MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Representative Mims

To: Public Health and Human Services

HOUSE BILL NO. 73

AN ACT TO REENACT SECTIONS 73-6-1 THROUGH 73-6-31, MISSISSIPPI CODE OF 1972, WHICH CREATE THE STATE BOARD OF CHIROPRACTIC EXAMINERS AND PRESCRIBE ITS DUTIES AND POWERS; TO AMEND REENACTED SECTION 73-6-15, MISSISSIPPI CODE OF 1972, TO MAKE SOME MINOR, NONSUBSTANTIVE CHANGES; TO AMEND SECTION 73-6-33, MISSISSIPPI CODE OF 1972, TO EXTEND THE DATE OF THE REPEALER ON THE REENACTED SECTIONS; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 73-6-1, Mississippi Code of 1972, is reenacted as follows:

73-6-1. (1) The practice of chiropractic involves the analysis of any interference with normal nerve transmission and expression, and the procedure preparatory to and complementary to the correction thereof, by adjustment and/or manipulation of the articulations of the vertebral column and for the restoration and maintenance of health without the use of drugs or surgery.

(2) The chiropractic adjustment and/or manipulation of the articulations of the human body may include manual adjustments and/or manipulations and adjustments and/or manipulations by means of electrical and/or mechanical manual devices. Chiropractors

licensed under this chapter may also use in conjunction with adjustments and/or manipulations of the spinal structures electrical therapeutic modalities which induce heat or electrical current beneath the skin, including therapeutic ultrasound, galvanism, diathermy and electromuscular stimulation and other procedures taught by a chiropractic college approved by the Council on Chiropractic Education, its successor or an equivalent accrediting agency.

(3) Chiropractors licensed under this chapter may utilize those electric therapeutic modalities described in subsection (2) of this section only after the chiropractor has completed a course of study containing a minimum of one hundred twenty (120) hours of instruction in the proper utilization of those procedures in accordance with the guidelines set forth by the Council on Chiropractic Education, its successor or an equivalent accrediting agency, and is qualified and so certified in that proper utilization.

(4) Chiropractors shall not prescribe or administer medicine to patients, perform surgery, practice obstetrics or osteopathy. Chiropractors shall be authorized to recommend, dispense or sell vitamins or food supplements.

(5) Chiropractors shall not use venipuncture, capillary puncture, acupuncture or any other technique which is invasive of the human body either by penetrating the skin or through any of the orifices of the body or through the use of colonics.

(6) A person professing to practice chiropractic for compensation must bring to the exercise of that person's profession a reasonable degree of care and skill. Any injury resulting from a want of such care and skill shall be a tort for which a recovery may be had. If a chiropractor performs upon a patient any act authorized to be performed under this chapter but which act also constitutes a standard procedure of the practice of medicine including, but not limited to, the use of modalities such as those described in subsection (2) of this section and x-rays, under similar circumstances, the chiropractor shall be held to the same standard of care as would licensed doctors of medicine who are qualified to and who actually perform those acts under similar conditions and like circumstances.

(7) Chiropractors licensed under this chapter are authorized to refer patients to licensed physical therapists for treatment.

(8) Doctors of chiropractic medicine may respond on a referral basis and under the direct and immediate supervision of a Mississippi licensed veterinarian to calls for animals requiring their professional services provided the chiropractor has a current license from the State Board of Chiropractic Examiners and the chiropractor has completed a Mississippi Board of Veterinary Medicine approved animal chiropractic course.

SECTION 2. Section 73-6-3, Mississippi Code of 1972, is reenacted as follows:

73-6-3. There is hereby created a State Board of Chiropractic Examiners. This board shall consist of six (6) members; one (1) of whom shall be the executive officer of the State Board of Health, or his designee, and one (1) from each congressional district as presently constituted, to be appointed by the Governor with the advice and consent of the Senate. Each member except the executive officer of the State Board of Health shall be a qualified elector of the State of Mississippi having been continuously engaged in the practice of chiropractic in Mississippi for at least five (5) years prior to appointment. No member shall be a stockholder in or member of the faculty or board of trustees of any school of chiropractic. Each member appointed to the board shall serve for five (5) years and until his successor is appointed and qualified; except the terms of the initial members appointed by the Governor shall expire one (1) each for five (5) years or until their successors are appointed and qualified. The members of the board as constituted on January 1, 2011, whose terms have not expired shall serve the balance of their terms, after which time the membership of the board shall be appointed as follows: There shall be appointed one (1) member of the board from each of the four (4) Mississippi congressional districts as they currently exist, and one (1) from the state at large, and the Governor shall make appointments from the congressional district having the smallest number of board members until the membership includes one (1) member from each district as

required. Vacancies on the board, except for the Executive Officer of the State Board of Health, or his designee, shall be filled by appointment of the Governor only for unexpired terms. Any member who shall not attend two (2) consecutive meetings of the board shall be subject to removal by the Governor. The chairman of the board shall notify the Governor in writing when any such member has failed to attend two (2) consecutive regular meetings.

SECTION 3. Section 73-6-5, Mississippi Code of 1972, is reenacted as follows:

73-6-5. (1) The State Board of Chiropractic Examiners shall select by election from its membership a chairman and vice chairman who shall hold their respective offices for a period of one (1) year. A majority of the members of the board may select an executive secretary; and may hire such other employees, including an attorney, needed to implement the provisions of this chapter. The board shall hold regular meetings for examination beginning on the second week of January and July of each year; and may hold additional meetings at such times and places as it deems necessary, but not to exceed twelve (12) times during its initial calendar year and at least four (4) times during any subsequent calendar year but may hold meetings at such times and places as it deems necessary. The July meeting shall be held in the Jackson Metropolitan area. A majority of the board shall constitute a quorum, and the concurrence of a majority of the members of the

board shall be required to grant or revoke a license. The board shall make such rules and regulations as is necessary to carry out the provisions of this chapter; however, the board shall not adopt any rule or regulation or impose any requirement regarding the licensing of chiropractors that conflicts with the prohibitions in Section 73-49-3. A copy of these rules and regulations as well as all changes thereto shall, upon passage, be sent to all practitioners licensed under this chapter.

(2) The State Board of Chiropractic Examiners shall be authorized to certify to the State Department of Health those chiropractic assistants who are exempt from registration under Section 41-58-3(7)(d) as having completed continuing education requirements and charge a fee of not more than Fifty Dollars ($50.00) annually to each individual whom the board certifies, as required under Section 41-58-5(4)(f). The board shall be authorized to establish educational qualifications and continuing education requirements for chiropractic assistants that participate in direct patient care. This section does not prohibit a chiropractic assistant from rendering ancillary services or procedures used in chiropractic practice, other than the adjustments or manipulative techniques, if those services are rendered under the supervision and control of a licensed chiropractor as long as the chiropractic assistant has successfully completed a training program recognized by the board. "Supervision and control" may not be construed as requiring the

personal presence of the supervising and controlling chiropractor at the place where those services are rendered, unless physical presence is necessary to provide patient care of the same quality as provided by the chiropractor. This section does not prohibit a chiropractor from delegating to a chiropractic assistant certain activities relating to patient care and treatment when those activities are under supervision or direct order of the chiropractor. The chiropractor delegating those activities to an employee, to a program graduate, or to a participant in an approved training program is legally liable for those activities performed by such a chiropractic assistant and that chiropractic assistant is considered to be the chiropractor's agent. The board shall charge a fee not to exceed Fifty Dollars ($50.00) annually for this certification and annual renewal. Likewise, a late fee of One Hundred Dollars ($100.00) shall be charged on all chiropractic assistants and chiropractic radiological technologists not renewing on or before July 1 of each year. Chiropractic radiological technologists are not exempt from these continuing education requirements.

SECTION 4. Section 73-6-7, Mississippi Code of 1972, is reenacted as follows:

73-6-7. Before entering upon the discharge of the duties of his office, the Executive Secretary of the State Board of Chiropractic Examiners shall present a bond, approved by the board, to the state in the sum of Ten Thousand Dollars

($10,000.00), conditioned upon the faithful discharge of the duties of his office. The premium for such bond shall be paid from the funds paid into the State Treasury by the secretary of the board. Such bond, with the approval of the board and oath of office endorsed thereon, shall be deposited with the Secretary of State.

Each month, monies received by the secretary of the board shall be paid by him into the State Treasury and deposited in a fund to be known as the "State Board of Chiropractic Examiners Fund" for the use of the board in carrying out the provisions of this chapter. The board shall receive no appropriation from any state funds for its support, except from the special fund deposited into the State Treasury by the board.

SECTION 5. Section 73-6-9, Mississippi Code of 1972, is reenacted as follows:

73-6-9. Each member of the State Board of Chiropractic Examiners shall receive the per diem authorized under Section 25-3-69, for each day actually discharging his official duties, and shall receive reimbursement for mileage and necessary expense incurred, as provided in Section 25-3-41. The executive secretary shall receive an annual salary to be fixed by the board in addition to reimbursements for necessary expenses incurred in the discharge of his official duties.

The expenses of the board in carrying out the provisions of this chapter shall be paid upon requisitions signed by the

chairman and secretary of the board and warrants signed by the State Auditor from the fund in the State Treasury for the use of the board. Said expenses shall not exceed the amount paid into the State Treasury under the provisions of this chapter.

SECTION 6. Section 73-6-11, Mississippi Code of 1972, is reenacted as follows:

73-6-11. The State Board of Chiropractic Examiners shall adopt an official seal and shall keep a record of its proceedings, persons licensed as chiropractors, and a record of licenses which have been revoked or suspended. The board shall keep on file all examination papers for a period of at least ninety (90) days after each examination. A transcript of an entry in such records, certified by the secretary under the seal of the board, shall be evidence of the facts therein stated. The board shall annually, on or before January 1, make a report to the Governor and Legislature of all its official acts during the preceding year, its receipts and disbursements, and a full and complete report of the conditions of chiropractic in this state.

SECTION 7. Section 73-6-13, Mississippi Code of 1972, is reenacted as follows:

73-6-13. (1) Any adult of good moral character who has (a) graduated from a school or college of chiropractic recognized by the State Board of Chiropractic Examiners, preceded by the successful completion of at least two (2) academic years at an accredited institution of higher learning, or accredited junior

college, and (b) successfully completed parts 1, 2, 3 and 4 and the physical modality section of the examination prepared by the National Board of Chiropractic Examiners, shall be entitled to take the examination for a license to practice chiropractic in Mississippi. The State Board of Chiropractic Examiners shall keep on file a list of schools or colleges of chiropractic which are so recognized. No chiropractic school shall be approved unless it is recognized and approved by the Council on Chiropractic Education, its successor or an equivalent accrediting agency, offers an accredited course of study of not less than four (4) academic years of at least nine (9) months in length, and requires its graduates to receive not less than forty (40) clock hours of instruction in the operation of x-ray machinery and not less than forty (40) clock hours of instruction in x-ray interpretation and diagnosis.

(2) Except as otherwise provided in this section, the State Board of Health shall prescribe rules and regulations for the operation and use of x-ray machines.

(3) The examination to practice chiropractic used by the board shall consist of testing on the statutes and the rules and regulations regarding the practice of chiropractic in the State of Mississippi.

(4) Reciprocity privileges for a chiropractor from another state shall be granted at the board's option on an individual basis and by a majority vote of the State Board of Chiropractic

Examiners to an adult of good moral character who (a) is currently an active competent practitioner for at least eight (8) years and holds an active chiropractic license in another state with no disciplinary proceeding or unresolved complaint pending anywhere at the time a license is to be issued by this state, (b) demonstrates having obtained licensure as a chiropractor in another state under the same education requirements which were equivalent to the education requirements in this state to obtain a chiropractic license at the time the applicant obtained the license in the other state, (c) satisfactorily passes the examination administered by the State Board of Chiropractic Examiners, and (d) meets the requirements of Section 73-6-1(3) pertaining to therapeutic modalities. The issuance of a license by reciprocity to a military-trained applicant or military spouse shall be subject to the provisions of Section 73-50-1.

SECTION 8. Section 73-6-14, Mississippi Code of 1972, is reenacted as follows:

73-6-14. (1) The State Board of Chiropractic Examiners is hereby authorized to establish a preceptorship and extern program whereby chiropractic students enrolled in their last year at a board-approved chiropractic college accredited by the Council on Chiropractic Education, its successor or an equivalent accrediting agency, and recent chiropractic graduates of such schools may be issued a limited license to practice chiropractic in the State of Mississippi under the direct on-premises supervision of a

sponsoring licensed chiropractor, and in the case of chiropractic students, also under the general supervision of the student's school. The State Board of Chiropractic Examiners shall prohibit the use of more than one (1) such limited license student or graduate to one (1) sponsor licensed to practice chiropractic. The State Board of Chiropractic Examiners is empowered to establish rules and regulations for the implementation of this subsection (1), including, but not limited to, providing academic, professional and character requirements for eligible participants, defining the permitted scope of practice of the limited licensee, and prescribing fees for participation.

(2) The State Board of Chiropractic Examiners is hereby authorized to establish a Travel to Treat temporary license whereby nonresident chiropractors traveling with nonresident entities, including, but not limited to sports teams, will be able to practice chiropractic on members of their entities while in the State of Mississippi. The board is empowered to establish rules and regulations for the implementation of this subsection (2), including, but not limited to, providing professional requirements for eligible participants, defining the permitted scope of practice of the traveling chiropractors, and prescribing fees for participation.

(3) The State Board of Chiropractic Examiners is hereby authorized to establish an emergency license to nonresident chiropractors to practice in the place of a chiropractor licensed

in the State of Mississippi. Such emergency license shall remain in force for a period not to exceed ninety (90) days, unless extended for an additional period of ninety (90) days by the board or until the licensed resident chiropractor is able to resume his practice. The board is empowered to establish rules and regulations for the implementation of this subsection (3), including, but not limited to, providing professional requirements for eligible participants, defining the scope of practice for emergency licensees, and prescribing fees for participation.

SECTION 9. Section 73-6-15, Mississippi Code of 1972, is reenacted and amended as follows:

73-6-15. Every applicant shall file with the secretary of the board an application, verified by oath, setting forth the facts which entitle the applicant to examination under the provisions of this chapter. The State Board of Chiropractic Examiners shall hold at least two (2) examinations each year. In case of failing to pass such examination, the applicant, after the expiration of six (6) months and within two (2) years, shall have the privilege of taking a second examination by the board with the payment of an additional fee equal to that charged the State Board of Chiropractors by the National Board of Chiropractic Examiners. An applicant who fails the examination twice shall not be permitted to retake the examination until completion of further course of study to be outlined by the board and payment of the fee for further examination. Every applicant who passed the

examination and otherwise complies with the provisions of this chapter shall receive from the board, under its seal, a certificate of licensure which entitles him to practice chiropractic in this state; however, such certificate does not in any way qualify a chiropractor to make application to practice on the medical staff of any hospital licensed by the State Department of Health. Nothing in this chapter may prevent a chiropractor from making application to any hospital for chiropractic staff privileges or as an allied health provider as outlined under the Minimum Standards * * * of Operation * * * for Mississippi Hospitals. Such certificate shall be duly registered in a record book which shall be properly kept by the secretary of the board and which shall be open to public inspection. A duly certified copy of said record shall be competent evidence in all courts of this state to establish licensure.

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

SECTION 10. Section 73-6-17, Mississippi Code of 1972, is reenacted as follows:

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

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

Except as provided in Section 33-1-39, every registered chiropractor in order to continue the practice of chiropractic shall pay annually to the secretary of the board a registration renewal fee of not more than Three Hundred Dollars ($300.00) and, in addition to such renewal fee, shall be required to file with the secretary of the board a certificate, certified by a state chiropractic board and state chiropractic association, verifying his attendance at a course of study approved by the board consisting of not less than twelve (12) hours of instruction in the latest developments in the practice of chiropractic of which at least three (3) hours shall be instruction in the subject of risk management. Provided, that any chiropractor who has reached the age of seventy-five (75) years and is not participating in an active practice shall not be required to pay said renewal fee or submit the twelve (12) hours of continuing education. Any chiropractor who has received a certificate of licensure in this state under the provisions of Section 73-6-13(4) shall be in good standing in the state of his original licensure in order to renew his certificate in this state, and the board shall refuse to renew the certificate of any such chiropractor whose license has been suspended or revoked for cause in the state of his original

licensure. In case of failure to pay the renewal fee, the board may revoke such certificate after giving sixty (60) days' notice to the holder who, within such period, may renew such certificate upon payment of the delinquent fee with a special processing charge of not more than Three Hundred Dollars ($300.00). Lack of participation in active practice for a period of less than two (2) years, except when a doctor is in active military duty, shall not deprive the holder of the right to renew such certificate, without examination, upon the payment of all lapsed fees and proof of required continuing education hours.

SECTION 11. Section 73-6-18, Mississippi Code of 1972, is reenacted as follows:

73-6-18. These standards apply to all licensed chiropractors and chiropractic assistants. These standards also apply to those consultations and examinations advertised as a reduced fee or free (no charge) service:

(a) The chiropractor shall maintain records for patients which accurately, legibly and completely reflect the evaluation and treatment of the patient.

(b) All patient records shall include patient history, symptomatology, examination, diagnosis, prognosis and treatment. If abbreviations or symbols are used in daily record keeping, a key must be provided.

(c) In the event that the board takes disciplinary action against a chiropractor for any reason, these minimum record

keeping standards will apply. It is understood that these procedures are the accepted standard(s) and anything less than this shall be considered unprofessional conduct in the practice of chiropractic.

SECTION 12. Section 73-6-19, Mississippi Code of 1972, is reenacted as follows:

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

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

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

(c) Fraud or deceit in obtaining a license;

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

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

(f) Unprofessional and unethical conduct;

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

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

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

(j) Professional incompetency in the practice of chiropractic;

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

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

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

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

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

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

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

(2) Any holder of such certificate or any applicant therefor against whom is preferred any of the designated charges shall be furnished a copy of the complaint and shall receive a formal hearing in Jackson, Mississippi, before the board, at which time he may be represented by counsel and examine witnesses. The board is authorized to administer oaths as may be necessary for the proper conduct of any such hearing. In addition, the board is authorized and empowered to issue subpoenas for the attendance of witnesses and the production of books and papers. The process issued by the board shall extend to all parts of the state. Where in any proceeding before the board any witness shall fail or refuse to attend upon subpoena issued by the board, shall refuse to testify, or shall refuse to produce any books and papers, the production of which is called for by the subpoena, the attendance

of such witness and the giving of his testimony and the production of the books and papers shall be enforced by any court of competent jurisdiction of this state in the manner provided for the enforcement of attendance and testimony of witnesses in civil cases in the courts of this state.

(3) In addition to any other investigators the board employs, the board shall appoint one or more licensed chiropractors to act for the board in investigating the conduct relating to the competency of a chiropractor, whenever disciplinary action is being considered for professional incompetence and unprofessional conduct.

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

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

(b) Administer a public or private reprimand;

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

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

(e) Require him to submit to care, counseling or treatment by physicians or chiropractors designated by the board,

as a condition for initial, continued or renewal of licensure or other authorization to practice chiropractic;

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

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

(5) Any person whose application for a license or whose license to practice chiropractic has been cancelled, revoked or suspended by the board within thirty (30) days from the date of such final decision shall have the right of a de novo appeal to the circuit court of his county of residence or the Circuit Court of the First Judicial District of Hinds County, Mississippi. If there is an appeal, such appeal may, in the discretion of and on motion to the circuit court, act as a supersedeas. The circuit court shall dispose of the appeal and enter its decision promptly. The hearing on the appeal may, in the discretion of the circuit judge, be tried in vacation. Either party shall have the right of appeal to the Supreme Court as provided by law from any decision of the circuit court.

(6) In a proceeding conducted under this section by the board for the revocation, suspension or cancellation of a license to practice chiropractic, after a hearing has been conducted as prescribed by this section, the board shall have the power and authority for the grounds stated in subsection (1) of this

section, with the exception of paragraph (c) thereof, to assess and levy upon any person licensed to practice chiropractic in the state a monetary penalty in lieu of such revocation, suspension or cancellation, as follows:

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

(b) For the second and each subsequent violation, a monetary penalty of not less than One Thousand Dollars ($1,000.00) nor more than Two Thousand Five Hundred Dollars ($2,500.00) for each violation.

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

(7) In addition to the grounds specified in subsection (1) of this section, the board shall be authorized to suspend the

license of any licensee for being out of compliance with an order for support, as defined in Section 93-11-153. The procedure for suspension of a license for being out of compliance with an order for support, and the procedure for the reissuance or reinstatement of a license suspended for that purpose, and the payment of any fees for the reissuance or reinstatement of a license suspended for that purpose, shall be governed by Section 93-11-157 or 93-11-163, as the case may be. Actions taken by the board in suspending a license when required by Section 93-11-157 or 93-11-163 are not actions from which an appeal may be taken under this section. Any appeal of a license suspension that is required by Section 93-11-157 or 93-11-163 shall be taken in accordance with the appeal procedure specified in Section 93-11-157 or 93-11-163, as the case may be, rather than the procedure specified in this section. If there is any conflict between any provision of Section 93-11-157 or 93-11-163 and any provision of this chapter, the provisions of Section 93-11-157 or 93-11-163, as the case may be, shall control.

SECTION 13. Section 73-6-23, Mississippi Code of 1972, is reenacted as follows:

73-6-23. Nothing in this chapter shall be construed as conferring upon the holder of such certificate the right to practice medicine and surgery as a physician or osteopathic physician as defined by statute, to engage in the practice of physical therapy as defined by statute, to advise or prescribe the

use of drugs by his patients, or to advise a patient not to use a drug prescribed by a licensed physician or dentist.

SECTION 14. Section 73-6-25, Mississippi Code of 1972, is reenacted as follows:

73-6-25. (1) The members of the chiropractic profession, licensed or unlicensed, are hereby prohibited from:

(a) Making use of any public statement of a character tending to mislead the public in regard to the health services of the chiropractic profession or of an individual chiropractor, or use of any other professional designation other than the term "chiropractor," "doctor of chiropractic," "D.C." or "chiropractic physician"; however, the use of the title "chiropractic physician" authorized in this paragraph (a) shall not be construed as conferring upon the holder of a license to practice chiropractic any right or responsibility given to a "physician" by any other Mississippi statute, unless the statute specifically confers the right or responsibility on a "chiropractor" or a "chiropractic physician";

(b) Offering discounts or inducements to prospective patients by means of coupons or otherwise to perform professional services during any period of time for a lesser or more attractive price without providing a disclaimer to the public indicating the usual price for other services;

(c) Advertising or promising to guarantee any professional service or to perform any operation painlessly;

(d) Violating any of the provisions of this chapter or any of the rules and regulations of the State Board of Health pursuant to this chapter with regard to the operation and use of x-rays.

(2) Nothing herein shall be construed to prohibit a licensed practitioner of chiropractic from allowing or causing his name, address and telephone number to be inserted in the classified section of a telephone directory under a classification denoting the practitioner's profession. Nothing herein shall be construed to prohibit a licensed practitioner from mailing letters to his clients, but such letters shall otherwise be subject to the provisions of this section.

SECTION 15. Section 73-6-27, Mississippi Code of 1972, is reenacted as follows:

73-6-27. Any person who has graduated from a college approved by the International Chiropractors Association or American Chiropractic Association and who was engaged in the full-time practice of chiropractic in Mississippi prior to January 1, 1970, or was engaged in the full-time practice of chiropractic in Mississippi for a period of eight (8) years prior to April 16, 1973, shall be entitled to a license hereunder by making application to the State Board of Chiropractic Examiners without being required to take the examination of the State Board of Chiropractic Examiners, provided he applies for such license within ninety (90) days after the appointment of the initial

board, submits reasonable evidence to the board establishing his eligibility for such exemption, and pays a Twenty-five Dollar registration fee. All other persons practicing chiropractic within the State of Mississippi on April 16, 1973, shall be eligible to take the approved examination.

SECTION 16. Section 73-6-29, Mississippi Code of 1972, is reenacted as follows:

73-6-29. Anyone failing to comply with the provisions of this chapter shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than Five Hundred Dollars ($500.00) nor more than Two Thousand Five Hundred Dollars ($2,500.00), and/or by imprisonment in the county jail for not less than thirty (30) days nor more than one (1) year.

All subsequent offenses shall be separate and distinct offenses, and punishable in like manner.

The State Board of Chiropractic Examiners or the district attorney or county attorney of the county in which the defendant may reside or the Attorney General of Mississippi may institute legal action as provided by law against any person violating the provisions of this chapter, and the chancery court of the county in which any such violation occurred or in which any such person resides or practices shall have jurisdiction to grant injunctive relief against the continuation of any such violation.

SECTION 17. Section 73-6-31, Mississippi Code of 1972, is reenacted as follows:

73-6-31. No person shall engage in the practice of chiropractic from and after January 1, 1974, unless he has a valid license issued pursuant to this chapter.

SECTION 18. Section 73-6-33, Mississippi Code of 1972, is amended as follows:

73-6-33. Sections 73-6-1 through 73-6-31, Mississippi Code of 1972, which create the State Board of Chiropractic Examiners and prescribe its duties and powers, shall stand repealed as of July 1, *** * *** 2026.

SECTION 19. This act shall take effect and be in force from and after July 1, 2021.