

Mississippi State Board of Physical Therapy

Regulations Governing Licensure of Physical Therapists and Physical Therapist Assistants

**TITLE 30 PROFESSIONS AND OCCUPATIONS
PART 3101 - 3103**

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Regulations Governing Licensure of Physical Therapists and Physical Therapist Assistants

Title 30: Professions and Occupations

Part 3101: Organization and Structure

Part 3101: Chapter 1: General Provisions

Rule 1.1 Purpose. The purpose of these regulations is to safeguard the public's health, safety, and welfare by establishing minimum qualifications and creating exclusive titles corresponding to the level of qualifications for individuals who wish to offer physical therapy services to the public. Further, in order to insure the highest degree of professional conduct by those engaged in offering physical therapy services to the public, it is the purpose of these regulations to provide and impose disciplinary sanctions, be they civil or criminal, against persons who do not meet or adhere to the procedures, qualifications, and standards set out in these regulations.

Source: *Miss. Code Ann.* §73-23-43 (Rev. 2008); *Miss. Code Ann.* §25-43-2.104 (Rev.2010).

Rule 1.2 Legal Authority. The Mississippi State Board of Physical Therapy is authorized to establish and enforce these rules and procedures by virtue of the "Mississippi Physical Therapy Practice Law," Sections 73-23-31 et seq. of Mississippi Code of 1972, annotated.

Source: *Miss. Code Ann.* §73-23-43 (Rev. 2008).

Rule 1.3 Definitions. The following terms shall have the meaning set forth below, unless the context otherwise requires:

1. "Board" shall mean the Mississippi State Board of Physical Therapy.
2. "License" shall mean the document of licensure issued by the Board.
3. "Act" shall mean the "Mississippi Physical Therapy Practice Law" sections 73-23-31 et seq. of Mississippi Code of 1972, annotated.
4. "Examination" shall mean a national examination approved by the Board for the licensure of a Physical Therapist or a Physical Therapist Assistant.
5. "Physical therapy" or "physiotherapy," are terms that are deemed identical and interchangeable, means the art and science of a health specialty concerned with the prevention of disability, and the physical rehabilitation for congenital or acquired physical or mental disabilities, resulting from or secondary to injury or disease.
6. "Practice of physical therapy" shall mean the practice of the health specialty and encompass physical therapy evaluation, treatment, planning, treatment administration, instruction, and consultative services, including but not limited to:
 - a. Performing and interpreting tests and measurements as an aid to physical therapy treatment, for the purpose of correcting or alleviating any physical condition and to prevent the development of any physical or mental disability within the scope of physical therapy; and the performance of neuromuscular-skeletal tests and measurements as an aid in diagnosis, evaluation, or determination of the existence of and the extent of any body malfunction and to assess ongoing effects of intervention.

Electromyography (EMG)/nerve conduction studies may be performed by a licensed physical therapist who is certified in electromyography by the American Board of Physical Therapy Specialists (ABPTS).

- b. Planning initial and subsequent treatment programs, on the basis of test findings; and
 - c. Administering treatment by therapeutic exercise, neuro-developmental procedures, therapeutic massage/manual therapy, mechanical devices and therapeutic agents, which employ the physical, chemical and other properties of air, water, heat, cold, electricity, sound and radiant energy for the purpose of correcting or alleviating any physical condition or preventing the development of any physical or mental disability. Telehealth is an appropriate model of service delivery when it is provided in a manner consistent with the standards of practice, ethical principles, rules and regulations for Mississippi physical therapy practitioners. Intramuscular dry needling manual therapy may be performed by a licensed physical therapist who has met the criteria as described in these rules and regulations.
7. “Physical therapist (PT)” means a person licensed in this state to practice physical therapy as defined in these regulations, and whose license is in good standing.
 8. “Physical therapist assistant (PTA)” means a person who is licensed in this state and who assists a physical therapist in the provision of physical therapy under the direct, on-site supervision of the physical therapist. The physical therapist assistant may perform physical therapy procedures and related tasks that have been selected and delegated by the supervising physical therapists, but shall not perform the following physical therapy activities: interpretation of referrals; physical therapy initial evaluation/screening and reevaluation; identification, determination or modification of plans of care (including goals and treatment programs); final discharge assessment/evaluation or establishment of the discharge plan; or therapeutic techniques beyond the skill and knowledge of the physical therapist assistant.
 9. “Referral” means the written or oral designation of physical therapy services by a doctor of medicine, dentistry, osteopathy, podiatry, or chiropractic, physician assistant, or by a nurse practitioner, holding a license in good standing under the laws of the state of Mississippi, another state, a territory of the United States, or the District of Columbia. The instruction may be as detailed or as general as the doctor, physician assistant or nurse practitioner in his or her sound discretion deems necessary in the particular case.
 10. “Direct, on-site supervision” means face-to-face oversight by a licensed physical therapist at regular intervals, as prescribed in these regulations adopted by the Board, of the services provided to a patient by a licensed physical therapist assistant.
 11. “Direct supervision” means face-to-face oversight at regular intervals of a physical therapist issued a temporary license under Part 3103 Rule 1.4 of these regulations by a licensed physical therapist.
 12. “Face-to-face” means within each other’s sight or presence at regular intervals.
 13. “Regular intervals” means every sixth treatment day or fourteenth calendar day, whichever comes first.

Source: *Miss. Code Ann.* §§73-23- 33 and 73-23-43 (Rev. 2008).

Rule 1.4 Publication. The Board shall publish, annually, a list of the names and addresses of all persons licensed by the Board as physical therapists and physical therapist assistants and a list of all

persons whose licenses have been suspended, revoked, denied renewal, put on probationary status, censured, or reprimanded.

Source: *Miss. Code Ann.* §73-23-43(1)(e) and (2)(Rev. 2008).

Part 3101 Chapter 2: State Board of Physical Therapy “Board” Organization

Rule 2.1. Board Structure and Purpose. The Board shall consist of seven (7) members as set forth in the Act, i.e., four (4) licensed physical therapists, one (1) licensed physical therapist assistant, one (1) licensed physician, and one (1) consumer at large, for the terms indicated therein. Each must possess unrestricted licenses to practice in his/her profession. The consumer at large shall not be associated with or financially interested in any health care profession and who has an interest in consumer rights. The purpose of the Board is the administration and interpretation of the Act.

Source: *Miss. Code Ann.* §§73-23- 41(1) and 73-23-43(1)(e)(Rev. 2008); *Miss. Code Ann.* §25-43-2.104 (Rev.2010).

Rule 2.2. Meetings. The Board shall meet at least once each quarter and those meetings shall be held in compliance with the Open Meetings Law (Section 25-41-1, et seq.). Additional meetings may be held, at the discretion of the chairman of the Board or at the request of four (4) members of the Board, upon ten (10) days written notice to the Board members. A quorum shall consist of four (4) members of the Board, including the chairman, and shall be necessary for the Board to take action by vote.

Source: *Miss. Code Ann.* §§73-23-41(2) and 73-23-43(1)(e)(Rev. 2008); *Miss. Code Ann* § 25-43-2.104 (Rev. 2010).

Rule 2.3. Responsibilities. The Board shall have the following powers and duties:

1. To examine and determine the qualifications and fitness of application for licenses to practice as physical therapists and licenses to act as physical therapist assistants in this state, provide for and approve all examinations of applicants for licensure;
2. To issue, renew, deny, suspend, or revoke licenses to practice as physical therapists and licenses to act as physical therapist assistants in this state or otherwise discipline licensed physical therapists and physical therapist assistants;
3. To investigate alleged or suspected violations of the provisions of the act or other laws of this state pertaining to physical therapy and any rules and regulations adopted by the Board;
4. To establish reasonable fees for application for examination, certificates of licensure and renewal and other services provided by the Board;
5. To adopt, amend or repeal any rules or regulations necessary to carry out the purposes of the act and the duties and responsibilities of the Board, in accordance with section 25-43-1 et seq. Such rules, when lawfully adopted, shall have the effect of law;
6. To hire appropriate support personnel to carry out the provisions of the Act;
7. Keep a record of all proceedings of the Board, and make said records available to the public; and
8. To promulgate and implement rules and procedures to carry out the purpose of the Act.

9. To maintain a register listing the name of every physical therapist and physical therapist assistant licensed to practice in this state, his/her last known place of business and last known place of residence, and the date and number of his/her license. At least once a year, compile a list of physical therapists and physical therapist assistants licensed to practice in Mississippi and make the list available to any person upon application to the Board and the payment of such charges as may be fixed upon it.
10. Subject to any confidentiality provisions established by law, make all written final orders available for public inspection and copying and index them by name and subject.
11. Subject to any confidentiality provisions established by law, when and if declaratory opinions are required by state law, make all declaratory opinions available for public inspection and copying and index them by name and subject, unless information contained within such opinions is confidential by statute or exempt from public disclosure pursuant to another provision of law.
12. To adopt the American Physical Therapy Association Code of Ethics: Standards of Ethical Conduct and the accompanying Guide for Professional Conduct for physical therapists and physical therapist assistants licensed under this chapter. To further adopt the American Physical Therapy Association Standards of Practice for Physical Therapy and the accompanying Criteria.
13. To regulate the practice of physical therapy by interpreting and enforcing this chapter;
14. To provide for the examination of physical therapists and physical therapist assistants;
15. To establish mechanisms for assessing the continuing professional competence of physical therapists and physical therapist assistants;
16. To set criteria for continuing education;
17. To establish and collect fees for sustaining the necessary operation and expenses of the Board;
18. To publish, at least annually, final disciplinary action against a licensee;
19. To report final disciplinary action taken against a licensee to other state or federal regulatory agencies and to a national disciplinary database recognized by the Board or as required by law;
20. To share documents, materials, or other information, including confidential and privileged documents, materials, or information, received or maintained by the Board with other state or federal and with national disciplinary database recognized by the Board or as required by law provided that the recipient agrees to maintain the confidentiality and privileged status of the document, material, or other information;
21. To participate in or conduct performance audits;
22. To, through its employees and/or representatives, enter and make inspections of any place where physical therapy is practiced and inspect and/or copy any record pertaining to clients or the practice of physical therapy under this chapter;
23. To issue subpoenas for the attendance and testimony of witnesses and the production of papers, records or other documentary evidence. Any member of the Board may administer oaths or affirmations to witnesses appearing before the Board. If any subpoenaed person fails or refuses to attend any proceeding before the Board, refuses to testify, refuses to produce any books and papers the production of which is called for by a subpoena, or otherwise fails to comply with any subpoena issued pursuant to this subsection, the attendance of such witness, the giving of his or her testimony, the production of the books

and papers or other compliance with the subpoena 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 civile cases in the courts of this state

24. To conduct a criminal history record's check on licensees whose licensure is subject to investigation by the Board and on applicants for licensure. In order to determine the applicant's or licensee's suitability for licensing, the applicant or licensee shall be fingerprinted. The Board shall be authorized to charge and collect from the applicant or licensee, in addition to all other applicable fees and costs, such amount as may be incurred by the Board in requesting and obtaining state and national criminal history records information on the applicant or licensee.

Source: *Miss. Code Ann.* §§73-23- 41(2), 73-23-43 and 73-23-67 (Rev. 2008); *Miss. Code Ann.* §§24-43-2.103(5)(c) and 25-43-2.104 (Rev. 2023).

Rule 2.4 Method of Operation. The Mississippi State Board of Physical Therapy, hereinafter “[Board]” is created pursuant to Miss Code Ann. § 73-23-1, et. seq., as amended, in order to examine and determine the qualifications and fitness of applicants for license to practice physical therapy and to practice as physical therapist assistant; to issue, renew, deny, suspend, and revoke licenses; to investigate and inspect, pursuant to the law, and regulate licensure of physical therapists and physical therapist assistants; to establish licensure and examination, fees, pursuant to the law; adopt and amend rules and regulations; hire support personnel; but not limited thereto, and in order to conduct licensure and regulation of physical therapists and physical therapist assistants.

The Board's office is located at 625 Lakeland East Drive, Suite F., Flowood, MS. 39232. The website is www.msrbpt.state.ms.us. The phone number is (601) 939-5124 and the fax number is (601) 939-5246. [required by 25-43-2.104]

Source: *Miss. Code Ann.* §§73-23-41 and 73-23-43 (Rev. 2008); *Miss. Code Ann.* §25-43- 2.104 (Rev. 2010).

Part 3101 Chapter 3: Oral Proceedings on Proposed Rules

Rule 3.1 Scope. This rule applies to all oral proceedings held for the purpose of providing the public with an opportunity to make oral presentations on proposed new rules and amendments to rules before the Board pursuant to Rule 3.1 and §25-43-3.104.

1. **When Oral Proceedings will be Scheduled on Proposed Rules.** The Board will conduct an oral proceeding on a proposed rule or amendment if requested by a political subdivision, an agency or ten (10) persons in writing within twenty (20) days after the filing of the notice of the proposed rule.
2. **Request Format.** Each request must be printed or typewritten, or must be in legible handwriting. Each request must be submitted on standard business letter-size paper (8-1/2 inches by 11 inches). Requests may be in the form of a letter addressed to the Board and signed by the requestor(s).
3. **Notification of Oral Proceeding.** The date, time and place of all oral proceedings shall be filed with the Secretary of State's office and mailed to each requestor. The oral proceedings

will be scheduled no earlier than twenty (20) days from the filing of this information with the Secretary of State.

4. Presiding Officer. The Commissioner or his designee, who is familiar with the substance of the proposed rule, shall preside at the oral proceeding on a proposed rule.

5. Public Presentations and Participation.

- a. At an oral proceeding on a proposed rule, persons may make oral statements and make documentary and physical submissions, which may include data, views, comments or arguments concerning the proposed rule.
- b. Persons wishing to make oral presentations at such a proceeding shall notify the Board at least one business day prior to the proceeding and indicate the general subject of their presentations. The presiding officer in his or her discretion may allow individuals to participate that have not previously contacted the Board.
- c. At the proceeding, those who participate shall indicate their names and addresses, identify any persons or organizations they may represent, and provide any other information relating to their participation deemed appropriate by the presiding officer.
- d. The presiding officer may place time limitations on individual oral presentations when necessary to assure the orderly and expeditious conduct of the oral proceeding. To encourage joint oral presentations and to avoid repetition, additional time may be provided for persons whose presentations represent the views of other individuals as well as their own views.
- e. Persons making oral presentations are encouraged to avoid restating matters that have already been submitted in writing.
- f. There shall be no interruption of a participant who has been given the floor by the presiding officer, except that the presiding officer may in his or her discretion interrupt or end the partisan's time where the orderly conduct of the proceeding so requires.

6. Conduct of Oral Proceeding.

- a. Presiding officer. The presiding officer shall have authority to conduct the proceeding in his or her discretion for the orderly conduct of the proceeding. The presiding officer shall (i) call proceeding to order; (ii) give a brief synopsis of the proposed rule, a statement of the statutory authority for the proposed rule, and the reasons provided by the Board for the proposed rule; (iii) call on those individuals who have contacted the board about speaking on or against the proposed rule; (iv) allow for rebuttal statements following all participants comments; (v) adjourn the proceeding.
- b. Questions. The presiding officer, where time permits and to facilitate the exchange of information, may open the floor to questions or general discussion. The presiding officer may question participants and permit the questioning of participants by other participants about any matter relating to that rule-making proceeding, including any prior written submissions made by those participants in that proceeding; but no participant shall be required to answer any question.
- c. Physical and Documentary Submissions. Submissions presented by participants in an oral proceeding shall be submitted to the presiding officer. Such submissions become the property of the Board and are subject to the Board's public records request

- procedure.
- d. Recording. The Board may record oral proceedings by stenographic or electronic means.

Source: *Miss. Code Ann.* §25-43-2.104 (Rev. 2010) and *Miss. Code Ann.* §73-23-43(1)(e).

Part 3101 Chapter 4: Declaratory Opinions

Rule 4.1 Declaratory Opinions. Scope. These rules set forth the Mississippi State Board of Physical Therapy, hereinafter “[Board],” rules governing the form and content of requests for declaratory opinions, and the Board’s procedures regarding the requests, as required by Mississippi Code §25-43-2.103. These rules are intended to supplement and be read in conjunction with the provisions of the Mississippi Administrative Procedures Law, which may contain additional information regarding the issuance of declaratory opinions. In the event of any conflict between these rules and the Mississippi Administrative Procedures Law, the latter shall govern.

- 1. Persons Who May Request Declaratory Opinions.** Any person with a substantial interest in the subject matter may request a declaratory opinion from the Board by following the specified procedures. “Substantial interest in the subject matter” means: an individual, business, group or other entity that is directly affected by the Board’s administration of the laws within its primary jurisdiction. “Primary jurisdiction of the Board” means the Board has a constitutional or statutory grant of authority in the subject matter at issue.
- 2. Subjects Which May Be Addressed In Declaratory Opinions.** The Board will issue declaratory opinions regarding the applicability to specified facts of: (1) a statute administered or enforceable by the Board or (2) a rule promulgated by the Board. The Board will not issue a declaratory opinion regarding a statute or rule which is outside the primary jurisdiction of the Board.
- 3. Circumstances In which Declaratory Opinions Will Not Be Issued.** The Board may, for good cause, refuse to issue a declaratory opinion. The circumstances in which declaratory opinions will not be issued include, but are not necessarily limited to:
 - a. lack of clarity concerning the question presented;
 - b. there is pending or anticipated litigation, administrative action, or other adjudication which may either answer the question presented by the request or otherwise make an answer unnecessary;
 - c. the statute or rule on which a declaratory opinion is sought is clear and not in need of interpretation to answer the question presented by the request;
 - d. the facts presented in the request are not sufficient to answer the question presented;
 - e. the request fails to contain information required by these rules or the requestor failed to follow the procedure set forth in these rules;
 - f. the request seeks to resolve issues which have become moot, or are abstract or hypothetical such that the requestor is not substantially affected by the statute or rule on which a declaratory opinion is sought;
 - g. no controversy exists concerning the issue the requestor is not faced with existing facts or those certain to arise which raise a question concerning the application of the statute or rule;
 - h. the question presented by the request concerns the legal validity of a statute or rule;

- i. the request is not based upon facts calculated to aid in the planning of future conduct but is, instead, based on past conduct in an effort to establish the effect of that conduct;
 - j. no clear answer is determinable;
 - k. the question presented by the request involves the application of a criminal statute or a set of facts which may constitute a crime;
 - l. the answer to the question presented would require the disclosure of information which is privileged or otherwise protected by law from disclosure;
 - m. the question is currently the subject of an Attorney General's opinion request or has been answered by an Attorney General's opinion;
 - n. a similar request is pending before this Board or any other agency or a proceeding is pending on the same subject matter before any agency, administrative or judicial tribunal, or where such an opinion would constitute the unauthorized practice of law.
 - o. where issuance of a declaratory opinion may adversely affect the interests of the State, the Board or any of their officers or employees in any litigation which is pending or may reasonably be expected to arise;
 - p. the question involves eligibility for a license, permit, certificate or other approval by the Board or some other agency, and there is a statutory or regulatory application process by which eligibility for said license, permit, certificate or other approval would be determined.
- 4. Written Request Required.** Each request must be printed or typewritten, or must be in legible handwriting. Each request must be submitted on standard business letter-size paper (8-1/2 inches by 11 inches). Requests may be in the form of a letter addressed to the Board.
- 5. Where to Send Requests.** All requests must be mailed, delivered or transmitted via facsimile to the Board. The request shall clearly state that it is a request for a declaratory opinion. No oral, telephone requests or email requests will be accepted for official opinions.
- 6. Name, Address and Signature of Requestor.** Each request must include the full name, telephone number, and mailing address of the requestor. All requests shall be signed by the person filing the request, who shall attest that the request complies with the requirements set forth in these rules, including but not limited to a full, complete, and accurate statement of relevant facts and that there are no related proceedings pending before any other administrative or judicial tribunal.
- 7. Question Presented.** Each request shall contain the following:
- a. a clear and concise statement of all facts on which the opinion is requested;
 - b. a citation to the statute or rule at issue;
 - c. the question(s) sought to be answered in the opinion, stated clearly;
 - d. a suggested proposed opinion from the requestor, stating the answers desired by petitioner and a summary of the reasons in support of those answers;
 - e. the identity of all other known persons involved in or impacted by the described factual situation, including their relationship to the facts, name, mailing

- address and telephone number; and
- f. a statement to show that the person seeking the opinion has a substantial interest in the subject matter.
- 8. Time for [agency]’s Response.** Within forty-five (45) days after the receipt of a request for a declaratory opinion which complies with the requirements of these rules, the Board shall, in writing:
- a. issue a declaratory opinion regarding the specified statute or rule as applied to the specified circumstances;
 - b. decline to issue a declaratory opinion, stating the reasons or its action; or
 - c. agree to issue a declaratory opinion by a specified time but not later than ninety (90) days after receipt of the written request;

The forty-five (45) day period shall begin running on the first State of Mississippi business day on or after the request is received by the Board, whichever is sooner.

- 9. Opinion Not Final for Sixty Days.** A declaratory opinion shall not become final until the expiration of sixty (60) days after the issuance of the opinion. Prior to the expiration of sixty (60) days, the Board may, in its discretion, withdraw or amend the declaratory opinion for any reason which is not arbitrary or capricious. Reasons for withdrawing or amending an opinion include, but are not limited to, a determination that the request failed to meet the requirements of these rules or that the opinion issued contains a legal or factual error.
- 10. Notice by [agency] to third parties.** The Board may give notice to any person, agency or entity that a declaratory opinion has been requested and may receive and consider data, facts, arguments and opinions from other persons, agencies or other entities other than the requestor.
- 11. Public Availability of Requests and Declaratory Opinions.** Declaratory opinions and requests for declaratory opinions shall be available for public inspection and copying in accordance with the Public Records Act and the board’s public records request procedure. All declaratory opinions and requests shall be indexed by name and subject. Declaratory opinions and requests which contain information which is confidential or exempt from disclosure under the Mississippi Public Records Act or other laws shall be exempt from this requirement and shall remain confidential.
- 12. Effect of a Declaratory Opinion.** The Board will not pursue any civil, criminal or administrative action against a person who is issued a declaratory opinion from the Board and who, in good faith, follows the direction of the opinion and acts in accordance therewith unless a court of competent jurisdiction holds that the opinion is manifestly wrong. Any declaratory opinion rendered by the Board shall be binding only on the Board and the person to whom the opinion is issued. No declaratory opinion will be used as precedent for any other transaction or occurrence beyond that set forth by the requesting person.

Source: *Miss. Code Ann.* §25-43-2.103 (Rev.2010) and *Miss. Code Ann.* §73-23-43(1)(e).

Part 3101 Chapter 5: Public Records Request

Rule 5.1 Scope. All public requests to inspect, copy or mechanically reproduce or obtain a reproduction of any public record of the Mississippi State Board of Physical Therapy (Board) must be submitted in writing to: the Executive Director, Mississippi State Board of Physical Therapy, PO

Box 55707, Jackson, Mississippi 39296-5707. This rule is not intended to apply to any record or other document, which is exempted or privileged under the provisions of the Mississippi Public Records Act.

The written request must be typed or clearly handprinted on a letter size piece of paper and must specify in detail the public record(s) sought. The request must include a description of the type of record, dates, title of a publication, and other information which may aid in locating the record. No verbal or telephone requests for records will be accepted.

Under the Public Records Act, documents that are exempt from public access to records include, but are not limited to, personnel records, appraisal records, attorney communications and work products of attorneys, academic records, third party confidential commercial or financial information, licensure applications and examination records, and individual tax records.

Within seven (7) working days of the Board's receipt of a public records request, the Board shall review same and determine whether the records sought are exempt or privileged by law and shall either: i) produce the records; ii) allow access to records; iii) if the request is unclear or does not sufficiently identify the record sought, request clarification from the requestor; or iv) deny access to or production of the records sought. If the Board is unable to produce a public record by the seventh working day after the request is received, the Board will provide the requester with a written explanation stating that the record requested will be produced and specify the reason why the records cannot be produced within the seven-day period. Unless there is mutual agreement between the Board and the requester, the date for production of the requested record will be no later than fourteen (14) working days from the Board's receipt of the original public record request.

When a request for information is made for documents furnished to the Board by a third party, the Board will give notice of the request to the third party as required by the Public Records Act. Such third party information will not be released without the prior written consent of the third party authorizing the release of the information and/or until the third party has been provided with notice of the public records request and an opportunity to seek a court order protecting such records from public review. No third party information will be released by the Board if the third party obtains a court order prohibiting the disclosure of such information.

When possible, nonexempt material will be separated from exempt material and only the exempt material will be withheld from disclosure by the Board.

If the Board determines that the records requested are exempt or privileged under the law, the request shall be denied and the person making the request will be provided a statement of the specific reasons for the denial. Such denials shall be kept on file for inspection by any person for three (3) years from the date such denials are made.

Public records of the Board are available for inspection and copying or reproduction during regular office hours (8:00 a.m. through 5:00 p.m., Monday through Friday) by appointment. All inspection, copying or mechanical reproduction of records must be done in the office of the Board. The time,

place and manner of inspection and reproduction or copying will not be allowed to interfere with the official duties of the Board. The Board will not allow its records to be taken from the Board office.

The requester must pay the Board in advance all reasonably estimated costs of searching, obtaining from storage, reviewing, shipping and/or duplicating the requested records. Such payment must be sufficient to cover the actual costs to the Board of complying with the public records request. There shall be a charge of \$1.00 per page for each copy. Copies printed on both sides (front and back) shall be considered as two (2) pages for copy charge purposes. Mailing cost shall be calculated at the applicable rate for each such mailing. If the request involves notice being given to a third party, the cost of mailing such notice to the third party shall be charged to the requester. Cost of obtaining records from any state storage facilities and the search for the records shall be charged to the requester. If the actual cost of a public records request exceeds the estimated cost provided to the requester, the requester will be required to pay the Board the difference between the amounts paid in advance by the requester and the actual cost of supplying the record to the requester.

Payment by the public records requester must be made by money order or certified check.

The Board has also established a schedule of standard fees for frequently requested documents and information, directory or labels of licensees, and electronically accessible data. The schedule of standard documents and fees is set forth in below.

Charges are as follows:

Copying Fee:

\$1.00 per page plus cost of retrieving information

Microfilm Reproductions:

8½" x 11" .50/page

Minimum charge of \$2.00 per request

Computer Printouts:

11" x 17" Continuous form \$1.00/page of reported data

\$250.00 for data retrieved from computer file

Certification of Documents:

\$3.00/First copy or cover letter

\$1.00/Each additional page

Minimum charge of \$3.00 per request

Additional fees incident to document production may include personnel charges for time expended in the actual searching, reviewing, and/or duplication of documents and, if applicable, the mailing of copies of said public documents.

Source: *Miss. Code Ann.* §§25-61-1 through 25-61-12 (Rev. 2010) and *Miss. Code Ann.* §73-23-43(1)(e) and (d).