

By: Senator(s) Blackwell

To: Public Health and Welfare

SENATE BILL NO. 2240  
(As Passed the Senate)

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 EXCLUDE INDIVIDUALS ENGAGED SOLELY IN THE PRACTICE OF MIDWIFERY  
29 FROM THE CHAPTER; TO CONFORM TO THE PROVISIONS OF THE ACT; TO  
30 CREATE NEW SECTION 73-43-19, MISSISSIPPI CODE OF 1972, TO REQUIRE  
31 THE MISSISSIPPI PHYSICIAN HEALTH PROGRAM TO PROVIDE PERFORMANCE  
32 STATISTICS TO THE STATE BOARD OF MEDICAL LICENSURE; TO AMEND  
33 SECTION 73-43-3, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR  
34 ADDITIONAL MEMBERS OF THE BOARD WHO SHALL BE MEMBERS OF THE PUBLIC



35 NOT RELATED TO THE HEALTHCARE INDUSTRY; TO REPEAL SECTIONS  
36 73-25-7, 73-25-9, 73-25-15, 73-25-19, 73-25-25, 73-25-39 AND  
37 73-25-81, MISSISSIPPI CODE OF 1972, WHICH REQUIRE THE STATE BOARD  
38 OF MEDICAL LICENSURE TO MEET AT THE CAPITOL AT LEAST ONCE EACH  
39 YEAR FOR THE PURPOSE OF EXAMINING APPLICANTS; WHICH PROVIDES FOR  
40 THE FEE CHARGED BY THE STATE BOARD OF MEDICAL LICENSURE TO APPLY  
41 FOR A LICENSE TO PRACTICE; WHICH PROVIDES FOR THE PROCEDURES FOR  
42 LOST MEDICAL LICENSES; WHICH PROVIDES FOR CERTAIN PROVISIONS  
43 RELATED TO NONRESIDENT PHYSICIANS; WHICH PROVIDES FOR CERTAIN  
44 PROCEDURES FOR THOSE DESIRING TO PRACTICE OSTEOPATHIC MEDICINE IN  
45 THE STATE; WHICH ALLOWS THE STATE BOARD OF MEDICAL LICENSURE TO  
46 CONTRACT FOR THE ACQUISITION OF BOOKS AND OTHER RECORDS; WHICH  
47 PROVIDES A TECHNICAL REFERENCE TO THE MISSISSIPPI STATE BOARD OF  
48 MEDICAL LICENSURE; AND FOR RELATED PURPOSES.

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

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

52 73-25-1. For the purposes of this chapter, the "practice of  
53 medicine" means the practice of allopathic and osteopathic  
54 medicine; provided, however, that nothing in this chapter shall  
55 apply to individuals engaged solely in the practice of midwifery.  
56 For the purposes of this chapter, "physician" means a medical  
57 doctor or a doctor of osteopathic medicine. Every person who  
58 desires to practice medicine must first obtain a license to do so  
59 from the State Board of Medical Licensure, but this section shall  
60 not apply to physicians now holding permanent license, the same  
61 having been recorded as required by law.

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

64 73-25-3. Every person who desires to obtain a license to  
65 practice medicine must apply therefor, in writing, to the  
66 Mississippi State Board of Medical Licensure \* \* \*. If the



67 applicant is found by the board, upon examination, to possess  
68 sufficient \* \* \* qualifications, the board shall issue \* \* \* the  
69 applicant a license to practice medicine; however, no applicant  
70 shall be granted a license unless the applicant holds a diploma  
71 from a \* \* \* medical college or college of osteopathic  
72 medicine \* \* \* listed in the World Directory of Medical Schools or  
73 its successor, or by an equivalent board-approved directory or  
74 entity.

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

90 Any and all state or national criminal history records  
91 information obtained by the board that is not already a matter of



92 public record shall be deemed nonpublic and confidential  
93 information restricted to the exclusive use of the board, its  
94 members, officers, investigators, agents and attorneys in  
95 evaluating the applicant's eligibility or disqualification for  
96 licensure, and shall be exempt from the Mississippi Public Records  
97 Act of 1983. Except when introduced into evidence in a hearing  
98 before the board to determine licensure, no such information or  
99 records related thereto shall, except with the written consent of  
100 the applicant or by order of a court of competent jurisdiction, be  
101 released or otherwise disclosed by the board to any other person  
102 or agency.

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

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

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

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



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

118 Each application or filing made under this section shall  
119 include the active and valid social security number(s) of the  
120 applicant in accordance with Section 93-11-64, Mississippi Code of  
121 1972.

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

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

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



140 impaired \* \* \* licensees. \* \* \* Upon receipt of the application  
141 and fee, the board shall verify the accuracy of the application  
142 and issue to applicant a certificate of renewal for the ensuing  
143 year, beginning July 1 and expiring June 30 of the succeeding  
144 calendar year. That renewal shall render the holder thereof a  
145 legal practitioner as stated on the renewal form.

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

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



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

167 \* \* \*

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

170 73-25-17. (1) \* \* \* The executive officer of the \* \* \*  
171 board \* \* \* may issue \* \* \* a temporary license to practice  
172 medicine \* \* \* in compliance with the rules and regulations of the  
173 board, provided that such license shall not exceed fourteen (14)  
174 days for a physician who does not plan to study or practice in the  
175 state permanently. The executive director may issue a temporary  
176 license to practice medicine for up to one (1) year if the  
177 applicant is a person in an internship, residency or fellowship  
178 program created through the Office of Mississippi Physician  
179 Workforce or accredited through the Accreditation Council for  
180 Graduate Medical Education.\* \* \* Any extension may only be  
181 granted by the executive committee. The temporary license of a  
182 person enrolled in any \* \* \* Accreditation Council for Graduate  
183 Medical Education (ACGME), residency or fellowship program within  
184 the state, \* \* \* may be renewed annually for the duration of the  
185 internship, residency or fellowship program for a period not to  
186 exceed \* \* \* eight (8) years, except when in combination with a  
187 Ph.D. program.



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

192 \* \* \*

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

195 73-25-18. (1) (a) There is established a special volunteer  
196 medical license for physicians who are retired from active  
197 practice, or are currently serving on active duty in the Armed  
198 Forces of the United States or in the National Guard or a reserve  
199 component of the Armed Forces of the United States, or are working  
200 as physicians for the Department of Veterans Affairs, and wish to  
201 donate their expertise for the medical care and treatment of  
202 indigent and needy persons or persons in medically underserved  
203 areas of the state. The special volunteer medical license shall  
204 be issued by the State Board of Medical Licensure to eligible  
205 physicians without the payment of any application fee, examination  
206 fee, license fee or renewal fee, shall be issued for a fiscal year  
207 or part thereof, and shall be renewable annually upon approval of  
208 the board.

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

211 (i) Completion of a special volunteer medical  
212 license application, including documentation of the physician's





213 medical school or osteopathic school graduation and practice  
214 history;

215 (ii) Documentation that the physician \* \* \*  
216 otherwise qualifies for an unrestricted license to practice  
217 medicine in Mississippi or in another state of the United States  
218 and that he or she has never been the subject of any medical  
219 disciplinary action in any jurisdiction;

220 (iii) Acknowledgement and documentation that the  
221 physician's practice under the special volunteer medical license  
222 will be exclusively and totally devoted to providing medical care  
223 to needy and indigent persons in Mississippi or persons in  
224 medically underserved areas in Mississippi; and

225 (iv) Acknowledgement and documentation that the  
226 physician will not receive any payment or compensation, either  
227 direct or indirect, or have the expectation of any payment or  
228 compensation, for any medical services rendered under the special  
229 volunteer medical license.

230 (2) (a) There is established a special volunteer license  
231 for physician assistants who are retired from active practice, or  
232 are currently serving on active duty in the Armed Forces of the  
233 United States or in the National Guard or a reserve component of  
234 the Armed Forces of the United States, or are working as physician  
235 assistants for the Department of Veterans Affairs, and wish to  
236 donate their expertise for the care and treatment of indigent and  
237 needy persons or persons in medically underserved areas of the



238 state. The special volunteer physician assistant license shall be  
239 issued by the State Board of Medical Licensure to eligible  
240 physician assistants without the payment of any application fee,  
241 examination fee, license fee or renewal fee, shall be issued for a  
242 fiscal year or part thereof, and shall be renewable annually upon  
243 approval of the board.

244 (b) A physician assistant must meet the following  
245 requirements to be eligible for a special volunteer physician  
246 assistant license:

247 (i) Completion of an application for a special  
248 volunteer physician assistant license, including documentation of  
249 the physician assistant's educational qualifications and practice  
250 history;

251 (ii) Documentation that the physician  
252 assistant \* \* \* otherwise qualifies for an unrestricted physician  
253 assistant license in Mississippi or in another state of the United  
254 States and that he or she has never been the subject of any  
255 disciplinary action in any jurisdiction;

256 (iii) Acknowledgement and documentation that the  
257 physician assistant's practice under the special volunteer  
258 physician assistant license will be exclusively and totally  
259 devoted to providing care to needy and indigent persons in  
260 Mississippi or persons in medically underserved areas in  
261 Mississippi; and



262 (iv) Acknowledgement and documentation that the  
263 physician assistant will not receive any payment or compensation,  
264 either direct or indirect, or have the expectation of any payment  
265 or compensation, for any services rendered under the special  
266 volunteer physician assistant license.

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

269 73-25-21. \* \* \* The issuance of a license by reciprocity to  
270 a military-trained applicant, military spouse or person who  
271 establishes residence in this state shall be subject to the  
272 provisions of Section 73-50-1 or 73-50-2, as applicable.

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

275 73-25-23. The Mississippi State Board of Medical Licensure  
276 is \* \* \* authorized and empowered to grant limited institutional  
277 license for the practice of medicine in state institutions to  
278 graduates of foreign medical colleges approved by the National  
279 Educational Council for Foreign Medical Graduates or its  
280 successor, subject to the conditions as set out herein.

281 Any graduate of a foreign medical college approved by the  
282 organizations specified in the foregoing paragraph who is employed  
283 or is being considered for employment to practice medicine in one  
284 or more Mississippi state-supported institution(s) located in the  
285 same county shall make application for license to the Mississippi  
286 State Board of Medical Licensure. The application shall be made



287 on a form prescribed by the Board of Medical Licensure as required  
288 by laws of the State of Mississippi. The application shall also  
289 state the institution or institutions in which the applicant has  
290 assurance of employment. The Mississippi State Board of Medical  
291 Licensure is hereby authorized to establish minimum standards of  
292 qualifications including moral, experience and proficiency for  
293 such applicants. \* \* \* Upon review of the application, and upon  
294 the satisfaction of all requirements set forth by the board, the  
295 board may issue a limited institutional license to practice  
296 medicine.

297 \* \* \*

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

310 It is the intent of this section to enable Mississippi  
311 institutions to utilize the services of qualified graduates of



312 foreign medical colleges during the period necessary for them to  
313 secure citizenship papers, and to meet other requirements for a  
314 regular license, including Educational Council for Foreign Medical  
315 Graduates certification. The Mississippi State Board of Medical  
316 Licensure is hereby authorized, in its discretion, to refuse to  
317 renew, or to revoke such limited license if the holder of such  
318 license \* \* \* fails to apply for a regular license.

319 The Mississippi State Board of Medical Licensure may  
320 establish reasonable and uniform license fees and shall make such  
321 rules and regulations as it considers necessary to carry out the  
322 purposes of this section.

323 \* \* \*

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

326 73-25-27. \* \* \* With respect to any licensee of the  
327 Mississippi State Board of Medical Licensure, after notice and  
328 opportunity for a hearing to such licensee, the board may take one  
329 or more of the actions authorized in Section 73-25-87 for any of  
330 the grounds enumerated in Section 73-25-29. The procedure for  
331 suspension of a license for being out of compliance with an order  
332 for support, and the procedure for the reissuance or reinstatement  
333 of a license suspended for that purpose, and the payment of any  
334 fees for the reissuance or reinstatement of a license suspended  
335 for that purpose, shall be governed by Section 93-11-157 or  
336 93-11-163, as the case may be. If there is any conflict between



337 any provision of Section 93-11-157 or 93-11-163 and any provision  
338 of this chapter, the provisions of Section 93-11-157 or 93-11-163,  
339 as the case may be, shall control.

340 The notice shall be effected by \* \* \* certified mail,  
341 electronic acknowledgment or personal service, or by any means set  
342 forth in the federal or state rules of civil procedure, setting  
343 forth the particular reasons for the proposed action and fixing a  
344 date not less than thirty (30) days \* \* \* from the date of the  
345 mailing or the service, at which time the \* \* \* licensee shall be  
346 given an opportunity for a prompt and fair hearing. For the  
347 purpose of the hearing the board, acting by and through its  
348 executive office, may subpoena persons and papers on its own  
349 behalf and on behalf of the \* \* \* licensee, including records  
350 obtained under Section 73-25-28 and Section 73-25-83(c), may  
351 administer oaths and the testimony when properly transcribed,  
352 together with the papers and exhibits, shall be admissible in  
353 evidence for or against the \* \* \* licensee. At the hearing  
354 the \* \* \* licensee may appear by counsel and personally in his own  
355 behalf. Any person sworn and examined as a witness in the hearing  
356 shall not be held to answer criminally, nor shall any papers or  
357 documents produced by the witness be competent evidence in any  
358 criminal proceedings against the witness other than for perjury in  
359 delivering his evidence. The board or its designee, in the  
360 conduct of any hearing, shall not be bound by strict laws or rules  
361 of evidence. The board may adopt rules and discovery and



362 procedure governing all proceedings before it. On the basis of  
363 any such hearing, or upon default of the \* \* \* licensee, the board  
364 shall make a determination specifying its findings of fact and  
365 conclusions of law. The board shall make its determination based  
366 upon a preponderance of the evidence.

367 A copy of the determination shall be sent by \* \* \* certified  
368 mail, electronic acknowledgement or served personally upon  
369 the \* \* \* licensee, or by any means set forth in the federal or  
370 state rules of civil procedure. \* \* \*

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

384 In addition to investigatory subpoenas, the board may seek  
385 the issuance of Administrative Inspection Warrants, via the  
386 issuance and service processes described in Section 41-29-157, for



387 patient records or other information relevant to the  
388 investigation. Those warrants may be issued under this section in  
389 any investigatory matter involving potential violation(s) of the  
390 Medical Practice Act and/or the Administrative Code of the board,  
391 regardless as to whether controlled substance violations are the  
392 subject of the investigation. Any person or entity who refuses to  
393 comply with any warrant duly issued under this section shall be in  
394 violation of Section 9-1-17 and shall be subject to all fines and  
395 penalties stated in that section.

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

409 Unless the court otherwise decrees, a license that has been  
410 suspended by the board \* \* \* shall become again valid if and when  
411 the board so orders, which it may do on its own motion or on the





412 petition of the respondent. A license that has been revoked shall  
413 not be restored to validity except: (1) by order of the board  
414 based on petition for reinstatement filed under Section 73-25-32  
415 or (2) by order of the chancery court or Supreme Court following  
416 appeal. \* \* \* Nothing in this chapter shall be construed as  
417 limiting or revoking the authority of any court or of any  
418 licensing or registering officer or board, other than the State  
419 Board of Medical Licensure, to suspend, revoke and reinstate  
420 licenses and to cancel registrations under the provisions of  
421 Section 41-29-311.

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

424 73-25-28. (1) In any case in which disciplinary action  
425 against a \* \* \* licensee is being considered by the Mississippi  
426 State Board of Medical Licensure, the executive \* \* \* director of  
427 the board, or its investigators \* \* \*, upon reasonable cause as  
428 defined below, may enter, at a time convenient to all parties, any  
429 hospital, clinic, surgical center, office of a \* \* \* licensee or  
430 emergency care facility to inspect and copy patient records,  
431 charts, emergency room records or any other document which would  
432 assist the board in its investigation of a \* \* \* licensee.  
433 Reasonable cause shall be demonstrated by allegations of  
434 violations of state law or the Administrative Code, including one  
435 or more of the following: (a) a single incident of gross  
436 negligence; (b) a pattern of inappropriate prescribing of



437 controlled substances; (c) an act of incompetence or negligence  
438 causing death or serious bodily injury; (d) a pattern of  
439 substandard medical care; (e) a pattern of unnecessary surgery or  
440 unindicated medical procedures; (f) disciplinary action taken  
441 against a physician or podiatrist by a licensed hospital or by the  
442 medical staff of the hospital; (g) voluntary termination by a  
443 physician or podiatrist of staff privileges or having restrictions  
444 placed thereon; or (h) habitual personal use of narcotic drugs or  
445 other drugs having addiction-forming or addiction-sustaining  
446 liability, or the habitual personal use of intoxicating liquors or  
447 alcoholic beverages, to an extent which affects professional  
448 competency. Whether reasonable cause exists shall be determined  
449 by the executive \* \* \* director and/or executive committee of the  
450 board, and documentation of that determination shall be provided  
451 to the hospital, clinic, office or emergency care facility before  
452 entry for inspection and copying hereunder.

453 (2) A certified copy of any record inspected or copied  
454 pursuant to subsection (1) shall be subject to subpoena by the  
455 board to be used as evidence before it in a licensure disciplinary  
456 proceeding initiated pursuant to the provisions of Sections  
457 73-25-1 through 73-25-39, 73-25-51 through 73-25-67, 73-25-81  
458 through 73-25-95 and 73-27-1 through 73-27-19, Mississippi Code of  
459 1972. All references to a patient's name and address or other  
460 information which would identify the patient shall be deleted from



461 the records unless a waiver of the medical privilege is obtained  
462 from the patient.

463 (3) All records of the investigation and all patient charts,  
464 records, emergency room records or any other document that may  
465 have been copied shall be kept confidential and shall not be  
466 subject to discovery or subpoena. If no disciplinary proceedings  
467 are initiated within a period of five (5) years after the  
468 determination of insufficient cause, then the board shall destroy  
469 all records obtained pursuant to this section.

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



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

488           73-25-29. The grounds for the nonissuance, suspension,  
489 revocation or restriction of a license or the denial of  
490 reinstatement or renewal of a license are:

491           (1) Habitual personal use of narcotic drugs, or any  
492 other drug having addiction-forming or addiction-sustaining  
493 liability.

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

496           (3) Administering, dispensing or prescribing any  
497 narcotic drug, or any other drug having addiction-forming or  
498 addiction-sustaining liability otherwise than in the course of  
499 legitimate professional practice.

500           (4) Conviction of violation of any federal or state law  
501 regulating the possession, distribution or use of any narcotic  
502 drug or any drug considered a controlled substance under state or  
503 federal law, a certified copy of the conviction order or judgment  
504 rendered by the trial court being prima facie evidence thereof,  
505 notwithstanding the pendency of any appeal.

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

508           (6) Conviction of a felony or misdemeanor involving  
509 moral turpitude, a certified copy of the conviction order or



510 judgment rendered by the trial court being prima facie evidence  
511 thereof, notwithstanding the pendency of any appeal.

512 (7) Obtaining or attempting to obtain a license by  
513 fraud or deception.

514 (8) Unprofessional conduct, which includes, but is not  
515 limited to:

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

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

520 (c) Making or willfully causing to be made any  
521 flamboyant claims concerning the licensee's professional  
522 excellence.

523 (d) Being guilty of any dishonorable or unethical  
524 conduct likely to impair patient care, or deceive, defraud or harm  
525 the public.

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

533 (f) Use of any false, fraudulent or forged  
534 statement or document, or the use of any fraudulent, deceitful,



535 dishonest or immoral practice in connection with any of the  
536 licensing requirements, including the signing in his professional  
537 capacity any certificate that is known to be false at the time he  
538 makes or signs such certificate.

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

542 (h) When a licensee makes, or knowingly permits  
543 any person to make, an agreement with a patient or person, or any  
544 person or entity representing patients or persons, or provides any  
545 form of consideration that would prohibit, restrict, discourage,  
546 or otherwise limit a person's ability to file a complaint with the  
547 board; to truthfully and fully answer any questions posed by an  
548 agent or representative of the board; or to participate as a  
549 witness in a board proceeding.

550 (9) The refusal of a licensing authority of another  
551 state or jurisdiction to issue or renew a license, permit or  
552 certificate to practice medicine in that jurisdiction or the  
553 revocation, suspension or other restriction imposed on a license,  
554 permit or certificate issued by such licensing authority which  
555 prevents or restricts practice in that jurisdiction, a certified  
556 copy of the disciplinary order or action taken by the other state  
557 or jurisdiction being prima facie evidence thereof,  
558 notwithstanding the pendency of any appeal.



559           (10) Surrender of a license or authorization to  
560 practice medicine in another state or jurisdiction or surrender of  
561 membership on any medical staff or in any medical or professional  
562 association or society while under disciplinary investigation by  
563 any of those authorities or bodies for acts or conduct similar to  
564 acts or conduct which would constitute grounds for action as  
565 defined in this section.

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

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

579           (13) Violation of any provision(s) of the Medical  
580 Practice Act or the rules and regulations of the board or of any  
581 order, stipulation or agreement with the board.



582 (14) Violation(s) of the provisions of Sections  
583 41-121-1 through 41-121-9 relating to deceptive advertisement by  
584 health care practitioners.

585 (15) Performing or inducing an abortion on a woman in  
586 violation of any provision of Sections 41-41-131 through  
587 41-41-145.

588 (16) Performing an abortion on a pregnant woman after  
589 determining that the unborn human individual that the pregnant  
590 woman is carrying has a detectable fetal heartbeat as provided in  
591 Section 41-41-34.1.

592 (17) Violation(s) of any provision of Title 41, Chapter  
593 141, Mississippi Code of 1972.

594 In addition to the grounds specified above, the board shall  
595 be authorized to suspend the license of any licensee for being out  
596 of compliance with an order for support, as defined in Section  
597 93-11-153. The procedure for suspension of a license for being  
598 out of compliance with an order for support, and the procedure for  
599 the reissuance or reinstatement of a license suspended for that  
600 purpose, and the payment of any fees for the reissuance or  
601 reinstatement of a license suspended for that purpose, shall be  
602 governed by Section 93-11-157 or 93-11-163, as the case may be.  
603 If there is any conflict between any provision of Section  
604 93-11-157 or 93-11-163 and any provision of this chapter, the  
605 provisions of Section 93-11-157 or 93-11-163, as the case may be,  
606 shall control.





607 A physician who provides a written certification as  
608 authorized under the Mississippi Medical Cannabis Act and in  
609 compliance with rules and regulations adopted thereunder shall not  
610 be subject to any disciplinary action under this section solely  
611 due to providing the written certification.

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

614 73-25-30. (1) The Mississippi State Board of Medical  
615 Licensure, in exercising its authority under the provisions of  
616 Section 73-25-29, shall have the power to discipline the holder of  
617 a license who has been found by the board in violation of that  
618 statute after notice and a hearing as provided by law \* \* \*.

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

629 (3) An assessment of costs under this section shall be paid  
630 to the board by the licensee, upon the expiration of the period  
631 allowed for appeals under Section 73-25-27, or may be paid sooner



632 if the licensee elects. Cost assessed under this section shall  
633 not exceed \* \* \* Twenty-Five Thousand Dollars (\$25,000.00).

634 (4) When an assessment of costs by the board against a  
635 licensee in accordance with this section is not paid by the  
636 licensee when due under this section, the licensee shall be  
637 prohibited from practicing medicine until the full amount is paid.  
638 In addition, the board may institute and maintain proceedings in  
639 its name for enforcement of payment in the Chancery Court of the  
640 First Judicial District of Hinds County. When those proceedings  
641 are instituted, the board shall certify the record of its  
642 proceedings, together with all documents and evidence, to the  
643 chancery court. The matter shall be heard in due course by the  
644 court, which shall review the record and make its determination  
645 thereon. The hearing on the matter, in the discretion of the  
646 chancellor, may be tried in vacation.

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

649 73-25-31. Every order and judgment of the board shall take  
650 effect immediately on its promulgation unless the board in such  
651 order or judgment fixes a probationary period for \* \* \* licensee.  
652 Such order and judgment shall continue in effect unless upon  
653 appeal the court by proper order or decree terminates it earlier.  
654 The board may make public its orders and judgments in such manner  
655 and form as it deems proper. \* \* \* Any decision of the board must  
656 be appealed to the chancery court under the provisions of this



657 section within thirty (30) days after being so mailed or served.  
658 The appeal period may not be extended. The appeal to the chancery  
659 court shall be based solely on the record made before the board.  
660 A transcript of the proceedings and evidence, together with  
661 exhibits presented at the hearing before the board in the event of  
662 appeal, shall be a part of the record before the chancery court.  
663 The chancery court shall dispose of the appeal and enter its  
664 decision promptly. The hearing on the appeal may, in the  
665 discretion of the chancellor, be tried in vacation. Appeals may  
666 be taken to the Supreme Court of the State of Mississippi as  
667 provided by law from any final action of the chancery court. No  
668 such person shall be allowed to practice medicine in violation of  
669 any action of the chancery court affirming, in whole or in part,  
670 the determination of the board while any such appeal to the  
671 Supreme Court is pending.

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

674       73-25-32. (1) A person whose license to practice \* \* \* has  
675 been \* \* \* suspended or previously surrendered may petition the  
676 Mississippi State Board of Medical Licensure to reinstate this  
677 license after a period of not less than one (1) year has elapsed  
678 from the date of the \* \* \* suspension or surrender. A person  
679 whose license to practice has been revoked may petition the board  
680 to reinstate his or her license after a period of not less than  
681 three (3) years, but not greater than five (5) years, has elapsed



682 from the date of the revocation. The procedure for the  
683 reinstatement of a license that is suspended for being out of  
684 compliance with an order for support, as defined in Section  
685 93-11-153, shall be governed by Section 93-11-157 or 93-11-163, as  
686 the case may be.

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

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

704 (4) The investigation shall require the petitioner to  
705 undergo a fingerprint-based criminal history records check of the  
706 Mississippi central criminal database and the Federal Bureau of



707 Investigation criminal history database. Each petitioner shall  
708 submit a full set of the petitioner's fingerprints in a form and  
709 manner prescribed by the board, which shall be forwarded to the  
710 Mississippi Department of Public Safety (department) and the  
711 Federal Bureau of Investigation Identification Division for this  
712 purpose.

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

726 The board shall provide to the department the fingerprints of  
727 the petitioner, any additional information that may be required by  
728 the department, and a form signed by the petitioner consenting to  
729 the check of the criminal records and to the use of the  
730 fingerprints and other identifying information required by the  
731 state or national repositories.



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

736 \* \* \*

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

739 73-25-33. (1) The practice of medicine shall mean \* \* \* one  
740 or more of the following, provided that nothing in this chapter  
741 shall be construed to limit duly licensed health care  
742 professionals from providing medical services within the scope of  
743 their authorizing license:

744 (a) Holding oneself out to the public within this state  
745 as being able to diagnose, treat, prescribe for, palliate, or  
746 prevent any human disease, ailment, injury, deformity, or physical  
747 or mental condition, whether by the use of drugs, surgery,  
748 manipulation, technology, or any physical, mechanical, or other  
749 means whatsoever;

750 (b) Suggesting, recommending, prescribing, or  
751 administering any form of treatment, operation, or healing for the  
752 intended palliation, relief, or cure of any physical or mental  
753 disease, ailment, injury, condition, or defect of any person, with  
754 or without the intention of receiving, either directly or  
755 indirectly, any fee, gift, or compensation;



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

760 (d) Using the title "M.D.," "D.O.," "physician,"  
761 "surgeon," or any other word or abbreviation to indicate or induce  
762 others to believe that one is engaged in the diagnosis or  
763 treatment of persons afflicted with disease, injury, defect of the  
764 body or mind, or other conditions for which treatment is sought;  
765 or

766 (e) Performing any kind of surgical operation upon  
767 another person.

768 (2) Nothing herein shall be construed to prohibit, sanction,  
769 or to require a license with respect to any of the following:

770 The practice of the following doctors as defined by the laws  
771 of this state. Furthermore, this chapter is not intended to  
772 limit, restrict, enlarge, or alter the medical and/or surgical  
773 privileges and practice of the following professions as provided  
774 by the laws of this state:

775 (a) Dentistry (DDS or DMD);

776 (b) Optometry (OD);

777 (c) Chiropractic (DC); or

778 (d) Veterinarian (DVM or (VDM).



779       (3) Nothing herein shall be construed to prohibit, sanction  
780 or punish licensed nurses, nurse practitioners or advanced  
781 practice nurses who are practicing within their scope of practice.

782       ( \* \* \*4) The practice of medicine shall not mean to provide  
783 gender transition procedures for any person under eighteen (18)  
784 years of age; or

785       ( \* \* \*5) For purposes of this section, "gender transition  
786 procedures" means the same as defined in Section 41-141-3.

787       (6) The board may, for the purposes of this chapter, issue  
788 cease and desist orders to any person(s) it has probable cause to  
789 believe is practicing medicine without first obtaining a license.  
790 Thereafter, and in addition to any other civil remedy or criminal  
791 penalty provided for by law, or in lieu thereof, the board shall  
792 be authorized to seek injunctive relief and/or imposition of civil  
793 penalties against the unlawful practice of medicine, provided that  
794 the venue for any such action shall be the Chancery Court for the  
795 First Judicial District of Hinds County. Civil penalties from  
796 such actions shall be no less than One Thousand Dollars  
797 (\$1,000.00) and no more than Twenty-Five Thousand Dollars  
798 (\$25,000.00) for each offense. The court may also award the  
799 prevailing party court costs and reasonable attorney fees and, if  
800 the board prevails, may also award reasonable costs of  
801 investigation and prosecution.

802       Any monetary penalty or assessment levied against an illegal  
803 practitioner under this section shall be paid to the state upon





804 the expiration of the period allowed for appealing those  
805 penalties, or may be paid sooner if the illegal practitioner so  
806 chooses. Monetary penalties collected by the court under this  
807 section shall be deposited to the credit of the General Fund. Any  
808 monies collected for investigation and prosecution by the board  
809 shall be deposited into the special fund of the board.

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

812       73-25-34. (1) For the purposes of this section,  
813 telemedicine, or the practice of medicine across state lines,  
814 shall be defined to include any one or both of the following:

815           (a) Rendering of a medical opinion concerning diagnosis  
816 or treatment of a patient within this state by a physician located  
817 outside this state as a result of transmission of individual  
818 patient data by electronic or other means from within this state  
819 to such physician or his agent; or

820           (b) The rendering of treatment to a patient within this  
821 state by a physician located outside this state as a result of  
822 transmission of individual patient data by electronic or other  
823 means from within this state to such physician or his agent.

824       (2) Except as hereinafter provided, no person shall engage  
825 in the practice of medicine across state lines (telemedicine) in  
826 this state, hold himself out as qualified to do the same, or use  
827 any title, word or abbreviation to indicate to or induce others to  
828 believe that he is duly licensed to practice medicine across state



829 lines in this state unless he has first obtained a license to do  
830 so from the State Board of Medical Licensure and has met all  
831 educational and licensure requirements as determined by the State  
832 Board of Medical Licensure.

833 \* \* \*

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

836 73-25-53. \* \* \* Any person holding a professional license  
837 from the Mississippi State Board of Medical Licensure shall be  
838 subject to restriction, suspension or revocation, as hereinafter  
839 provided, in case of inability of the licensee to practice  
840 medicine with reasonable skill or safety to patients by reason of  
841 one or more of the following:

842 (a) Mental illness;

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

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

847 (d) Behavioral conduct that could be addressed by  
848 treatment.

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

851 73-25-55. (1) If the State Board Of Medical Licensure has  
852 reasonable cause to believe that a \* \* \* licensee is unable to  
853 practice medicine with reasonable skill and safety to patients



854 because of a condition described in Section 73-25-53, \* \* \* the  
855 board \* \* \* shall cause an examination of such \* \* \* licensee to  
856 be made as described in subsection (2) of this section and shall,  
857 following such examination, take appropriate action within the  
858 provisions of Sections 73-25-51 through 73-25-67.

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

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

867 73-25-57. (1) The examining committee assigned to examine a  
868 physician pursuant to referral by the board under Section 73-25-55  
869 shall conduct an examination of such \* \* \* licensee for the  
870 purpose of determining the \* \* \* licensee's fitness to practice  
871 medicine with reasonable skill and safety to patients, either on a  
872 restricted or unrestricted basis, and shall report its findings  
873 and recommendations to the board. The committee shall order  
874 the \* \* \* licensee to appear before the committee for examination  
875 and give him ten (10) days' notice of time and place of the  
876 examination, together with a statement of the cause for such  
877 examination. Such notice shall be served upon the \* \* \* licensee



878 either personally or by registered or certified mail with return  
879 receipt requested.

880 (2) If the examining committee, in its discretion, should  
881 deem an independent mental or physical examination of the \* \* \*  
882 licensee necessary to its determination of the fitness of  
883 the \* \* \* licensee to practice, the committee shall order  
884 the \* \* \* licensee to submit to such examination. Any person  
885 licensed to practice medicine in this state shall be deemed to  
886 have waived all objections to the admissibility of the examining  
887 committee's report in any proceedings before the board under  
888 Sections 73-25-51 through 73-25-67 on the grounds of privileged  
889 communication. Any \* \* \* licensee ordered to an examination  
890 before the committee under subsection (2) shall be entitled to an  
891 independent mental or physical examination if \* \* \* the licensee  
892 makes request therefor.

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

897 (4) Failure of a \* \* \* licensee to comply with a committee  
898 order under subsection (2) to appear before it for examination or  
899 to submit to mental or physical examination under this section or  
900 upon the withdrawal of advocacy by the Mississippi Physician  
901 Health Program (MPHP) or successor entity, shall be reported by  
902 the committee or MPHP to the board, and unless due to



903 circumstances beyond the control of the \* \* \* licensee, shall be  
904 grounds for suspension by the board of the \* \* \* licensee's  
905 license to practice medicine in this state until such time as  
906 such \* \* \* licensee has complied with the order of the committee,  
907 or regained advocacy from MPHP.

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

910 (6) All patient records, investigative reports and other  
911 documents in possession of the board and examining committee shall  
912 be deemed confidential and not subject to subpoena or disclosure  
913 unless so ordered by the court from which the subpoena issued, but  
914 the court, in its discretion, may limit use or disclosure of such  
915 records. Notwithstanding, and to encourage the prompt reporting  
916 of disabled practitioners, neither the board nor examining  
917 committee shall reveal the identity of any source of information  
918 where the source has requested anonymity.

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

921 73-25-59. A \* \* \* licensee may request in writing to the  
922 board a restriction of his or her license to practice \* \* \*. The  
923 board may grant such request for restriction and shall have  
924 authority, if it deems appropriate, to attach conditions to the  
925 licensure \* \* \* within specified limitations, and waive the  
926 commencement of any proceeding under Section 73-25-63. Removal of  
927 a voluntary restriction on licensure to practice medicine shall be



928 subject to the procedure for reinstatement of license in Section  
929 73-25-65.

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

932 73-25-61. (1) The examining committee shall report to the  
933 board its findings on the examination of the \* \* \* licensee under  
934 Section 73-25-57, the determination of the committee as to the  
935 fitness of the \* \* \* licensee to engage in the practice of  
936 medicine with reasonable skill and safety to patients, either on a  
937 restricted or unrestricted basis, and any management that the  
938 committee may recommend. Such recommendation by the committee  
939 shall be advisory only and shall not be binding on the board.

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

945 (3) In the absence of a voluntary agreement by a \* \* \*  
946 licensee under Section 73-25-59 \* \* \*, any \* \* \* licensee shall be  
947 entitled to a hearing in formal proceedings before the board and a  
948 determination on the evidence as to whether or not restriction,  
949 suspension or revocation of licensure shall be imposed.

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



952           73-25-63. (1) The board may proceed against a \* \* \*  
953 licensee under Sections 73-25-51 through 73-25-67 by serving upon  
954 such physician at least fifteen (15) days' notice of a time and  
955 place fixed for a hearing, together with copies of the examining  
956 committee's report and diagnosis, or a copy of the official notice  
957 from MPHP withdrawing advocacy. Such notice and reports shall be  
958 served upon the \* \* \* licensee either personally or by \* \* \*  
959 certified mail with return receipt requested or by electronic  
960 acknowledgement.

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

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

968                   (a) Make a recommendation that the \* \* \* licensee  
969 submit to the care, counseling or treatment by physicians  
970 acceptable to the board \* \* \*;

971                   (b) Suspend or restrict the license of the \* \* \*  
972 licensee to practice medicine for the duration of his or her  
973 impairment \* \* \*; or

974                   (c) Revoke the license of the \* \* \* licensee to  
975 practice medicine.



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

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

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

988 73-25-65. (1) A \* \* \* licensee whose licensure has been  
989 restricted, suspended or revoked under Sections 73-25-51 through  
990 73-25-67, voluntarily or by action of the board, shall have a  
991 right, at reasonable intervals, to petition for reinstatement of  
992 his or her license and to demonstrate that he or she can resume  
993 the competent practice of medicine with reasonable skill and  
994 safety to patients. Such petition shall be made in writing and on  
995 a form prescribed by the board. Action of the board on such  
996 petition shall be initiated by referral to and examination by the  
997 examining committee pursuant to the provisions of Sections  
998 73-25-55 and 73-25-57. The board may, upon written recommendation  
999 of the examining committee, restore the licensure of the \* \* \*  
1000 licensee on a general or limited basis or institute a proceeding





1001 pursuant to Section 73-25-63 for the determination of the fitness  
1002 of the \* \* \* licensee to resume his or her practice.

1003 (2) All orders of the board entered under Section  
1004 73-25-63(3), (4) shall be subject to judicial review by appeal to  
1005 the chancery court of the county of the residence of the \* \* \*  
1006 licensee involved against whom the order is rendered, within  
1007 twenty (20) days following the date of entry of the order, said  
1008 appeal to be taken and perfected in the same manner as appeals  
1009 from orders of boards of supervisors.

1010 **SECTION 24.** Section 73-25-83, Mississippi Code of 1972, is  
1011 amended as follows:

1012 73-25-83. The board shall have authority to deny an  
1013 application for licensure or other authorization to practice  
1014 medicine in this state and to discipline a physician licensed or  
1015 otherwise lawfully practicing within this state who, after a  
1016 hearing, has been adjudged by the board as unqualified due to one  
1017 or more of the following reasons:

1018 (a) Unprofessional conduct as defined in the physician  
1019 licensure and disciplinary laws, pursuant to Section 73-25-29;

1020 (b) Professional incompetency in the practice of  
1021 medicine or surgery; or

1022 (c) Having disciplinary action taken by his peers  
1023 within any professional medical association or society, whether  
1024 any such association or society is local, regional, state or  
1025 national in scope, or being disciplined by a \* \* \* hospital or



1026 medical staff of said hospital, or the voluntary surrender or  
1027 restriction of hospital staff privileges while an investigation or  
1028 disciplinary proceeding is being conducted by a licensed hospital  
1029 or medical staff or medical staff committee of said hospital.  
1030 Provided further, anybody taking action as set forth in this  
1031 paragraph shall report such action to the board within thirty (30)  
1032 days of its occurrence.

1033         **SECTION 25.** Section 73-25-87, Mississippi Code of 1972, is  
1034 amended as follows:

1035         73-25-87. (1) Whenever the board finds any person  
1036 unqualified because of any of the grounds set forth in this act,  
1037 or in violation of any the grounds set forth in Section 73-25-83,  
1038 it may enter an order imposing one or more of the following:

1039             (a) Deny \* \* \* an application for a license or other  
1040 authorization to practice medicine;

1041             (b) Administer a public or private reprimand;

1042             (c) Suspend, limit or restrict \* \* \* a license or other  
1043 authorization to practice medicine for up to five (5) years,  
1044 including limiting the practice of such person to, or by the  
1045 exclusion of, one or more specified branches of medicine,  
1046 including limitation on hospital privileges;

1047             (d) Revoke \* \* \* a license or other authorization to  
1048 practice medicine;

1049             (e) Require \* \* \* a licensee to submit to care,  
1050 counseling or treatment by physicians designated by the board, as



1051 a condition for initial, continued or renewal of licensure or  
1052 other authorization to practice medicine;

1053 (f) Require \* \* \* a licensee to participate in a  
1054 program of education prescribed by the board; \* \* \*

1055 (g) Require \* \* \* a licensee to practice under the  
1056 direction of a physician designated by the board for a specified  
1057 period of time \* \* \*;

1058 (h) Place a licensee on probation, the terms of which  
1059 may be set by the board;

1060 (i) In lieu of suspension, impose a punitive fine not  
1061 to exceed Twenty-five Thousand Dollars (\$25,000.00) per offense,  
1062 with the cumulative total of all fines imposed not to exceed One  
1063 Hundred Thousand Dollars (\$100,000.00). All fines collected under  
1064 this provision shall be deposited into the State General Fund; or,

1065 (j) Take any other action which the board deems  
1066 necessary.

1067 By July 1, 2025, the board shall create and implement a  
1068 penalty matrix in its rules and regulations to guide the board's  
1069 decisions for appropriate penalties for violations, and which  
1070 shall be available to the public. For purposes of this  
1071 subsection, a penalty matrix shall be guidelines that recommend  
1072 specific disciplinary actions based on a weighing of specific  
1073 violations and the mitigating factors of a case, such as the  
1074 severity of violations, disciplinary history of the respondent  
1075 licensee, and degree of patient injury, if applicable, and seek to



1076 create more consistent and predictable outcomes to disciplinary  
1077 hearings.

1078         **SECTION 26.** Section 73-25-89, Mississippi Code of 1972, is  
1079 amended as follows:

1080         73-25-89. If the board determines that evidence in its  
1081 possession indicates that a physician's continuation in practice  
1082 or unrestricted practice would constitute an immediate danger to  
1083 the public, the board may take any of the same actions on a  
1084 temporary basis, without a hearing, which it could otherwise take  
1085 under Sections 73-25-81 through 73-25-95 following a hearing,  
1086 provided proceedings for a hearing before the board are initiated  
1087 simultaneously with such temporary action without a hearing.  
1088 Provided, further, that in the event of such temporary action  
1089 without a hearing, a hearing must be held within \* \* \* thirty (30)  
1090 days of such action.

1091         **SECTION 27.** Section 73-43-3, Mississippi Code of 1972, is  
1092 amended as follows:

1093         73-43-3. (1) The State Board of Medical Licensure shall  
1094 consist of nine (9) physicians. Each of the physicians shall have  
1095 graduated from a medical school which has been accredited by the  
1096 liaison committee on medical education as sponsored by the  
1097 American Medical Association and the Association of American  
1098 Medical Colleges or from an osteopathic medical school which has  
1099 been accredited by the Bureau of Professional Education of the  
1100 American Osteopathic Association, and have at least six (6) years'



1101 experience in the practice of medicine. No more than two (2)  
1102 members of the board shall be a member of the faculty of the  
1103 University of Mississippi School of Medicine. No more than four  
1104 (4) members of the board shall be from the same Mississippi  
1105 Supreme Court district.

1106 (2) Three (3) physicians shall be nominated to the Governor  
1107 for each appointive position by the Mississippi State Medical  
1108 Association; and said nominations shall give due regard to  
1109 geographic distribution, race and sex. The Governor shall appoint  
1110 from said nominations the members of the board with the advice and  
1111 consent of the Senate, but may also select nominees who are not  
1112 nominated by the Mississippi State Medical Association and satisfy  
1113 the requirements of this section. The original appointments of  
1114 the board shall be made no later than June 30, 1980, for terms to  
1115 begin on July 1, 1980. The Governor shall designate the initial  
1116 terms of the members as follows: three (3) members shall be  
1117 appointed for a term which expires July 1, 1982, three (3) members  
1118 shall be appointed for a term which expires July 1, 1984, and  
1119 three (3) members shall be appointed for a term which expires July  
1120 1, 1986. Thereafter, all succeeding appointments shall be for  
1121 terms of six (6) years from the expiration of the previous term.  
1122 Vacancies in office shall be filled by appointment of the Governor  
1123 in the same manner as the appointment to the position which  
1124 becomes vacant, subject to the advice and consent of the Senate at  
1125 the next regular session of the Legislature.



1126       (3) In addition to the physician board members, there shall  
1127 be three (3) members appointed by the Governor, with the advice  
1128 and consent of the Senate, who shall be members of the public not  
1129 related to the healthcare industry. No more than one (1) consumer  
1130 member shall be from each Supreme Court District as they currently  
1131 exist. The initial term of office for the member appointed from  
1132 the First Supreme Court District shall be two (2) years and  
1133 thereafter shall be six (6) years; the initial term of office for  
1134 the member appointed from the Second Supreme Court District shall  
1135 be three (3) years and thereafter shall be six (6) years; and the  
1136 initial term of office for the member appointed from the Third  
1137 Supreme Court District shall be four (4) years and thereafter  
1138 shall be six (6) years.

1139       **SECTION 28.** The following shall be codified as Section  
1140 73-43-19, Mississippi Code of 1972:

1141       73-43-19. The Mississippi State Board of Medical Licensure  
1142 shall be provided with annual performance statistics from the  
1143 Mississippi Physician's Health Program or its successor entity,  
1144 which shall be available to the board and the public. These  
1145 statistics shall not include information that constitutes  
1146 personally identifiable information or protected health  
1147 information of program participants, but instead shall include  
1148 general statistics that can be used to evaluate the program's  
1149 effectiveness. The Mississippi State Board of Medical Licensure  
1150 shall have the authority to request and, if necessary, conduct



1151 performance audits of any additional information the board deems  
1152 appropriate, which shall also be made public as long as the  
1153 information does not include personal identifiable information or  
1154 protected health information of program participants.

1155         **SECTION 29.** Sections 73-25-7, 73-25-9, 73-25-15, 73-25-19,  
1156 73-25-25, 73-25-39, and 73-25-81, which relate to the regulation  
1157 of the practice of medicine in the State of Mississippi, shall  
1158 stand repealed from and after July 1, 2024.

1159         **SECTION 30.** This act shall take effect and be in force from  
1160 and after July 1, 2024, and shall stand repealed on June 30, 2024.

