

By: Senator(s) Parker

To: Public Health and
Welfare; Accountability,
Efficiency, Transparency

SENATE BILL NO. 2554

1 AN ACT TO AMEND SECTION 73-50-2, MISSISSIPPI CODE OF 1972, TO
2 EXEMPT THE PRACTICE OF DENTISTRY AND PRACTICE OF OPTOMETRY FROM
3 THE UNIVERSAL RECOGNITION OF OCCUPATIONAL LICENSES ACT; AND FOR
4 RELATED PURPOSES.

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

6 **SECTION 1.** Section 73-50-2, Mississippi Code of 1972, is
7 amended as follows:

8 73-50-2. (1) This section shall be known as the "Universal
9 Recognition of Occupational Licenses Act."

10 (2) As used in this section, the term:

11 (a) "License" means any license (other than a privilege
12 license), certificate, registration, permit or other evidence of
13 qualification that an individual is required by the state to
14 obtain before he or she may engage in or represent himself or
15 herself to be a member of a particular profession or occupation.

16 (b) "Occupational licensing board" means any state
17 board, commission, department or other agency in Mississippi that
18 is established for the primary purpose of regulating the entry of
19 persons into, and/or the conduct of persons within, a particular



20 profession or occupation, and which is authorized to issue
21 licenses. For the purposes of this section, the State Department
22 of Education shall be considered an occupational licensing board
23 when issuing teacher licenses under Section 37-3-2.

24 (3) Notwithstanding any other provision of law, an
25 occupational licensing board shall issue a license or government
26 certification in the discipline applied for and at the same
27 practice level to a person who establishes residence in this state
28 if, upon application to an occupational licensing board, the
29 applicant satisfies the following conditions:

30 (a) The applicant holds a current and valid license in
31 good standing in another state in an occupation with a similar
32 scope of practice, as determined by the occupational licensing
33 board in Mississippi, and has held this license from the
34 occupational licensing board in the other state for at least one
35 (1) year; and

36 (b) There were minimum education requirements and, if
37 applicable, work experience, examination and clinical supervision
38 requirements in effect, and the other state verifies that the
39 applicant met those requirements in order to be licensed in that
40 state; and

41 (c) The applicant has not committed any act in the
42 other state that would have constituted grounds for refusal,
43 suspension or revocation of a license to practice that occupation
44 in Mississippi at the time the act was committed, and the



45 applicant does not have a disqualifying criminal record as
46 determined by the occupational licensing board in Mississippi
47 under Mississippi law; and

48 (d) The applicant did not surrender a license because
49 of negligence or intentional misconduct related to the applicant's
50 work in the occupation in another state; and

51 (e) The applicant does not have a complaint, allegation
52 or investigation pending before an occupational licensing board or
53 other board in another state that relates to unprofessional
54 conduct or an alleged crime. If the applicant has a complaint,
55 allegation or investigation pending, the occupational licensing
56 board in Mississippi shall not issue or deny a license to the
57 applicant until the complaint, allegation or investigation is
58 resolved, or the applicant otherwise satisfies the criteria for
59 licensure in Mississippi to the satisfaction of the occupational
60 licensing board in Mississippi; and

61 (f) The applicant pays all applicable fees in
62 Mississippi.

63 (4) Notwithstanding any other law, the occupational
64 licensing board shall issue a license to an applicant in the
65 discipline applied for and at the same practice level, as
66 determined by the occupational licensing board, to a person who
67 establishes residence in this state based on work experience in
68 another state, if all the following apply:



69 (a) The applicant worked in a state that does not use a
70 license to regulate a lawful occupation, but Mississippi uses a
71 license to regulate a lawful occupation with a similar scope of
72 practice, as determined by the occupational licensing board;

73 (b) The applicant worked for at least three (3) years
74 in the lawful occupation; and

75 (c) The applicant satisfies the provisions of
76 paragraphs (c) through (f) of subsection (3) of this section.

77 (5) An occupational licensing board may require an applicant
78 to pass a jurisprudential examination specific to relevant state
79 laws in Mississippi that regulate the occupation if the issuance
80 of a license in Mississippi requires an applicant to pass a
81 jurisprudential examination specific to relevant state statutes
82 and administrative rules in Mississippi that regulate the
83 occupation.

84 (6) For purposes of this section, residence may be
85 established by demonstrating proof of a state-issued
86 identification card or one (1) of the following:

87 (a) Current Mississippi residential utility bill with
88 the applicant's name and address;

89 (b) Documentation of the applicant's current ownership,
90 or current lease of a residence in Mississippi;

91 (c) Documentation of current in-state employment or
92 notarized letter of promise of employment of the applicant or his
93 or her spouse; or



94 (d) Any verifiable documentation demonstrating
95 Mississippi residency.

96 (7) A person who receives a license under this section is
97 subject to the laws regulating the person's practice in this state
98 and is subject to the occupational licensing board's jurisdiction.

99 (8) A license issued under this section is valid only in
100 this state and does not make the person eligible to be part of an
101 interstate compact.

102 (9) The occupational licensing board shall issue or deny the
103 license to the applicant within one hundred twenty (120) days
104 after receiving an application.

105 If the application requires longer than two (2) weeks to
106 process, the occupational licensing board shall issue a temporary
107 practice permit within thirty (30) days after receiving the
108 application if the applicant submits an affidavit, under penalties
109 of perjury, affirming that he or she satisfies the provisions of
110 subsection (3) or subsection (4) and pays all applicable fees as
111 required by subsection (3)(f) or subsection (4)(c).

112 The applicant may practice under the temporary permit until a
113 license is granted, or until a notice to deny the license is
114 issued, in accordance with rules adopted by the occupational
115 licensing board. A temporary license will expire in three hundred
116 sixty-five (365) days after its issuance if the applicant fails to
117 satisfy the requirement for licensure in subsections (3) through
118 (5), as applicable.



119 (10) (a) The applicant may appeal any of the following
120 decisions of an occupational licensing board to a court of general
121 jurisdiction:

122 (i) Denial of a license;

123 (ii) Determination of the occupation;

124 (iii) Determination of the similarity of the scope
125 of practice of the license issued; or

126 (iv) Other determinations under this section.

127 (b) The court shall determine all questions of law,
128 including the interpretation of a constitutional or statutory
129 provision or a rule adopted by an occupational licensing board,
130 without regard to any previous determination that may have been
131 made on the question in any action before the occupational
132 licensing board.

133 (11) An occupational licensing board shall prominently print
134 the following on all license applications, any communication
135 denying a license, and on the board's website: "Pursuant to the
136 provisions of the Universal Recognition of Occupational Licenses
137 Act, Mississippi shall recognize occupational licenses obtained
138 from other states." An occupational licensing board shall prepare
139 and place on the board's website an annual report detailing the
140 number of applications submitted to the licensing board under this
141 section during a calendar year and the actions taken by the board
142 on the applications.



143 (12) An occupational licensing board shall adopt rules
144 necessary to implement this section by January 1, 2022. In
145 addition, an occupational licensing board shall make all
146 reasonable efforts to issue a license to an applicant for a
147 license under this section.

148 (13) Nothing in this section shall be construed to prohibit
149 an applicant for licensure from proceeding under the existing
150 licensure requirements established by an occupational licensing
151 board in Mississippi.

152 (14) Nothing in this chapter shall be construed to prevent
153 Mississippi from entering into a licensing compact or reciprocity
154 agreement with another state, foreign province or foreign country.
155 A license issued under this section is valid only in Mississippi.
156 It does not make the person eligible to work in another state
157 under an interstate compact or reciprocity agreement unless
158 otherwise provided in Mississippi law.

159 (15) Nothing in this section shall be construed to apply to:

160 (a) The practice of law as regulated under Section
161 73-3-1 et seq.;

162 (b) Criteria for an applicant to obtain a license that
163 is established under an interstate compact;

164 (c) The ability of an occupational licensing board to
165 require an applicant to submit fingerprints in order to access
166 state and federal criminal records information for noncriminal
167 justice purposes;



168 (d) The practice of medicine by physicians as regulated
169 under Section 73-25-1 et seq.;

170 (e) The provisions of the Military Family Freedom Act,
171 Section 73-50-1; * * *

172 (f) An occupation regulated under Section 73-1-1 et
173 seq. to the extent there is a conflict with a law granting
174 licensure reciprocity under Section 73-1-1 et seq.;

175 (g) The practice of dentistry as regulated under
176 Section 73-9-1 et seq.; and

177 (h) The practice of optometry as regulated under
178 Section 73-19-1 et seq.

179 **SECTION 2.** This act shall take effect and be in force from
180 and after July 1, 2024.

