

By: Martinson

To: Public Health and
Welfare

HOUSE BILL NO. 944

1 AN ACT TO REENACT SECTIONS 73-38-1 THROUGH 73-38-36,
2 MISSISSIPPI CODE OF 1972, WHICH PROVIDE THE EDUCATION AND
3 LICENSURE REQUIREMENTS FOR AUDIOLOGISTS; TO AMEND SECTION
4 73-38-38, MISSISSIPPI CODE OF 1972, TO EXTEND THE DATE OF THE
5 REPEALER; AND FOR RELATED PURPOSES.

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

7 SECTION 1. Section 73-38-1, Mississippi Code of 1972, is
8 reenacted as follows:

9 73-38-1. The State Board of Health, established and
10 empowered by Section 41-3-1 et seq., shall discharge as additional
11 duties and responsibilities the provisions of this chapter in the
12 examination, licensing and regulation of persons who provide
13 services in the areas of speech-language pathology and audiology.

14 SECTION 2. Section 73-38-3, Mississippi Code of 1972, is
15 reenacted as follows:

16 73-38-3. The following definitions apply as used in this
17 chapter, unless the context otherwise requires:

18 (a) "Board" means the Mississippi State Board of
19 Health.

20 (b) "Council" means the Mississippi Council of Advisors
21 in Speech-Language Pathology and Audiology as established in
22 Section 73-38-11.

23 (c) "Person" means any individual, organization or
24 corporate body, except that only an individual may be licensed
25 under this chapter.

26 (d) "Speech-language pathologist" means an individual
27 who practices speech-language pathology and who presents himself

28 to the public by any title or description of services
29 incorporating the words "speech pathologist," "speech-language
30 pathologist," "speech therapist," "speech correctionist," "speech
31 clinician," "language pathologist," "language therapist,"
32 "logopedist," "communicologist," "voice therapist," "voice
33 pathologist," or any similar title or description of services.

34 (e) "Speech-language pathology" means the application
35 of principles, methods and procedures for the measurement,
36 testing, evaluation, prediction, counseling, instruction,
37 habilitation or rehabilitation related to the development and
38 disorders of speech, voice, language or for the purpose of
39 evaluating, preventing, ameliorating or modifying such disorders
40 and conditions in individuals and/or groups of individuals.

41 (f) "Audiologist" means an individual who practices
42 audiology and who presents himself to the public by any title or
43 description of services incorporating the words "audiologist,"
44 "hearing clinician," "hearing therapist," or any similar title or
45 description of service.

46 (g) "Audiology" means the application of principles,
47 methods and procedures of measurement, testing, evaluation,
48 prediction, consultation, counseling, instruction, habilitation or
49 rehabilitation related to hearing and disorders of hearing for the
50 purpose of evaluating, identifying, preventing, ameliorating or
51 modifying such disorders and conditions in individuals and/or
52 groups of individuals; and for the purpose of this subsection the
53 words "habilitation" and "rehabilitation" include, but are not
54 limited to hearing aid evaluation, and auditory training, and
55 speech reading.

56 (h) "Speech-language pathology aide" means an
57 individual who meets minimum qualifications which the council may
58 establish for speech-language pathology aides, which
59 qualifications shall be less than those established by this
60 chapter as necessary for licensure as a speech-language
61 pathologist, and who works under the supervision of a licensed
62 speech-language pathologist.

63 (i) "Audiology aide" means an individual who meets
64 minimum qualifications which the council may establish for

65 audiology aides, which qualifications shall be less than those
66 established by this chapter as necessary for licensure as an
67 audiologist, and who works under the supervision of a licensed
68 audiologist.

69 (j) "ASHA" means the American Speech-Language-Hearing
70 Association.

71 SECTION 3. Section 73-38-5, Mississippi Code of 1972, is
72 reenacted as follows:

73 73-38-5. (1) Licensure shall be granted either in
74 speech-language pathology or audiology independently. A person
75 may be licensed in both areas if he meets the respective
76 qualifications.

77 (2) No person shall practice or represent himself as a
78 speech-language pathologist or audiologist in this state unless he
79 is licensed in accordance with the provisions of this chapter.

80 SECTION 4. Section 73-38-7, Mississippi Code of 1972, is
81 reenacted as follows:

82 73-38-7. Nothing in this chapter shall be construed as
83 preventing or restricting:

84 (a) A physician from engaging in the practice of
85 medicine in this state, or a person using an audiometer to test
86 hearing under the direct supervision of a licensed physician,
87 provided such person does not present himself to the public by any
88 title or description of services incorporating the words
89 "audiologist," "hearing clinician," "hearing therapist," or any
90 similar title or description of services;

91 (b) Any person licensed as a hearing aid dispenser from
92 measuring and testing hearing in relation to the fitting, usage
93 and dispensing of hearing aids or rendering post fitting services
94 to his clients or using any title provided in Sections 73-14-1
95 through 73-14-47;

96 (c) Any person licensed in this state by any other law
97 from engaging in the profession or occupation for which he is

98 licensed;

99 (d) A person from being employed or working in a
100 volunteer capacity without a license, as provided in this chapter,
101 as a speech-language pathologist or audiologist by the government
102 of the United States or by the governing authority of any school
103 district or private or parochial school in this state, if such
104 person performs speech-language pathology or audiology services
105 solely within the confines or under the jurisdiction of the
106 organization by which he is employed, or working in a volunteer
107 capacity; however, such person may, without obtaining a license
108 under this chapter, consult with or disseminate his research
109 findings and other scientific information to speech-language
110 pathologists and audiologists outside the jurisdiction of the
111 organization by which he is employed; such person may also offer
112 lectures to the public for a fee, monetary or other, without being
113 licensed under this chapter; such person may additionally elect to
114 be subject to this chapter.

115 (e) The activities and services of persons pursuing a
116 course of study leading to a degree in speech-language pathology
117 at a college or university if such activities and services
118 constitute a part of the supervised course of study and that such
119 person is designated speech-language pathology intern,
120 speech-language pathology trainee, or by other such titles clearly
121 indicating the training status appropriate to his level of
122 training;

123 (f) The activities and services of a person pursuing a
124 course of study leading to a degree in audiology at a college or
125 university if such activities and services constitute a part of a
126 supervised course of study and such person is designated audiology
127 intern, audiology trainee, or by any other such titles clearly
128 indicating the training status appropriate to his level of
129 training; or

130 (g) The performance of speech-language pathology or

131 audiology services in this state by any person not a resident of
132 this state who is not licensed under this chapter if such services
133 are performed for no more than five (5) days in any calendar year
134 and in cooperation with a speech-language pathologist or
135 audiologist licensed under this chapter, and if such person meets
136 the qualifications and requirements for application for licensure
137 described in subsections (a) through (c) of Section 73-38-9;
138 however, a person not a resident of this state who is not licensed
139 under this chapter, but who is licensed under the law of another
140 state which has established licensure requirements at least
141 equivalent to those established by Section 73-38-9, or who is the
142 holder of the ASHA Certificate of Clinical Competence in
143 Speech-Language Pathology or Audiology or its equivalent, may
144 offer speech-language pathology or audiology services in this
145 state for no more than thirty (30) days in any calendar year if
146 such services are performed in cooperation with a speech-language
147 pathologist or audiologist licensed under this chapter; or

148 (h) Any person employed by a private industry or firm
149 for the purpose of conducting hearing tests incident to the
150 operations of such firm or industry relative to its employees and
151 employment practices.

152 SECTION 5. Section 73-38-9, Mississippi Code of 1972, is
153 reenacted as follows:

154 73-38-9. To be eligible for licensure by the board as a
155 speech-language pathologist or audiologist and to be eligible for
156 registration as a speech-language pathology aide or audiology
157 aide, a person shall:

158 (a) Be of good moral character;

159 (b) (1) For speech-language pathologists or
160 audiologists, possess at least a master's degree or its equivalent
161 in the area of speech-language pathology or audiology, as the case
162 may be, from an educational institution recognized by the board;

163 (2) For speech-language pathology aide or

164 audiology aide, the board shall set minimum educational standards
165 which shall be less than a bachelor's degree;

166 (c) For speech-language pathologists and audiologists,
167 submit evidence of the completion of the educational, clinical
168 experience and employment requirements, which requirements shall
169 be based on appropriate national standards and prescribed by the
170 rules and regulations adopted pursuant to this chapter;

171 (d) For speech-language pathologists and audiologists,
172 pass an examination approved by the board. This examination may
173 be taken either before or after the completion of the employment
174 requirement specified pursuant to subsection (c) of this section;

175 (e) For speech-language pathology aides and audiology
176 aides, no examination shall be required.

177 SECTION 6. Section 73-38-11, Mississippi Code of 1972, is
178 reenacted as follows:

179 73-38-11. (1) There is established the Mississippi Council
180 of Advisors in Speech-Language Pathology and Audiology under the
181 jurisdiction of the Mississippi State Board of Health.

182 (2) The council shall be comprised of five (5) members. Two
183 (2) council members shall be speech-language pathologists and two
184 (2) council members shall be audiologists with the fifth council
185 member being a licensed physician, board certified in
186 otolaryngology. All council members who are speech-language
187 pathologists or audiologists shall at all times be holders of
188 active and valid licenses for the practice of speech-language
189 pathology and audiology in this state and shall be holders of the
190 ASHA Certificate of Clinical Competence in Speech-Language
191 Pathology or Audiology or its equivalent.

192 (3) One (1) member shall be appointed from each Supreme
193 Court district as presently constituted; and two (2) members shall
194 be appointed from the state at large. No more than two (2)
195 members of the council shall be appointed from any one (1) Supreme
196 Court district as presently constituted. Appointments made shall

197 be for three-year terms, with no person being eligible to serve
198 more than two (2) full consecutive terms. Terms shall begin on
199 the first day of the calendar year and end on the last day of the
200 calendar year.

201 (4) Not less than sixty (60) days before the end of each
202 calendar year, the Mississippi Speech-Language-Hearing Association
203 will submit the names of at least three (3) persons for each
204 speech-language pathologist or audiologist vacancy and the
205 Mississippi Eye, Ear, Nose and Throat Association will submit the
206 names of at least three (3) persons for an otolaryngologist
207 vacancy occurring at the end of the calendar year. The board
208 shall make all appointments of council members from the list of
209 names submitted by each association within sixty (60) days after
210 receiving the lists. In the event of a vacancy, the board shall,
211 within thirty (30) days after such vacancy, appoint a person from
212 the previous list of names submitted who shall fill the unexpired
213 term.

214 (5) The council shall meet during the first month of each
215 calendar year to select a chairman and for other appropriate
216 purposes. At least one (1) additional meeting shall be held
217 before the end of each calendar year. Further meetings may be
218 convened at the call of the chairman or the written request of any
219 two (2) council members. All meetings of the council shall be
220 open to the public, except that the council may hold closed
221 sessions to prepare, approve, grade or administer examinations, or
222 upon request of an applicant who fails an examination, to prepare
223 a response indicating any reason for his failure. The public
224 shall be notified of meetings of the council through at least one
225 (1) newspaper of general circulation in the state and public
226 information channels not less than ten (10) calendar days before
227 such meetings are held.

228 (6) Three (3) members of the council shall constitute a
229 quorum for all purposes, but in no instance shall a meeting of

230 four (4) council members be considered a quorum if there is not at
231 least one (1) speech-language pathologist and one (1) audiologist
232 present.

233 SECTION 7. Section 73-38-13, Mississippi Code of 1972, is
234 reenacted as follows:

235 73-38-13. (1) The board shall have full authority to
236 investigate and evaluate each and every applicant applying for a
237 license to practice speech-language pathology or a license to
238 practice audiology with the advice of the council.

239 (2) The board shall have the authority to issue subpoenas,
240 examine witnesses and administer oaths, and shall, at its
241 discretion, investigate allegations or practices violating the
242 provisions of this chapter.

243 (3) The board shall adopt such rules and regulations not
244 inconsistent with the laws of this state as may be necessary to
245 effectuate the provisions of this chapter and may amend or repeal
246 the same as may be necessary for such purposes, with the advice of
247 the council.

248 (4) The conferral or enumeration of specific powers
249 elsewhere in this chapter shall not be construed as a limitation
250 of the general functions conferred by this section.

251 SECTION 8. Section 73-38-15, Mississippi Code of 1972, is
252 reenacted as follows:

253 73-38-15. (1) The administration of the provisions of this
254 chapter shall be financed from income accruing from fees, licenses
255 and other charges assessed and collected by the board and from
256 such other funds available to the board.

257 (2) The board shall receive and account for all funds
258 received and shall keep such funds in a separate fund. Funds
259 collected under the provisions of this chapter shall be used
260 solely for the compensation and expenses of the council and the
261 board and to administer the provisions of this chapter, which may
262 include full or partial financing of continuing education programs

263 promulgated by the council under Section 73-38-33. Such funds
264 shall be subject to audit by the Auditor of the State of
265 Mississippi.

266 (3) Members of the council shall receive no compensation for
267 their services, but shall receive travel and other expenses
268 necessarily incurred in the discharge of official duties.

269 SECTION 9. Section 73-38-17, Mississippi Code of 1972, is
270 reenacted as follows:

271 73-38-17. (1) The board shall issue licenses and notices of
272 renewal, revocation, suspension or reinstatement and shall publish
273 annually the names of persons licensed under this chapter.

274 (2) The board shall publish and disseminate to all
275 licensees, in an appropriate manner, the licensure standards
276 prescribed by this chapter, any amendments thereto, and such rules
277 and regulations as the board may adopt under the authority vested
278 by Section 73-38-13 within sixty (60) days of their adoptions.

279 SECTION 10. Section 73-38-19, Mississippi Code of 1972, is
280 reenacted as follows:

281 73-38-19. (1) A person eligible for licensure under Section
282 73-38-9 and desirous of licensure shall make application for
283 examination to the board at least thirty (30) days prior to the
284 date of examination upon a form and in such manner as the board
285 shall prescribe.

286 (2) Any application shall be accompanied by the fee
287 prescribed by Section 73-38-31, which fee shall in no case be
288 refunded.

289 (3) A person who fails an examination may make application
290 for reexamination if he again meets the requirements of
291 subsections (1) and (2) of this section.

292 (4) A person certified by ASHA or licensed under the law of
293 another state, a territory of the United States, or the District
294 of Columbia as a speech-language pathologist or audiologist who
295 has applied for examination under this section may perform

296 speech-language pathology and audiology services in this state
297 prior to a determination by the board that such person has
298 successfully completed examination for licensure.

299 (5) Each application or filing made under this section shall
300 include the Social Security number(s) of the applicant in
301 accordance with Section 93-11-64, Mississippi Code of 1972.

302 SECTION 11. Section 73-38-21, Mississippi Code of 1972, is
303 reenacted as follows:

304 73-38-21. (1) Each applicant for licensure under this
305 chapter shall be examined by the board in written examination.
306 Standards for acceptable performance shall be established by the
307 board with the advice of the council.

308 (2) Applicants for licensure shall be examined at a time and
309 place and under such supervision as the board may determine.
310 Examinations shall be given at such places within this state as
311 the board may determine at least twice each year and the board
312 shall make public, in a manner it considers appropriate, notice of
313 such examinations at least sixty (60) days prior to their
314 administration, and shall appropriately notify all individual
315 examination applicants of the time and place of their
316 administration.

317 (3) The board may examine in whatever theoretical or applied
318 field of speech-language pathology and audiology it considers
319 appropriate and may examine with regard to a person's professional
320 skills and judgment in the utilization of speech-language
321 pathology or audiology techniques and methods.

322 (4) The board shall maintain a permanent record of all
323 examination scores.

324 SECTION 12. Section 73-38-23, Mississippi Code of 1972, is
325 reenacted as follows:

326 73-38-23. (1) The board shall waive the requirements of
327 subsections (b) and (c) of Section 73-38-9 for those applicants
328 for licensure who, on the effective date of this section, are

329 actually engaged in this state in the practice of speech-language
330 pathology or audiology, upon proof of bona fide practice presented
331 to the board. However, any such applicant must meet the
332 requirements of subsections (b) through (d) of Section 73-38-9
333 within five (5) years of the effective date of this section.

334 (2) The board may waive the examination for licensure of any
335 applicant who shall present proof of current licensure in another
336 state, including the District of Columbia, or territory of the
337 United States which maintains professional standards considered by
338 the council to be equivalent to those set forth in this chapter.

339 (3) The board shall waive the examination for licensure of
340 any person certified as clinically competent by ASHA in the area
341 for which such person is applying for licensure.

342 SECTION 13. Section 73-38-25, Mississippi Code of 1972, is
343 reenacted as follows:

344 73-38-25. (1) The board shall issue a license to any person
345 who meets the requirements of this chapter and who pays to the
346 board the fees prescribed in Section 73-38-31.

347 (2) (a) An applicant who fulfills all the requirements for
348 licensure except professional employment and/or examination or
349 persons granted a waiver under subsection (1) of Section 73-38-23
350 may apply to the board for a temporary license.

351 (b) Upon receiving an application provided under
352 subsection (2)(a), the board shall issue a temporary license which
353 entitles the applicant to practice speech-language pathology or
354 audiology under the supervision of a licensee with licensure in
355 the appropriate specialty while completing the requirements for
356 licensure.

357 (c) No temporary license shall be issued by the board
358 under this section unless the applicant shows to the satisfaction
359 of the board that he is or will be supervised and trained by a
360 person who holds a license in the appropriate specialty or unless
361 the applicant is granted a waiver under subsection (1) of Section

362 73-38-23.

363 (d) The temporary license shall be effective for one
364 (1) licensure period and may be renewed upon board approval.

365 (3) (a) Each person licensed under this chapter who
366 supervises a speech-language pathology or audiology aide shall
367 register the same with the board.

368 (b) The licensee who supervises aides is responsible
369 for the services provided to the client by said aides and may
370 suffer suspension, revocation or other appropriate penalty for
371 failure to exercise his responsibilities in the supervision of
372 aides.

373 (c) Speech-language pathology and audiology aides shall
374 pay to the board a registration fee as prescribed in Section
375 73-38-31, subsection (1).

376 SECTION 14. Section 73-38-27, Mississippi Code of 1972, is
377 reenacted as follows:

378 73-38-27. (1) The board may refuse to issue or renew a
379 license, or may suspend or revoke a license where the licensee or
380 applicant for license has been guilty of unprofessional conduct
381 which has endangered or is likely to endanger the health, welfare
382 or safety of the public. Such unprofessional conduct may result
383 from:

384 (a) Obtaining a license by means of fraud,
385 misrepresentation or concealment of material facts;

386 (b) Being guilty of unprofessional conduct as defined
387 by the rules established by the board;

388 (c) Being convicted of a felony in any court of the
389 United States if the acts for which he is convicted are found by
390 the board to have a direct bearing on whether he should be
391 entrusted to serve the public in the capacity of a speech-language
392 pathologist or audiologist;

393 (d) Violating any lawful order, rule or regulation
394 rendered or adopted by the board;

395 (e) Violating any provisions of this chapter.

396 (2) The board may deny an application for, or suspend,
397 revoke or impose probationary conditions upon a license upon
398 recommendations of the council made after a hearing as provided in
399 this chapter. One (1) year from the date of revocation of a
400 license under this section, application may be made to the board
401 for reinstatement. The board shall have discretion to accept or
402 reject an application for reinstatement and may require an
403 examination for such reinstatement.

404 (3) A plea or verdict of guilty, or a conviction following a
405 plea of nolo contendere, made to a charge of a felony or of any
406 offense involving moral turpitude is a conviction within the
407 meaning of this section. After due notice and administrative
408 hearing, the license of the person so convicted shall be suspended
409 or revoked or the board shall decline to issue a license when:

410 (a) The time for appeal has elapsed;

411 (b) The judgment of conviction has been affirmed on
412 appeal; or

413 (c) An order granting probation has been made
414 suspending the imposition of sentence, without regard to a
415 subsequent order allowing the withdrawal of a guilty plea and the
416 substitution therefor of a not guilty plea, or the setting aside
417 of a guilty verdict, or the dismissal of the acquisition,
418 information or indictment.

419 (4) Within thirty (30) days after any order or act of the
420 board, any person aggrieved thereby may appeal to the chancery
421 court of the county where such person resides.

422 (5) Notice of appeals shall be filed in the office of the
423 clerk of the court, who shall issue a writ of certiorari directed
424 to the board, commanding it within ten (10) days after service
425 thereof to certify to such court its entire record in the matter
426 in which the appeal has been taken. The appeal shall thereupon be
427 heard in the due course by said court, and the court shall review

428 the record and make its determination of the cause between the
429 parties.

430 (6) Any order, rule or decision of the board shall not take
431 effect until after the time of appeal in the said court shall have
432 expired. In the event an appeal is taken by a defendant, such
433 appeal shall not act as a supersedeas, and the court shall enter
434 its decision promptly.

435 (7) Any person taking an appeal shall post a satisfactory
436 bond in the amount of Two Hundred Dollars (\$200.00) for payment of
437 any cost which may be adjudged against him.

438 (8) In addition to the reasons specified in subsection (1)
439 of this section, the board shall be authorized to suspend the
440 license of any licensee for being out of compliance with an order
441 for support, as defined in Section 2 of this act. The procedure
442 for suspension of a license for being out of compliance with an
443 order for support, and the procedure for the reissuance or
444 reinstatement of a license suspended for that purpose, and the
445 payment of any fees for the reissuance or reinstatement of a
446 license suspended for that purpose, shall be governed by Section 4
447 or 7 of this act, as the case may be. Actions taken by the board
448 in suspending a license when required by Section 4 or 7 of this
449 act are not actions from which an appeal may be taken under this
450 section. Any appeal of a license suspension that is required by
451 Section 4 or 7 of this act shall be taken in accordance with the
452 appeal procedure specified in Section 4 or 7 of this act, as the
453 case may be, rather than the procedure specified in this section.
454 If there is any conflict between any provision of Section 4 or 7
455 of this act and any provision of this chapter, the provisions of
456 Section 4 or 7 of this act, as the case may be, shall control.

457 SECTION 15. Section 73-38-29, Mississippi Code of 1972, is
458 reenacted as follows:

459 73-38-29. (1) Licenses issued under this chapter shall
460 expire and become invalid at midnight.

461 (2) Every person licensed under this chapter shall, on or
462 before the license expiration date, pay a fee for the biennial
463 renewal of license to the board. The board may suspend the
464 license of any person who fails to have his license renewed by the
465 expiration date. After the expiration date, the board may renew a
466 license upon payment of a fee to the board. No person who
467 requests renewal of license, whose license has expired, shall be
468 required to submit to examination as a condition to renewal, if
469 such renewal application is made within two (2) years from the
470 date of such expiration.

471 (3) A suspended license is subject to expiration and may be
472 renewed as provided in this section, but such renewal shall not
473 entitle the licensee, while the license remains suspended and
474 until it is reinstated, to engage in the licensed activity, or in
475 any other conduct or activity in violation of the order or
476 judgment by which the license was suspended.

477 (4) A license revoked on disciplinary grounds is subject to
478 expiration as provided in subsection (1) of this section, but it
479 may not be renewed. If such license is reinstated after its
480 expiration, the licensee, as a condition of reinstatement, shall
481 pay a reinstatement fee in an amount equal to the fee for a
482 license issued after the expiration date which is in effect on the
483 last preceding regular renewal date before the date on which it is
484 reinstated. The procedure for the reinstatement of a license that
485 is suspended for being out of compliance with an order for
486 support, as defined in Section 93-11-153, shall be governed by
487 Section 93-11-157 or 93-11-163, as the case may be.

488 (5) Any person who fails to renew his license within the two
489 (2) years after the date of its expiration may not renew it, and
490 it may not be restored, reissued or reinstated thereafter, but
491 such person may apply for and obtain a new license if he meets the
492 requirements of this chapter.

493 SECTION 16. Section 73-38-31, Mississippi Code of 1972, is

494 reenacted as follows:

495 73-38-31. (1) The board shall assess fees for the following
496 purposes:

- 497 (a) Initial licensing;
- 498 (b) Renewal of licensure;
- 499 (c) License issued after expiration date;
- 500 (d) Late renewal payment penalty;
- 501 (e) Temporary license;
- 502 (f) Renewal of temporary license; and
- 503 (g) Registration of aides.

504 (2) Every person to whom a license is issued pursuant to
505 this chapter shall, as a condition precedent to its issuance, and
506 in addition to any application, examination or other fee, pay the
507 prescribed initial license fee.

508 (3) Fees prescribed in subsection (1) of this section shall
509 be exclusive and no municipality shall have the right to require
510 any person licensed under this chapter to furnish any bond, pass
511 any examination, or pay any license fee or occupational tax.

512 (4) Fees listed in subsection (1) of this section shall be
513 commensurate to the extent feasible with the cost of fulfilling
514 the duties of the board and council as defined by this chapter;
515 however, no individual fee shall exceed One Hundred Dollars
516 (\$100.00).

517 SECTION 17. Section 73-38-33, Mississippi Code of 1972, is
518 reenacted as follows:

519 73-38-33. The board shall require the applicant for license
520 renewal to present evidence of the satisfactory completion of
521 continuing education requirements as determined by the board.

522 SECTION 18. Section 73-38-35, Mississippi Code of 1972, is
523 reenacted as follows:

524 73-38-35. Any person who violates any provision of this
525 chapter shall, upon conviction, be guilty of a misdemeanor and
526 shall be punished by a fine of not more than One Thousand Dollars

527 (\$1,000.00) or imprisoned in the county jail for a period not
528 exceeding six (6) months, or both.

529 SECTION 19. Section 73-38-36, Mississippi Code of 1972, is
530 reenacted as follows:

531 73-38-36. All fees collected by the State Board of Health
532 under this chapter and any penalties collected by the board for
533 violations of this chapter shall be deposited in a special fund
534 hereby created in the State Treasury and shall be used for the
535 implementation and administration of this chapter when
536 appropriated by the Legislature for such purpose.

537 SECTION 20. Section 73-38-38, Mississippi Code of 1972, is
538 amended as follows:

539 73-38-38. Sections 73-38-1 through 73-38-36 shall stand
540 repealed on July 1, 2012.

541 SECTION 21. This act shall take effect and be in force from
542 and after July 1, 2000.