

By: Senator(s) Huggins

To: Public Health and Welfare

SENATE BILL NO. 2017

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

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

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

22 73-38-1. The State Board of Health, established and  
 23 empowered by Section 41-3-1 et seq., shall discharge as additional  
 24 duties and responsibilities the provisions of this chapter in the  
 25 examination, licensing and regulation of persons who provide  
 26 services in the areas of speech-language pathology and audiology.

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

29 73-38-3. The following definitions apply as used in this  
 30 chapter, unless the context otherwise requires:

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

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



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

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

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

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

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



68 include, but are not limited to, hearing aid dispensing and  
69 evaluation, and auditory training, and speech reading.

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

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

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

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

87 73-38-5. (1) Licensure shall be granted either in  
88 speech-language pathology or audiology independently. A person  
89 may be licensed in both areas if he meets the respective  
90 qualifications.

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

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

96 73-38-7. Nothing in this chapter shall be construed as  
97 preventing or restricting:

98 (a) A physician from engaging in the practice of  
99 medicine in this state, or a person using an audiometer to test  
100 hearing under the direct supervision of a licensed physician,



101 provided such person does not present himself to the public by any  
102 title or description of services incorporating the words  
103 "audiologist," "hearing clinician," "hearing therapist," or any  
104 similar title or description of services;

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

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

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

129 (e) The activities and services of persons pursuing a  
130 course of study leading to a degree in speech-language pathology  
131 at a college or university if such activities and services  
132 constitute a part of the supervised course of study and that such  
133 person is designated speech-language pathology intern,



134 speech-language pathology trainee, or by other such titles clearly  
135 indicating the training status appropriate to his level of  
136 training;

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

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

162           (h) Any person employed by a private industry or firm  
163 for the purpose of conducting hearing tests incident to the  
164 operations of such firm or industry relative to its employees and  
165 employment practices.



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

168           73-38-9. To be eligible for licensure by the board as a  
169 speech-language pathologist or audiologist and to be eligible for  
170 registration as a speech-language pathology aide or audiology  
171 aide, a person shall:

172                   (a) Be of good moral character;

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

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

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

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

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

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

193           73-38-11. (1) There is established the Mississippi Council  
194 of Advisors in Speech-Language Pathology and Audiology under the  
195 jurisdiction of the Mississippi State Board of Health. The  
196 council shall aid the board in administering the provisions of  
197 this chapter.



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

211           (3) Two (2) members shall be appointed from each Supreme  
212 Court district as presently constituted; and one (1) member shall  
213 be appointed from the state at large. No more than three (3)  
214 members of the council shall be appointed from any one (1) Supreme  
215 Court district as presently constituted. The board shall, within  
216 sixty (60) days of the effective date of this section, appoint the  
217 health profession's member of the advisory council for a term of  
218 two (2) years, and the public member of the advisory council for a  
219 term of three (3) years. Thereafter, appointments made shall be  
220 for three-year terms, with no person being eligible to serve more  
221 than two (2) full consecutive terms. Terms shall begin on the  
222 first day of the calendar year and end on the last day of the  
223 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 or  
367 persons granted a waiver under subsection (1) of Section 73-38-23  
368 may apply to the board for a temporary license.

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

375           (c) No temporary license shall be issued by the board  
376 under this section unless the applicant shows to the satisfaction  
377 of the board that he is or will be supervised and trained by a  
378 person who holds a license in the appropriate specialty or unless  
379 the applicant is granted a waiver under subsection (1) of Section  
380 73-38-23.

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

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

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

392           (c) Speech-language pathology and audiology aides shall  
393 pay to the board a registration fee as prescribed in Section  
394 73-38-31, subsection (1).



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

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

403                   (a) Negligence in the practice or performance of  
404 professional services or activities;

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

409                   (c) Perpetrating or cooperating in fraud or material  
410 deception in obtaining or renewing a license or attempting the  
411 same;

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

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

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

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



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

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

434 (i) Making differential, detrimental treatment against  
435 any person because of race, color, creed, sex, religion or  
436 national origin;

437 (j) Engaging in lewd conduct in connection with  
438 professional services or activities;

439 (k) Engaging in false or misleading advertising;

440 (l) Contracting, assisting or permitting unlicensed  
441 persons to perform services for which a license is required under  
442 this chapter;

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

445 (n) Revealing confidential information except as may be  
446 required by law;

447 (o) Failing to inform clients of the fact that the  
448 client no longer needs the services or professional assistance of  
449 the licensee;

450 (p) Charging excessive or unreasonable fees or engaging  
451 in unreasonable collection practices;

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

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



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

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

467 (t) Violations of any rules or regulations promulgated  
468 pursuant to this chapter.

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

473 \* \* \*

474 (3) In addition to the reasons specified in subsection (1)  
475 of this section, the board shall be authorized to suspend the  
476 license of any licensee for being out of compliance with an order  
477 for support, as defined in Section 93-11-153. The procedure for  
478 suspension of a license for being out of compliance with an order  
479 for support, and the procedure for the reissuance or reinstatement  
480 of a license suspended for that purpose, and the payment of any  
481 fees for the reissuance or reinstatement of a license suspended  
482 for that purpose, shall be governed by Section 93-11-157 or  
483 93-11-163, as the case may be. \* \* \* If there is any conflict  
484 between any provision of Section 93-11-157 or 93-11-163 and any  
485 provision of this chapter, the provisions of Section 93-11-157 or  
486 93-11-163, as the case may be, shall control.

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

489 73-38-29. (1) Licenses issued under this chapter shall  
490 expire and become invalid at midnight of the expiration date.

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



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

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

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

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

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

525 73-38-31. (1) The board shall assess fees for the following  
526 purposes:



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

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

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

542 (4) Fees listed in subsection (1) of this section shall be  
543 commensurate to the extent feasible with the cost of fulfilling  
544 the duties of the board and council as defined by this chapter;  
545 however, no individual fee shall exceed One Hundred Dollars  
546 (\$100.00).

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

549 73-38-33. The board shall require the applicant for license  
550 renewal to present evidence of the satisfactory completion of  
551 continuing education requirements as determined by the board.

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

554 73-38-35. Any person who violates any provision of this  
555 chapter shall, upon conviction, be guilty of a misdemeanor and  
556 shall be punished by a fine of not more than One Thousand Dollars  
557 (\$1,000.00) or imprisoned in the county jail for a period not  
558 exceeding six (6) months, or both.



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

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

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

569           73-38-38. Sections 73-38-1 through 73-38-36 shall stand  
570 repealed on July 1, 2005.

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

