the absence of a voluntary agreement by a \* \* \*  
924 licensee under Section 73-25-59 \* \* \*, any \* \* \* licensee shall be  
925 entitled to a hearing in formal proceedings before the board and a



926 determination on the evidence as to whether or not restriction,  
927 suspension or revocation of licensure shall be imposed.

928 **SECTION 22.** Section 73-25-63, Mississippi Code of 1972, is  
929 amended as follows:

930 73-25-63. (1) The board may proceed against a \* \* \*  
931 licensee under Sections 73-25-51 through 73-25-67 by serving upon  
932 such physician at least fifteen (15) days' notice of a time and  
933 place fixed for a hearing, together with copies of the examining  
934 committee's report and diagnosis, or a copy of the official notice  
935 from MPHP withdrawing advocacy. Such notice and reports shall be  
936 served upon the \* \* \* licensee either personally or by \* \* \*  
937 certified mail with return receipt requested or by electronic  
938 acknowledgement.

939 (2) At said hearing the \* \* \* licensee shall have the right  
940 to be present, to be represented by counsel, to produce witnesses  
941 or evidence in his or her behalf, to cross-examine witnesses, and  
942 to have subpoenas issued by the board.

943 (3) At the conclusion of the hearing, the board shall make a  
944 determination of the merits and may issue an order imposing one or  
945 more of the following:

946 (a) Make a recommendation that the \* \* \* licensee  
947 submit to the care, counseling or treatment by physicians  
948 acceptable to the board \* \* \*;



949 (b) Suspend or restrict the license of the \* \* \*  
950 licensee to practice medicine for the duration of his or her  
951 impairment \* \* \*; or

952 (c) Revoke the license of the \* \* \* licensee to  
953 practice medicine.

954 (4) The board may temporarily suspend the license of  
955 any \* \* \* licensee without a hearing, simultaneously with the  
956 institution of proceedings for a hearing under this section, if it  
957 finds that the evidence \* \* \* is clear, competent and unequivocal  
958 and that his or her continuation in practice would constitute an  
959 imminent danger to public health and safety.

960 (5) Neither the record of the proceedings nor any order  
961 entered against a \* \* \* licensee may be used against him or her in  
962 any other legal proceedings except upon judicial review as  
963 provided herein.

964 **SECTION 23.** Section 73-25-65, Mississippi Code of 1972, is  
965 amended as follows:

966 73-25-65. (1) A \* \* \* licensee whose licensure has been  
967 restricted, suspended or revoked under Sections 73-25-51 through  
968 73-25-67, voluntarily or by action of the board, shall have a  
969 right, at reasonable intervals, to petition for reinstatement of  
970 his or her license and to demonstrate that he or she can resume  
971 the competent practice of medicine with reasonable skill and  
972 safety to patients. Such petition shall be made in writing and on  
973 a form prescribed by the board. Action of the board on such



974 petition shall be initiated by referral to and examination by the  
975 examining committee pursuant to the provisions of Sections  
976 73-25-55 and 73-25-57. The board may, upon written recommendation  
977 of the examining committee, restore the licensure of the \* \* \*  
978 licensee on a general or limited basis or institute a proceeding  
979 pursuant to Section 73-25-63 for the determination of the fitness  
980 of the \* \* \* licensee to resume his or her practice.

981 (2) All orders of the board entered under Section  
982 73-25-63(3), (4) shall be subject to judicial review by appeal to  
983 the chancery court of the county of the residence of the \* \* \*  
984 licensee involved against whom the order is rendered, within  
985 twenty (20) days following the date of entry of the order, said  
986 appeal to be taken and perfected in the same manner as appeals  
987 from orders of boards of supervisors.

988 **SECTION 24.** Section 73-25-83, Mississippi Code of 1972, is  
989 amended as follows:

990 73-25-83. The board shall have authority to deny an  
991 application for licensure or other authorization to practice  
992 medicine in this state and to discipline a physician licensed or  
993 otherwise lawfully practicing within this state who, after a  
994 hearing, has been adjudged by the board as unqualified due to one  
995 or more of the following reasons:

996 (a) Unprofessional conduct as defined in the physician  
997 licensure and disciplinary laws, pursuant to Section 73-25-29;





998 (b) Professional incompetency in the practice of  
999 medicine or surgery; or

1000 (c) Having disciplinary action taken by his peers  
1001 within any professional medical association or society, whether  
1002 any such association or society is local, regional, state or  
1003 national in scope, or being disciplined by a \* \* \* hospital or  
1004 medical staff of said hospital, or the voluntary surrender or  
1005 restriction of hospital staff privileges while an investigation or  
1006 disciplinary proceeding is being conducted by a licensed hospital  
1007 or medical staff or medical staff committee of said hospital.  
1008 Provided further, anybody taking action as set forth in this  
1009 paragraph shall report such action to the board within thirty (30)  
1010 days of its occurrence.

1011 **SECTION 25.** Section 73-25-87, Mississippi Code of 1972, is  
1012 amended as follows:

1013 73-25-87. (1) Whenever the board finds any person  
1014 unqualified because of any of the grounds set forth in this act,  
1015 or in violation of any of the grounds set forth in Section  
1016 73-25-83, it may enter an order imposing one or more of the  
1017 following:

1018 (a) Deny \* \* \* an application for a license or other  
1019 authorization to practice medicine;

1020 (b) Administer a public or private reprimand;

1021 (c) Suspend, limit or restrict \* \* \* a license or other  
1022 authorization to practice medicine for up to five (5) years,



1023 including limiting the practice of such person to, or by the  
1024 exclusion of, one or more specified branches of medicine,  
1025 including limitation on hospital privileges;

1026 (d) Revoke \* \* \* a license or other authorization to  
1027 practice medicine;

1028 (e) Require \* \* \* a licensee to submit to care,  
1029 counseling or treatment by physicians designated by the board, as  
1030 a condition for initial, continued or renewal of licensure or  
1031 other authorization to practice medicine;

1032 (f) Require \* \* \* a licensee to participate in a  
1033 program of education prescribed by the board; \* \* \*

1034 (g) Require \* \* \* a licensee to practice under the  
1035 direction of a physician designated by the board for a specified  
1036 period of time \* \* \*;

1037 (h) Place a licensee on probation, the terms of which  
1038 may be set by the board;

1039 (i) In lieu of suspension, impose a punitive fine not  
1040 to exceed Twenty-five Thousand Dollars (\$25,000.00) per offense,  
1041 with the cumulative total of all fines imposed not to exceed One  
1042 Hundred Thousand Dollars (\$100,000.00). All fines collected under  
1043 this provision shall be deposited into the State General Fund; or,

1044 (j) Take any other action which the board deems  
1045 necessary.

1046 By July 1, 2025, the board shall create and implement a  
1047 penalty matrix in its rules and regulations to guide the board's



1048 decisions for appropriate penalties for violations, and which  
1049 shall be available to the public. For purposes of this  
1050 subsection, a penalty matrix shall be guidelines that recommend  
1051 specific disciplinary actions based on a weighing of specific  
1052 violations and the mitigating factors of a case, such as the  
1053 severity of violations, disciplinary history of the respondent  
1054 licensee, and degree of patient injury, if applicable, and seek to  
1055 create more consistent and predictable outcomes to disciplinary  
1056 hearings.

1057       **SECTION 26.** Section 73-25-89, Mississippi Code of 1972, is  
1058 amended as follows:

1059       73-25-89. If the board determines that evidence in its  
1060 possession indicates that a physician's continuation in practice  
1061 or unrestricted practice would constitute an immediate danger to  
1062 the public, the board may take any of the same actions on a  
1063 temporary basis, without a hearing, which it could otherwise take  
1064 under Sections 73-25-81 through 73-25-95 following a hearing,  
1065 provided proceedings for a hearing before the board are initiated  
1066 simultaneously with such temporary action without a hearing.  
1067 Provided, further, that in the event of such temporary action  
1068 without a hearing, a hearing must be held within \* \* \* thirty (30)  
1069 days of such action.

1070       **SECTION 27.** Section 73-43-3, Mississippi Code of 1972, is  
1071 amended as follows:



1072           73-43-3. (1) The State Board of Medical Licensure shall  
1073 consist of nine (9) physicians. Each of the physicians shall have  
1074 graduated from a medical school which has been accredited by the  
1075 liaison committee on medical education as sponsored by the  
1076 American Medical Association and the Association of American  
1077 Medical Colleges or from an osteopathic medical school which has  
1078 been accredited by the Bureau of Professional Education of the  
1079 American Osteopathic Association, and have at least six (6) years'  
1080 experience in the practice of medicine. No more than two (2)  
1081 members of the board shall be a member of the faculty of the  
1082 University of Mississippi School of Medicine. No more than four  
1083 (4) members of the board shall be from the same Mississippi  
1084 Supreme Court district.

1085           (2) Three (3) physicians shall be nominated to the Governor  
1086 for each appointive position by the Mississippi State Medical  
1087 Association; and said nominations shall give due regard to  
1088 geographic distribution, race and sex. The Governor shall appoint  
1089 from said nominations the members of the board with the advice and  
1090 consent of the Senate, but may also select nominees who are  
1091 nominated by the Mississippi State Medical Association and satisfy  
1092 the requirements of this section. The original appointments of  
1093 the board shall be made no later than June 30, 1980, for terms to  
1094 begin on July 1, 1980. The Governor shall designate the initial  
1095 terms of the members as follows: three (3) members shall be  
1096 appointed for a term which expires July 1, 1982, three (3) members



1097 shall be appointed for a term which expires July 1, 1984, and  
1098 three (3) members shall be appointed for a term which expires July  
1099 1, 1986. Thereafter, all succeeding appointments shall be for  
1100 terms of six (6) years from the expiration of the previous term.  
1101 Vacancies in office shall be filled by appointment of the Governor  
1102 in the same manner as the appointment to the position which  
1103 becomes vacant, subject to the advice and consent of the Senate at  
1104 the next regular session of the Legislature.

1105 (3) In addition to the physician board members, there shall  
1106 be three (3) members appointed by the Governor, with the advice  
1107 and consent of the Senate, who shall be members of the public not  
1108 related to the health care industry. No more than one (1)  
1109 consumer member shall be from each Supreme Court District as they  
1110 currently exist. The initial term of office for the member  
1111 appointed from the First Supreme Court District shall be two (2)  
1112 years and thereafter shall be six (6) years; the initial term of  
1113 office for the member appointed from the Second Supreme Court  
1114 District shall be three (3) years and thereafter shall be six (6)  
1115 years; and the initial term of office for the member appointed  
1116 from the Third Supreme Court District shall be four (4) years and  
1117 thereafter shall be six (6) years.

1118 **SECTION 28.** The following shall be codified as Section  
1119 73-43-19, Mississippi Code of 1972:

1120 73-43-19. The Mississippi State Board of Medical Licensure  
1121 shall be provided with annual performance statistics from the



1122 Mississippi Physician's Health Program or its successor entity,  
1123 which shall be available to the board and the public. These  
1124 statistics shall not include information that constitutes  
1125 personally identifiable information or protected health  
1126 information of program participants, but instead shall include  
1127 general statistics that can be used to evaluate the program's  
1128 effectiveness. The Mississippi State Board of Medical Licensure  
1129 shall have the authority to request and, if necessary, conduct  
1130 performance audits of any additional information the board deems  
1131 appropriate, which shall also be made public as long as the  
1132 information does not include personally identifiable information  
1133 or protected health information of program participants.

1134 **SECTION 29.** Sections 73-25-7, 73-25-9, 73-25-15, 73-25-19,  
1135 73-25-25, 73-25-39, and 73-25-81, which relate to the regulation  
1136 of the practice of medicine in the State of Mississippi, shall  
1137 stand repealed from and after July 1, 2024.

1138 **SECTION 30.** This act shall take effect and be in force from  
1139 and after July 1, 2024, and shall stand repealed after June 30,  
1140 2028.

