

By: Huggins (By Request)

To: Public Health and  
Welfare

SENATE BILL NO. 2434  
(As Passed the Senate)

1 AN ACT TO BRING FORWARD SECTIONS 73-14-1 THROUGH 73-14-5,  
2 73-14-13 THROUGH 73-14-23 AND 73-14-27 THROUGH 73-14-47,  
3 MISSISSIPPI CODE OF 1972, WHICH PROVIDE FOR THE LICENSURE AND  
4 REGULATION OF HEARING AID SPECIALISTS BY THE STATE BOARD OF  
5 HEALTH; TO AMEND SECTIONS 73-14-7 AND 73-14-25, MISSISSIPPI CODE  
6 OF 1972, TO CLARIFY THE QUALIFICATIONS OF THE MEMBERSHIP OF THE  
7 HEARING AID ADVISORY COUNCIL AND TO DELETE CERTAIN REFERENCES TO  
8 CERTIFICATES OF ENDORSEMENT; TO AMEND SECTION 73-14-49,  
9 MISSISSIPPI CODE OF 1972, TO EXTEND THE REPEALER ON THOSE STATUTES  
10 WHICH PROVIDE FOR THE LICENSURE AND REGULATION OF HEARING AID  
11 SPECIALISTS BY THE STATE BOARD OF HEALTH; AND FOR RELATED  
12 PURPOSES.

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

14 SECTION 1. Section 73-14-1, Mississippi Code of 1972, is  
15 brought forward as follows:[JU1]

16 73-14-1. The State Board of Health established and empowered  
17 by Section 41-3-1 et seq., Mississippi Code of 1972, shall  
18 discharge as additional duties and responsibilities the provisions  
19 of this chapter in the examination, licensing and regulation of  
20 persons who sell and fit hearing aids and who test hearing while  
21 engaged in the selling and fitting of hearing aids.

22 SECTION 2. Section 73-14-3, Mississippi Code of 1972, is  
23 brought forward as follows:[JU2]

24 73-14-3. The following definitions apply as used in this  
25 chapter, unless the context otherwise requires:

26 (a) The "board" means the Mississippi State Board of  
27 Health.

28 (b) "License" includes a temporary license.

29 (c) "Hearing aid" shall mean any wearable instrument or  
30 device designed for or offered for the purpose of aiding or  
31 compensating for impaired human hearing and any parts,

32 attachments, or accessories, including ear molds, but excluding  
33 such things as telephone devices, batteries and cords.

34 (d) "Hearing aid specialist" means an individual  
35 licensed by the board to engage in the practice of dispensing and  
36 fitting hearing aids.

37 (e) "Practice of dispensing and fitting hearing aids"  
38 means the evaluation or measurement of powers or range of human  
39 hearing by means of an audiometer and the consequent selection or  
40 adaptation or sale of hearing aids intended to compensate for  
41 hearing loss, including the making of an impression of the ear.

42 (f) "Sell" or "sale" means any transfer of title or of  
43 the right to use by lease, bailment, or any other contract,  
44 excluding wholesale transactions with distributors or dealers.

45 (g) "Unethical conduct" means:

46 (i) The obtaining of any fee or the making of any  
47 sale by fraud or misrepresentation.

48 (ii) Knowingly employing directly or indirectly  
49 any suspended or unlicensed person to perform any work covered by  
50 this chapter.

51 (iii) Representing that the professional services  
52 or advice of a physician or audiologist will be used or made  
53 available in the selling, fitting, adjustment, maintenance or  
54 repair of hearing aids when that is not true, or using the words  
55 "doctor," "clinic," "clinical," and/or "research audiologist,"  
56 "audiologic," or any other like words, abbreviations or symbols  
57 which tend to connote audiological or professional services, when  
58 such use is not accurate.

59 (iv) Permitting another to use his license or  
60 certificate or endorsement.

61 (v) Quoting prices of competitive hearing aids or  
62 devices without disclosing that they are not the present current  
63 prices, or showing, demonstrating, or representing competitive  
64 models as being current models when such is not the fact.

65 (vi) Imitating or simulating the trademarks, trade  
66 names, brands or labels of competitors with the capacity and  
67 tendency or effect of misleading or deceiving purchasers or  
68 prospective purchasers.

69 (vii) Defaming competitors by falsely imputing to  
70 them dishonorable conduct, inability to perform contracts,  
71 questionable credit standing, or by other false representations,  
72 or falsely disparaging the products of competitors in any respect,  
73 or their business methods, selling prices, values, credit terms,  
74 policies or services.

75 (viii) Stating or implying that the use of any  
76 hearing aid will restore or preserve hearing, prevent or retard  
77 progression of a hearing impairment.

78 (ix) Dispensing and selling a hearing aid to a  
79 child under the age of eighteen (18) years who has not been  
80 examined and cleared for hearing aid use by a licensed physician  
81 within a six-month period immediately prior to dispensing and  
82 selling the hearing aid.

83 (x) Representing himself as being an audiologist  
84 as defined in Section 73-38-3.

85 SECTION 3. Section 73-14-5, Mississippi Code of 1972, is  
86 brought forward as follows:[JU3]

87 73-14-5. (1) This chapter is not intended to prevent any  
88 person from engaging in the practice of measuring human hearing  
89 for the purpose of selection of hearing aids, provided such person  
90 or organization employing such person does not sell hearing aids  
91 or accessories thereto, except in the case of ear molds to be used  
92 only for the purpose of audiologic evaluation.

93 (2) This chapter shall not apply to any physician or surgeon  
94 licensed by the State of Mississippi.

95 (3) This chapter does not apply to a person while he is  
96 engaged in the fitting of hearing aids, provided it is part of the  
97 academic curriculum of an accredited institution of higher  
98 education or part of a program conducted by a public tax-supported  
99 institution or agency or nonprofit organization, unless such  
100 person or institution or agency sells hearing aids, and/or  
101 accessories, except ear molds.

102 SECTION 4. Section 73-14-7, Mississippi Code of 1972, is  
103 amended as follows:[JU4]

104 73-14-7. (1) The powers and duties of the Mississippi State  
105 Board of Health under this chapter are as follows:

106 (a) To authorize all disbursements necessary to carry  
107 out the provisions of this chapter.

108 (b) To supervise and administer qualifying examinations  
109 to test the knowledge and proficiency of applicants for a license.

110 (c) To license persons who apply to the board and who  
111 are qualified to practice the fitting, dispensing and selling of  
112 hearing aids.

113 (d) To purchase and maintain or rent audiometric  
114 equipment and facilities necessary to carry out the examination of  
115 applicants for license.

116 (e) To issue and renew licenses \* \* \*.

117 (f) To suspend or revoke licenses \* \* \* pursuant to  
118 this chapter.

119 (g) To appoint representatives to conduct or supervise  
120 the examining of applicants for license.

121 (h) To designate the time and place for examining  
122 applicants for license.

123 (i) To make and publish rules and regulations not  
124 inconsistent with the laws of this state which are necessary to  
125 carry out the provisions of this chapter, in compliance with the  
126 provisions of Section 25-43-1 et seq., Mississippi Code of 1972,  
127 which is the Administrative Procedures Law.

128 (j) To require the periodic inspection and calibration  
129 of audiometric testing equipment and to carry out the periodic  
130 inspection of facilities of persons who practice the fitting or  
131 selling of hearing aids.

132 (k) To establish minimum requirements of test  
133 procedures and test equipment to be used in the fitting of hearing  
134 aids pursuant to this chapter, also the retention of all fittings

135 and records of fittings by the dealer.

136 (2) The Hearing Aid Advisory Council appointed pursuant to  
137 Section 73-14-7 is hereby continued and reconstituted as follows:

138 The council shall consist of seven (7) members, four (4) of  
139 whom are licensed hearing aid specialists who do not currently  
140 hold any other professional license regulated by the State Board  
141 of Health, one (1) of whom is a licensed audiologist \* \* \*, one  
142 (1) of whom is a licensed physician, board certified in  
143 otolaryngology, and one (1) of whom is a person of the board's own  
144 choosing from the state at large, and said person shall be hearing  
145 impaired. The person of the board's choosing shall not be a  
146 member of nor have personal interest in any organization  
147 associated with hearing aid specialists.

148 \* \* \* No person shall serve more than two (2) full  
149 consecutive terms. \* \* \* No more than three (3) members shall be  
150 appointed to said council from any one (1) Supreme Court district.

151 The hearing aid specialist appointments may be made from a list  
152 of at least three (3) licensed hearing aid specialists furnished  
153 by the Mississippi Hearing Aid Dealer Association, or its  
154 successor, for each vacancy on the council, who have practiced and  
155 resided for three (3) years in the state. The audiologist  
156 appointment may be made from a list of at least three (3) licensed  
157 audiologists furnished by the Mississippi Speech and Hearing \* \* \*  
158 Association, who has practiced and resided for three (3) years in  
159 the state. The licensed physician appointment may be made from a  
160 list of at least three (3) board certified otolaryngologists  
161 furnished by the Mississippi Eye, Ear, Nose and Throat  
162 Association, who has practiced and resided for three (3) years in  
163 the state. Appointments to the council to fill a vacancy  
164 occurring for other than expiration of a term shall only be made  
165 for the remainder of the expired term. The council shall  
166 promulgate such rules and regulations by which it shall conduct  
167 its business. Members of the council shall receive no salary for

168 services performed on the council but may be reimbursed for their  
169 reasonable and necessary actual expenses incurred in the  
170 performance of the same, from funds provided for such purpose.  
171 The council shall assist and advise the board in the development  
172 of regulations and standards governing the licensure of hearing  
173 aid dealers. Council members may be removed from office if found  
174 guilty of any violation of any provision of this chapter. A  
175 council member subject to formal disciplinary proceedings shall  
176 disqualify himself from any council business until the charge is  
177 resolved. A member must also disqualify himself from any council  
178 business on which he may not make an objective evaluation and/or  
179 decision.

180 SECTION 5. Section 73-14-13, Mississippi Code of 1972, is  
181 brought forward as follows:[JU5]

182 73-14-13. Any person who practices the fitting or dispensing  
183 of hearing aids shall deliver to each person supplied with a  
184 hearing aid, by him or at his order or direction, a bill of sale  
185 which shall contain his signature and show the address of his  
186 regular place of practice and the number of his license, together  
187 with a description of the make and model of the hearing aid  
188 furnished, the serial number of the hearing aid furnished, and the  
189 amount charged therefor. The bill of sale shall also reveal the  
190 condition of the hearing device and whether it is new, used or  
191 rebuilt.

192 SECTION 6. Section 73-14-15, Mississippi Code of 1972, is  
193 brought forward as follows:[JU6]

194 73-14-15. No person shall engage in the sale or practice of  
195 dispensing and fitting hearing aids or display a sign or in any  
196 other way advertise or hold himself out as a person who practices  
197 the dispensing and fitting of hearing aids unless he holds a  
198 current, unsuspended, unrevoked license by the board as provided  
199 in this chapter. The license required by this section shall be  
200 kept conspicuously posted in his office or place of business at

201 all times.

202 SECTION 7. Section 73-14-17, Mississippi Code of 1972, is  
203 brought forward as follows:[JU7]

204 73-14-17. An applicant for a license shall pay a fee of One  
205 Hundred Dollars (\$100.00) and shall show to the satisfaction of  
206 the board that he:

207 (a) Is twenty-one (21) years of age or older.

208 (b) Has an education equivalent to a four-year course  
209 in an accredited high school.

210 No governmental entity or agency shall be required to pay the  
211 fee or fees set forth in this section.

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

215 SECTION 8. Section 73-14-19, Mississippi Code of 1972, is  
216 brought forward as follows:[JU8]

217 73-14-19. An applicant for a license who is notified by the  
218 board that he has fulfilled the requirements of Section 73-14-17  
219 and upon paying a testing fee determined by the department as  
220 necessary to cover the expense of the administration of the  
221 examination not to exceed One Hundred Fifty Dollars (\$150.00),  
222 shall appear at a time, place and before such persons as the board  
223 may designate, to be examined by written and practical test in  
224 order to demonstrate that he is qualified to practice the fitting,  
225 dispensing and selling of hearing aids.

226 SECTION 9. Section 73-14-21, Mississippi Code of 1972, is  
227 brought forward as follows:[JU9]

228 73-14-21. The examination provided in Section 73-14-19 shall  
229 be selected by the board, with advice of the council, and may also  
230 include an oral examination at the discretion of the board. The  
231 tests under this section shall not include questions requiring a  
232 medical or surgical education. It is the intent of this section  
233 that the exams administered under this chapter be of such a level

234 as to provide that at a minimum an individual having a high school  
235 education or its equivalent and with appropriate study, training  
236 and supervision under the direction of a qualified hearing aid  
237 specialist should be able to pass.

238 SECTION 10. Section 73-14-23, Mississippi Code of 1972, is  
239 brought forward as follows:[JU10]

240 73-14-23. The board shall register each applicant who  
241 satisfactorily passes the examination and then issue such  
242 applicant a license. The license shall be effective until July 1  
243 next following issuance.

244 SECTION 11. Section 73-14-25, Mississippi Code of 1972, is  
245 amended as follows:[JU11]

246 73-14-25. The department may license as a hearing aid  
247 specialist, and furnish a certificate of licensure, to any  
248 applicant who presents evidence, satisfactory to the department of  
249 having passed an examination before a similar lawfully authorized  
250 examining agency or board of hearing aid specialists of another  
251 state or the District of Columbia, if the standards for  
252 registration of hearing aid specialists or for licensure as a  
253 hearing aid specialist in such state or district are determined by  
254 the department to be as high as those of this state, and if that  
255 jurisdiction affords licensees of this state reciprocity.

256 Any person making application for licensure under the  
257 provisions of this section may, at the discretion of the board, be  
258 required to pass an examination selected by the board.

259 \* \* \*

260 SECTION 12. Section 73-14-27, Mississippi Code of 1972, is  
261 brought forward as follows:[JU12]

262 73-14-27. (1) An applicant who fulfills the requirements of  
263 Section 73-14-17 and who has not previously applied to take the  
264 examination provided under Section 73-14-19 may apply to the board  
265 for a temporary license.

266 (2) Upon receiving an application provided under subsection

267 (1) of this section, the board shall issue a temporary license  
268 which shall entitle the applicant to practice the fitting and  
269 dispensing of hearing aids for a period ending thirty (30) days  
270 after the conclusion of the next examination given after the date  
271 of issue.

272 (3) No temporary license shall be issued by the board under  
273 this section unless the applicant shows to the satisfaction of the  
274 board that he is or will be supervised and trained by a person  
275 who:

276 (a) Holds a current and valid document of being  
277 National Board Certified in Hearing Instrument Sciences by the  
278 International Hearing Society (IHS) or its successor; or

279 (b) Holds a current and valid Certificate of Clinical  
280 Competence in Audiology from the American Speech-Language-Hearing  
281 Association (ASHA); or

282 (c) Has had a minimum of three (3) years' experience in  
283 the testing of hearing, fitting of hearing aids and dispensing of  
284 hearing aids.

285 (4) If a person who holds a temporary license issued under  
286 this section does not take the next examination given after the  
287 date of issue, the temporary license shall not be renewed, except  
288 for good cause shown to the satisfaction of the board.

289 (5) If a person who holds a temporary license issued under  
290 this section takes and fails to pass the next examination given  
291 after the date of issue, the board may renew the temporary license  
292 for a period ending thirty (30) days after the date of renewal is  
293 announced. In no event shall more than one (1) renewal be  
294 permitted. The fee for renewal shall be Fifty Dollars (\$50.00).

295 SECTION 13. Section 73-14-31, Mississippi Code of 1972, is  
296 brought forward as follows:[JU13]

297 73-14-31. A person who practices the fitting and dispensing  
298 of hearing aids shall biennially pay to the board a fee of Two  
299 Hundred Dollars (\$200.00) for a renewal of his license. A grace

300 period of thirty (30) days shall be allowed after the expiration  
301 of a license, during which the same may be renewed on payment of a  
302 fee of Two Hundred Dollars (\$200.00) to the board. The license of  
303 any person who fails to have his license renewed by the expiration  
304 of the grace period of thirty (30) days shall be considered to  
305 have lapsed. After the expiration of the grace period, the board  
306 may reinstate a license upon payment of a fee of Two Hundred Fifty  
307 Dollars (\$250.00) to the board. No person who applies for  
308 reinstatement, whose license was suspended for the sole reason of  
309 failure to renew, shall be required to submit to any examination  
310 as a condition of reinstatement, provided such person applies for  
311 reinstatement within one (1) year from the date of lapse of the  
312 license.

313 The board shall require the applicant for license renewal to  
314 present evidence of the satisfactory completion of continuing  
315 education requirements as determined by the board.

316 In the event that any licensee shall fail to meet the annual  
317 educational requirement, his license shall not be renewed by the  
318 board, but the board may renew the license upon the presentation  
319 of satisfactory evidence of educational study of a standard  
320 approved by the board and upon the payment of all fees due. No  
321 governmental entity or agency shall be required to pay the fee or  
322 fees set forth in this section.

323 SECTION 14. Section 73-14-33, Mississippi Code of 1972, is  
324 brought forward as follows:[JU14]

325 73-14-33. A person who holds a license or temporary license  
326 shall notify the board in writing of the address of the place or  
327 places where he engages or intends to engage in the practice of  
328 fitting or dispensing of hearing aids.

329 The board shall keep a record of the places of practice of  
330 persons who hold licenses or temporary licenses. Any notice  
331 required to be given by the board to a person who holds a license  
332 or temporary license may be given by mailing it to him at the

333 address given by him to the board.

334 A person who holds a license or temporary license to practice  
335 as a hearing aid specialist in this state but whose principal  
336 place of business is not in this state shall certify to the board  
337 that they will:

338 (a) Display their Mississippi license while conducting  
339 business in Mississippi; and

340 (b) Shall make all records regarding clients who are  
341 residents of Mississippi available to the licensing authority  
342 within seventy-two (72) hours of receiving such a request in  
343 writing.

344 Failure to comply with the requirements of (a) or (b) above  
345 shall constitute grounds for disciplinary action under the  
346 provisions of this chapter and/or rules and regulations  
347 promulgated pursuant to this chapter.

348 SECTION 15. Section 73-14-35, Mississippi Code of 1972, is  
349 brought forward as follows:[JU15]

350 73-14-35. (1) Any person registered under this chapter may  
351 have his license or certificate revoked or suspended for a fixed  
352 period to be determined by the board for any of the following  
353 causes:

354 (a) Being convicted of an offense involving moral  
355 turpitude. The record of such conviction, or certified copy  
356 thereof from the clerk of the court where such conviction occurred  
357 or by the judge of that court, shall be sufficient evidence to  
358 warrant revocation or suspension.

359 (b) By securing a license or certificate under this  
360 chapter through fraud or deceit.

361 (c) For unethical conduct or for gross ignorance or  
362 inefficiency in the conduct of his practice.

363 (d) For knowingly practicing while suffering with a  
364 contagious or infectious disease.

365 (e) For the use of a false name or alias in the

366 practice of his profession.

367 (f) For violating any of the provisions of this chapter  
368 or any rules or regulations promulgated pursuant to this chapter.

369 (g) For violating the provisions of any applicable  
370 federal laws or regulations.

371 (h) Discipline by another jurisdiction if at least one  
372 (1) of the grounds for the discipline is the same or substantially  
373 equivalent to those set forth in this chapter or rules and  
374 regulations promulgated pursuant to this chapter.

375 (2) In addition to the causes specified in subsection (1) of  
376 this section, the board shall be authorized to suspend the license  
377 of any licensee for being out of compliance with an order for  
378 support, as defined in Section 93-11-153. The procedure for  
379 suspension of a license for being out of compliance with an order  
380 for support, and the procedure for the reissuance or reinstatement  
381 of a license suspended for that purpose, and the payment of any  
382 fees for the reissuance or reinstatement of a license suspended  
383 for that purpose, shall be governed by Section 93-11-157 or  
384 93-11-163, as the case may be. If there is any conflict between  
385 any provision of Section 93-11-157 or 93-11-163 and any provision  
386 of this chapter, the provisions of Section 93-11-157 or 93-11-163,  
387 as the case may be, shall control.

388 SECTION 16. Section 73-14-37, Mississippi Code of 1972, is  
389 brought forward as follows:[JU16]

390 73-14-37. (1) Any person, whose license is sought to be  
391 revoked under the provisions of this chapter, shall be given  
392 thirty (30) days' notice, in writing, enumerating the charges and  
393 specifying a date for public hearing thereon. The hearing shall  
394 be held in the county where the person's business is conducted.  
395 The board may issue subpoenas, compel the attendance and testimony  
396 of witnesses, and place them under oath, the same as any court of  
397 competent jurisdiction where the hearing takes place.

398 (2) At all hearings the board may designate in writing one

399 or more persons deemed competent by the board to conduct the  
400 hearing as trial examiner or trial committee, with the decision to  
401 be rendered in accordance with the provisions of subsection (3) of  
402 this section.

403 (3) After a hearing has been completed the trial examiner or  
404 trial committee who conducted the hearing shall proceed to  
405 consider the case and, as soon as practicable, shall render a  
406 decision. In any case, the decision must be rendered within sixty  
407 (60) days after the hearing. The decision shall contain:

408 (a) The findings of fact made by the trial examiner or  
409 trial committee;

410 (b) Conclusions of law reached by the trial examiner or  
411 trial committee; and

412 (c) The order based upon these findings of fact and  
413 conclusions of law.

414 SECTION 17. Section 73-14-39, Mississippi Code of 1972, is  
415 brought forward as follows:[JU17]

416 73-14-39. (1) From any revocation, the person charged may,  
417 within thirty (30) days thereof, appeal to the chancery court of  
418 the county of the residence of the licensee.

419 (2) Notice of appeals shall be filed in the office of the  
420 clerk of the court, who shall issue a writ of certiorari directed  
421 to the board, commanding it within ten (10) days after service  
422 thereof to certify to such court its entire record in the matter  
423 in which the appeal has been taken. The appeal shall thereupon be  
424 heard in the due course by said court without a jury, and the  
425 court shall review the record and make its determination of the  
426 cause between the parties.

427 (3) Any order, rule or decision of the board shall not take  
428 effect until after the time of appeal in the said court shall have  
429 expired. If there is an appeal, such appeal may, in the  
430 discretion of and on motion to the chancery court, act as a  
431 supersedeas. The chancery court shall dispose of the appeal and

432 enter its decision promptly. The hearing on the appeal may, in  
433 the discretion of the chancellor, be tried in vacation.

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

437 (5) Actions taken by the board in suspending a certificate  
438 of registration when required by Section 93-11-157 or 93-11-163  
439 are not actions from which an appeal may be taken under this  
440 section. Any appeal of a suspension of a certificate that is  
441 required by Section 93-11-157 or 93-11-163 shall be taken in  
442 accordance with the appeal procedure specified in Section  
443 93-11-157 or 93-11-163, as the case may be, rather than the  
444 procedure specified in this section.

445 SECTION 18. Section 73-14-41, Mississippi Code of 1972, is  
446 brought forward as follows:[JU18]

447 73-14-41. No person may:

448 (a) Sell, barter or offer to sell or barter a license.

449 (b) Purchase or procure by barter a license with intent  
450 to use it as evidence of the holder's qualifications to practice  
451 the fitting and dispensing of hearing aids.

452 (c) Alter materially a license with fraudulent intent.

453 (d) Use or attempt to use as a valid license one which  
454 has been purchased, fraudulently obtained, counterfeited or  
455 materially altered.

456 (e) Willfully make a false material statement in an  
457 application for registration or for renewal of a license.

458 SECTION 19. Section 73-14-43, Mississippi Code of 1972, is  
459 brought forward as follows:[JU19]

460 73-14-43. Violation of any provision of this chapter is a  
461 misdemeanor punishable upon conviction by a fine of not less than  
462 One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars  
463 (\$500.00), or by imprisonment for not more than ninety (90) days  
464 in the county jail, or by both.

465 SECTION 20. Section 73-14-45, Mississippi Code of 1972, is  
466 brought forward as follows:[JU20]

467 73-14-45. The board may enforce any provisions of this  
468 chapter by injunction or by any other appropriate proceeding. No  
469 such proceeding shall be barred by any proceeding had or pending  
470 pursuant to any other section of this chapter, and the authority  
471 conferred in this chapter is in addition to and supplementary to  
472 any other statute, civil or criminal, dealing with the subject  
473 matters herein and the institution and prosecution of any action  
474 shall not preclude the institution and prosecution under other  
475 appropriate civil or criminal statutes dealing therewith.

476 SECTION 21. Section 73-14-47, Mississippi Code of 1972, is  
477 brought forward as follows:[JU21]

478 73-14-47. All fees and monies received by the board under  
479 this chapter shall be deposited in a special fund hereby created  
480 in the State Treasury and shall be used for the implementation and  
481 administration of this chapter when appropriated by the  
482 Legislature for such purpose.

483 SECTION 22. Section 73-14-49, Mississippi Code of 1972, is  
484 amended as follows:[JU22]

485 73-14-49. Sections 73-14-1 through 73-14-47, Mississippi  
486 Code of 1972, which provide for the licensure and regulation of  
487 hearing aid specialists by the State Board of Health, shall stand  
488 repealed as of July 1, 2003.

489 SECTION 23. This act shall take effect and be in force from  
490 and after June 30, 2000.