

By: Representative Moody

To: Public Health and Welfare

HOUSE BILL NO. 1111

1 AN ACT TO REENACT SECTIONS 73-38-1 THROUGH 73-38-36,
 2 MISSISSIPPI CODE OF 1972, WHICH PROVIDE FOR THE LICENSURE AND
 3 REGULATION OF SPEECH-LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS; TO
 4 AMEND REENACTED SECTION 73-38-3, MISSISSIPPI CODE OF 1972, TO
 5 REVISE DEFINITIONS UNDER THE LICENSURE STATUTES; TO AMEND
 6 REENACTED SECTION 73-38-11, MISSISSIPPI CODE OF 1972, TO
 7 RECONSTITUTE THE MEMBERSHIP OF THE MISSISSIPPI COUNCIL OF ADVISORS
 8 IN SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY; TO AMEND REENACTED
 9 SECTION 73-38-23, MISSISSIPPI CODE OF 1972, TO DELETE CERTAIN
 10 EXEMPTIONS FROM LICENSURE REQUIREMENTS; TO AMEND REENACTED SECTION
 11 73-38-25, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR TEMPORARY
 12 LICENSES; TO AMEND REENACTED SECTION 73-38-27, MISSISSIPPI CODE OF
 13 1972, TO REVISE THE GROUNDS FOR THE DENIAL, SUSPENSION AND
 14 REVOCATION OF LICENSES; TO AMEND REENACTED SECTION 73-38-29,
 15 MISSISSIPPI CODE OF 1972, TO CLARIFY THE LICENSURE EXPIRATION
 16 DATE; TO AMEND SECTION 73-38-38, MISSISSIPPI CODE OF 1972, TO
 17 EXTEND THE AUTOMATIC REPEALER ON THOSE STATUTES THAT PROVIDE FOR
 18 THE LICENSURE AND REGULATION OF SPEECH-LANGUAGE PATHOLOGISTS AND
 19 AUDIOLOGISTS; AND FOR RELATED PURPOSES.

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

21 **SECTION 1.** Section 73-38-1, Mississippi Code of 1972, is
 22 reenacted as follows:

23 73-38-1. The State Board of Health, established and
 24 empowered by Section 41-3-1 et seq., shall discharge as additional
 25 duties and responsibilities the provisions of this chapter in the
 26 examination, licensing and regulation of persons who provide
 27 services in the areas of speech-language pathology and audiology.

28 **SECTION 2.** Section 73-38-3, Mississippi Code of 1972, is
 29 reenacted and amended as follows:

30 73-38-3. The following definitions apply as used in this
 31 chapter, unless the context otherwise requires:

32 (a) "Board" means the Mississippi State Board of
 33 Health.



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

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

40 (d) "Speech-language pathologist" means an individual
41 who practices speech-language pathology and who presents himself
42 to the public by any title or description of services
43 incorporating the words "speech pathologist," "speech-language
44 pathologist," "speech therapist," "speech correctionist," "speech
45 clinician," "language pathologist," "language therapist,"
46 "logopedist," "communicologist," "voice therapist," "voice
47 pathologist," or any similar title or description of services.

48 (e) "Speech-language pathology" means the application
49 of principles, methods and procedures for the measurement,
50 testing, evaluation, prediction, counseling, instruction,
51 habilitation or rehabilitation related to the development and
52 disorders of speech, voice, language, swallowing or feeding, or
53 for the purpose of evaluating, preventing, ameliorating or
54 modifying such disorders and conditions in individuals and/or
55 groups of individuals.

56 (f) "Audiologist" means an individual who practices
57 audiology and who presents himself to the public by any title or
58 description of services incorporating the words "audiologist,"
59 "hearing clinician," "hearing therapist," or any similar title or
60 description of service.

61 (g) "Audiology" means the application of principles,
62 methods and procedures of measurement, testing, evaluation,
63 prediction, consultation, counseling, instruction, habilitation or
64 rehabilitation related to * * * disorders of hearing and balance
65 for the purpose of evaluating, identifying, preventing,
66 ameliorating or modifying such disorders and conditions in



67 individuals and/or groups of individuals; and for the purpose of
68 this subsection the words "habilitation" and "rehabilitation"
69 include, but are not limited to, hearing aid dispensing and
70 evaluation, and auditory training, and speech reading.

71 (h) "Speech-language pathology aide" means an
72 individual who meets minimum qualifications which the council may
73 establish for speech-language pathology aides, which
74 qualifications shall be less than those established by this
75 chapter as necessary for licensure as a speech-language
76 pathologist, and who works under the supervision of a licensed
77 speech-language pathologist.

78 (i) "Audiology aide" means an individual who meets
79 minimum qualifications which the council may establish for
80 audiology aides, which qualifications shall be less than those
81 established by this chapter as necessary for licensure as an
82 audiologist, and who works under the supervision of a licensed
83 audiologist.

84 (j) "ASHA" means the American Speech-Language-Hearing
85 Association.

86 **SECTION 3.** Section 73-38-5, Mississippi Code of 1972, is
87 reenacted as follows:

88 73-38-5. (1) Licensure shall be granted either in
89 speech-language pathology or audiology independently. A person
90 may be licensed in both areas if he meets the respective
91 qualifications.

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

95 **SECTION 4.** Section 73-38-7, Mississippi Code of 1972, is
96 reenacted as follows:

97 73-38-7. Nothing in this chapter shall be construed as
98 preventing or restricting:



99 (a) A physician from engaging in the practice of
100 medicine in this state, or a person using an audiometer to test
101 hearing under the direct supervision of a licensed physician,
102 provided such person does not present himself to the public by any
103 title or description of services incorporating the words
104 "audiologist," "hearing clinician," "hearing therapist," or any
105 similar title or description of services;

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

111 (c) Any person licensed in this state by any other law
112 from engaging in the profession or occupation for which he is
113 licensed;

114 (d) A person from being employed or working in a
115 volunteer capacity without a license, as provided in this chapter,
116 as a speech-language pathologist or audiologist by the government
117 of the United States or by the governing authority of any school
118 district or private or parochial school in this state, if such
119 person performs speech-language pathology or audiology services
120 solely within the confines or under the jurisdiction of the
121 organization by which he is employed, or working in a volunteer
122 capacity; however, such person may, without obtaining a license
123 under this chapter, consult with or disseminate his research
124 findings and other scientific information to speech-language
125 pathologists and audiologists outside the jurisdiction of the
126 organization by which he is employed; such person may also offer
127 lectures to the public for a fee, monetary or other, without being
128 licensed under this chapter; such person may additionally elect to
129 be subject to this chapter;

130 (e) The activities and services of persons pursuing a
131 course of study leading to a degree in speech-language pathology



132 at a college or university if such activities and services
133 constitute a part of the supervised course of study and that such
134 person is designated speech-language pathology intern,
135 speech-language pathology trainee, or by other such titles clearly
136 indicating the training status appropriate to his level of
137 training;

138 (f) The activities and services of a person pursuing a
139 course of study leading to a degree in audiology at a college or
140 university if such activities and services constitute a part of a
141 supervised course of study and such person is designated audiology
142 intern, audiology trainee, or by any other such titles clearly
143 indicating the training status appropriate to his level of
144 training; * * *

145 (g) The performance of speech-language pathology or
146 audiology services in this state by any person not a resident of
147 this state who is not licensed under this chapter if such services
148 are performed for no more than five (5) days in any calendar year
149 and in cooperation with a speech-language pathologist or
150 audiologist licensed under this chapter, and if such person meets
151 the qualifications and requirements for application for licensure
152 described in subsections (a) through (c) of Section 73-38-9;
153 however, a person not a resident of this state who is not licensed
154 under this chapter, but who is licensed under the law of another
155 state which has established licensure requirements at least
156 equivalent to those established by Section 73-38-9, or who is the
157 holder of the ASHA Certificate of Clinical Competence in
158 Speech-Language Pathology or Audiology or its equivalent, may
159 offer speech-language pathology or audiology services in this
160 state for no more than thirty (30) days in any calendar year if
161 such services are performed in cooperation with a speech-language
162 pathologist or audiologist licensed under this chapter; or

163 (h) Any person employed by a private industry or firm
164 for the purpose of conducting hearing tests incident to the



165 operations of such firm or industry relative to its employees and
166 employment practices.

167 **SECTION 5.** Section 73-38-9, Mississippi Code of 1972, is
168 reenacted as follows:

169 73-38-9. To be eligible for licensure by the board as a
170 speech-language pathologist or audiologist and to be eligible for
171 registration as a speech-language pathology aide or audiology
172 aide, a person shall:

173 (a) Be of good moral character;

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

178 (2) For speech-language pathology aide or
179 audiology aide, the board shall set minimum educational standards
180 which shall be less than a bachelor's degree;

181 (c) For speech-language pathologists and audiologists,
182 submit evidence of the completion of the educational, clinical
183 experience and employment requirements, which requirements shall
184 be based on appropriate national standards and prescribed by the
185 rules and regulations adopted pursuant to this chapter;

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

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

192 **SECTION 6.** Section 73-38-11, Mississippi Code of 1972, is
193 reenacted and amended as follows:

194 73-38-11. (1) There is established the Mississippi Council
195 of Advisors in Speech-Language Pathology and Audiology under the
196 jurisdiction of the Mississippi State Board of Health. The



197 council shall aid the board in administering the provisions of
198 this chapter.

199 (2) The council shall be comprised of seven (7) members.
200 Two (2) council members shall be speech-language pathologists, two
201 (2) council members shall be audiologists, and two (2) council
202 members shall be a licensed member of the health professions and a
203 member of the public, both with an interest in the consumption of
204 speech-language pathology or audiology services, with the seventh
205 council member being a licensed physician, board certified in
206 otolaryngology. All council members who are speech-language
207 pathologists or audiologists shall at all times be holders of
208 active and valid licenses for the practice of speech-language
209 pathology and audiology in this state and shall be holders of the
210 ASHA Certificate of Clinical Competence in Speech-Language
211 Pathology or Audiology or its equivalent.

212 (3) Two (2) members shall be appointed from each Supreme
213 Court district as presently constituted; and one (1) member shall
214 be appointed from the state at large. No more than three (3)
215 members of the council shall be appointed from any one (1) Supreme
216 Court district as presently constituted. The board shall, not
217 later than August 31, 2002, appoint the health profession's member
218 of the advisory council for a term of two (2) years, and the
219 public member of the advisory council for a term of three (3)
220 years. Thereafter, appointments made shall be for three-year
221 terms, with no person being eligible to serve more than two (2)
222 full consecutive terms. Terms shall begin on the first day of the
223 calendar year and end on the last day of the calendar year.

224 (4) Not less than sixty (60) days before the end of each
225 calendar year, the Mississippi Speech-Language-Hearing Association
226 will submit the names of at least three (3) persons for each
227 speech-language pathologist or audiologist vacancy and the
228 Mississippi Eye, Ear, Nose and Throat Association will submit the
229 names of at least three (3) persons for an otolaryngologist



230 vacancy occurring at the end of the calendar year. The board
231 shall make all appointments of council members from the list of
232 names submitted by each association within sixty (60) days after
233 receiving the lists. The board shall solicit nominations for the
234 health profession member and the public member from licensed
235 speech pathologists and audiologists. In the event of a vacancy,
236 the board shall, within thirty (30) days after such vacancy,
237 appoint a person from the previous list of names submitted who
238 shall fill the unexpired term.

239 (5) The council shall meet during the first month of each
240 calendar year to select a chairman and for other appropriate
241 purposes. At least one (1) additional meeting shall be held
242 before the end of each calendar year. Further meetings may be
243 convened at the call of the chairman or the written request of any
244 two (2) council members. All meetings of the council shall be
245 open to the public, except that the council may hold closed
246 sessions to prepare, approve, grade or administer examinations, or
247 upon request of an applicant who fails an examination, to prepare
248 a response indicating any reason for his failure. The public
249 shall be notified of meetings of the council through at least one
250 (1) newspaper of general circulation in the state and public
251 information channels not less than ten (10) calendar days before
252 such meetings are held.

253 (6) Four (4) members of the council shall constitute a
254 quorum for all purposes, but in no instance shall a meeting of
255 four (4) council members be considered a quorum if there is not at
256 least one (1) speech-language pathologist and one (1) audiologist
257 present.

258 **SECTION 7.** Section 73-38-13, Mississippi Code of 1972, is
259 reenacted as follows:

260 73-38-13. (1) The board shall have full authority to
261 investigate and evaluate each and every applicant applying for a



262 license to practice speech-language pathology or a license to
263 practice audiology with the advice of the council.

264 (2) The board shall have the authority to issue subpoenas,
265 examine witnesses and administer oaths, and shall, at its
266 discretion, investigate allegations or practices violating the
267 provisions of this chapter.

268 (3) The board shall adopt such rules and regulations not
269 inconsistent with the laws of this state as may be necessary to
270 effectuate the provisions of this chapter and may amend or repeal
271 the same as may be necessary for such purposes, with the advice of
272 the council.

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

276 **SECTION 8.** Section 73-38-15, Mississippi Code of 1972, is
277 reenacted as follows:

278 73-38-15. (1) The administration of the provisions of this
279 chapter shall be financed from income accruing from fees, licenses
280 and other charges assessed and collected by the board and from
281 such other funds available to the board.

282 (2) The board shall receive and account for all funds
283 received and shall keep such funds in a separate fund. Funds
284 collected under the provisions of this chapter shall be used
285 solely for the compensation and expenses of the council and the
286 board and to administer the provisions of this chapter, which may
287 include full or partial financing of continuing education programs
288 promulgated by the council under Section 73-38-33. Such funds
289 shall be subject to audit by the Auditor of the State of
290 Mississippi.

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



294 **SECTION 9.** Section 73-38-17, Mississippi Code of 1972, is
295 reenacted as follows:

296 73-38-17. (1) The board shall issue licenses and notices of
297 renewal, revocation, suspension or reinstatement and shall publish
298 annually the names of persons licensed under this chapter.

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

304 **SECTION 10.** Section 73-38-19, Mississippi Code of 1972, is
305 reenacted as follows:

306 73-38-19. (1) A person eligible for licensure under Section
307 73-38-9 and desirous of licensure shall make application for
308 examination to the board at least thirty (30) days prior to the
309 date of examination upon a form and in such manner as the board
310 shall prescribe.

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

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

317 (4) A person certified by ASHA or licensed under the law of
318 another state, a territory of the United States, or the District
319 of Columbia as a speech-language pathologist or audiologist who
320 has applied for examination under this section may perform
321 speech-language pathology and audiology services in this state
322 prior to a determination by the board that such person has
323 successfully completed examination for licensure.

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



327 **SECTION 11.** Section 73-38-21, Mississippi Code of 1972, is
328 reenacted as follows:

329 73-38-21. (1) Each applicant for licensure under this
330 chapter shall be examined by the board in written examination.
331 Standards for acceptable performance shall be established by the
332 board with the advice of the council.

333 (2) Applicants for licensure shall be examined at a time and
334 place and under such supervision as the board may determine.
335 Examinations shall be given at such places within this state as
336 the board may determine at least twice each year and the board
337 shall make public, in a manner it considers appropriate, notice of
338 such examinations at least sixty (60) days prior to their
339 administration, and shall appropriately notify all individual
340 examination applicants of the time and place of their
341 administration.

342 (3) The board may examine in whatever theoretical or applied
343 field of speech-language pathology and audiology it considers
344 appropriate and may examine with regard to a person's professional
345 skills and judgment in the utilization of speech-language
346 pathology or audiology techniques and methods.

347 (4) The board shall maintain a permanent record of all
348 examination scores.

349 **SECTION 12.** Section 73-38-23, Mississippi Code of 1972, is
350 reenacted and amended as follows:

351 73-38-23. * * *

352 (1) The board may waive the examination for licensure of any
353 applicant who shall present proof of current licensure in another
354 state, including the District of Columbia, or territory of the
355 United States which maintains professional standards considered by
356 the council to be equivalent to those set forth in this chapter.

357 (2) The board shall waive the examination for licensure of
358 any person certified as clinically competent by ASHA in the area
359 for which such person is applying for licensure.



360 **SECTION 13.** Section 73-38-25, Mississippi Code of 1972, is
361 reenacted and amended as follows:

362 73-38-25. (1) The board shall issue a license to any person
363 who meets the requirements of this chapter and who pays to the
364 board the fees prescribed in Section 73-38-31.

365 (2) (a) An applicant who fulfills all the requirements for
366 licensure except professional employment and/or examination * * *
367 may apply to the board for a temporary license.

368 (b) Upon receiving an application provided under
369 subsection (2)(a), the board shall issue a temporary license which
370 entitles the applicant to practice speech-language pathology or
371 audiology under the supervision of a licensee with licensure in
372 the appropriate specialty while completing the requirements for
373 licensure.

374 (c) No temporary license shall be issued by the board
375 under this section unless the applicant shows to the satisfaction
376 of the board that he is or will be supervised and trained by a
377 person who holds a license in the appropriate specialty * * *.

378 (d) The temporary license shall be effective for a
379 period to be determined by the department.

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

383 (b) The licensee who supervises aides or temporary
384 licensees is responsible for the services provided to the client
385 by said aides or temporary licensees and may suffer suspension,
386 revocation or other appropriate penalty for failure to exercise
387 his responsibilities in the supervision of aides or temporary
388 licensees.

389 (c) Speech-language pathology and audiology aides shall
390 pay to the board a registration fee as prescribed in Section
391 73-38-31, subsection (1).



392 **SECTION 14.** Section 73-38-27, Mississippi Code of 1972, is
393 reenacted and amended as follows:

394 73-38-27. (1) The board may refuse to issue or renew a
395 license, or may suspend or revoke a license where the licensee or
396 applicant for license has been guilty of unprofessional conduct
397 which has endangered or is likely to endanger the health, welfare
398 or safety of the public. Such unprofessional conduct may result
399 from:

400 (a) Negligence in the practice or performance of
401 professional services or activities;

402 (b) Engaging in dishonorable, unethical or
403 unprofessional conduct of a character likely to deceive, defraud
404 or harm the public in the course of professional services or
405 activities;

406 (c) Perpetrating or cooperating in fraud or material
407 deception in obtaining or renewing a license or attempting the
408 same;

409 (d) Being convicted of any crime which has a
410 substantial relationship to the licensee's activities and services
411 or an essential element of which is misstatement, fraud or
412 dishonesty;

413 (e) Being convicted of any crime which is a felony
414 under the laws of this state or the United States;

415 (f) Engaging in or permitting the performance of
416 unacceptable services personally or by others working under the
417 licensee's supervision due to the licensee's deliberate or
418 negligent act or acts or failure to act, regardless of whether
419 actual damage or damages to the public is established;

420 (g) Continued practice although the licensee has become
421 unfit to practice as a speech-language pathologist or audiologist
422 due to: (i) failure to keep abreast of current professional
423 theory or practice; or (ii) physical or mental disability; the
424 entry of an order or judgment by a court of competent jurisdiction



425 that a licensee is in need of mental treatment or is incompetent
426 shall constitute mental disability; or (iii) addiction or severe
427 dependency upon alcohol or other drugs which may endanger the
428 public by impairing the licensee's ability to practice;

429 (h) Having disciplinary action taken against the
430 licensee's license in another state;

431 (i) Making differential, detrimental treatment against
432 any person because of race, color, creed, sex, religion or
433 national origin;

434 (j) Engaging in lewd conduct in connection with
435 professional services or activities;

436 (k) Engaging in false or misleading advertising;

437 (l) Contracting, assisting or permitting unlicensed
438 persons to perform services for which a license is required under
439 this chapter;

440 (m) Violation of any probation requirements placed on a
441 license by the board;

442 (n) Revealing confidential information except as may be
443 required by law;

444 (o) Failing to inform clients of the fact that the
445 client no longer needs the services or professional assistance of
446 the licensee;

447 (p) Charging excessive or unreasonable fees or engaging
448 in unreasonable collection practices;

449 (q) For treating or attempting to treat ailments or
450 other health conditions of human beings other than by speech or
451 audiology therapy as authorized by this chapter;

452 (r) For applying or offering to apply speech or
453 audiology therapy, exclusive of initial evaluation or screening
454 and exclusive of education or consultation for the prevention of
455 physical and mental disability within the scope of speech or
456 audiology therapy, or for acting as a speech-language pathologist
457 or audiologist, or speech-language pathologist or audiologist aide



458 other than under the direct, on-site supervision of a licensed
459 speech-language pathologist or audiologist;

460 (s) Violations of the current codes of conduct for
461 speech-language pathologists or audiologists, and speech-language
462 pathologist or audiologist assistants adopted by the American
463 Speech-Language-Hearing Association;

464 (t) Violations of any rules or regulations promulgated
465 pursuant to this chapter.

466 (2) The board may order a licensee to submit to a reasonable
467 physical or mental examination if the licensee's physical or
468 mental capacity to practice safely is at issue in a disciplinary
469 proceeding. * * *

470 * * *

471 (3) In addition to the reasons specified in subsection (1)
472 of this section, the board shall be authorized to suspend the
473 license of any licensee for being out of compliance with an order
474 for support, as defined in Section 93-11-153. The procedure for
475 suspension of a license for being out of compliance with an order
476 for support, and the procedure for the reissuance or reinstatement
477 of a license suspended for that purpose, and the payment of any
478 fees for the reissuance or reinstatement of a license suspended
479 for that purpose, shall be governed by Section 93-11-157 or
480 93-11-163, as the case may be. * * * If there is any conflict
481 between any provision of Section 93-11-157 or 93-11-163 and any
482 provision of this chapter, the provisions of Section 93-11-157 or
483 93-11-163, as the case may be, shall control.

484 **SECTION 15.** Section 73-38-29, Mississippi Code of 1972, is
485 reenacted and amended as follows:

486 73-38-29. (1) Licenses issued under this chapter shall
487 expire and become invalid at midnight of the expiration date.

488 (2) Every person licensed under this chapter shall, on or
489 before the license expiration date, pay a fee for the biennial
490 renewal of license to the board. The board may suspend the



491 license of any person who fails to have his license renewed by the
492 expiration date. After the expiration date, the board may renew a
493 license upon payment of a fee to the board. No person who
494 requests renewal of license, whose license has expired, shall be
495 required to submit to examination as a condition to renewal, if
496 such renewal application is made within two (2) years from the
497 date of such expiration.

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

504 (4) A license revoked on disciplinary grounds is subject to
505 expiration as provided in subsection (1) of this section, but it
506 may not be renewed. If such license is reinstated after its
507 expiration, the licensee, as a condition of reinstatement, shall
508 pay a reinstatement fee in an amount equal to the fee for a
509 license issued after the expiration date which is in effect on the
510 last preceding regular renewal date before the date on which it is
511 reinstated. The procedure for the reinstatement of a license that
512 is suspended for being out of compliance with an order for
513 support, as defined in Section 93-11-153, shall be governed by
514 Section 93-11-157 or 93-11-163, as the case may be.

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

520 **SECTION 16.** Section 73-38-31, Mississippi Code of 1972, is
521 reenacted as follows:

522 73-38-31. (1) The board shall assess fees for the following
523 purposes:



- 524 (a) Initial licensing;
- 525 (b) Renewal of licensure;
- 526 (c) License issued after expiration date;
- 527 (d) Late renewal payment penalty;
- 528 (e) Temporary license;
- 529 (f) Renewal of temporary license; and
- 530 (g) Registration of aides.

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

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

539 (4) Fees listed in subsection (1) of this section shall be
540 commensurate to the extent feasible with the cost of fulfilling
541 the duties of the board and council as defined by this chapter;
542 however, no individual fee shall exceed One Hundred Dollars
543 (\$100.00).

544 **SECTION 17.** Section 73-38-33, Mississippi Code of 1972, is
545 reenacted as follows:

546 73-38-33. The board shall require the applicant for license
547 renewal to present evidence of the satisfactory completion of
548 continuing education requirements as determined by the board.

549 **SECTION 18.** Section 73-38-35, Mississippi Code of 1972, is
550 reenacted as follows:

551 73-38-35. Any person who violates any provision of this
552 chapter shall, upon conviction, be guilty of a misdemeanor and
553 shall be punished by a fine of not more than One Thousand Dollars
554 (\$1,000.00) or imprisoned in the county jail for a period not
555 exceeding six (6) months, or both.



556 **SECTION 19.** Section 73-38-36, Mississippi Code of 1972, is
557 reenacted as follows:

558 73-38-36. All fees collected by the State Board of Health
559 under this chapter and any penalties collected by the board for
560 violations of this chapter shall be deposited in a special fund
561 hereby created in the State Treasury and shall be used for the
562 implementation and administration of this chapter when
563 appropriated by the Legislature for such purpose.

564 **SECTION 20.** Section 73-38-38, Mississippi Code of 1972, is
565 amended as follows:

566 73-38-38. Sections 73-38-1 through 73-38-36 shall stand
567 repealed on July 1, 2005.

568 **SECTION 21.** This act shall take effect and be in force from
569 and after June 30, 2002.

