

Miss. Code Ann. § 73-21-101
MISSISSIPPI CODE of 1972
*** Current through the 2018 Regular Session ***
TITLE 73. PROFESSIONS AND VOCATIONS
CHAPTER 21. PHARMACISTS
MISSISSIPPI PHARMACY PRACTICE ACT

Miss. Code Ann. § 73-21-101

§ 73-21-101. Appeal from adverse action on a license, registration or permit; scope of review [Repealed effective July 1, 2020].

- 1) The right to appeal from the action of the board in denying, revoking, suspending or refusing to renew any license, registration or permit issued by the board, or fining or otherwise disciplining any person is hereby granted. Such appeal shall be to the chancery court of the county of the residence of the licensee or permit holder on the record made, including a verbatim transcript of the testimony at the hearing. The appeal shall be taken within thirty (30) days after notice of the action of the board in denying, revoking, suspending or refusing to renew the license or permit, or fining or otherwise disciplining the person. The appeal shall be perfected upon filing notice of the appeal and by the prepayment of all costs, including the cost of the preparation of the record of the proceedings by the board, and the filing of a bond in the sum of Two Hundred Dollars (\$200.00), conditioned that if the action of the board in denying, revoking, suspending or refusing to renew the license or permit, or fining or otherwise disciplining the person, be affirmed by the chancery court, the licensee or permit holder will pay the costs of the appeal and the action in the chancery court.
- 2) If there is an appeal, such appeal shall act as a supersedeas. The chancery court shall dispose of the appeal and enter its decision promptly. The hearing on the appeal may, in the discretion of the chancellor, be tried in vacation. The scope of review of the chancery court shall be limited to a review of the record made before the board to determine if the action of the board is unlawful for the reason that it was (a) not supported by substantial evidence, (b) arbitrary or capricious, (c) beyond the power of the board to make, or (d) in violation of some statutory or constitutional right of the appellant. The decision of the chancery court may be appealed to the Supreme Court in the manner provided by law.
- 3) Actions taken by the board in suspending a license, registration or permit 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 suspension of a license, registration or permit 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.

HISTORY: Laws, 1983, ch. 414, § 16; Laws, 1990, ch. 514, § 1; reenacted, Laws, 1991, ch. 527, § 16; Laws, 1992, ch. 531 § 6; reenacted, Laws, 1993, ch. 416, § 17; Laws, 1994, ch. 513, § 6; Laws, 1996, ch. 507, § 49; reenacted without change, Laws, 1998, ch. 511, § 17; reenacted without change, Laws, 2002, ch. 501, § 17; reenacted without change, Laws, 2006, ch. 533, § 17; reenacted without change, Laws, 2011, ch. 546, § 15; reenacted without change, Laws, 2016, ch. 448, § 17, eff from and after July 1, 2016.