

By: Representative Crawford

To: Public Health and Human Services

HOUSE BILL NO. 1610

1 AN ACT TO CREATE NEW SECTION 73-49-5, MISSISSIPPI CODE OF
 2 1972, TO PROHIBIT THE LICENSING BOARDS OR AGENCIES OF HEALTH CARE
 3 PRACTITIONERS FROM REPRIMANDING, SANCTIONING, REVOKING OR
 4 THREATENING TO REVOKE A LICENSE, CERTIFICATE OR REGISTRATION OF A
 5 PRACTITIONER FOR EXERCISING HIS OR HER CONSTITUTIONAL RIGHT OF
 6 FREE SPEECH, UNLESS THE BOARD OR AGENCY PROVES BEYOND A REASONABLE
 7 DOUBT THAT THE SPEECH USED BY THE PRACTITIONER LED TO THE DIRECT
 8 PHYSICAL HARM OF A PERSON WITH WHOM THE PRACTITIONER HAD A
 9 PRACTITIONER-PATIENT RELATIONSHIP; TO REQUIRE THE LICENSING BOARDS
 10 OR AGENCIES OF HEALTH CARE PRACTITIONERS TO PROVIDE A
 11 PRACTITIONER WITH ANY COMPLAINTS RECEIVED FOR WHICH REVOCATION
 12 ACTIONS MAY BE IN ORDER WITHIN SEVEN DAYS AFTER RECEIPT OF SUCH
 13 COMPLAINT; TO AMEND SECTIONS 73-6-19, 73-9-61, 73-15-29, 73-19-23,
 14 73-21-97, 73-23-59, 73-25-29, 73-26-5, 73-27-13, 73-31-21,
 15 73-39-77, 73-71-33 AND 73-75-19, MISSISSIPPI CODE OF 1972, TO
 16 CONFORM TO THE PRECEDING PROVISIONS; AND FOR RELATED PURPOSES.

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

18 **SECTION 1.** The following shall be codified as Section
 19 73-49-5, Mississippi Code of 1972:

20 73-49-5. (1) As used in this section, the following terms
 21 shall be defined as provided in this subsection:

22 (a) "Health care" means any care, treatment, service,
 23 or procedure to maintain, diagnose, or otherwise affect an
 24 individual's physical or mental condition.



25 (b) "Health care practitioner" means an individual
26 licensed, certified or otherwise authorized or permitted by law to
27 provide health care in the ordinary course of business or practice
28 of a profession.

29 (2) The board or agency that licenses, certifies or
30 registers a health care practitioner:

31 (a) May not reprimand, sanction, revoke or threaten to
32 revoke a license, certificate or registration of a health care
33 practitioner for exercising his or her constitutional right of
34 free speech, including, but not limited to, speech through the use
35 of a social media platform, unless the board or agency proves
36 beyond a reasonable doubt that the speech used by the health care
37 practitioner led to the direct physical harm of a person with whom
38 the health care practitioner had a practitioner-patient
39 relationship within the three (3) years immediately preceding the
40 physical harm; and

41 (b) Must provide a health care practitioner with any
42 complaints received for which revocation actions may be in order
43 within seven (7) days after receipt of such complaint.

44 **SECTION 2.** Section 73-6-19, Mississippi Code of 1972, is
45 amended as follows:

46 73-6-19. (1) The board shall refuse to grant a certificate
47 of licensure to any applicant or may cancel, revoke or suspend the
48 certificate upon the finding of any of the following facts
49 regarding the applicant or licensed practitioner:



50 (a) Failure to comply with the rules and regulations
51 adopted by the State Board of Chiropractic Examiners;

52 (b) Violation of any of the provisions of this chapter
53 or any of the rules and regulations of the State Board of Health
54 pursuant to this chapter with regard to the operation and use of
55 x-rays;

56 (c) Fraud or deceit in obtaining a license;

57 (d) Addiction to the use of alcohol, narcotic drugs, or
58 anything which would seriously interfere with the competent
59 performance of his professional duties;

60 (e) Conviction by a court of competent jurisdiction of
61 a felony, other than manslaughter or any violation of the United
62 States Internal Revenue Code;

63 (f) Unprofessional and unethical conduct;

64 (g) Contraction of a contagious disease which may be
65 carried for a prolonged period;

66 (h) Failure to report to the Mississippi Department of
67 Human Services or the county attorney any case wherein there are
68 reasonable grounds to believe that a child or vulnerable adult has
69 been abused by its parent or person responsible for such person's
70 welfare;

71 (i) Advising a patient to use drugs, prescribing or
72 providing drugs for a patient, or advising a patient not to use a
73 drug prescribed by a licensed physician or dentist;



74 (j) Professional incompetency in the practice of
75 chiropractic;

76 (k) Having disciplinary action taken by his peers
77 within any professional chiropractic association or society;

78 (l) Offering to accept or accepting payment for
79 services rendered by assignment from any third-party payor after
80 offering to accept or accepting whatever the third-party payor
81 covers as payment in full, if the effect of the offering or
82 acceptance is to eliminate or give the impression of eliminating
83 the need for payment by an insured of any required deductions
84 applicable in the policy of the insured;

85 (m) Associating his practice with any chiropractor who
86 does not hold a valid chiropractic license in Mississippi, or
87 teach chiropractic manipulation to nonqualified persons under
88 Section 73-6-13;

89 (n) Failure to make payment on chiropractic student
90 loans;

91 (o) Failure to follow record keeping requirements
92 prescribed in Section 73-6-18;

93 (p) If the practitioner is certified to provide animal
94 chiropractic treatment, failure to follow guidelines approved by
95 the Mississippi Board of Veterinary Medicine; or

96 (q) Violation(s) of the provisions of Sections 41-121-1
97 through 41-121-9 relating to deceptive advertisement by health



98 care practitioners. This paragraph shall stand repealed on July
99 1, 2025.

100 (2) Any holder of such certificate or any applicant therefor
101 against whom is preferred any of the designated charges shall be
102 furnished a copy of the complaint and shall receive a formal
103 hearing in Jackson, Mississippi, before the board, at which time
104 he may be represented by counsel and examine witnesses. The board
105 is authorized to administer oaths as may be necessary for the
106 proper conduct of any such hearing. In addition, the board is
107 authorized and empowered to issue subpoenas for the attendance of
108 witnesses and the production of books and papers. The process
109 issued by the board shall extend to all parts of the state. Where
110 in any proceeding before the board any witness shall fail or
111 refuse to attend upon subpoena issued by the board, shall refuse
112 to testify, or shall refuse to produce any books and papers, the
113 production of which is called for by the subpoena, the attendance
114 of such witness and the giving of his testimony and the production
115 of the books and papers shall be enforced by any court of
116 competent jurisdiction of this state in the manner provided for
117 the enforcement of attendance and testimony of witnesses in civil
118 cases in the courts of this state.

119 (3) In addition to any other investigators the board
120 employs, the board shall appoint one or more licensed
121 chiropractors to act for the board in investigating the conduct
122 relating to the competency of a chiropractor, whenever



123 disciplinary action is being considered for professional
124 incompetence and unprofessional conduct.

125 (4) Whenever the board finds any person unqualified to
126 practice chiropractic because of any of the grounds set forth in
127 subsection (1) of this section, after a hearing has been conducted
128 as prescribed by this section, the board may enter an order
129 imposing one or more of the following:

130 (a) Deny his application for a license or other
131 authorization to practice chiropractic;

132 (b) Administer a public or private reprimand;

133 (c) Suspend, limit or restrict his license or other
134 authorization to practice chiropractic for up to five (5) years;

135 (d) Revoke or cancel his license or other authorization
136 to practice chiropractic;

137 (e) Require him to submit to care, counseling or
138 treatment by physicians or chiropractors designated by the board,
139 as a condition for initial, continued or renewal of licensure or
140 other authorization to practice chiropractic;

141 (f) Require him to participate in a program of
142 education prescribed by the board; or

143 (g) Require him to practice under the direction of a
144 chiropractor designated by the board for a specified period of
145 time.

146 (5) Any person whose application for a license or whose
147 license to practice chiropractic has been cancelled, revoked or



148 suspended by the board within thirty (30) days from the date of
149 such final decision shall have the right of a de novo appeal to
150 the circuit court of his county of residence or the Circuit Court
151 of the First Judicial District of Hinds County, Mississippi. If
152 there is an appeal, such appeal may, in the discretion of and on
153 motion to the circuit court, act as a supersedeas. The circuit
154 court shall dispose of the appeal and enter its decision promptly.
155 The hearing on the appeal may, in the discretion of the circuit
156 judge, be tried in vacation. Either party shall have the right of
157 appeal to the Supreme Court as provided by law from any decision
158 of the circuit court.

159 (6) In a proceeding conducted under this section by the
160 board for the revocation, suspension or cancellation of a license
161 to practice chiropractic, after a hearing has been conducted as
162 prescribed by this section, the board shall have the power and
163 authority for the grounds stated in subsection (1) of this
164 section, with the exception of paragraph (c) thereof, to assess
165 and levy upon any person licensed to practice chiropractic in the
166 state a monetary penalty in lieu of such revocation, suspension or
167 cancellation, as follows:

168 (a) For the first violation, a monetary penalty of not
169 less than Five Hundred Dollars (\$500.00) nor more than One
170 Thousand Dollars (\$1,000.00) for each violation.

171 (b) For the second and each subsequent violation, a
172 monetary penalty of not less than One Thousand Dollars (\$1,000.00)



173 nor more than Two Thousand Five Hundred Dollars (\$2,500.00) for
174 each violation.

175 The power and authority of the board to assess and levy such
176 monetary penalties under this section shall not be affected or
177 diminished by any other proceeding, civil or criminal, concerning
178 the same violation or violations. A licensee shall have the right
179 of appeal from the assessment and levy of a monetary penalty as
180 provided in this section to the circuit court under the same
181 conditions as a right of appeal is provided for in this section
182 for appeals from an adverse ruling, or order, or decision of the
183 board. Any monetary penalty assessed and levied under this
184 section shall not take effect until after the time for appeal has
185 expired, and an appeal of the assessment and levy of such a
186 monetary penalty shall act as a supersedeas.

187 (7) In addition to the grounds specified in subsection (1)
188 of this section, the board shall be authorized to suspend the
189 license of any licensee for being out of compliance with an order
190 for support, as defined in Section 93-11-153. The procedure for
191 suspension of a license for being out of compliance with an order
192 for support, and the procedure for the reissuance or reinstatement
193 of a license suspended for that purpose, and the payment of any
194 fees for the reissuance or reinstatement of a license suspended
195 for that purpose, shall be governed by Section 93-11-157 or
196 93-11-163, as the case may be. Actions taken by the board in
197 suspending a license when required by Section 93-11-157 or



198 93-11-163 are not actions from which an appeal may be taken under
199 this section. Any appeal of a license suspension that is required
200 by Section 93-11-157 or 93-11-163 shall be taken in accordance
201 with the appeal procedure specified in Section 93-11-157 or
202 93-11-163, as the case may be, rather than the procedure specified
203 in this section. If there is any conflict between any provision
204 of Section 93-11-157 or 93-11-163 and any provision of this
205 chapter, the provisions of Section 93-11-157 or 93-11-163, as the
206 case may be, shall control.

207 (8) The board shall be subject to the limits on disciplinary
208 action as provided in Section 73-49-5.

209 **SECTION 3.** Section 73-9-61, Mississippi Code of 1972, is
210 amended as follows:

211 73-9-61. (1) Upon satisfactory proof, and in accordance
212 with statutory provisions elsewhere set out for such hearings and
213 protecting the rights of the accused as well as the public, the
214 State Board of Dental Examiners may deny the issuance or renewal
215 of a license or may revoke or suspend the license of any licensed
216 dentist or dental hygienist practicing in the State of
217 Mississippi, or take any other action in relation to the license
218 as the board may deem proper under the circumstances, for any of
219 the following reasons:

220 (a) Misrepresentation in obtaining a license, or
221 attempting to obtain, obtaining, attempting to renew or renewing a
222 license or professional credential by making any material



223 misrepresentation, including the signing in his or her
224 professional capacity any certificate that is known to be false at
225 the time he or she makes or signs the certificate.

226 (b) Willful violation of any of the rules or
227 regulations duly promulgated by the board, or of any of the rules
228 or regulations duly promulgated by the appropriate dental
229 licensure agency of another state or jurisdiction.

230 (c) Being impaired in the ability to practice dentistry
231 or dental hygiene with reasonable skill and safety to patients by
232 reason of illness or use of alcohol, drugs, narcotics, chemicals,
233 or any other type of material or as a result of any mental or
234 physical condition.

235 (d) Administering, dispensing or prescribing any
236 prescriptive medication or drug outside the course of legitimate
237 professional dental practice.

238 (e) Being convicted or found guilty of or entering a
239 plea of nolo contendere to, regardless of adjudication, a
240 violation of any federal or state law regulating the possession,
241 distribution or use of any narcotic drug or any drug considered a
242 controlled substance under state or federal law, a certified copy
243 of the conviction order or judgment rendered by the trial court
244 being prima facie evidence thereof, notwithstanding the pendency
245 of any appeal.

246 (f) Practicing incompetently or negligently, regardless
247 of whether there is actual harm to the patient.



248 (g) Being convicted or found guilty of or entering a
249 plea of nolo contendere to, regardless of adjudication, a crime in
250 any jurisdiction that relates to the practice of dentistry or
251 dental hygiene, a certified copy of the conviction order or
252 judgment rendered by the trial court being prima facie evidence
253 thereof, notwithstanding the pendency of any appeal.

254 (h) Being convicted or found guilty of or entering a
255 plea of nolo contendere to, regardless of adjudication, a felony
256 in any jurisdiction, a certified copy of the conviction order or
257 judgment rendered by the trial court being prima facie evidence
258 thereof, notwithstanding the pendency of any appeal.

259 (i) Delegating professional responsibilities to a
260 person who is not qualified by training, experience or licensure
261 to perform them.

262 (j) The refusal of a licensing authority of another
263 state or jurisdiction to issue or renew a license, permit or
264 certificate to practice dentistry or dental hygiene in that
265 jurisdiction or the revocation, suspension or other restriction
266 imposed on a license, permit or certificate issued by the
267 licensing authority that prevents or restricts practice in that
268 jurisdiction, a certified copy of the disciplinary order or action
269 taken by the other state or jurisdiction being prima facie
270 evidence thereof, notwithstanding the pendency of any appeal.

271 (k) Surrender of a license or authorization to practice
272 dentistry or dental hygiene in another state or jurisdiction when



273 the board has reasonable cause to believe that the surrender is
274 made to avoid or in anticipation of a disciplinary action.

275 (1) Any unprofessional conduct to be determined by the
276 board on a case-by-case basis, which shall include, but not be
277 restricted to, the following:

278 (i) Committing any crime involving moral
279 turpitude.

280 (ii) Practicing deceit or other fraud upon the
281 public.

282 (iii) Practicing dentistry or dental hygiene under
283 a false or assumed name.

284 (iv) Advertising that is false, deceptive or
285 misleading.

286 (v) Announcing a specialized practice shall be
287 considered advertising that tends to deceive or mislead the public
288 unless the dentist announcing as a specialist conforms to other
289 statutory provisions and the duly promulgated rules or regulations
290 of the board pertaining to practice of dentistry in the State of
291 Mississippi.

292 (m) Failure to provide and maintain reasonable sanitary
293 facilities and conditions or failure to follow board rules
294 regarding infection control.

295 (n) Committing any act which would constitute sexual
296 misconduct upon a patient or upon ancillary staff. For purposes
297 of this subsection, the term sexual misconduct means:



298 (i) Use of the licensee-patient relationship to
299 engage or attempt to engage the patient in sexual activity; or

300 (ii) Conduct of a licensee that is intended to
301 intimidate, coerce, influence or trick any person employed by or
302 for the licensee in a dental practice or educational setting for
303 the purpose of engaging in sexual activity or activity intended
304 for the sexual gratification of the licensee.

305 (o) Violation of a lawful order of the board previously
306 entered in a disciplinary or licensure hearing; failure to
307 cooperate with any lawful request or investigation by the board;
308 or failure to comply with a lawfully issued subpoena of the board.

309 (p) Willful, obstinate and continuing refusal to
310 cooperate with the board in observing its rules and regulations in
311 promptly paying all legal license or other fees required by law.

312 (q) Practicing dentistry or dental hygiene while the
313 person's license is suspended.

314 (r) Violation(s) of the provisions of Sections 41-121-1
315 through 41-121-9 relating to deceptive advertisement by health
316 care practitioners. This paragraph shall stand repealed on July
317 1, 2025.

318 (2) In lieu of revocation of a license as provided for
319 above, the board may suspend the license of the offending dentist
320 or dental hygienist, suspend the sedation permit of the offending
321 dentist, or take any other action in relation to his or her
322 license as the board may deem proper under the circumstances.



323 (3) When a license to practice dentistry or dental hygiene
324 is revoked or suspended by the board, the board may, in its
325 discretion, stay the revocation or suspension and simultaneously
326 place the licensee on probation upon the condition that the
327 licensee shall not violate the laws of the State of Mississippi
328 pertaining to the practice of dentistry or dental hygiene and
329 shall not violate the rules and regulations of the board and shall
330 not violate any terms in relation to his or her license as may be
331 set by the board.

332 (4) In a proceeding conducted under this section by the
333 board for the denial, revocation or suspension of a license to
334 practice dentistry or dental hygiene, the board shall have the
335 power and authority for the grounds stated for that denial,
336 revocation or suspension, and in addition thereto or in lieu of
337 that denial, revocation or suspension may assess and levy upon any
338 person licensed to practice dentistry or dental hygiene in the
339 State of Mississippi, a monetary penalty, as follows:

340 (a) For the first violation of any of * * * paragraph
341 (a), (b), (c), (d), (f), (i), (l), (m), (n), (o) or (q) of
342 subsection (1) of this section, a monetary penalty of not less
343 than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars
344 (\$500.00).

345 (b) For the second violation of any of * * * paragraph
346 (a), (b), (c), (d), (f), (i), (l), (m), (n), (o) or (q) of
347 subsection (1) of this section, a monetary penalty of not less



348 than One Hundred Dollars (\$100.00) nor more than One Thousand
349 Dollars (\$1,000.00).

350 (c) For the third and any subsequent violation of any
351 of * * * paragraph (a), (b), (c), (d), (f), (i), (l), (m), (n),
352 (o) or (q) of subsection (1) of this section, a monetary penalty
353 of not less than Five Hundred Dollars (\$500.00) and not more than
354 Five Thousand Dollars (\$5,000.00).

355 (d) For any violation of any of * * * paragraphs (a)
356 through (q) of subsection (1) of this section, those reasonable
357 costs that are expended by the board in the investigation and
358 conduct of a proceeding for licensure revocation or suspension,
359 including, but not limited to, the cost of process service, court
360 reporters, expert witnesses and investigators.

361 (5) The power and authority of the board to assess and levy
362 monetary penalties under this section shall not be affected or
363 diminished by any other proceeding, civil or criminal, concerning
364 the same violation or violations except as provided in this
365 section.

366 (6) A licensee shall have the right of appeal from the
367 assessment and levy of a monetary penalty as provided in this
368 section under the same conditions as a right of appeal is provided
369 elsewhere for appeals from an adverse ruling, order or decision of
370 the board.

371 (7) Any monetary penalty assessed and levied under this
372 section shall not take effect until after the time for appeal has



373 expired. In the event of an appeal, the appeal shall act as a
374 supersedeas.

375 (8) A monetary penalty assessed and levied under this
376 section shall be paid to the board by the licensee upon the
377 expiration of the period allowed for appeal of those penalties
378 under this section or may be paid sooner if the licensee elects.
379 With the exception of subsection (4)(d) of this section, monetary
380 penalties collected by the board under this section shall be
381 deposited to the credit of the General Fund of the State Treasury.
382 Any monies collected by the board under subsection (4)(d) of this
383 section shall be deposited into the special fund operating account
384 of the board.

385 (9) When payment of a monetary penalty assessed and levied
386 by the board against a licensee in accordance with this section is
387 not paid by the licensee when due under this section, the board
388 shall have power to institute and maintain proceedings in its name
389 for enforcement of payment in the chancery court of the county and
390 judicial district of residence of the licensee, and if the
391 licensee is a nonresident of the State of Mississippi, the
392 proceedings shall be in the Chancery Court of the First Judicial
393 District of Hinds County, Mississippi.

394 (10) In addition to the reasons specified in subsection (1)
395 of this section, the board shall be authorized to suspend the
396 license of any licensee for being out of compliance with an order
397 for support, as defined in Section 93-11-153. The procedure for



398 suspension of a license for being out of compliance with an order
399 for support, and the procedure for the reissuance or reinstatement
400 of a license suspended for that purpose, and the payment of any
401 fees for the reissuance or reinstatement of a license suspended
402 for that purpose, shall be governed by Section 93-11-157 or
403 93-11-163, as the case may be. If there is any conflict between
404 any provision of Section 93-11-157 or 93-11-163 and any provision
405 of this chapter, the provisions of Section 93-11-157 or 93-11-163,
406 as the case may be, shall control.

407 (11) All grounds for disciplinary action, including
408 imposition of fines and assessment of costs as enumerated above,
409 shall also apply to any other license or permit issued by the
410 board under this chapter or regulations duly adopted by the board.

411 (12) The board shall be subject to the limits on
412 disciplinary action as provided in Section 73-49-5.

413 **SECTION 4.** Section 73-15-29, Mississippi Code of 1972, is
414 amended as follows:

415 73-15-29. (1) The board shall have power to revoke, suspend
416 or refuse to renew any license issued by the board, or to revoke
417 or suspend any privilege to practice, or to deny an application
418 for a license, or to fine, place on probation and/or discipline a
419 licensee, in any manner specified in this article, upon proof that
420 such person:

421 (a) Has committed fraud or deceit in securing or
422 attempting to secure such license;



423 (b) Has been convicted of a felony, or a crime
424 involving moral turpitude or has had accepted by a court a plea of
425 nolo contendere to a felony or a crime involving moral turpitude
426 (a certified copy of the judgment of the court of competent
427 jurisdiction of such conviction or pleas shall be prima facie
428 evidence of such conviction);

429 (c) Has negligently or willfully acted in a manner
430 inconsistent with the health or safety of the persons under the
431 licensee's care;

432 (d) Has had a license or privilege to practice as a
433 registered nurse or a licensed practical nurse suspended or
434 revoked in any jurisdiction, has voluntarily surrendered such
435 license or privilege to practice in any jurisdiction, has been
436 placed on probation as a registered nurse or licensed practical
437 nurse in any jurisdiction or has been placed under a disciplinary
438 order(s) in any manner as a registered nurse or licensed practical
439 nurse in any jurisdiction, (a certified copy of the order of
440 suspension, revocation, probation or disciplinary action shall be
441 prima facie evidence of such action);

442 (e) Has negligently or willfully practiced nursing in a
443 manner that fails to meet generally accepted standards of such
444 nursing practice;

445 (f) Has negligently or willfully violated any order,
446 rule or regulation of the board pertaining to nursing practice or
447 licensure;



448 (g) Has falsified or in a repeatedly negligent manner
449 made incorrect entries or failed to make essential entries on
450 records;

451 (h) Is addicted to or dependent on alcohol or other
452 habit-forming drugs or is a habitual user of narcotics,
453 barbiturates, amphetamines, hallucinogens, or other drugs having
454 similar effect, or has misappropriated any medication;

455 (i) Has a physical, mental or emotional condition that
456 renders the licensee unable to perform nursing services or duties
457 with reasonable skill and safety;

458 (j) Has engaged in any other conduct, whether of the
459 same or of a different character from that specified in this
460 article, that would constitute a crime as defined in Title 97 of
461 the Mississippi Code of 1972, as now or hereafter amended, and
462 that relates to such person's employment as a registered nurse or
463 licensed practical nurse;

464 (k) Engages in conduct likely to deceive, defraud or
465 harm the public;

466 (l) Engages in any unprofessional conduct as identified
467 by the board in its rules;

468 (m) Has violated any provision of this article;

469 (n) Violation(s) of the provisions of Sections 41-121-1
470 through 41-121-9 relating to deceptive advertisement by health
471 care practitioners. This paragraph shall stand repealed on July
472 1, 2025; or



473 (o) Violation(s) of any provision of Title 41, Chapter
474 141, Mississippi Code of 1972.

475 (2) When the board finds any person unqualified because of
476 any of the grounds set forth in subsection (1) of this section, it
477 may enter an order imposing one or more of the following
478 penalties:

479 (a) Denying application for a license or other
480 authorization to practice nursing or practical nursing;

481 (b) Administering a reprimand;

482 (c) Suspending or restricting the license or other
483 authorization to practice as a registered nurse or licensed
484 practical nurse for up to two (2) years without review;

485 (d) Revoking the license or other authorization to
486 practice nursing or practical nursing;

487 (e) Requiring the discipline to submit to care,
488 counseling or treatment by persons and/or agencies approved or
489 designated by the board as a condition for initial, continued or
490 renewed licensure or other authorization to practice nursing or
491 practical nursing;

492 (f) Requiring the discipline to participate in a
493 program of education prescribed by the board as a condition for
494 initial, continued or renewed licensure or other authorization to
495 practice;



496 (g) Requiring the discipline to practice under the
497 supervision of a registered nurse for a specified period of time;
498 or

499 (h) Imposing a fine not to exceed Five Hundred Dollars
500 (\$500.00).

501 (3) In addition to the grounds specified in subsection (1)
502 of this section, the board shall be authorized to suspend the
503 license or privilege to practice of any licensee for being out of
504 compliance with an order for support, as defined in Section
505 93-11-153. The procedure for suspension of a license or privilege
506 to practice for being out of compliance with an order for support,
507 and the procedure for the reissuance or reinstatement of a license
508 or privilege to practice suspended for that purpose, and the
509 payment of any fees for the reissuance or reinstatement of a
510 license or privilege to practice suspended for that purpose, shall
511 be governed by Section 93-11-157 or 93-11-163, as the case may be.
512 If there is any conflict between any provision of Section
513 93-11-157 or 93-11-163 and any provision of this article, the
514 provisions of Section 93-11-157 or 93-11-163, as the case may be,
515 shall control.

516 (4) If the public health, safety or welfare imperatively
517 requires emergency action and the board incorporates a finding to
518 that effect in an order, the board may order summary suspension of
519 a license pending proceedings for revocation or other action.



520 These proceedings shall be promptly instituted and determined by
521 the board.

522 (5) The board may establish by rule an alternative to
523 discipline program for licensees who have an impairment as a
524 result of substance abuse or a mental health condition, which
525 program shall include at least the following components:

526 (a) Participation in the program is voluntary with the
527 licensee, and the licensee must enter the program before the board
528 holds a disciplinary action hearing regarding the licensee;

529 (b) The full cost of participation in the program,
530 including the cost of any care, counseling, treatment and/or
531 education received by the licensee, shall be borne by the
532 licensee;

533 (c) All of the procedures and records regarding the
534 licensee's participation in the program shall be confidential,
535 shall not be disclosed and shall be exempt from the provisions of
536 the Mississippi Public Records Act of 1983; and

537 (d) A licensee may not participate in the program more
538 often than one (1) time during any period of five (5) years or
539 such longer period as set by the board.

540 (6) A nurse practitioner who provides a written
541 certification as authorized under the Mississippi Medical Cannabis
542 Act and in compliance with rules and regulations adopted
543 thereunder shall not be subject to any disciplinary action under
544 this section solely due to providing the written certification.



545 (7) The board shall be subject to the limits on disciplinary
546 action as provided in Section 73-49-5.

547 **SECTION 5.** Section 73-19-23, Mississippi Code of 1972, is
548 amended as follows:

549 73-19-23. (1) (a) The board shall refuse to grant a
550 certificate of licensure to any applicant and may cancel, revoke
551 or suspend the operation of any certificate by it granted for any
552 or all of the following reasons: unprofessional and unethical
553 conduct or the conviction of a crime involving moral turpitude,
554 habitual intemperance in the use of ardent spirits, or stimulants,
555 narcotics, or any other substance that impairs the intellect and
556 judgment to such an extent as to incapacitate one for the
557 performance of the duties of an optometrist. The certificate of
558 licensure of any person can be revoked for violating any section
559 of this chapter.

560 (b) The board shall conduct a criminal history records
561 check on licensure applicants and on licensees whose licenses are
562 subject to investigation.

563 (i) The applicant or licensee shall undergo a
564 fingerprint-based criminal history records check of the
565 Mississippi central criminal database and the Federal Bureau of
566 Investigation criminal history database. Each applicant or
567 licensee shall submit a full set of the applicant's fingerprints
568 in a form or manner prescribed by the board, which shall be



569 forwarded to the Bureau of Investigation Identification Division
570 for this purpose.

571 (ii) Any and all state or national criminal
572 history records information obtained by the board that is not
573 already a matter of public record shall be deemed nonpublic and
574 confidential information restricted to the exclusive use of the
575 board, its members, officers, investigators, agents and attorneys
576 in evaluating the applicant's eligibility or disqualification for
577 licensure, and shall be exempt from the Mississippi Public Records
578 Act of 1983. Except when introduced into evidence in a hearing
579 before the board to determine licensure, no such information or
580 records related thereto shall, except with the written consent of
581 the applicant or licensee or by order of a court of competent
582 jurisdiction, be released or otherwise disclosed by the board to
583 any other person or agency.

584 (iii) The board shall provide to the department
585 the fingerprints of the applicant or licensee, any additional
586 information that may be required by the department, and a form
587 signed by the applicant consenting to the check of the criminal
588 records and to the use of the fingerprints and other identifying
589 information required by the state or national repositories.

590 (iv) The board shall charge and collect from the
591 applicant or licensee, in addition to all other applicable fees
592 and costs, such amount as may be incurred by the board in



593 requesting and obtaining state and national criminal history
594 records information on the applicant or licensee.

595 (2) The board shall further be authorized to take
596 disciplinary action against a licensee for any unlawful acts,
597 which shall include violations of regulations promulgated by the
598 board, as well as the following acts:

599 (a) Fraud or misrepresentation in applying for or
600 procuring an optometric license or in connection with applying for
601 or procuring periodic renewal of an optometric license.

602 (b) Cheating on or attempting to subvert the optometric
603 licensing examination(s).

604 (c) The conviction of a felony in this state or any
605 other jurisdiction, or the entry of a guilty or nolo contendere
606 plea to a felony charge.

607 (d) The conviction of a felony as defined by federal
608 law, or the entry of a guilty or nolo contendere plea to a felony
609 charge.

610 (e) Conduct likely to deceive, defraud or harm the
611 public.

612 (f) Making a false or misleading statement regarding
613 his or her skill or the efficacy or value of the medicine, device,
614 treatment or remedy prescribed by him or her or used at his or her
615 direction in the treatment of any disease or other condition.



616 (g) Willfully or negligently violating the
617 confidentiality between doctor and patient, except as required by
618 law.

619 (h) Negligence or gross incompetence in the practice of
620 optometry as determined by the board.

621 (i) Being found to be a person with mental illness or
622 with an intellectual disability by any court of competent
623 jurisdiction.

624 (j) The use of any false, fraudulent, deceptive or
625 misleading statement in any document connected with the practice
626 of optometry.

627 (k) Aiding or abetting the practice of optometry by an
628 unlicensed, incompetent or impaired person.

629 (l) Commission of any act of sexual abuse, misconduct
630 or exploitation related to the licensee's practice of optometry.

631 (m) Being addicted or habituated to a drug or
632 intoxicant.

633 (n) Violating any state or federal law or regulation
634 relating to a drug legally classified as a controlled substance.

635 (o) Obtaining any fee by fraud, deceit or
636 misrepresentation.

637 (p) Disciplinary action of another state or
638 jurisdiction against a licensee or other authorization to practice
639 optometry based upon acts or conduct by the licensee similar to
640 acts or conduct that would constitute grounds for action as



641 defined in this chapter, a certified copy of the record of the
642 action taken by the other state or jurisdiction being conclusive
643 evidence thereof.

644 (q) Failure to report to the board the relocation of
645 his or her office in or out of the jurisdiction, or to furnish
646 floor plans as required by regulation.

647 (r) Violation of any provision(s) of the Optometry
648 Practice Act or the rules and regulations of the board or of an
649 action, stipulation or agreement of the board.

650 (s) To advertise in a manner that tends to deceive,
651 mislead or defraud the public.

652 (t) The designation of any person licensed under this
653 chapter, other than by the terms "optometrist," "Doctor of
654 Optometry" or "O.D.," which through June 30, 2025, shall include
655 any violation(s) of the provisions of Sections 41-121-1 through
656 41-121-9 relating to deceptive advertisement by health care
657 practitioners.

658 (u) To knowingly submit or cause to be submitted any
659 misleading, deceptive or fraudulent representation on a claim
660 form, bill or statement.

661 (v) To practice or attempt to practice optometry while
662 his or her license is suspended.

663 (3) Any person who is a holder of a certificate of licensure
664 or who is an applicant for examination for a certificate of
665 licensure, against whom is preferred any charges, shall be



666 furnished by the board with a copy of the complaint and shall have
667 a hearing in Jackson, Mississippi, before the board, at which
668 hearing he may be represented by counsel. At the hearing,
669 witnesses may be examined for and against the accused respecting
670 those charges, and the hearing orders or appeals will be conducted
671 according to the procedure now provided in Section 73-25-27. The
672 suspension of a certificate of licensure by reason of the use of
673 stimulants or narcotics may be removed when the holder of the
674 certificate has been adjudged by the board to be cured and capable
675 of practicing optometry.

676 (4) In addition to the reasons specified in subsections (1)
677 and (2) of this section, the board shall be authorized to suspend
678 the license of any licensee for being out of compliance with an
679 order for support, as defined in Section 93-11-153. The procedure
680 for suspension of a license for being out of compliance with an
681 order for support, and the procedure for the reissuance or
682 reinstatement of a license suspended for that purpose, and the
683 payment of any fees for the reissuance or reinstatement of a
684 license suspended for that purpose, shall be governed by Section
685 93-11-157 or 93-11-163, as the case may be. If there is any
686 conflict between any provision of Section 93-11-157 or 93-11-163
687 and any provision of this chapter, the provisions of Section
688 93-11-157 or 93-11-163, as the case may be, shall control.

689 (5) A licensee who provides a written certification as
690 authorized under the Mississippi Medical Cannabis Act and in



691 compliance with rules and regulations adopted thereunder shall not
692 be subject to any disciplinary action under this section solely
693 due to providing the written certification.

694 (6) The board shall be subject to the limits on disciplinary
695 action as provided in Section 73-49-5.

696 **SECTION 6.** Section 73-21-97, Mississippi Code of 1972, is
697 amended as follows:

698 73-21-97. (1) The board may refuse to issue or renew, or
699 may suspend, reprimand, revoke or restrict the license,
700 registration or permit of any person upon one or more of the
701 following grounds:

702 (a) Unprofessional conduct as defined by the rules and
703 regulations of the board;

704 (b) Incapacity of a nature that prevents a pharmacist
705 from engaging in the practice of pharmacy with reasonable skill,
706 confidence and safety to the public;

707 (c) Being found guilty by a court of competent
708 jurisdiction of one or more of the following:

709 (i) A felony;

710 (ii) Any act involving moral turpitude or gross
711 immorality; or

712 (iii) Violation of pharmacy or drug laws of this
713 state or rules or regulations pertaining thereto, or of statutes,
714 rules or regulations of any other state or the federal government;



715 (d) Fraud or intentional misrepresentation by a
716 licensee or permit holder in securing the issuance or renewal of a
717 license or permit;

718 (e) Engaging or aiding and abetting an individual to
719 engage in the practice of pharmacy without a license;

720 (f) Violation of any of the provisions of this chapter
721 or rules or regulations adopted pursuant to this chapter;

722 (g) Failure to comply with lawful orders of the board;

723 (h) Negligently or willfully acting in a manner
724 inconsistent with the health or safety of the public;

725 (i) Addiction to or dependence on alcohol or controlled
726 substances or the unauthorized use or possession of controlled
727 substances;

728 (j) Misappropriation of any prescription drug;

729 (k) Being found guilty by the licensing agency in
730 another state of violating the statutes, rules or regulations of
731 that jurisdiction;

732 (l) The unlawful or unauthorized possession of a
733 controlled substance;

734 (m) Willful failure to submit drug monitoring
735 information or willful submission of incorrect dispensing
736 information as required by the Prescription Monitoring Program
737 under Section 73-21-127;

738 (n) Failure to obtain the license, registration or
739 permit required by this chapter; or



740 (o) Violation(s) of the provisions of Sections 41-121-1
741 through 41-121-9 relating to deceptive advertisement by health
742 care practitioners. This paragraph shall stand repealed on July
743 1, 2025.

744 (2) In lieu of suspension, revocation or restriction of a
745 license as provided for above, the board may warn or reprimand the
746 offending pharmacist.

747 (3) In addition to the grounds specified in subsection (1)
748 of this section, the board shall be authorized to suspend the
749 license, registration or permit of any person for being out of
750 compliance with an order for support, as defined in Section
751 93-11-153. The procedure for suspension of a license,
752 registration or permit for being out of compliance with an order
753 for support, and the procedure for the reissuance or reinstatement
754 of a license, registration or permit suspended for that purpose,
755 and the payment of any fees for the reissuance or reinstatement of
756 a license, registration or permit suspended for that purpose,
757 shall be governed by Section 93-11-157 or 93-11-163, as the case
758 may be. If there is any conflict between any provision of Section
759 93-11-157 or 93-11-163 and any provision of this chapter, the
760 provisions of Section 93-11-157 or 93-11-163, as the case may be,
761 shall control.

762 (4) The board shall be subject to the limits on disciplinary
763 action as provided in Section 73-49-5.



764 **SECTION 7.** Section 73-23-59, Mississippi Code of 1972, is
765 amended as follows:

766 73-23-59. (1) Licensees subject to this chapter shall
767 conduct their activities, services and practice in accordance with
768 this chapter and any rules promulgated pursuant hereto. The
769 board, upon satisfactory proof and in accordance with the
770 provisions of this chapter and the regulations of the board, may
771 suspend, revoke, or refuse to issue or renew any license
772 hereunder, or revoke or suspend any privilege to practice,
773 censure or reprimand any licensee, restrict or limit a license,
774 and take any other action in relation to a license or privilege to
775 practice as the board may deem proper under the circumstances upon
776 any of the following grounds:

777 (a) Negligence in the practice or performance of
778 professional services or activities;

779 (b) Engaging in dishonorable, unethical or
780 unprofessional conduct of a character likely to deceive, defraud
781 or harm the public in the course of professional services or
782 activities;

783 (c) Perpetrating or cooperating in fraud or material
784 deception in obtaining or renewing a license or attempting the
785 same or obtaining a privilege to practice;

786 (d) Being convicted of any crime which has a
787 substantial relationship to the licensee's activities and services



788 or an essential element of which is misstatement, fraud or
789 dishonesty;

790 (e) Having been convicted of or pled guilty to a felony
791 in the courts of this state or any other state, territory or
792 country. Conviction, as used in this paragraph, shall include a
793 deferred conviction, deferred prosecution, deferred sentence,
794 finding or verdict of guilt, an admission of guilty, or a plea of
795 nolo contendere;

796 (f) Engaging in or permitting the performance of
797 unacceptable services personally or by others working under the
798 licensee's supervision due to the licensee's deliberate or
799 negligent act or acts or failure to act, regardless of whether
800 actual damage or damages to the public is established;

801 (g) Continued practice although the licensee has become
802 unfit to practice as a physical therapist or physical therapist
803 assistant due to: (i) failure to keep abreast of current
804 professional theory or practice; or (ii) physical or mental
805 disability; the entry of an order or judgment by a court of
806 competent jurisdiction that a licensee is in need of mental
807 treatment or is incompetent shall constitute mental disability; or
808 (iii) addiction or severe dependency upon alcohol or other drugs
809 which may endanger the public by impairing the licensee's ability
810 to practice;

811 (h) Having disciplinary action taken against the
812 licensee's license in another state;



813 (i) Making differential, detrimental treatment against
814 any person because of race, color, creed, sex, religion or
815 national origin;

816 (j) Engaging in lewd conduct in connection with
817 professional services or activities;

818 (k) Engaging in false or misleading advertising;

819 (l) Contracting, assisting or permitting unlicensed
820 persons to perform services for which a license is required under
821 this chapter or privilege to practice is required under Section
822 73-23-101;

823 (m) Violation of any probation requirements placed on a
824 license or privilege to practice by the board;

825 (n) Revealing confidential information except as may be
826 required by law;

827 (o) Failing to inform clients of the fact that the
828 client no longer needs the services or professional assistance of
829 the licensee;

830 (p) Charging excessive or unreasonable fees or engaging
831 in unreasonable collection practices;

832 (q) For treating or attempting to treat ailments or
833 other health conditions of human beings other than by physical
834 therapy as authorized by this chapter;

835 (r) Except as authorized in Section 73-23-35(3), for
836 applying or offering to apply physical therapy, exclusive of
837 initial evaluation or screening and exclusive of education or



838 consultation for the prevention of physical and mental disability
839 within the scope of physical therapy, other than upon the referral
840 of a licensed physician, dentist, osteopath, podiatrist,
841 chiropractor, physician assistant or nurse practitioner; or for
842 acting as a physical therapist assistant other than under the
843 direct, on-site supervision of a licensed physical therapist;

844 (s) Failing to adhere to the recognized standards of
845 ethics of the physical therapy profession as established by rules
846 of the board;

847 (t) Failing to complete continuing competence
848 requirements as established by board rule;

849 (u) Failing to supervise physical therapist assistants
850 in accordance with this chapter and/or board rules;

851 (v) Engaging in sexual misconduct. For the purpose of
852 this paragraph, sexual misconduct includes, but is not necessarily
853 limited to:

854 (i) Engaging in or soliciting sexual
855 relationships, whether consensual or nonconsensual, while a
856 physical therapist or physical therapist assistant/patient
857 relationship exists.

858 (ii) Making sexual advances, requesting sexual
859 favors or engaging in other verbal conduct or physical contact of
860 a sexual nature with patients or clients.

861 (iii) Intentionally viewing a completely or
862 partially disrobed patient in the course of treatment if the



863 viewing is not related to patient diagnosis or treatment under
864 current practice standards;

865 (w) The erroneous issuance of a license or privilege to
866 practice to any person;

867 (x) Violations of any provisions of this chapter, board
868 rules or regulations or a written order or directive of the board;

869 (y) Failing to maintain adequate patient records. For
870 the purposes of this paragraph, "adequate patient records" means
871 legible records that contain at minimum sufficient information to
872 identify the patient, an evaluation of objective findings, a
873 diagnosis, a plan of care, a treatment record and a discharge
874 plan;

875 (z) Failing to report to the board any unprofessional,
876 incompetent or illegal acts that appear to be in violation of this
877 law or any rules established by the board.

878 (2) The board may order a licensee to submit to a reasonable
879 physical or mental examination if the licensee's physical or
880 mental capacity to practice safely is at issue in a disciplinary
881 proceeding.

882 (3) Failure to comply with a board order to submit to a
883 physical or mental examination shall render a licensee subject to
884 the summary suspension procedures described in Section 73-23-64.

885 (4) In addition to the reasons specified in subsection (1)
886 of this section, the board shall be authorized to suspend the
887 license or privilege to practice of any licensee for being out of



888 compliance with an order for support, as defined in Section
889 93-11-153. The procedure for suspension of a license or privilege
890 to practice for being out of compliance with an order for support,
891 and the procedure for the reissuance or reinstatement of a license
892 or privilege to practice suspended for that purpose, and the
893 payment of any fees for the reissuance or reinstatement of a
894 license or privilege to practice suspended for that purpose, shall
895 be governed by Section 93-11-157 or 93-11-163, as the case may be.
896 If there is any conflict between any provision of Section
897 93-11-157 or 93-11-163 and any provision of this chapter, the
898 provisions of Section 93-11-157 or 93-11-163, as the case may be,
899 shall control.

900 (5) The board shall be subject to the limits on disciplinary
901 action as provided in Section 73-49-5.

902 **SECTION 8.** Section 73-25-29, Mississippi Code of 1972, is
903 amended as follows:

904 73-25-29. The grounds for the nonissuance, suspension,
905 revocation or restriction of a license or the denial of
906 reinstatement or renewal of a license are:

907 (1) Habitual personal use of narcotic drugs, or any
908 other drug having addiction-forming or addiction-sustaining
909 liability.

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



912 (3) Administering, dispensing or prescribing any
913 narcotic drug, or any other drug having addiction-forming or
914 addiction-sustaining liability otherwise than in the course of
915 legitimate professional practice.

916 (4) Conviction of violation of any federal or state law
917 regulating the possession, distribution or use of any narcotic
918 drug or any drug considered a controlled substance under state or
919 federal law, a certified copy of the conviction order or judgment
920 rendered by the trial court being prima facie evidence thereof,
921 notwithstanding the pendency of any appeal.

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

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

928 (7) Obtaining or attempting to obtain a license by
929 fraud or deception.

930 (8) Unprofessional conduct, which includes, but is not
931 limited to:

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

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



936 (c) Making or willfully causing to be made any
937 flamboyant claims concerning the licensee's professional
938 excellence.

939 (d) Being guilty of any dishonorable or unethical
940 conduct likely to deceive, defraud or harm the public.

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

948 (f) Use of any false, fraudulent or forged
949 statement or document, or the use of any fraudulent, deceitful,
950 dishonest or immoral practice in connection with any of the
951 licensing requirements, including the signing in his professional
952 capacity any certificate that is known to be false at the time he
953 makes or signs such certificate.

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

957 (9) The refusal of a licensing authority of another
958 state or jurisdiction to issue or renew a license, permit or
959 certificate to practice medicine in that jurisdiction or the
960 revocation, suspension or other restriction imposed on a license,



961 permit or certificate issued by such licensing authority which
962 prevents or restricts practice in that jurisdiction, a certified
963 copy of the disciplinary order or action taken by the other state
964 or jurisdiction being prima facie evidence thereof,
965 notwithstanding the pendency of any appeal.

966 (10) Surrender of a license or authorization to
967 practice medicine in another state or jurisdiction or surrender of
968 membership on any medical staff or in any medical or professional
969 association or society while under disciplinary investigation by
970 any of those authorities or bodies for acts or conduct similar to
971 acts or conduct which would constitute grounds for action as
972 defined in this section.

973 (11) Final sanctions imposed by the United States
974 Department of Health and Human Services, Office of Inspector
975 General or any successor federal agency or office, based upon a
976 finding of incompetency, gross misconduct or failure to meet
977 professionally recognized standards of health care; a certified
978 copy of the notice of final sanction being prima facie evidence
979 thereof. As used in this paragraph, the term "final sanction"
980 means the written notice to a physician from the United States
981 Department of Health and Human Services, Officer of Inspector
982 General or any successor federal agency or office, which
983 implements the exclusion.

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



986 (13) Violation of any provision(s) of the Medical
987 Practice Act or the rules and regulations of the board or of any
988 order, stipulation or agreement with the board.

989 (14) Violation(s) of the provisions of Sections
990 41-121-1 through 41-121-9 relating to deceptive advertisement by
991 health care practitioners.

992 (15) Performing or inducing an abortion on a woman in
993 violation of any provision of Sections 41-41-131 through
994 41-41-145.

995 (16) Performing an abortion on a pregnant woman after
996 determining that the unborn human individual that the pregnant
997 woman is carrying has a detectable fetal heartbeat as provided in
998 Section 41-41-34.1.

999 (17) Violation(s) of any provision of Title 41, Chapter
1000 141, Mississippi Code of 1972.

1001 In addition to the grounds specified above, the board shall
1002 be authorized to suspend the license of any licensee for being out
1003 of compliance with an order for support, as defined in Section
1004 93-11-153. The procedure for suspension of a license for being
1005 out of compliance with an order for support, and the procedure for
1006 the reissuance or reinstatement of a license suspended for that
1007 purpose, and the payment of any fees for the reissuance or
1008 reinstatement of a license suspended for that purpose, shall be
1009 governed by Section 93-11-157 or 93-11-163, as the case may be.
1010 If there is any conflict between any provision of Section



1011 93-11-157 or 93-11-163 and any provision of this chapter, the
1012 provisions of Section 93-11-157 or 93-11-163, as the case may be,
1013 shall control.

1014 A physician who provides a written certification as
1015 authorized under the Mississippi Medical Cannabis Act and in
1016 compliance with rules and regulations adopted thereunder shall not
1017 be subject to any disciplinary action under this section solely
1018 due to providing the written certification.

1019 The board shall be subject to the limits on disciplinary
1020 action as provided in Section 73-49-5.

1021 **SECTION 9.** Section 73-26-5, Mississippi Code of 1972, is
1022 amended as follows:

1023 73-26-5. (1) The board shall promulgate and publish
1024 reasonable rules and regulations necessary to enable it to
1025 discharge its functions and to enforce the provisions of law
1026 regulating the practice of physician assistants. Those rules
1027 shall include, but are not limited to: qualifications for
1028 licensure for physician assistants; scope of practice of physician
1029 assistants; supervision of physician assistants; identification of
1030 physician assistants; grounds for disciplinary actions and
1031 discipline of physician assistants, which through June 30, 2025,
1032 shall specifically include discipline for violation(s) of the
1033 provisions of Sections 41-121-1 through 41-121-9 relating to
1034 deceptive advertisement by health care practitioners; and setting
1035 and charging reasonable fees for licensure and license renewals



1036 for physician assistants. However, nothing in this chapter or in
1037 rules adopted by the board shall authorize physician assistants to
1038 administer or monitor general inhaled anesthesia, epidural
1039 anesthesia, spinal anesthesia or monitored anesthesia as utilized
1040 in surgical procedures. In addition, the board shall not adopt
1041 any rule or regulation or impose any requirement regarding the
1042 licensing of physician assistants that conflicts with the
1043 prohibitions in Section 73-49-3. The board shall promulgate rules
1044 for licensure and license renewals in accordance with Section
1045 33-1-39.

1046 (2) If the board appoints a task force or committee to
1047 address physician assistant regulation, at least one (1) member of
1048 the task force shall be a nurse practitioner who is a member of
1049 the Mississippi Board of Nursing or a nurse practitioner appointee
1050 selected by the board from a list of three (3) recommendations
1051 submitted by the Mississippi Nurses Association, and at least one
1052 (1) member shall be a physician assistant selected by the board
1053 from a list of three (3) recommendations submitted by the
1054 Mississippi Academy of Physician Assistants.

1055 (3) The board shall be subject to the limits on disciplinary
1056 action as provided in Section 73-49-5.

1057 **SECTION 10.** Section 73-27-13, Mississippi Code of 1972, is
1058 amended as follows:

1059 73-27-13. (1) The State Board of Medical Licensure may
1060 refuse to issue, suspend, revoke or otherwise restrict any license



1061 provided for in this chapter, with the advice of the advisory
1062 committee, based upon the following grounds:

1063 (a) Habitual personal use of narcotic drugs, or any
1064 other drug having addiction-forming or addiction-sustaining
1065 liability.

1066 (b) Habitual use of intoxicating liquors, or any
1067 beverage, to an extent which affects professional competency.

1068 (c) Administering, dispensing or prescribing any
1069 narcotic drug, or any other drug having addiction-forming or
1070 addiction-sustaining liability otherwise than in the course of
1071 legitimate professional practice.

1072 (d) Conviction of violation of any federal or state law
1073 regulating the possession, distribution or use of any narcotic
1074 drug or any drug considered a controlled substance under state or
1075 federal law.

1076 (e) Performing any medical diagnosis or treatment
1077 outside the scope of podiatry as defined in Section 73-27-1.

1078 (f) Conviction of a felony or misdemeanor involving
1079 moral turpitude.

1080 (g) Obtaining or attempting to obtain a license by
1081 fraud or deception.

1082 (h) Unprofessional conduct, which includes, but is not
1083 limited to:

1084 (i) Practicing medicine under a false or assumed
1085 name or impersonating another practitioner, living or dead.



1086 (ii) Knowingly performing any act which in any way
1087 assists an unlicensed person to practice podiatry.

1088 (iii) Making or willfully causing to be made any
1089 flamboyant claims concerning the licensee's professional
1090 excellence.

1091 (iv) Being guilty of any dishonorable or unethical
1092 conduct likely to deceive, defraud or harm the public.

1093 (v) Obtaining a fee as personal compensation or
1094 gain from a person on fraudulent representation a disease or
1095 injury condition generally considered incurable by competent
1096 medical authority in the light of current scientific knowledge and
1097 practice can be cured or offering, undertaking, attempting or
1098 agreeing to cure or treat the same by a secret method, which he
1099 refuses to divulge to the board upon request.

1100 (vi) Use of any false, fraudulent or forged
1101 statement or document, or the use of any fraudulent, deceitful,
1102 dishonest or immoral practice in connection with any of the
1103 licensing requirements, including the signing in his professional
1104 capacity any certificate that is known to be false at the time he
1105 makes or signs such certificate.

1106 (vii) Failing to identify a podiatrist's school of
1107 practice in all professional uses of his name by use of his earned
1108 degree or a description of his school of practice.

1109 (i) The refusal of a licensing authority of another
1110 state to issue or renew a license, permit or certificate to



1111 practice podiatry in that state or the revocation, suspension or
1112 other restriction imposed on a license, permit or certificate
1113 issued by such licensing authority which prevents or restricts
1114 practice in that state.

1115 (j) Violation(s) of the provisions of Sections 41-121-1
1116 through 41-121-9 relating to deceptive advertisement by health
1117 care practitioners. This paragraph shall stand repealed on July
1118 1, 2025.

1119 (2) Upon the nonissuance, suspension or revocation of a
1120 license to practice podiatry, the board may, in its discretion and
1121 with the advice of the advisory committee, reissue a license after
1122 a lapse of six (6) months. No advertising shall be permitted
1123 except regular professional cards.

1124 (3) In its investigation of whether the license of a
1125 podiatrist should be suspended, revoked or otherwise restricted,
1126 the board may inspect patient records in accordance with the
1127 provisions of Section 73-25-28.

1128 (4) In addition to the grounds specified in subsection (1)
1129 of this section, the board shall be authorized to suspend the
1130 license of any licensee for being out of compliance with an order
1131 for support, as defined in Section 93-11-153. The procedure for
1132 suspension of a license for being out of compliance with an order
1133 for support, and the procedure for the reissuance or reinstatement
1134 of a license suspended for that purpose, and the payment of any
1135 fees for the reissuance or reinstatement of a license suspended



1136 for that purpose, shall be governed by Section 93-11-157 or
1137 93-11-163, as the case may be. If there is any conflict between
1138 any provision of Section 93-11-157 or 93-11-163 and any provision
1139 of this chapter, the provisions of Section 93-11-157 or 93-11-163,
1140 as the case may be, shall control.

1141 (5) The board shall be subject to the limits on disciplinary
1142 action as provided in Section 73-49-5.

1143 **SECTION 11.** Section 73-31-21, Mississippi Code of 1972, is
1144 amended as follows:

1145 73-31-21. (1) The board, by an affirmative vote of at least
1146 four (4) of its seven (7) members, shall withhold, deny, revoke or
1147 suspend any license issued or applied for in accordance with the
1148 provisions of this chapter, or otherwise discipline a licensed
1149 psychologist, upon proof that the applicant or licensed
1150 psychologist:

1151 (a) Has violated the current code of ethics of the
1152 American Psychological Association or other codes of ethical
1153 standards adopted by the board; or

1154 (b) Has been convicted of a felony or any offense
1155 involving moral turpitude, the record of conviction being
1156 conclusive evidence thereof; or

1157 (c) Is using any substance or any alcoholic beverage to
1158 an extent or in a manner dangerous to any other person or the
1159 public, or to an extent that the use impairs his or her ability to



1160 perform the work of a professional psychologist with safety to the
1161 public; or

1162 (d) Has impersonated another person holding a
1163 psychologist license or allowed another person to use his or her
1164 license; or

1165 (e) Has used fraud or deception in applying for a
1166 license or in taking an examination provided for in this chapter;
1167 or

1168 (f) Has accepted commissions or rebates or other forms
1169 of remuneration for referring clients to other professional
1170 persons; or

1171 (g) Has performed psychological services outside of the
1172 area of his or her training, experience or competence; or

1173 (h) Has allowed his or her name or license issued under
1174 this chapter to be used in connection with any person or persons
1175 who perform psychological services outside of the area of their
1176 training, experience or competence; or

1177 (i) Is legally adjudicated mentally incompetent, the
1178 record of that adjudication being conclusive evidence thereof; or

1179 (j) Has willfully or negligently violated any of the
1180 provisions of this chapter. The board may recover from any person
1181 disciplined under this chapter, the costs of investigation,
1182 prosecution, and adjudication of the disciplinary action.

1183 (2) Notice shall be effected by registered mail or personal
1184 service setting forth the particular reasons for the proposed



1185 action and fixing a date not less than thirty (30) days nor more
1186 than sixty (60) days from the date of the mailing or that service,
1187 at which time the applicant or licensee shall be given an
1188 opportunity for a prompt and fair hearing. For the purpose of the
1189 hearing, the board, acting by and through its executive secretary,
1190 may subpoena persons and papers on its own behalf and on behalf of
1191 the applicant or licensee, may administer oaths and may take
1192 testimony. That testimony, when properly transcribed, together
1193 with the papers and exhibits, shall be admissible in evidence for
1194 or against the applicant or licensee. At the hearing, the
1195 applicant or licensee may appear by counsel and personally in his
1196 or her own behalf. Any person sworn and examined by a witness in
1197 the hearing shall not be held to answer criminally, nor shall any
1198 papers or documents produced by the witness be competent evidence
1199 in any criminal proceedings against the witness other than for
1200 perjury in delivering his or her evidence. On the basis of any
1201 such hearing, or upon default of applicant or licensee, the board
1202 shall make a determination specifying its findings of fact and
1203 conclusions of law. A copy of that determination shall be sent by
1204 registered mail or served personally upon the applicant or
1205 licensee. The decision of the board denying, revoking or
1206 suspending the license shall become final thirty (30) days after
1207 so mailed or served, unless within that period the applicant or
1208 licensee appeals the decision to the chancery court, under the
1209 provisions hereof, and the proceedings in chancery shall be



1210 conducted as other matters coming before the court. All
1211 proceedings and evidence, together with exhibits, presented at the
1212 hearing before the board shall be admissible in evidence in court
1213 in the appeal.

1214 (3) The board may subpoena persons and papers on its own
1215 behalf and on behalf of the respondent, may administer oaths and
1216 may compel the testimony of witnesses. It may issue commissions
1217 to take testimony, and testimony so taken and sworn to shall be
1218 admissible in evidence for and against the respondent. The board
1219 shall be entitled to the assistance of the chancery court or the
1220 chancellor in vacation, which, on petition by the board, shall
1221 issue ancillary subpoenas and petitions and may punish as for
1222 contempt of court in the event of noncompliance therewith.

1223 (4) Every order and judgment of the board shall take effect
1224 immediately on its promulgation unless the board in the order or
1225 judgment fixes a probationary period for the applicant or
1226 licensee. The order and judgment shall continue in effect unless
1227 upon appeal the court by proper order or decree terminates it
1228 earlier. The board may make public its order and judgments in
1229 any manner and form as it deems proper. It shall, in event of the
1230 suspension or revocation of a license, direct the clerk of the
1231 circuit court of the county in which that license was recorded to
1232 cancel that record.

1233 (5) Nothing in this section shall be construed as limiting
1234 or revoking the authority of any court or of any licensing or



1235 registering officer or board, other than the Mississippi Board of
1236 Psychology, to suspend, revoke and reinstate licenses and to
1237 cancel registrations under the provisions of Section 41-29-311.

1238 (6) Suspension by the board of the license of a psychologist
1239 shall be for a period not exceeding one (1) year. At the end of
1240 this period the board shall reevaluate the suspension, and shall
1241 either reinstate or revoke the license. A person whose license
1242 has been revoked under the provisions of this section may reapply
1243 for a license after more than two (2) years have elapsed from the
1244 date that the denial or revocation is legally effective.

1245 (7) In addition to the reasons specified in subsection (1)
1246 of this section, the board shall be authorized to suspend the
1247 license of any licensee for being out of compliance with an order
1248 for support, as defined in Section 93-11-153. The procedure for
1249 suspension of a license for being out of compliance with an order
1250 for support, and the procedure for the reissuance or reinstatement
1251 of a license suspended for that purpose, and the payment of any
1252 fees for the reissuance or reinstatement of a license suspended
1253 for that purpose, shall be governed by Section 93-11-157. Actions
1254 taken by the board in suspending a license when required by
1255 Section 93-11-157 or 93-11-163 are not actions from which an
1256 appeal may be taken under this section. Any appeal of a license
1257 suspension that is required by Section 93-11-157 or 93-11-163
1258 shall be taken in accordance with the appeal procedure specified
1259 in Section 93-11-157 or 93-11-163, as the case may be, rather than



1260 the procedure specified in this section. If there is any conflict
1261 between any provision of Section 93-11-157 or 93-11-163 and any
1262 provision of this chapter, the provisions of Section 93-11-157 or
1263 93-11-163, as the case may be, shall control.

1264 (8) The board may issue a nondisciplinary, educational
1265 letter to licensees as provided in Section 73-31-7(2)(g). The
1266 board may also direct a psychologist to obtain a formal assessment
1267 of ability to practice safely if there is reason to believe there
1268 may be impairment due to substance abuse or mental incapacity.
1269 Licensees who may be impaired, but who are able to practice
1270 safely, may be required by the board to seek appropriate treatment
1271 and/or supervision. That action by the board in itself will not
1272 be considered disciplinary.

1273 (9) The board shall be subject to the limits on disciplinary
1274 action as provided in Section 73-49-5.

1275 **SECTION 12.** Section 73-39-77, Mississippi Code of 1972, is
1276 amended as follows:

1277 73-39-77. (1) Upon a written complaint sworn to by any
1278 person, the board, in its sole discretion, may, after a hearing,
1279 revoke, suspend or limit for a certain time a license, impose an
1280 administrative fine not to exceed One Thousand Dollars (\$1,000.00)
1281 for each separate offense, or otherwise discipline any licensed
1282 veterinarian for any of the following reasons:

1283 (a) The employment of fraud, misrepresentation or
1284 deception in obtaining a license.



1285 (b) The inability to practice veterinary medicine with
1286 reasonable skill and safety because of a physical or mental
1287 disability, including deterioration of mental capacity, loss of
1288 motor skills or abuse of drugs or alcohol of sufficient degree to
1289 diminish the person's ability to deliver competent patient care.

1290 (c) The use of advertising or solicitation that is
1291 false or misleading.

1292 (d) Conviction of the following in any federal court or
1293 in the courts of this state or any other jurisdiction, regardless
1294 of whether the sentence is deferred:

1295 (i) Any felony;

1296 (ii) Any crime involving cruelty, abuse or neglect
1297 of animals, including bestiality;

1298 (iii) Any crime of moral turpitude;

1299 (iv) Any crime involving unlawful sexual contact,
1300 child abuse, the use or threatened use of a weapon, the infliction
1301 of injury, indecent exposure, perjury, false reporting, criminal
1302 impersonation, forgery and any other crime involving a lack of
1303 truthfulness, veracity or honesty, intimidation of a victim or
1304 witness, larceny, or alcohol or drugs.

1305 For the purposes of this paragraph, a plea of guilty or a
1306 plea of nolo contendere accepted by the court shall be considered
1307 as a conviction.

1308 (e) Incompetence, gross negligence or other malpractice
1309 in the practice of veterinary medicine.



- 1310 (f) Aiding the unlawful practice of veterinary
1311 medicine.
- 1312 (g) Fraud or dishonesty in the application or reporting
1313 of any test for disease in animals.
- 1314 (h) Failure to report, as required by law, or making
1315 false or misleading report of, any contagious or infectious
1316 disease.
- 1317 (i) Failure to keep accurate patient records.
- 1318 (j) Dishonesty or gross negligence in the performance
1319 of food safety inspections or in the issuance of any health or
1320 inspection certificates.
- 1321 (k) Failure to keep veterinary premises and equipment,
1322 including practice vehicles, in a clean and sanitary condition.
- 1323 (l) Failure to permit the board or its agents to enter
1324 and inspect veterinary premises and equipment, including practice
1325 vehicles, as set by rules promulgated by the board.
- 1326 (m) Revocation, suspension or limitation of a license
1327 to practice veterinary medicine by another state, territory or
1328 district of the United States.
- 1329 (n) Loss or suspension of accreditation by any federal
1330 or state agency.
- 1331 (o) Unprofessional conduct as defined in regulations
1332 adopted by the board.
- 1333 (p) The dispensing, distribution, prescription or
1334 administration of any veterinary prescription drug, or the



1335 extralabel use of any drug in the absence of a
1336 veterinarian-client-patient relationship.

1337 (q) Violations of state or federal drug laws.

1338 (r) Violations of any order of the board.

1339 (s) Violations of this chapter or of the rules
1340 promulgated under this chapter.

1341 (t) Violation(s) of the provisions of Sections 41-121-1
1342 through 41-121-9 relating to deceptive advertisement by health
1343 care practitioners. This paragraph shall stand repealed on July
1344 1, 2025.

1345 (2) A certified copy of any judgment of conviction or
1346 finding of guilt by a court of competent jurisdiction or by a
1347 governmental agency, or agency authorized to issue licenses or
1348 permits, including the United States Department of Agriculture,
1349 Animal and Plant Health Inspection Service, the Mississippi Board
1350 of Animal Health and the Mississippi Board of Health, of a
1351 veterinarian or veterinary technician of any matters listed in
1352 this section shall be admissible in evidence in any hearing held
1353 by the board to discipline such veterinarian or technician and
1354 shall constitute prima facie evidence of the commission of any
1355 such act.

1356 (3) The board shall be subject to the limits on disciplinary
1357 action as provided in Section 73-49-5.

1358 **SECTION 13.** Section 73-71-33, Mississippi Code of 1972, is
1359 amended as follows:



1360 73-71-33. (1) The following acts constitute grounds for
1361 which the board may initiate disciplinary actions:

1362 (a) Attempting to obtain, or renewing a license to
1363 practice acupuncture by bribery or misinterpretation;

1364 (b) Having a license to practice acupuncture revoked,
1365 suspended, or otherwise acted against, including the denial of
1366 licensure by the licensing authority of another state or territory
1367 for reasons that would preclude licensure in this state;

1368 (c) Being convicted or found guilty, regardless of
1369 adjudication, in any jurisdiction of a felony, or a crime of moral
1370 turpitude, or a crime that directly relates to acupuncture. For
1371 the purposes of this paragraph, a plea of guilty or a plea of nolo
1372 contendere accepted by the court shall be considered as a
1373 conviction;

1374 (d) Advertising, practicing, or attempting to practice
1375 under a name other than one's own;

1376 (e) The use of advertising or solicitation that is
1377 false or misleading;

1378 (f) Aiding, assisting, procuring, employing or
1379 advertising an unlicensed person to practice acupuncture contrary
1380 to this chapter or a rule of the board;

1381 (g) Failing to perform any statutory or legal
1382 obligation placed upon an acupuncture practitioner;

1383 (h) Making or filing a report that the licensee knows
1384 to be false, intentionally or negligently failing to file a report



1385 required by state or federal law, willfully impeding or
1386 obstructing that filing or inducing another person to do so.
1387 Those reports shall include only those that are signed in the
1388 capacity of an acupuncture practitioner;

1389 (i) Exercising coercion, intimidation or undue
1390 influence in entering into sexual relations with a patient, or
1391 continuing the patient-practitioner relationship with a patient
1392 with whom the licensee has sexual relations, if those sexual
1393 relations cause the licensee to perform services incompetently.
1394 This paragraph shall not apply to sexual relations between
1395 acupuncture practitioners and their spouses;

1396 (j) Making deceptive, untrue or fraudulent
1397 misrepresentations in the practice of acupuncture;

1398 (k) Soliciting patients, either personally or through
1399 an agent, through the use of fraud, intimidation or undue
1400 influence, or a form of overreaching conduct;

1401 (l) Failing to keep written medical records justifying
1402 the course of treatment of the patient;

1403 (m) Exercising undue influence on the patient to
1404 exploit the patient for financial gain of the licensee or of a
1405 third party;

1406 (n) Being unable to practice acupuncture with
1407 reasonable skill and safety to patients by reason of illness or
1408 intemperate use of alcohol, drugs, narcotics, chemicals, or any



1409 other type of material or as a result of any mental or physical
1410 condition;

1411 (o) Malpractice or the failure to practice acupuncture
1412 to that level of care, skill and treatment that is recognized by a
1413 reasonably prudent similar practitioner of acupuncture as being
1414 acceptable under similar conditions and circumstances;

1415 (p) Practicing or offering to practice beyond the scope
1416 permitted by law or accepting or performing professional
1417 responsibilities that the licensee knows or has reason to know
1418 that he or she is not qualified by training, experience or
1419 certification to perform;

1420 (q) Delegating professional responsibilities to a
1421 person when the licensee delegating those responsibilities knows,
1422 or has reason to know, that the person is not qualified by
1423 training, experience or licensure to perform them;

1424 (r) Violating any provision of this chapter, a rule of
1425 the board, or a lawful order of the board previously entered in a
1426 disciplinary hearing or failing to comply with a lawfully issued
1427 subpoena of the board;

1428 (s) Conspiring with another to commit an act, or
1429 committing an act, that coerces, intimidates or precludes another
1430 licensee from lawfully advertising or providing his or her
1431 services;

1432 (t) Fraud or deceit, or gross negligence, incompetence
1433 or misconduct in the operation of a course of study;



1434 (u) Failing to comply with state, county or municipal
1435 regulations or reporting requirements relating to public health
1436 and the control of contagious and infectious disease;

1437 (v) Failing to comply with any rule of the board
1438 relating to health and safety, including, but not limited to,
1439 sterilization of equipment and the disposal of potentially
1440 infectious materials;

1441 (w) Incompetence, gross negligence or other malpractice
1442 in the practice of acupuncture;

1443 (x) Aiding the unlawful practice of acupuncture;

1444 (y) Fraud or dishonesty in the application or reporting
1445 of any test for disease;

1446 (z) Failure to report, as required by law, or making
1447 false or misleading report of, any contagious or infectious
1448 disease;

1449 (aa) Failure to keep accurate patient records; or

1450 (bb) Failure to permit the board or its agents to enter
1451 and inspect acupuncture premises and equipment as set by rules
1452 promulgated by the board.

1453 (2) The board shall be subject to the limits on disciplinary
1454 action as provided in Section 73-49-5.

1455 **SECTION 14.** Section 73-75-19, Mississippi Code of 1972, is
1456 amended as follows:

1457 73-75-19. **License denial, suspension, or revocation.** (1)

1458 The board, by an affirmative vote of at least three (3) of its



1459 five (5) members, shall withhold, deny, revoke or suspend any
1460 license issued or applied for in accordance with the provisions of
1461 this chapter, or otherwise discipline a licensed behavior analyst
1462 or licensed assistant behavior analyst upon finding that the
1463 applicant or licensee:

1464 (a) Has violated the current Behavior Analyst
1465 Certification Board Professional Disciplinary and Ethical
1466 Standards, the Behavior Analyst Certification Board Guidelines for
1467 Responsible Conduct for Behavior Analysts, or other codes of
1468 ethical standards adopted by the board, or has lost or failed to
1469 renew certification by the Behavior Analyst Certification Board;
1470 or

1471 (b) Has been convicted of a felony or any offense
1472 involving moral turpitude, the record of conviction being
1473 conclusive evidence thereof; or

1474 (c) Is using any narcotic or any alcoholic beverage to
1475 an extent or in a manner dangerous to any other person or the
1476 public, or to an extent that such use impairs his ability to
1477 perform the work of a licensed behavior analyst or licensed
1478 assistant behavior analyst; or

1479 (d) Has impersonated another person holding a license
1480 issued under this chapter or allowed another person to use his
1481 license; or

1482 (e) Has used fraud or deception in applying for a
1483 license provided for in this chapter; or



1484 (f) Has accepted commissions or rebates or other forms
1485 of remuneration for referring clients to other professional
1486 persons; or

1487 (g) Has allowed his name or license issued under this
1488 chapter to be used in connection with any person or persons who
1489 perform applied behavior analysis services outside the area of
1490 their training, experience or competence; or

1491 (h) Is legally adjudicated mentally incompetent, the
1492 record of such adjudication being conclusive evidence thereof; or

1493 (i) Has willfully or negligently violated any of the
1494 provisions of this chapter.

1495 (2) The board may recover from any person disciplined under
1496 this chapter the costs of investigation, prosecution, and
1497 adjudication of the disciplinary action.

1498 (3) Notice shall be effected by registered mail or personal
1499 service setting forth the particular reasons for the proposed
1500 action and fixing a date not less than thirty (30) days nor more
1501 than sixty (60) days from the date of such mailing or such
1502 service, at which time the applicant or licensee shall be given an
1503 opportunity for a prompt and fair hearing. For the purpose of
1504 such hearing the board, acting by and through its executive
1505 secretary, may exercise all authority granted to conduct
1506 investigations and hearings pursuant to Section 73-75-9(2) (a) and
1507 (b). At such hearing the applicant or licensee may appear by
1508 counsel and personally on his own behalf. On the basis of any



1509 such hearing, or upon default of applicant or licensee, the board
1510 shall make a determination specifying its findings of fact and
1511 conclusions of law. A copy of such determination shall be sent by
1512 registered mail or served personally upon the applicant or
1513 licensee. The decision of the board denying, revoking or
1514 suspending the license shall become final thirty (30) days after
1515 so mailed or served unless within that period the licensee appeals
1516 the decision to the Chancery Court of Madison or Rankin Counties,
1517 pursuant to the provisions hereof, and the proceedings in chancery
1518 shall be conducted as other matters coming before the court. All
1519 proceedings and evidence, together with exhibits, presented at
1520 such hearing before the board in the event of appeal, shall be
1521 admissible in evidence in the court.

1522 (4) Nothing in this subsection shall be interpreted to
1523 prohibit the board from immediately suspending any license prior
1524 to a hearing under subsection (3) of this section, when in its
1525 sole discretion the suspension is required for the instruction,
1526 safety or well-being of any member of the public.

1527 (5) Every order and judgment of the board shall take effect
1528 immediately upon its promulgation unless the board in such order
1529 or judgment fixes a probationary period for applicant or licensee.
1530 Such order and judgment shall continue in effect unless upon
1531 appeal the court by proper order or decree terminates it earlier.
1532 The board may make public its order and judgments in such manner
1533 and form as it deems proper.



1534 (6) Suspension by the board of a license issued under this
1535 chapter shall be for a period not to exceed one (1) year. At the
1536 end of this period the board shall reevaluate the suspension, and
1537 shall either reinstate or revoke the license. A person whose
1538 license has been revoked under the provisions of this section may
1539 reapply for license after more than two (2) years have elapsed
1540 from the date such revocation is legally effective.

1541 (7) In addition to the reasons specified in subsection (1)
1542 of this section, the board shall be authorized to suspend the
1543 license of any licensee for being out of compliance with an order
1544 for support, in compliance with the procedures set forth in
1545 Sections 93-11-151 through 93-11-163.

1546 (8) The board shall be subject to the limits on disciplinary
1547 action as provided in Section 73-49-5.

1548 **SECTION 15.** This act shall take effect and be in force from
1549 and after July 1, 2024.

