AN ACT TO AMEND SECTIONS 73-30-5, 73-30-7 AND 73-30-29, MISSISSIPPI CODE OF 1972, TO REVISE THE MAKE UP OF THE MISSISSIPPI STATE BOARD OF EXAMINERS FOR LICENSED PROFESSIONAL COUNSELORS AND TO ESTABLISH FIVE-YEAR TERMS FOR BOARD MEMBERS; TO AUTHORIZE THE BOARD, UPON COMPLAINT BY ANY CITIZEN OR UPON THE BOARD'S OWN MOTION, TO COMPEL ATTENDANCE OF WITNESSES AND THE PROTECTION OF DOCUMENTS, TO ADMINISTER OATHS AND TO RECEIVE TESTIMONY AND EVIDENCE; TO PROVIDE FOR CONTINUING EDUCATION REQUIREMENTS FOR A LICENSE TO BE RENEWED; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 73-30-5, Mississippi Code of 1972, is amended as follows:

73-30-5. (1) There is hereby established the Mississippi State Board of Examiners for Licensed Professional Counselors which shall consist of five (5) members. The initial appointments to the board shall consist of one (1) member from each of the five (5) congressional districts of Mississippi, who shall be appointed by the Governor with the advice and consent of the Senate. From and after January 1, 2004, the board shall be reconstituted to consist of five (5) members, one (1) member from each of the four (4) congressional districts, as such districts existed on January 1, 2002, and one (1) member to be selected from the state at large, who shall be appointed by the Governor with the advice and consent of the Senate. A list shall be provided to the Governor by the Mississippi Counseling Association from which the Governor may choose board members. At least two (2) names shall be included from each congressional district. Such appointments shall be made initially within sixty (60) days of the submission of the list of qualified counselors by the Mississippi Counseling Association. Thereafter, all vacancies occurring on the board...
(4) There shall be appointed to the board no more than one
(1) person who is employed by, or receives compensation from, any
one (1) institution, organization or partnership at the time of
appointment.

(5) Board members shall be reimbursed for necessary and
ordinary expenses and mileage incurred while performing their
duties as members of the board, at the rate authorized for public
employees, from fees collected for license applications and
renewals.

**SECTION 2.** Section 73-30-7, Mississippi Code of 1972, is
amended as follows:
73-30-7. (1) The members of the board shall take an oath to perform faithfully the duties of their office. The oath shall be administered by a person qualified by law to administer oaths. Upon taking the oath as board members, the initial members shall be deemed licensed counselors for all purposes under this chapter. Within thirty (30) days after taking the oath of office, the first board appointed under this chapter shall meet for an organizational meeting on call by the Governor. At such meeting and at an organizational meeting in January every odd-numbered year thereafter, the board shall elect from its members a chairman, vice chairman and secretary-treasurer to serve for terms of two (2) years.

(2) The board shall adopt rules and regulations in compliance with the Mississippi Administrative Procedures Law, using the standards of the American Association for Counseling and Development as a guide, not inconsistent with this chapter, for the conduct of its business and the carrying out of its duties.

(3) After a person has applied for licensure, no member of the board may supervise such applicant for a fee, nor shall any member vote on any applicant previously supervised by that member.

(4) The board shall hold at least two (2) regular meetings each year, and additional meetings may be held upon the call of the chairman of the board or at the written request of any four members of the board.

(5) The board-approved examination for licensure shall be administered at least once a year. Examinations may be written, oral, situational, or any combination thereof, and shall deal with theoretical and applied fields in counseling. In written examinations, the examinee's name shall not be disclosed to any person grading the examination until that grading is complete.

(6) The board shall be empowered to make reasonable rules and regulations regarding its operation and to receive and disburse revenues derived from application, licensing, examination...
and renewal fees. All monies received by the board shall be deposited in a special account in the State Treasury to be designated "Board of Examiners for Licensed Professional Counselors Account." This account shall fund all activities of the board.

(7) Upon the filing of a complaint by any citizen of this state with the board against a licensed professional counselor or upon the board's own motion, the board may:

(a) Compel the attendance of witnesses;
(b) Request the production of books, documents and other papers;
(c) Administer oaths to witnesses; and
(d) Hear testimony and receive evidence concerning all matters within its jurisdiction.

(8) The members of the board are hereby individually exempt from any civil liability as a result of any action taken by the board.

SECTION 3. Section 73-30-29, Mississippi Code of 1972, is amended as follows:

73-30-29. (1) The annual renewal of license fee under this chapter shall be Fifty Dollars ($50.00) per year. License renewal fees may be increased by the board as deemed necessary, but may not be increased by more than ten percent (10%) of the previous year's fee.

(2) From and after January 1, 2004, a licensed professional counselor must complete twelve (12) hours of continuing education before a license may be renewed. Continuing education courses must be in the field in which the counselor practices. A minimum of three (3) hours of continuing education must be in the field of professional ethics. The board may determine which continuing education courses are admissible, and the decisions of the board are final. Courses submitted for other certification processes will be admissible. The board must adhere to the guidelines as
provided by the National Board of Certified Counselors with regard
to credit for teaching courses, workshops and serving on boards.

**SECTION 4.** This act shall take effect and be in force from